

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

April 5, 2006

The City Council of the City of Grand Junction convened into regular session on the 5th day of April 2006, at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Coons led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Mark Harris.

PROCLAMATIONS / RECOGNITIONS

Council President Hill recognized Commissioners Janet Rowland and Craig Meis in attendance. He also recognized Boy Scout Troop 303 and Webelos Pack 353 in attendance.

PROCLAIMING APRIL AS "CHILD ABUSE PREVENTION MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL AS "MONTH OF THE YOUNG CHILD" IN THE CITY OF GRAND JUNCTION

PROCLAIMING MACKENZIE MATAROZZO AS "WESTERN COLORADO MDA 2006 AMBASSADOR" IN THE CITY OF GRAND JUNCTION

PROCLAIMING GRAND JUNCTION'S "SUPPORT OF ENERGY CONSERVATION EFFORTS" IN THE CITY OF GRAND JUNCTION

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Council President Pro Tem Palmer noted that item #3, the purchase of trash trucks, using a local vendor has been discussed in the past and it is his preference to use a local vendor when possible. He will vote no on this item. Councilmember Coons concurred stating there was no reason other than price to go with an out of town vendor.

Council President Hill stated that the purchase of the seven bridge structures are being purchased from an in-state vendor.

Councilmember Spehar advised that a continuance of item #9 was discussed at pre-meeting. Council President Hill concurred that any motion should include that change.

It was moved by Councilmember Spehar, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #13 with item #9 being scheduled for public hearing at the June 7, 2006 Council meeting, and Council President Pro Tem Palmer and Councilmember Coons voting NO on item #3.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the March 15, 2006 Regular Meeting

2. **Mesa County Animal Services Agreement**

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the County a percentage of the Animal Services budget based upon the City's percentage of total calls for service. The City's share of the budget for 2006 is 42.7% for a total of \$273,377. Payments are made to the County on a quarterly basis.

Action: Authorize the Mayor to Sign the Animal Control Services Agreement with Mesa County in the Amount of \$273,377

3. **Trash Collection Truck**

Purchase one 2006 Front Loading Trash Collection Truck for the City of Grand Junction Solid Waste Division.

Action: Authorize the City Purchasing Division to Purchase one (1) Mack MR6005/New Way Mammoth Front Loading Collection Truck from Elliot Equipment Company, Davenport, Iowa, in the Amount of \$138,331.00

4. **Concession Food and Products Distributor**

Provide concession food and products at Stocker Stadium, Moyer Pool and Canyon View Park for the Parks and Recreation Department.

Action: Authorize the City Purchasing Division to Award Concession Foods and Products Distributorship to Shamrock Foods Company, Commerce City, CO

5. **Three Type III Ambulances**

This purchase is for three 2006 Life Line Superliner Type III Ambulances for providing emergency and non-emergency ambulance services for Grand Junction Ambulance Service area.

Action: Authorize the City Purchasing Division to Purchase Three Life Line Superliners from Rocky Mountain Emergency Vehicles, Denver, CO in the Amount of \$348,375.00

6. **Setting a Hearing for the Adoption of the 2000 St. Mary's Master Plan as Amended** [File #FPA-2005-288]

Introduction of a proposed ordinance to adopt the 2000 St. Mary's Master Plan, including various amendments which reflect updates to the prior plans that will enable the hospital to prepare for the upcoming Century Project. St. Mary's Hospital is located on the southwest and southeast corners of Patterson Road and 7th Street and is zoned principally Planned Development (PD).

Proposed Ordinance Approving and Amending the Master Plan for St. Mary's Hospital and Environs Located at 2635 North 7th Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

7. **Setting a Hearing for the Free Annexation, Located at 462 East Scenic Drive** [File #ANX-2006-046]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.11 acre Free Annexation consists of 1 parcel.

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

Resolution No. 23-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Free Annexation, Located at 462 East Scenic Drive

Action: Adopt Resolution No. 23-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Free Annexation, Approximately 3.11 Acres, Located at 462 East Scenic Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 17, 2006

8. Setting a Hearing to Amend the PD Zoning and Approve the Preliminary Plan, 10 Overlook Subdivision [File #PP-2005-209]

Request approval to amend the PD zoning ordinance and approval of the Preliminary Plan and Plat for 10 Overlook Subdivision, consisting of 6 residential lots on 1.96 acres.

Proposed Ordinance Amending the PD Zoning for Land Located West of Hillview Drive in the Ridges known as 10 Overlook Subdivision

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

9. Setting a Hearing on Amending the 24 Road Corridor Guidelines [File #GPA-2005-148]

A request to amend the 24 Road Corridor Subarea Plan and the Mixed Use Zoning to implement the recommendations of the Planning Commission, based upon the recommendations from the 24 Road Steering Committee. A Growth Plan Amendment resolution will be presented at second reading.

Proposed Ordinance Amending Section 3.3.J of the Zoning and Development Code, Mixed Use

Action: Introduce the Proposed Ordinance and Set a Hearing for June 7, 2006

10. Setting a Hearing for the Revisions to the Submittal Standards for Improvements and Developments (SSIDs) Manual

Staff will review the proposed revisions to the Submittal Standards for Improvements and Developments (SSID) Manual with Council. The major goals of the revision were to streamline the document, correct errors, and restructure conflicting language, incorporate input from the public and remove requirements duplicated in other City Codes. Planning Commission has reviewed the proposed changes and recommends Council adopt the Manual as proposed.

Proposed Ordinance Amending the City of Grand Junction's Submittal Standards for Improvements and Developments ("SSID") and Authorizing Publication of the Amendments by Pamphlet

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

11. **Setting a Hearing to Create the El Poso Area Street Improvement District, ST-06, Phase B**

A successful petition has been submitted requesting a Local Improvement District to be created to reconstruct streets in the El Poso area within the following limits:

- From Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue

A public hearing is scheduled for the May 17, 2006 City Council meeting.

Resolution No. 24-06 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Street Improvement District No. ST-06, Phase B and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 24-06

12. **Asbestos Abatement Contract for the Rood Avenue Parking Structure**

This project is for the asbestos abatement of the Valley Office Supply building (447/451 Rood Avenue) and the Commercial Federal Bank building (130 North 4th Street) on the Rood Avenue Parking Structure site.

Action: Authorize the City Manager to Execute an Asbestos Abatement Contract for the Valley Office Supply Building and the Commercial Federal Bank Building with the Project Development Group in the Amount of \$21,100.00 for Option 2

13. **Pedestrian Bridge Superstructures for the Riverside Parkway Project**

The City opened bids for the purchase of 7 Pedestrian bridge superstructures for the Riverside Parkway project. These superstructures will be fabricated by the manufacturer and delivered to Grand Junction. The Phase 2 roadway contractor will construct the abutments and piers and erect the superstructures. The bridge spans vary from 54 feet to 168 feet.

Action: Authorize the City Manager to Execute a Contract with Big R Manufacturing of Greeley, Colorado, in the Amount of \$584,990.00 for the Pedestrian Bridge Superstructures for the Riverside Parkway Project

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Amendments to the Zoning and Development Code [File #TAC-2004-231] **Continued from March 15, 2006**

Ordinance to adopt proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City Staff and recommended by the Planning Commission. Based on subsequent comments by the development community, Staff is proposing three modifications to the proposed ordinance.

The public hearing was opened at 7:25 p.m.

Interim Community Development Director Sheryl Trent introduced this item. She noted that since Zoning and Development Code amendment requests continue to come forward, a focus group has been formed to discuss these requests. Therefore there will be more amendments coming forward as well as a regular (annual) update to the Code.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She noted that many of the items being amended are minor corrections. She highlighted the changes:

A. Section 2.6.A, Code Amendment and Rezoning.

A revision to the criteria for rezoning to clarify that when there is an error, no other criteria need to be met. Also for rezoning, there need not be a finding that the infrastructure needs to be in place, as that is dealt with in the subdivision process.

The review criteria for zoning map amendments are proposed to be changed for more clarification. Specifically, criteria relating to infrastructure capacity and impacts of potential development are removed; these are addressed at the development design stage (platting or site plan review). The benefit derived from any potential rezone is focused at the community-wide level as opposed to just the neighborhood level.

B. Section 4.2.C.1.m, Sign Regulation

Under the campaign signs section, this new section codifies the current practice of limiting political campaign signs to 60 days prior to the election, requiring removal within 10 days of the election and limiting their placement outside the public right of way.

C. Section 4.2.F.2.a, Sign Regulation

This section deals with how signs are measured and expands the area to be measured to include all support structures and features other than a single or double pole except when specifically stated otherwise (Residential and Residential Office districts).

D. Section 4.2.F.2.f, Sign Regulation

This is a new section to clarify how facade signs are measured when a graphic is included as part of the sign. This issue has surfaced as building murals have become more prevalent. This section limits what is included in a sign to words, characters and logos. Murals are specifically excluded from measurement as part of a sign and will be allowed in all cases.

E. Section 4.3.Q, Group Living Facilities

While the changes appear extensive, this is basically a reordering of the Code requirements for ease of use and understanding. No substantive changes have been made.

F. Section 6.5.F.1, Fences, Walls and Berms

Language relating to "back to back" fences and/or walls is being clarified. Revised language makes it clear that it is the responsibility of development of higher intensity zoned parcels to buffer lower intensity zone districts. It also references the table that details the required buffering between different zoning districts.

G. Section 2.19.C, Subdivision Bonds for Development Improvement Agreements (DIA) and Section 2.19.D, Maintenance Bond for Maintenance Guarantees.

These new sections provide additional options for DIA security and to be used as guarantees against defects in workmanship and materials

for any required improvements in addition to letters of credit or cash escrow. After meeting with representatives from AMGD, staff is proposing a modification to section 2.19.D.1.c as follows:

The extension shall be on the same terms as the security being extended. The security may be extended for ~~a period/number of times as is necessary~~ **one (1) additional year as may be necessary for the bond to be called or** for the improvements to be repaired, modified or replaced in a manner that satisfies the City.

Two sections of the Zoning and Development Code are at issue as a result of a citizen petition to change the Code relative to rabbits.

Definitions:

Agricultural Animals: The following animals are considered agricultural animals to an agricultural use whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

Household Pets: Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

Section 4.3.A, Animal Regulations:

Agricultural Animals: A maximum of six adult animals are allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, fifteen adult animals are allowed per acre.

Household Pets: The Code limits adult household pets to a maximum of three per species with a total number limited to six. However, this requirement does not apply to small animals kept within a residence as household pets, e.g. fish, small birds, rodents and reptiles.

In considering this request, several other communities were surveyed to determine how rabbits were regulated. In all cases, no difference was made between "house" rabbits and any other type of rabbit. In addition, there was no common regulation addressing the number of animals allowed.

The Planning Commission recommended approval of the Staff's recommended changes and not approve the citizen initiated request regarding rabbits. The Staff

recommendation is to approve the ordinance with three modifications: new language under Section 2.19.D.1.c and to delete the changes to Sections 3.8.A.3f, 2.8.C.5, and 2.12.D.6.

Council President Hill questioned if the ordinance included those modifications or will the motion have to include that. City Attorney Shaver said it will have to be included in the motion. Ms. Portner noted that if Council decides to approve the changes to the animal section, that too will have to be added into the ordinance.

Council President Pro Tem Palmer asked for clarification on the change to 3.8.A.3.f. regarding non-conforming uses. Ms. Portner explained that there are some higher density units in the downtown area that were built prior to the Code changes, which will make them now non-conforming and if they were destroyed by fire they could not be rebuilt. She said the Associated Members of Growth and Development (AMGD) is asking for additional language that would allow a unit that is destroyed by more than 50% be rebuilt, but it would have to meet the setbacks and other provisions. Therefore, it is recommended that the proposed change be removed from the current ordinance until satisfactory language can be drafted.

Council President Pro Tem Palmer questioned signs under Section 4.2.F.2.f. Ms. Portner explained that, in some cases, murals are incorporated into signs and said there is additional wording to exclude murals in the measurement part of the sign code.

Larry Rasmussen, AMGD, 3086 Bookcliff Ave, echoed Ms. Portner's report and expressed appreciation in working with Staff on this project.

James Lindwedel, 2699 Malibu Drive, Paradise Hills, board member of the HOA, said it is important that additional restrictions be placed on any change regarding the keeping of rabbits as petitioned by a citizen. He and the neighbors are concerned with insects and odors as a result of rabbit feces.

Julie Weinke, 2694 Malibu Drive, the petitioner, presented caged rabbits as exhibits and then reviewed the regulations. She said that there may be six rabbits caged outdoors. She then listed animals that can be maintained in any quantity inside and said that she received a verbal approval by Code Enforcement to keep her rabbits and was then told that she had to remove the rabbits. She said rabbits are not defined as agricultural animals, they are pets and said commercial rabbits are raised for meat and pelts. She said that she is not talking about farming rabbits, but has thirty bunnies in her garage. Ms. Weinke said Guinea pigs are rodents but are considered in the rabbit family for show. She related that there are several other breeders in City limits of various animals such as frogs, birds, cats, and bunnies and is asking for the opportunity to keep her household pets. She said any complaints about fleas should not be directed at her as neither her rabbits or dogs have fleas.

There were no other public comments.

The public hearing was closed at 7:55 p.m.

Council President Pro Tem Palmer asked about household businesses. Mr. Shaver advised that are specific regulations regarding home occupations and lawful businesses are defined.

Ms. Portner said in Section 4.3.a, the keeping of animals shall not become a nuisance or a public health problem, so it could be dealt with no matter the number. She said the Code also addresses animal boarding and sales which is not an allowed home occupation.

Councilmember Coons questioned the number of household pets of any one species. Ms. Portner said a maximum of three adult pet species and total not to exceed six with the exception of small animals like rodents, frogs, small birds, and reptiles.

Councilmember Beckstein questioned if the limit is six. Ms. Portner said yes but the citizen wants to be considered under the definition of small animals where the number would be unlimited.

Councilmember Coons stated that her husband is a veterinarian and said that he would not consider a rabbit as a pocket pet, a term used by the petitioner.

Council President Hill questioned City Attorney Shaver about what the HOA covenants could state and if they could be compared to the City Code. Attorney Shaver stated that covenants are basically a contract between the homeowner and the neighborhood. He said the question is the number of pets, the odor, and the feces that may trigger a violation of the covenants. He said the City Code addresses general nuisances that could also violate the covenants.

Council President Hill questioned if the covenants could be more restrictive than the City Code. Attorney Shaver said they certainly could.

Council President Hill questioned if the covenants could be less restrictive. Attorney Shaver said yes, but the City's Code would also be in force as well.

Council President Hill asked Ms. Portner to summarize the ordinance and the modifications. Ms. Portner said section 2.19.d.1.c was modified as presented and said the security may be extended for one additional year as is necessary for the bond to be called or the improvements to be installed or replaced. The other modifications are to delete Section 3.8.A.3.f., Section 2.8.C.5 and Section 2.12.B.6.

Ordinance No. 3876 – An Ordinance Amending the City of Grand Junction Zoning and Development Code to be Published in Pamphlet Form

Councilmember Beckstein moved to adopt Ordinance No. 3876 as amended on Second Reading and ordered it published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Council President called a recess at 8:10 p.m.

The meeting reconvened at 8:18 p.m.

Public Hearing - Bellhouse Annexation and Zoning, Located at 2381 South San Miguel Drive [File #ANX-2005-264]

Acceptance of a petition to annex and consider the annexation and zoning for the Bellhouse Annexation. The Bellhouse Annexation is located at 2381 South San Miguel Drive and consists of 1 parcel on 3.34 acres. The zoning being requested is RSF-2.

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

Lori V. Bowers, Senior Planner, reviewed this item. She reviewed the request for annexation and zoning. She said the requested zoning is RSF-2. Ms. Bowers reviewed the history of the process including the letters of opposition received. She said the property is a serial annexation, contiguity being obtained through the Bluffs West area. The parcel is 1.40 acres and the owners want to subdivide. Ms. Bowers said it is Staff's opinion that the Bellhouse Annexation complies with State Statutes regarding the annexation. The Future Land Use Map designates the property as residential medium low 2 to 4 units per acre. The applicant is requesting RSF-2 which is in conformance with the Growth Plan and the surrounding properties. She said it meets the criteria of the Zoning and Development Code and it is therefore recommended that the property be annexed and zoned as requested.

Council President Pro Tem Palmer questioned why a serial annexation. Ms. Bowers said a serial annexation is based off of the building blocks system to meet the 1/6 contiguity. Council President Pro Tem Palmer questioned if the end result is that the Bellhouse property wants to subdivide so the property must be annexed. Ms. Bowers said yes and the reason for annexing the right-of-way is for contiguity purposes. Council President Pro Tem Palmer said so the adjacent properties are not being annexed. Ms. Bowers said that is correct.

Carol Bellhouse, 2381 South San Miguel Drive, the applicant, said that she wants to split the lot and sell it to a nice family that wants to build a Mediterranean style house

and they have a child that will go to Scenic Elementary. Ms. Bellhouse said the requirements have been met and the property is in the 201 Persigo boundary. She said any issues regarding traffic will be addressed at the next step of the process. Ms. Bellhouse said that she lives in the neighborhood and doesn't want to hurt it and said there is only one remaining lot in the subdivision that is not developed. She stated that the covenants were filed in the mid 50's and they stated that there will be no additional splits allowed, except for lots 1 through 5 in block 3. She said that she purchased the property based on the Future Land Use Designation.

Merlin Schreiner, 2387 South San Miguel Drive, president of the HOA and over sees the water supply for the neighborhood, said that he believes the zoning of RSF-2 will be non-conforming. He said RSF-2 zoning requires a lot width of 100 feet measured at the front set back line. He said the proposed lot split will leave 40 feet on the new lot front width and 70 feet on the existing lot. The Code requires a 20 foot setback. He said the new lot line will become the line for the existing structure; then there will only be a 7 to 8 foot setback. Mr. Schreiner said he has consulted with the utilities and Fire Department who made no negative comments and said the water service is now requiring a six inch service line where there is an existing 1 ½ inch line. He said there are no fire hydrants on that line either so no flow tests can be done. Mr. Schreiner said that he had visited with Fire Marshall (Masterson) and said the Marshall said the nearest hydrant is 1/2 mile away. Mr. Schreiner wanted to know why there were no negative comments and was told it is too much of a burden to make one residence pay for that extension to install a fire hydrant. Therefore, the Fire Department will require the new home to have a fire protection system installed which he feels is a band-aid approach.

Council President Hill said the comments are now moving into issues that are not under consideration tonight and asked speakers to stay on track.

Richard Perske, 502 Riverview Drive, owns Lot 4, gave a brief background on the subdivision. He said regarding the zoning, his lot is not unbuildable and it is vacant. He said the annexation and zoning is not compatible to the existing houses. He said the pathway between his lot and the Bellhouse's lot is used by school children. Mr. Perske said he has a letter from the School Principal regarding traffic and pedestrian conflicts in the cul-de-sac. He believes the lot cannot be subdivided and be legally conforming.

Elizabeth Baltzer, 2375 South San Miguel Drive, said that she has kids that go to Scenic Elementary and wanted to know why the driveway has to be adjacent to where the kids walk. She read a letter from Doug Levinson, Scenic Elementary School, that stated that the pathway is used heavily by school kids and said it is the only safe walking path in the neighborhood.

Walter Boigegrain, 2389 South San Miguel Drive, purchased his property in 1984. He said he has worked hard on his property to improve it and said the annexation should

not take place. He said the driveway exit will be too small and also the cul-de-sac is too small for another driveway. He said three cars can fill the cul-de-sac and the traffic in the driveway will be dangerous to children, even with the offer from the owner to build a wall.

Doug Gray, 134 Vista Grande Road, stated that he does not live in the subdivision and said that he has 1 ¼ acres that is adjacent to the west of the subdivision. He said at first he was not against seeing a house being built there but with further consideration, he said that he walks this area every day and said that him and his wife purchased their house 35 years ago and they do not want to be in the City limits. He said there were cars all over the cul-de-sac with 17 parents and kids and said the trail is a beautiful trail for the kids to go to school and feels that some child will get hurt there if this goes through.

Jane Perske, 502 Riverview Drive, owns Lot 4, wants Council to pay attention to what is being said about the pathway and the kids. She said a former owner always parked in the driveway backwards to prevent backing over a child.

Bob Eggen, 2379 South San Miguel Drive, reiterated what Perske's said.

Eric Hanson, 2385 1/2 South San Miguel Drive, said that Ms. Perske's property does not currently have a driveway now, but it will.

Gary Heaton, 2388 South San Miguel Drive, said his house was built in 1930 and has owned it since 1960. He said there have been a lot of changes in neighborhood and said without this annexation these changes won't happen.

Patricia Linn, owns Lot 5, said that her property was divided in the 70's. She said that for most people, property is the biggest investment a person could ever have. She said that she is fine with being annexed into the City but is not in favor of it being part of a piecemeal annexation. She requested that Council hold off and think about how it will change the culture of the neighborhood. She stated that there is not enough room to build another home on that lot.

Claire McCullough, 124 ½ Vista Grande Drive, said she is opposed to the annexation and said that she doesn't want to see the character of the neighborhood change.

Susan Robertson, 116 Vista Grande Drive, is opposed to the annexation.

Shawn Hart, 122 Vista Grande Drive, said she has concerns for the young children that use the trail and the wildlife around the area. She said she likes the rural setting and opposes the annexation.

Carol Bellhouse, the applicant, said the access is still up in the air and it could be located elsewhere. She said the traffic, utilities, the character of the neighborhood and setbacks will be addressed in the next step.

The public hearing was closed at 9:15 p.m.

Councilmember Spehar asked for clarification regarding the trail ownership. Lori Bowers, Senior Planner, said the trail is owned by the School District.

Councilmember Coons asked for more clarification on what is being annexed. Ms. Bowers said the lot and portions of the right-of-way.

Council President Pro Tem Palmer questioned if enclaving is unlikely in the near future. Ms. Bower said that is correct.

Councilmember Coons asked if there will be an opportunity for public comment on the subdivision itself. Ms. Bower said if approved administratively there is an appeal process to the Planning Commission.

Council President Hill questioned if the property meets the setbacks and questioned if the current house is zoned RSF-4, does that make it non-conforming. Ms. Bowers said the City cannot create a non-conforming lot. She said this is a flag lot so annexing this property does not make it non-conforming.

Council President Hill questioned City Attorney Shaver if there was no Persigo Agreement and a property owner wanted to split their lot, how would that happen. Attorney Shaver said the Persigo Agreement creates a method to administer development consistently, without the Persigo Agreement; this would have gone to Mesa County for a lot split. The assumption is that all property in the 201 boundary will ultimately be in the City, based on voluntary requests for an annexation.

Councilmember Doody questioned if the City doesn't annex this property, would Ms. Bellhouse have to be removed from the 201 boundary. Attorney Shaver said theoretically yes. He said this creates other inconsistencies since the sewer has already been provided, adding it is unfortunate the neighbors see this as being negative. Attorney Shaver said the fact is that by being annexed into the City, the City will be reviewing the development.

Councilmember Spehar questioned if there is an RSF-1 zone designation. Ms. Portner said the City does, but under the Persigo Agreement and the Future Land Use Designation this property can only be zoned RSF-2 or RSF-4, any other zoning would require a Growth Plan Amendment.

a. Accepting Petition

Resolution No. 25-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Bellhouse Annexation, Located at 2381 South San Miguel Drive and Including portions of the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3879 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #1, Approximately 0.10 Acres, Located within the E Road Right-of-Way

Ordinance No. 3880 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #2, Approximately 0.16 Acres, Located within the E Road Right-of-Way

Ordinance No. 3881 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #3, Approximately 1.71 Acres, Located within the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

Ordinance No. 3882 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #4, Approximately 1.37 Acres, Located at 2381 South San Miguel Drive and Including Portions of South San Miguel Drive

c. Zoning Ordinance

Ordinance No. 3883 – An Ordinance Zoning the Bellhouse Annexation to RSF-2, Located at 2381 South San Miguel Drive Excluding any Right-of-Way

Councilmember Coons moved to adopt Resolution No. 25-06 and Ordinances Nos. 3879, 3880, 3881, 3882, and 3883 on Second Reading and ordered them published. Councilmember Doody seconded the motion.

Councilmember Spehar stated that he will vote in favor as it is in conformity and he is reluctant to disallow in favor of the issues raised. He said it is unfortunate but the neighborhood can't expect others to provide open space for wildlife.

Councilmember Coons stated that the neighborhood will have the opportunity to work with the planning and subdivision phase to mitigate the affects of the impacts and said that she will vote in favor of adopting the Resolution and Ordinances.

Councilmember Thomason said this was a tough decision but will also vote in favor.

Council President Pro Tem Palmer said that he appreciates the neighborhood bringing forward their concerns. He said the neighborhood is pretty much built out and said that he has also walked on the trail. He said that he tried hard to find a reason to deny but will have to vote in favor.

Councilmember Beckstein stated this is an appropriate decision according to Zoning and Development Code, so that she will also support the decision.

Councilmember Doody said the proposed zoning is less than the County's existing zoning and said he also supports the decision.

Council President Hill found this difficult but the applicant is asking for the low end of the allowed zoning. He said that the safety issues will be dealt with and said the bigger picture is maximizing services to the community to have a more livable and viable community.

Motion carried by roll call vote.

Council President Hill called a recess at 9:40 p.m.

The meeting reconvened at 9:49 p.m.

Public Hearing - Van Gundy North Right-of-Way Vacation and Rezone [File #RZ-2006-022]

This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5th Street and South 7th Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5th Street, including remnants created by right-of-way acquisition for the Riverside Parkway from C-2 to an I-1 zone district. A plat consolidating all of the parcels and remnants into a single parcel is being concurrently reviewed administratively.

The public hearing was opened at 9:49 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She described the location which is a remnant from the Riverside Parkway right-of-way and some properties to be purchased. The remnant is currently used by the Van Gundy Salvage operation. She described the surrounding Future Land Use Designation and the surrounding zoning. The requested zoning is compatible with the Future Land Use designation. She said the Planning Commission found the request to meet the rezone criteria and recommends approval.

Councilmember Spehar asked for a review of the criteria.

- a. The existing zoning was in error at the time of adoption;

The current property zoning of C-2 was established in 2000 when new City wide zoning was adopted. The zoning of the property prior to 2000 was I-2. By the adoption of the C-2 zoning for this property, the established uses on the property were made non-conforming.

When the zoning was changed in 2000, the intent was to look at current uses on properties as well as the types of uses that were appropriate for properties throughout the community. It was thought at the time that this area should shift from the Heavy Industrial uses to General Commercial type uses. The Commercial/Industrial land use designation would allow for C-2, I-O or I-1 zoning to be considered. The I-1 zone district seems to be appropriate to allow for the types of uses on the property without going back to the I-2 zone district.

- b. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

The construction of the Riverside Parkway is necessitating the relocation of some existing property owners along its alignment. This rezone request is needed to facilitate the relocation of the Van Gundy Salvage Yard from its current location just to the west of the project site.

- c. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;

The surrounding area is heavy commercial and industrial uses (i.e. railroad, warehousing, construction company, etc.)

- d. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code, and other City regulations and guidelines;

The following goals of the Growth Plan are implemented by this change in zoning.

Goal 1: *To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of*

Goal 5: *To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.*

Goal 11: *To promote stable neighborhoods and land use compatibility throughout the community.*

In addition, the goals and policies of the Zoning and Development Code are implemented by promoting the health, welfare, and safety of the citizens and residents of the City by adding needed additional industrial zoning to the already predominately industrially used and zoned area of the community.

- e. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Public facilities and services are available in the area. Any specifics to this requirement will be reviewed with the Conditional Use Permit and Site Plan Review phases of the project.

- f. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs;

This rezone request is with a specific use in mind that has specific needs such as access to a rail spur, and there is very little land in the correct zone district that has access to the railroad. The existence of the rail spur in this area indicates the intent for industrial uses.

- g. The community or neighborhood will benefit from the proposed zone;

The community and neighborhood will benefit from the change in zoning due to it allowing the relocation of the business that is currently located where the Riverside Parkway will be constructed and therefore allowing the Parkway to proceed as planned.

Councilmember Spehar questioned if there will be any chance that the Parkway will not proceed if this request is not approved. Mark Relph, Public Works & Utilities Director, said the first step is to relocate the business and said the next step will be to address screening and landscape issues.

Councilmember Coons questioned what would happen if one of the requests is approved and not the other. Mr. Relph said the rezone is the most important and said by not vacating the alley it might be problematic. He said the vacation would give them more flexibility in planning the site.

Councilmember Spehar questioned if all of the criteria have to be met. City Attorney John Shaver said all of the criteria would have to be met, but not necessarily for the reasons stated.

Dan Wilson, Coleman, Williams and Wilson, attorney for the Van Gundy's, stated the Van Gundy's have been on the property for 60 years. He said the Van Gundy's have accepted the fact of the Riverside Parkway and therefore entered into an agreement with the City, agreeing to move down to a smaller site. He said without the vacation it would create access issues. Attorney Wilson said it is difficult to develop and is hoping to get in front of the Planning Commission next week for the site plan. He said the deadline for the Van Gundy's to vacate the land is August 1st and said they have had some coordination problems getting through the process; plus they have a lot of stuff to move. Attorney Wilson said if this is not approved, the family would be out of business. He said City Staff spent months looking for an alternative site and said it could not be found. He stated that what makes this business work is the rail and truck route access. The Van Gundy's recycle items that would end up in the desert and said no other site with the needed zoning has rail and truck access. He said the perfect zoning for the site is I-2 but that is inconsistent with the Growth Plan. The requested I-1 zoning forces a Conditional Use Permit process.

There were no other comments.

The public hearing was closed at 10:13 p.m.

Councilmember Coons questioned if the sign code would apply. City Manager Kelly Arnold said yes, that it is in the moratorium area.

Council President Pro Tem Palmer said the criteria for a rezone is that there has been a change to the character of the neighborhood. He said by changing it to commercial this could be an opportunity to continue the improvements in that area and said if it is changed to industrial it would be a step backwards. He said that he will not support the rezone.

Councilmember Spehar said that he does not feel that the criteria is being met. He said criteria #1, zoning was in error, is not the case. There are clear reasons for the site to be commercial. He said to make zoning changes ahead of the process would be an error and said the value of property was anticipated in 2000 when it was zoned commercial. He said that the area is changing because of the Riverside Parkway and there are other

properties in other areas of the valley that could supply this kind of property in the community.

Council President Pro Tem Palmer said this will go against many of the goals of the Strategic Plan.

Councilmember Coons feels that this is not a true relocation. She said that the Parkway will proceed if this goes through or not. She can see the value of the operation and the need for it in the area, but is not sure it needs to be in the City limits. She said that the neighborhood is changing and the City is trying to beautify that area. She is opposed to the request.

Councilmember Doody said he feels that the area in the Van Gundy's vicinity is industrial and said there is a need for industrial use in this area.

Councilmember Thomason said that he supports the comments that have been said so far and has nothing to add.

Councilmember Beckstein said that she supports this request and said a salvage yard does serve a purpose. She feels this is an appropriate direction.

Council President Hill stated that there is a need for this type of operation. He said the Parkway will be a beautiful roadway, but the original zoning was I-2 for over 70 years and the owner did not request the change; the City changed the zoning, so that is where the error lies. He feels that north of the Parkway should be industrial and the City should maximize its resources and infrastructure. He is very supportive and feels that it would benefit the community and that it does bring in jobs into the community as well. He said that it sets the stage of good quality uses.

Ordinance No. 3884 – An Ordinance Vacating Right-of-way for an Alleyway in the Vicinity of 1018 South 5th Street South of 4th Avenue between 5th and 7th Streets known as the Van Gundy North Project

Ordinance No. 3885 – An Ordinance Rezoning Property in the Vicinity of 1018 South 5th Street South of 4th Avenue between 5th and 7th Street from General Commercial (C-2) to Light Industrial (I-1) known as the Van Gundy North Project

Councilmember Spehar moved to reject Ordinances Nos. 3884 and 3885. Council President Pro Tem Palmer seconded the motion.

Councilmember Spehar said the purchase option for the property did not guarantee the rezone or vacation.

Council President Hill agreed, but said that it should be an untainted process, regardless of knowing what business, this zoning would fit within the north area of the railroad tracks. He feels this is appropriate.

Councilmember Doody agreed that this is a perfect fit for the City of Grand Junction.

Councilmember Thomason stated that there is a need for a business like this, but he can't get past that the City paid for relocation and not just to have them shift to another corner. He feels the City needs to improve the gateway and that he is not in favor.

Councilmember Beckstein said that she is supportive of this and said the new operation will have to be up to the current Code. She said this service provides a necessary outlet for the community to get rid of things and said there were moot points as there are other salvage yards in the area, but City Staff would be working with the Van Gundy's to make sure they are up to Code and to see that it will not look like it does today.

Council President Pro Tem Palmer called the question. The vote was 6 to 1 to call the question.

Motion carried by roll call vote 4 to 3 to REJECT with Council President Hill, Councilmember Doody and Councilmember Beckstein voting NO.

Public Hearing - Chipeta Heights Annexation and Zoning, Located at 203 and 221 29 Road [File #ANX-2006-008]

Acceptance of a petition to annex and consider the annexation and zoning for the Chipeta Heights Annexation. The Chipeta Heights Annexation is located at 203 and 221 29 Road and consists of 2 parcels on 16.48 acres. The zoning being requested is RSF-4.

The public hearing was opened at 10:40 p.m.

Kathy Portner, Planning Manager, reviewed this item. She described the request, location, the current use, the surrounding Future Land Use Designation and zoning. She said the existing zoning in Mesa County is RSF-4. She said Staff finds that the request meets the criteria of the State Law and the Zoning Development Code and said Staff and the Planning Commission recommended approval.

The applicant was not present.

There were no public comments

The public hearing was closed at 10:43 p.m.

a. Accepting Petition

Resolution No. 26-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Chipeta Heights Annexation, Located at 203 and 221 29 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3886 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Chipeta Heights Annexation, Approximately 16.48 Acres, Located at 203 and 221 29 Road

c. Zoning Ordinance

Ordinance No. 3887 – An Ordinance Zoning the Chipeta Heights Annexation to RSF-4, Located at 203 and 221 29 Road

Councilmember Spehar moved to adopt Resolution No. 26-06 and Ordinances Nos. 3886 and 3887 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Creation of Avalon Theatre Advisory Committee

In January of this year, a workshop was held between City Council, City Staff and other stakeholder interests regarding the Avalon Theatre. The purpose of the workshop was to establish common direction and to gauge the level of support for the Avalon's existence, operations, and management strategies. The City Council recommended the formation of an Avalon Theatre Advisory Committee (ATAC). The ATAC's primary role would be to focus on and help prioritize and identify capital funding sources and to make general operational and programming recommendations for the Avalon Theatre.

Councilmember Beckstein recused herself and had submitted a letter to the City Clerk regarding a conflict of interest. She left the room.

David Varley, Assistant City Manager, reviewed this item. He said the recommendation came out of a workshop discussion which was to form a committee, the ATAC, and have representation from the CAI, the Avalon Board, the DDA, and citizens representing other expertise from the community.

Councilmember Spehar asked for more clarification on the board member requirements. He said the way it is written it is not limited to one member from each area of expertise and said he would not want to limit the number of applicants by making the qualifications so narrow. City Attorney John Shaver recommended deleting the words “at least” and to change the word “appointed” to “recommendation” in Resolution No. 27-06.

There was a discussion on terms. It was noted that adjustments could be made if needed.

Resolution No. 27-06 – A Resolution Creating the Avalon Theatre Advisory Committee

Councilmember Coons moved to adopt Resolution No. 27-06. Councilmember Doody seconded the motion.

There were two amendments:

Councilmember Spehar moved to amend his motion by changing “appointed” to “recommended”. Council President Pro Tem Palmer seconded the amended motion. Motion carried.

Councilmember Spehar moved to delete the words “at least” thus further amending Resolution No. 27-06. Councilmember Coons seconded the amended motion. Motion carried.

Motion on amended Resolution carried six to zero.

Councilmember Beckstein returned to the dais.

Transfer Agreement of the Drain D Storm Water System

Agreement for the transfer of ownership of the “Drain D” Storm Water System from the Bureau of Reclamation to the City of Grand Junction.

City Manager Kelly Arnold introduced this item. He noted that it is a very important item and said it is a historic drain. The last rural drain has always been an issue when development takes place in this area. He deferred to Mark Relph, Public Works & Utilities Director.

Mr. Relph said this has been a long process and said this has been a struggle even before City Manager Kelly Arnold got here. He said the waste ditch system was constructed in the early 1900’s. The Bureau of Reclamation, the owner of the system, a few years back created a policy that was not going to allow additional storm water from

new developments to drain into the system. He said the City Staff has had several discussions with the Bureau of Reclamation regarding the policy and in the end the developers were the ones that got caught in the squeeze. He said the Bureau of Reclamation did not maintain the system to a high enough level so it could not take on additional run off. Mr. Relph said the City has maintained an open ditch to take on the additional drainage but the City cannot maintain that long term. He said the Bureau of Reclamation is quit claiming the property to the City but there is no legal description and said there is no money being exchanged for the property.

Attorney Shaver said the City has been working on this since 1994.

Mr. Relph said Staff has sent a camera through the drain system and has fixed a lot of the problems. He believes that the system will be manageable.

Councilmember Coons questioned if the City will control the entire ditch system. Mr. Relph said yes.

Councilmember Thomason questioned if there are any other liability issues if the City assumes this system. City Attorney Shaver said that his only concern is that this was agricultural and said since being agricultural there could be some environmental risks, but said the risk is low enough to go forward anyway.

Councilmember Spehar moved to authorize the City Manager to execute the transfer agreement for the Drain D Storm Water System from the Bureau of Reclamation to the City of Grand Junction. Councilmember Coons seconded the motion. Motion carried.

Purchase of Properties at 2389, 2395, and 2399 River Road for the Riverside Parkway Project

The City has entered into a contract to purchase a portion of the properties located at 2389, 2395, & 2399 River Road owned by Clifford L. Mays, Sr. for the Riverside Parkway project.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the properties and noted that this is number three of the last three properties needed. He said these properties are various pieces belonging to Mays Concrete (Clifford Mays, Sr.) the total purchase price is \$65,582. Other costs include moving access points and closing costs. He said Mays Concrete will be constructing and paying for the construction of a retaining wall.

Resolution No. 28-06 - A Resolution Authorizing the Purchase of Real Property at 2389, 2395 & 2399 River Road from Clifford L. Mays, Sr.

Council President Pro Tem Palmer moved to adopt Resolution No. 28-06.
Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

City Manager Kelly Arnold reviewed the Future Workshop Agendas. He asked that Council schedule the Meth Street Task Force and the 24 Road Corridor on the 17th of April. Councilmember Beckstein said that she would prefer the 24 Road Corridor not be on the 17th as she will not be in attendance. Councilmember Spehar suggested Item #4, the request from Fire Retirement Board, be scheduled for the 17th of April.

Council President Hill said to schedule the 24 Road Corridor on May 1st and wanted BLM meeting set up as soon as possible; the 17th of April if possible. Councilmember Coons said she would like to see the City Purchasing Policy moved up as a priority.

ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Stephanie Tuin, MMC
City Clerk