

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

**March 21, 2007**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of March 2007, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason and President of the Council Jim Doody. Absent was Councilmember Jim Spehar. Also present were City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Dr. Paul Dibble, Retired Professor of CO Christian University.

Council President Doody recognized Boy Scout Troop #384 in attendance.

Council President Doody recognized Administrative Services Director Ron Lappi, this being his last City Council meeting before his retirement. Councilmembers made parting remarks and expressed their gratitude for his work at the City.

**Appointments**

Ratify Appointments to the Riverview Technology Corporation

Councilmember Beckstein moved to ratify the appointments of Richard Pryor, Bruce Milyard, and Thea Chase Gilman to the Riverview Technology Corporation for a three year term expiring February, 2010 and Dennis Hill to the Riverview Technology Corporation for a term expiring February, 2008. Councilmember Palmer seconded the motion. Motion carried.

**Citizen Comments**

Mr. Kevin McConnell, owner of the Cabaret, was present and addressed City Council about the interference the 7<sup>th</sup> Street Construction is having on their theatre's business.

Patricia Cookson, attorney for Mr. McConnell, addressed the City Council. She described the history and character of the Cabaret. The request for assistance is unique; it is a short term request during the construction. They estimate the loss is \$40,000 per month, a 25% drop off in business.

Kevin McConnell said he and his brother worked hard to build the business. He said they offer something unique and attractive for the valley. The interference is supposed to be over in June. The elderly ticket holders are not attending and expecting reimbursement from the theatre.

Ms. Cookson said she will contact the City Attorney in about five days to see if there is a response.

Earl Williams, 276 27 Road, was present and addressed City Council about the traffic problems at 27 and B  $\frac{3}{4}$  Road. He was concerned about the children in the neighborhood. There are three bus stops and no signs stating such. Cars are speeding and he has seen several close calls. He asked for a traffic dip to be installed.

Council President Doody stated that Sergeant Norcross and Chief Gardner are present to talk to Mr. Williams.

### **CONSENT CALENDAR**

Councilmember Thomason read the items on the Consent Calendar and then moved to approve. It was seconded by Councilmember Beckstein and carried by roll call vote to approve the Consent Items #1 through #12.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the March 2, 2007 Special Meeting, the Summary of the March 5, 2007 Workshop, and Minutes of the March 7, 2007 Regular Meeting*

2. **Designating Persons Authorized to Sign on Bank Accounts**

Based on staffing changes it is recommended that persons designated as authorized to sign on bank accounts be amended.

Resolution No. 39-07 - A Resolution Amending Resolution No. 167-05 Passed and Adopted by the City Council November 2<sup>nd</sup>, 2005 to Modify Authorized Signatures

*Action: Adopt Resolution No. 39-07*

3. **Purchase of a 2008 Utility Truck with Aerial Device for the Parks and Recreation Forestry Department**

This purchase is for the replacement of one 1997 Hi Ranger Bucket Truck for the Park and Recreation Forestry Department. The vehicle is currently scheduled for replacement in 2007 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Division to Purchase One (1) 2008 International/Altec Articulating Aerial Lift Bucket Truck, from Altec Industries, Aurora, CO for the Amount of \$135,292.00*

4. **Purchase of a 2008 Vactor P Ramjet Sewer Jetter Truck for Persigo Waste Water Treatment Plant**

This purchase is for the replacement of one 1997 International Sewer Rodder Truck for Persigo Waste Water Treatment Plant. The vehicle is currently scheduled for replacement in 2007 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Division to Purchase One 2008 International 7400 SBA/Vactor Ramjet Sewer Jetter Truck, from Hanson International, Grand Junction, CO for the Amount of \$122,400.00*

5. **Fire Station #1 Roof Restoration**

This approval request is for the award of a construction contract for the roof restoration at Fire Station #1.

*Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$59,000 with B & M Roofing of Colorado, Inc.*

6. **Lincoln Park Barn Siding and Window Replacement**

This approval request is for the award of a construction contract for the siding and window replacement at the Lincoln Park Barn.

*Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$61,376 with Carroll Construction Services, LLC.*

7. **Purchase of a Perpetual Stormwater Easement and Temporary Easements at Carmike Theater (Anthony Properties Management, Inc.) for the Independent Ranchman's Ditch Project**

The City has entered into a contract to purchase a perpetual stormwater easement and a temporary construction easement across a portion of the Carmike Theatre property for the Independent Ranchman's Ditch Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 40-07 – A Resolution Authorizing the Purchase of a Perpetual Storm Water Easement and Temporary Construction Easement at 590 24 ½ Road from Carmike Theatre (AP Consolidated Theatres Limited Partnership, a Texas Limited Partnership)

*Action: Adopt Resolution No. 40-07*

8. **Purchase of a Perpetual Stormwater Easement and Temporary Easements at Mesa Mall (SM Mesa Mall LLC) for the Independent Ranchman's Ditch Project**

The City has entered into a contract to purchase a perpetual stormwater easement, temporary construction easements and a longitudinal temporary easement across a portion of the Mervyn's property at Mesa Mall for the Independent Ranchman's Ditch Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 41-07 – A Resolution Authorizing the Purchase of a Perpetual Storm Water Easement, Temporary Construction Easements, and a Longitudinal Temporary Easement at 2424 Highway 6 and 50 from Mesa Mall (SM Mesa Mall, LLC)

*Action: Adopt Resolution No. 41-07*

9. **Anderson Revocable Permit for Landscaping and Irrigation Located at 703 24 ¾ Road** [File #RVP-2005-182]

The petitioners are requesting approval and issuance of a revocable permit for existing landscaping and irrigation system and to construct fencing within the City right-of-way for G Road.

Resolution No. 42-07 – A Resolution Concerning the Issuance of a Revocable Permit to Donald and Joyce Anderson

*Action: Adopt Resolution No. 42-07*

10. **Setting a Hearing on the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road** [File # GPA-2007-051]

Request to annex 12.62 acres, located at 347 and 348 27 ½ Road and 2757 C ½ Road. The Brady South Annexation consists of three (3) parcels.

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

Resolution No. 43-07 – 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, Brady South Annexation Located at 347 and 348 27 ½ Road and 2757 C ½ Road

*Action: Adopt Resolution No. 43-07*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Brady South Annexation Approximately 12.62 Acres, Located at 347 and 348 27 ½ Road and 2757 C ½ Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2007*

**11. Setting a Hearing on the River Bend Annexation, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle [File #ANX-2007-045]**

Request to annex 6.47 acres, located south of Dry Fork Way, Crystal Drive and Sunnyside Circle. The River Bend Annexation consists of 24 parcels and portions of rights-of-way of Sunnyside Circle, Crystal Drive, Yampa Way, Stillwater Avenue and Dry Fork Way. This annexation is a three part serial annexation.

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

Resolution No. 44-07 – 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, River Bend Annexation Located South of Dry Fork Way, Crystal Drive, and Sunnyside Drive

*Action: Adopt Resolution No. 44-07*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Bend Annexation No. 1, Approximately 0.93 Acres, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Bend Annexation No. 2, Approximately 3.13 Acres, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Bend Annexation No. 3, Approximately 2.41 Acres, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle

*Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2007*

12. **Extension of Arbors Subdivision Planned Development Preliminary Plan, Located at 2910 Orchard Avenue** [File #PP-2005-105]

A request for an extension of the Preliminary Plan for the Arbors Subdivision Planned Development. The project is located at 2910 Orchard Avenue. The plan will expire April 2, 2007. The applicant requests a 180 day extension of the Preliminary Plan until September 28, 2007.

*Action: Mr. Mayor, on PP-2005-105 a Request for an Extension of the Expiration Date of a Preliminary Plan for a Planned Development, I Move that we Approve the Request for the Extension and Designate the Expiration Date for the Preliminary Plan as September 28, 2007*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

#### **Establishing Ozone Monitoring in Western Colorado**

Perry Buda from the Mesa County Health Department Air Quality Division provided City Council with an annual update on Grand Valley air quality issues at the March 19, 2007 Workshop and presented data indicating the need for additional monitoring in Western Colorado. A Resolution is being requested urging a comprehensive West Slope air quality monitoring network.

Resolution No. 47-07 – A Resolution Requesting the Colorado Air Quality Control Commission Establish Ozone Monitoring in Western Colorado

City Attorney John Shaver presented this item mentioning that there was an extensive discussion on Monday evening at the workshop. This revised resolution is more in line with the comments put forth by the City Council during that discussion. If adopted, the resolution will be forwarded to the Colorado Air Quality Control Commission.

Councilmember Coons moved to adopt Resolution No. 47-07. Councilmember Palmer seconded. Motion carried by roll call vote.

**Purchase of 90 Electric Golf Cars for Tiara Rado Golf and Lincoln Park Courses**

This purchase is for ninety 2007 Club Car DS IQ electric golf cars for Tiara Rado and Lincoln Park Golf Courses. These cars will replace the 82 cars currently owned by the City with the trade-in value offered for these cars netted against the purchase price.

Jay Valentine, Purchasing/Fleet Manager, reviewed this item. He explained that the first thought was to lease the golf cars rather than purchase them. After analysis of the two options, it was determined it was in the City's best interest to purchase the golf carts. However, sufficient funds for purchase were not budgeted in the golf course funds. Therefore, the facilities funds will purchase the carts and ask for a supplemental appropriation.

Councilmember Beckstein moved to authorize the City Purchasing Division to purchase 90 Club Car 2007 DS IQ Electric Golf Cars, from Colorado Golf & Turf, Inc, Littleton, CO for the amount of \$190,250.00 (\$309,150 less \$118,900 trade). Councilmember Hill seconded the motion. Motion carried.

Mr. Valentine noted that the change to electric carts will save the golf course fund money in the long run plus cut down on noise at the golf course.

**Public Hearing – Wexford Annexation and Zoning Located at 2949 and 2953 D ½ Road** [File #ANX-2006-324]

Request to annex and zone 14.46 acres, located at 2949 and 2953 D ½ Road, to RMF-8 (Residential Multi-Family 8 du/ac). The Wexford Annexation consists of two parcels.

The public hearing was opened at 7:35 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the site, the surrounding land use and zoning designations. He reviewed the request and its compliance with State Law and noted that it meets the Zoning and Development Code criteria. The Planning Commission recommended approval.

Mike Queally, 1994 Bison Court, one of the owners, was present to answer any questions.

There were no public comments.

The public hearing was closed at 7:38 p.m.

**a. Accepting Petition**

Resolution No. 45-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Wexford Annexation Located at 2949 and 2953 D ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4042 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Wexford Annexation, Approximately 14.46 Acres Located at 2949 and 2953 D ½ Road

**c. Zoning Ordinance**

Ordinance No. 4043 – An Ordinance Zoning the Wexford Annexation to RMF-8 Located at 2949 and 2953 D ½ Road

Councilmember Thomason moved to adopt Resolution No. 45-07 and adopt Ordinance Nos. 4042 and 4043 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Heron’s Nest Annexation and Zoning Located at 3125 D Road** [File #ANX-2006-350]

Request to annex and zone 9.43 acres, located at 3125 D Road, to RSF-4 (Residential Single Family 4 du/ac). The Heron’s Nest Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 7:39 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the request, the site and location. Mr. Olsen reviewed the Land Use Designation and that the requested zoning is in conformance with the Land Use Designation. He described the surrounding zoning. The Planning Commission recommended approval, as does Staff.

Councilmember Palmer asked why the adjacent Riverbend Subdivision is not in the City. Mr. Olsen responded that the subdivision was platted in the 1980’s but there will be an annexation request coming forward as a part of that subdivision being replatted.



Tom Logue, representing the applicant, was present and concurred with Mr. Olsen's presentation. He was available for questions.

There were no public comments.

The public hearing was closed at 7:41 p.m.

**a. Accepting Petition**

Resolution No. 46-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Heron's Nest Annexation Located at 3125 D Road is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 4044 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Heron's Nest Annexation No. 1, Approximately 0.22 Acres Located at 3125 D Road

Ordinance No. 4045 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Heron's Nest Annexation No. 2, Approximately 9.21 Acres Located at 3125 D Road

**c. Zoning Ordinance**

Ordinance No. 4046 – An Ordinance Zoning the Heron's Nest Annexation to RSF-4 Located at 3125 D Road

Councilmember Palmer moved to adopt Resolution No. 46-07 and adopt Ordinance Nos. 4044, 4045, and 4046 and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

**Public Hearing – Cimarron Mesa Enclaves 1-4 Annexation and Zoning, Located at 246, 248, 250, 256, 268 26 ¼ Road, 272 Linden Avenue, and 2677, 2685 South Highway 50 [File #ANX-2007-019]**

Consider the annexation and zoning for the Cimarron Mesa Enclaves No. 1-4 Annexation. The Cimarron Mesa Enclaves No. 1-4 Annexation is located at 246, 248, 250, 256, 268 26 ¼ Road, 272 Linden Avenue, and 2677, 2685 S Highway 50 and consists of 9 parcels on 21.65 acres. The zoning being requested is RSF-2 (Residential Single Family 2 du/ac), RSF-4 (Residential Single Family 4 du/ac), and C-1 (Light Commercial).

The public hearing opened at 7:43 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the request and the locations of the nine parcels. Five of the parcels along 26 ¼ Road are designated residential and have been developed that way. There are two vacant and two occupied parcels of commercial properties along Highway 6 and 50. She reviewed the Land Use Designations and the proposed zoning. She identified the State Statutory cite that allows for annexation of enclaves after three years and the requirement in the Persigo Agreement for the annexation within five years. The City is the applicant.

There were no public comments.

The public hearing closed at 7:45 p.m.

**a. Annexation Ordinances**

Ordinance No. 4047 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 1 Annexation, Located at 268 26 ¼ Road, Consisting of Approximately 2.51 Acres

Ordinance No. 4048 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 2 Annexation, Located at 256 26 ¼ Road, Consisting of Approximately 0.73 Acres

Ordinance No. 4049 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 3 Annexation, Located at 246, 248, and 250 26 ¼ Road, Consisting of Approximately 11.86 Acres

Ordinance No. 4050 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 4 Annexation, Located at 272 Linden Avenue, 2677 and 2685 South Highway 50, Consisting of Approximately 6.55 Acres

**b. Zoning Ordinances**

Ordinance No. 4051 – An Ordinance Zoning the Cimarron Mesa Enclave No. 1 Annexation to RSF-4 Located at 269 26 ¼ Road

Ordinance No. 4052 – An Ordinance Zoning the Cimarron Mesa Enclave No. 2 Annexation to RSF-4 Located at 256 26 ¼ Road

Ordinance No. 4053 – An Ordinance Zoning the Cimarron Mesa Enclave No. 3 Annexation to RSF-2 and RSF-4 Located at 246, 248, and 250 26 ¼ Road

Ordinance No. 4054 – An Ordinance Zoning the Cimarron Mesa Enclave No. 4 Annexation to C-1 Located at 272 Linden Avenue, 2677 and 2685 S. Highway 50

Councilmember Palmer moved to adopt Ordinance Nos. 4047, 4048, 4049, 4050, 4051, 4052, 4053, and 4054 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Zoning and Development Code Text Amendments Regarding Various Development Standards and Issues** [File #TAC-2007-006]

The City of Grand Junction requests approval to amend various sections and to add new sections to the Zoning and Development Code that pertain to Nonconforming Uses/Structures/Sites, Drive-through retail establishments, zoning of annexed property, Residential zone designations, lot size and setbacks for lots abutting tracts, Growth Plan Amendments and requests to rezone to Planned Development (PD).

The public hearing was opened at 7:49 p.m.

Lisa Cox, Planning Manager, reviewed this item. She described the reason for the amendments is to clarify provisions in the Code while still meeting the goals and objectives of the Growth Plan. Public input was solicited on the changes and there is a representative in the audience that may wish to speak.

Ms. Cox then explained each change and how that will improve the process for applicants while still ensuring certain criteria are met.

The first change addresses non-conforming uses and sites so that there may be some flexibility in how the property can be developed and will ultimately improve the site but not meet requirements where they are impossible to meet due to site constraints. A Site Design Exception Team would review requests for exceptions. The Site Design Exception Team would be composed of a planner, an engineer, a fire department representative, and a representative from Parks and Recreation.

Councilmember Hill clarified that some sites that were originally conforming sites became non-conforming when new regulations and requirements (like landscaping) were enacted. A change in business or any expansion triggers the requirement to conform with the new Codes so this change addresses that issue. He asked Ms. Cox if this is correct. Ms. Cox concurred. Mr. Hill continued that the applicant may still have to go through the TEDS exception process. Ms. Cox said that is a possibility. Councilmember Hill asked if there was consideration of changing the percentage where that the expansion triggers a new Code. His concern was the time it takes to go through the process and what is the appeal

process if denied. If the percentage was increased to 75% for the trigger point it might save a lot of Staff time.

Councilmember Palmer said this gives a chance for conformity plus the opportunity for relief if conformity is not possible.

Councilmember Beckstein agreed with Councilmember Hill, using North Avenue as an example. Changes along that corridor will generate a large volume of review work. It is not practical for buildings already in existence to become conforming under the current rules.

Councilmember Coons said she sees the proposed change as an attempt to create a give and take situation.

Councilmember Palmer compared two parking lots on North Avenue as an argument for encouraging conformance with current Code. The Hastings parking lot developed in the early 1980's is a large slab with no landscaping. Partyland on the other side of the street, developed under the current Codes has design and landscaping. It all comes down to the look of the community.

Councilmember Beckstein did not object to having criteria as long as it does not delay the process.

Councilmember Hill reiterated that he is not opposing the change but agrees with Councilmember Beckstein on the situation not adding time to the process and a process that does not allow improvements. Neither he nor Councilmember Beckstein is referring to life safety requirements. A different review criteria applies to downtown due to the site constraints and there should be the same type of considerations in other areas.

Planning Manager Cox responded that the proposal won't resolve all issues. It may be necessary to create an overlay district for North Avenue but this proposal is being brought forward to address some examples. Regarding the time elements, the process is voluntary and can be incorporated into the regular review time so it shouldn't add time to the process.

Ms. Cox also stated, regarding appeals, if denied, an applicant could then go to the Board of Appeals for a variance.

City Attorney Shaver clarified the difference between an exception and a variance. The exception is much closer to conformity; a variance is not conformity.

Ms. Cox said the design criteria are developed so the property can meet the criteria as close as possible. Councilmember Hill pointed out that it adds a common sense element in the review.

City Attorney Shaver noted that criteria #5 is frequently a variance criteria. He noted it was not a necessary criteria. If kept in the list of criteria, he would ask for authorization to rewrite it.

Councilmember Coons favored deleting it but it could be part of the discussion.

Councilmember Hill asked how the criteria will be evaluated. Ms. Cox said each team member brings their perspective when reading the applicant's narrative.

Councilmember Beckstein asked for more clarification. Ms. Cox felt the Site Design Exception Team will function much in the same way as the TEDS Exception Team.

The next proposed change addressed drive-through establishments, retail drive-throughs are not currently allowed in the B-1 zone district; the change would allow some retail drive-through uses but would still require a Conditional Use Permit.

Councilmember Beckstein expressed her concerns, specifically with the current application on the Gormley property. The neighborhood has expressed concerns about drive-through facilities. Ms. Cox advised that the Gormley property is being developed as a Planned Development so this change will not affect that application.

Councilmember Palmer asked Ms. Cox to explain the Conditional Use Permit process. Ms. Cox explained the hearing process and notification requirements. The public does have the ability to comment and express their concerns. City Attorney Shaver said the review includes looking at compatibility.

Ms. Cox stated the next change affects the criteria for rezone. Criteria were inadvertently left in. The change corrects that issue.

Ms. Cox then addressed residential zone designations are proposed to be changed in title since RSF and RMF can each contain a mix of both single family and multi-family so the current designations are confusing to the public.

Councilmember Palmer asked if the bulk requirements are different in single family and multi-family. Ms. Cox said they are and this change does not affect the bulk requirements.

Councilmember Hill asked about previous discussion on making additional zone designations that are more accurate such as R-3. City Attorney Shaver said the focus

group continues to discuss that issue and a resolution will be brought forward but has not been developed.

Ms. Cox stated the next amendment is alternative surfacing for parking and traffic circulation areas. In traffic circulation areas, in industrial areas, pavement is not practical due to the traffic being large truck and heavy equipment. Tracking of dust, mud, and debris out of the site would not be allowed.

Councilmember Hill asked that it be clear what areas are being addressed. City Attorney Shaver read the entire section and Council was convinced the section was clear.

Ms. Cox said the next amendment addresses lots size and setback abutting tracts. It allows the inclusion of the tract to address either setback or lot width or lot size requirements. The types of tracts were specified. The tract must not contain any structures and is not provided for in any covenants and must be a part of the proposed subdivision.

Councilmember Palmer asked for assurance that the development community is aware of these changes and has had input in the development of these changes. Ms. Cox responded that not only did the development community have input, but they are anxiously awaiting the adoption of these changes.

Ms. Cox said the last amendment allows the consideration of a Growth Plan Amendment and a rezone to a Planned Development to be considered concurrently. It is also allowed to be considered during a zone of annexation request. The reason it cannot be considered with a rezone for a straight zone is that with a PD the plan is already developed and the zone is "married" to the plan.

Councilmember Hill asked if the change will encourage PD's. City Attorney Shaver said it could but under a PD the developer has already invested a lot of planning so it is not a detriment to the City for that to occur. Ms. Cox said the change will streamline the process for some applicants. The Focus Group wants Growth Plan Amendments to be considered more than twice a year.

Councilmember Coons asked why that restriction was put into place. Ms. Cox said it was designed to protect the integrity of the Growth Plan Map. She suggested Council may want to see what comes out of the Comprehensive Plan process before changing that schedule or they could allow one more opportunity per year for Growth Plan Amendments. When asked, Ms. Cox did not feel a change to three times a year would have much of an impact on the Planning Staff.

Councilmember Hill said the opportunity should be there all year long. There are criteria that must be met. Waiting for the Comprehensive Plan is not acceptable and the opportunity should not be prolonged.

Ms. Cox said likely such an amendment will be brought forward.

Staff was commended for bringing these changes forward.

Larry Rasmussen, a member of the Focus Group, said he was very appreciative of the Focus Group; there is sincere effort to proceed with things that are improving the community. He said this community needs houses. He said every one of the issues was reviewed thoroughly and they support them, except for item #5 under criteria for nonconforming uses. Steps have been taken to ensure predictability in the process. The Focus Group supports adoption of all amendments except for criteria #5.

Russ Justice, representing Brady Trucking who just cleaned up the rendering plant, expressed support for the amendments and appreciated the Council's support. They are still trying to get the site to the point where they can build there and he would appreciate any relief.

The public hearing was closed at 9:17 p.m.

Ordinance No. 4055 – An Ordinance Amending Various Sections and Adding New Sections to the Zoning and Development Code to Address Issues with Nonconforming Structures and Sites, Drive-Through Retail Establishments, Zoning of Annexed Property, Residential Zone Designations, Alternative Surfacing of Vehicular Traffic Areas, Lot Size, Width and Setbacks for Lots Abutting Tracts, and Growth Plan Amendments with Planned Development Rezone Requests

Councilmember Hill moved to adopt Ordinance No. 4055 with the exception of #5 in the 3.8.b.4 and ordered it published. Councilmember Beckstein seconded the motion.

Discussion ensued.

Councilmember Palmer said in addressing Growth Plan Amendments, the time those can be accepted needs to be increased.

Councilmember Coons agreed but asked if that should come to the City Council as a separate amendment. City Attorney Shaver said it does need to go through the process, Planning Commission review and public notification.

Councilmember Coons asked if the additional wording for the Growth Plan Amendment request change should be included in the motion. City Attorney Shaver said that needs to be included. He provided the Clerk with additional language.

Councilmember Coons moved to amend the motion to add the wording in Section 2.5.B.2 to read "A Growth Plan Amendment request shall not be considered concurrently with any other development review process, except for a zone of annexation **to Planned Development** or request to rezone to Planned Development (PD)." Councilmember Hill seconded. Roll call vote was unanimous. Motion carried to amend the initial motion.

There was then more discussion.

Councilmember Hill expressed his appreciation to staff and the Focus Group in bringing these changes forward.

Councilmember Thomason and Beckstein added similar comments.

Councilmember Hill said regarding density, the City needs to maximize density to take advantage of existing infrastructure. He asked if those conversations are taking place. He asked if denial precipitates a new application. Ms. Cox responded that there is usually more than one option under each Land Use Designation; the Council has the prerogative to zone a property any of those options. Mr. Shaver voiced concern that noticing to the public might be an issue if the Council were to select a higher density but notices could be changed to accommodate that possibility.

Councilmember Coons asked the Council President to call the question.

Council President Doody commended Ms. Cox on her presentation.

The amended motion was carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

Councilmember Thomason introduced his parents in the audience.

### **Other Business**

Larry Rasmussen, Focus Group member, said the group has spent hours discussing the density issue. The Group is exploring the possibility of, in the bulk standards, just having setback requirements and not having lot size and width included in the bulk standards.



**Adjournment**

The meeting adjourned at 9:37 p.m.

Stephanie Tuin, MMC  
City Clerk