

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

September 14, 2009

The City Council of the City of Grand Junction convened into regular session on the 14th day of September 2009 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Palmer led in the Pledge of Allegiance followed by a moment of silence.

Proclamations

Proclaiming the Week of September 17 through September 23, 2009 as “Constitution Week” in the City of Grand Junction

Proclaiming September 18, 19, and 20, 2009 as “Colorado Pro Rodeo Finals Days” in the City of Grand Junction

Proclaiming September 28, 2009 as “Family Day – A Day to Eat Dinner with Your Children” in the City of Grand Junction

Proclaiming October 2009 as “Poverty Awareness Month” in the City of Grand Junction

Proclaiming October 3, 2009 as “Oktoberfest Day” in the City of Grand Junction

Presentation

Presentation to City of Grand Junction from the United States Tennis Association (USTA) for Honorable Mention as Best Tennis Town, by Terry Walters, Executive Director, USTA Intermountain Section

Mr. Terry Walters described the award and lauded Grand Junction for its history of tennis and particularly mentioned Lena Elliot’s efforts. He presented the plaque to Mayor Bruce Hill. The Honorable Mention award comes with \$2,000 of free equipment from the Association.

Lena Elliot thanked the City Council for their vision and for Canyon View Park.

Citizen Comments

Lon Thomas, 1327 N. 7th Street, addressed the City Council regarding parking at the airport. Patriot Guard Riders secondary mission is greeting soldiers and patriots coming and going at the airport. In the past they never had to pay for parking at the airport. He asked that this practice be reinstated.

There were no other citizen comments.

Council Comments

There were none.

CONSENT CALENDAR

Councilmember Coons read the Consent Calendar and then moved to approve items #1 through #3. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the August 31, 2009 and the September 2, 2009 Regular Meetings

2. Setting a Hearing on the Taylor III Rezone, Located at 2711 G Road [File #RZ-2008-293]

Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

Proposed Ordinance Rezoning a Portion of the Property Known as the Taylor III Subdivision from PD (Planned Development) to R-5 (Residential 5 DU/Acre), Located at 2711 G Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009

3. Setting a Hearing on Zoning the RQ Annexation, Located at 3131 D Road [File #ANX-2009-144]

A request to zone the 20.02 acre RQ Annexation, consisting of one parcel located at 3131 D Road, to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) districts.

Proposed Ordinance Zoning the RQ Annexation to R-8 (Residential 8 DU/Acre) and CSR (Community Services and Recreation), Located at 3131 D Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Fuoco Growth Plan Amendment, Located at 160 Hill Avenue [File #GPA-2009-147]

Request approval of a Growth Plan Amendment for a 0.14 acre property located at 160 Hill Avenue from Residential High (12+ du/ac) to Commercial in anticipation of future commercial development.

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

Scott D. Peterson, Senior Planner, presented this item. He described the request, the site and the location. He noted the applicant recently acquired the property with the desire to expand for additional storage for the Honda service shop. Mr. Peterson described the surrounding uses. The rezone will allow the entire block to be zoned the same. Mr. Peterson said the request meets the criteria of the Zoning and Development Code with the following findings: the amendment is consistent with the purpose and intent of the growth plan, and the review criteria in section 2.5 C of the Zoning and Development Code have all been met. The Planning Commission recommended approval at their August 25, 2009 meeting.

The applicant was present but did not wish to speak.

There were no public comments.

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

Resolution No. 77-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 0.14 Acres Located at 160 Hill Avenue from Residential High (12+ DU/AC) to Commercial (Fuoco Growth Plan Amendment)

Councilmember Todd moved to adopt Resolution No. 77-09. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Strategic Downtown Master Plan, Overlay Zone, 7th Street Historic District Overlay Zone [File #PLN-2009-179]

The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current conditions, identify opportunities, and recommend specific actions for the decision-makers of the Downtown Partnership and the City of Grand Junction. The primary implementation strategy is through an overlay zone and amending the 7th Street Historic District Planned Development zoning ordinance.

Council President Hill explained that there are three items and there will be separate presentations for each. Council President Hill said the public can speak to any or all and they need not be concerned at what point they speak.

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

Kathy Portner, Neighborhood Services Manager, introduced the items before the City Council and order of presentation. First Heidi Hoffman Ham, Executive Director of the Downtown Development Authority (DDA), will present the resolution for consideration that would adopt the Downtown Master Plan. Kathy Portner, Neighborhood Services Manager, will then present the two overlay plans. She clarified that the notebook which was provided to the City Council is not part of the adoption. Specifically, the background information in the notebook does reference the South Downtown Plan which was not adopted.

Heidi Hoffman Ham, Executive Director of the Downtown Development Authority (DDA), provided an overview of the development of the Downtown Master Plan which encompasses the original square mile of Grand Junction. The DDA does not include all of that area. The study included demographics of the Original Square Mile (OSM). Psychographics were also part of the study. Ms. Ham described the various events that included public input in development of the Plan including its mission and goals. Ms. Ham described the goals and elaborated on each one. The last goal referenced catalyst projects and included the City Center Catalyst project as an example. The Plan is meant to complement and be incorporated into the Comprehensive Plan.

Kathy Portner, Neighborhood Services Manager, described an implementation plan which references the Comprehensive Plan which has yet to be adopted. It also ties into the City's Housing Strategy (yet to be adopted), the City Center Catalyst Project, the Downtown Master Plan Zoning Overlay, and the Historic District Zoning Overlay. She cautioned that the overlay in the residential areas will limit any future increase in density.

The overlays add additional design and development guidelines. It is a tool to support the overall goals of the Strategic Plan.

Ms. Portner then described the process since the last time they presented the Plan before Council (February 2009). There was a neighborhood meeting specifically for 7th Street in June, 2009. There were subsequent meetings held where both 7th Street and the entire downtown overlay were discussed. Several subareas were identified for possible overlay zones. The Fuoco Growth Plan Amendment which was just approved, creates a need to make a change to the Plan to make it consistent.

Ms. Portner listed a number of area-wide guidelines and standards for the Original Square Mile (OSM) which include flexibility for the Public Works and Planning Director to make adjustments, walkability, and consistent signage. They are proposing Central Business District (CBD) guidelines and standards. The Plan discourages suburban looking development, like parking areas on the lot in front of the building. It also prescribed roof and parapet materials and treatment that supports the downtown architectural elements. There are many other elements addressed in the CBD Guidelines and Standards including height and scale, keeping them compatible with surrounding residential where appropriate.

Ms. Portner then addressed Residential Guidelines and Standards. The Overlay will restrict further rezones that increase density or intensity in those residential areas. The guidelines discourage demolition of older structures but do not prohibit it. Accessory structures and uses are also addressed. There are also Transitional Guidelines and Standards which include architectural considerations.

Council President Hill stopped the presentation in order to clarify that the resolution adopts the Strategic Downtown Master Plan. The second item, the ordinance, adopts the Downtown Overlay Zone which includes the downtown core and the residential. He suggested the Fuoco Growth Plan Amendment be used as an example of possible changes and to explain the transitional areas. Ms. Portner pointed out the various transitional areas. They are areas where non-residential uses have crept into the residential areas. The Plan recognizes that this area is already zoned and being used for something other than residential. The Plan attempts to apply guidelines to recognize those areas and does not preclude rezones in the area but would subject the properties to the guidelines.

Councilmember Todd questioned the restriction of increased density and intensity where they thought the desire was to increase density and intensity in the downtown area. Ms. Portner said the restriction would be applied to the residential area. The increases would be allowed and encouraged in the other areas. Councilmember Todd still questioned why areas that might be sandwiched between high density could not make a change. Kathy Portner agreed that would be a question that Council could consider.

Councilmember Palmer asked if projects such as the townhomes, would not be allowed. Ms. Portner said the townhomes are within the eight units per acre that would be allowed.

Councilmember Beckstein asked if the apartment complexes in existence would stay the same. Ms. Portner said they would.

Councilmember Coons asked about the flexibility for the Director to make reasonable changes to the Plan, she asked for definition of reasonable. She also asked what the rezone process would be. Ms. Portner said any rezone would go through the Planning Commission and City Council. As far as the Director's discretion, it would only be setbacks and design standards, not uses. All discretionary items would be site related. Those discretionary items would be appealable to the City Council.

Councilmember Palmer asked how the change in the process will change City Council's decision-making ability. Ms. Portner said it is very specific as to when the Director can make reasonable acceptations. The reason is there are more restrictions due to the overlay zones so they would like to add some discretion.

Councilmember Pitts asked about building heights. Ms. Portner said within the residential area, it will stay as it is in the residential zone districts. In the non-residential area the height could be up to 65 feet and up to 80 feet in the Central Business District.

Councilmember Todd asked if a facelift to a home would trigger the standards. Ms. Portner said an addition yes, but changes to windows and cosmetics, no. An addition would have to meet the design standards.

Council President Hill asked about a fee in lieu of a parking program. Ms. Portner said that would go through the DDA and City Council.

Council President Hill referred to discouragement of demolition of historical structures. Ms. Portner said the City issues demolition permits, so if a permit was applied for, a discussion would be had with the applicant regarding the requirements that any new structure would need to meet the architectural guidelines.

Council President Hill asked about the change of the map for the Fuoco property and what that means for others. Ms. Portner noted that Fuoco probably already has a plan for their development which may not meet the design guidelines. Ms. Portner said they did compare with the proposed Comprehensive Plan to ensure there were no conflicts. Also the areas of the transition proposed, parking lots would be allowed, but a landscaping berm would be recommended.

Council President Hill asked if the Comprehensive Plan will be the overriding document. City Attorney John Shaver said, in general, the particular neighborhood document is the controlling document. If that is not the Council's wish, they may clarify that tonight.

Councilmember Todd asked for more specifics on the design standards. Ms. Portner said they try to prevent new structures that do not fit in. Councilmember Todd expressed concerns about the City designing someone else's home.

Councilmember Kenyon asked if the Council wants the Comprehensive Plan to be the overriding document that should be included in the motion. City Attorney Shaver responded affirmatively.

Councilmember Coons asked if the purpose of the overlay is to try to clarify. Ms. Portner agreed it is to give more detail and clarity.

Council President Hill called a recess at 8:38 p.m.

The meeting reconvened at 8:50 p.m.

Ms. Portner had a zone district map displayed and reviewed the various zone districts within the subject area.

Ms. Portner then continued with her presentation, addressing the 7th Street Residential Historic District Overlay. The purpose is to maintain the character of the Historic District. The Overlay addressed a review process and the uses allowed. No zoning changes are being proposed. The Overlay lists all the existing uses and all will remain as allowed uses. In addition, the Overlay is proposing five other uses as a use by right. Those are residential sub units, accessory dwelling units, bed and breakfast with one to three rooms, a home occupation, and a home based daycare. Those would only require an administrative review. Any other uses would require City Council approval. The Overlay includes a process for review of alterations. Ms. Portner listed the number of Guidelines and Standards. The Historic Preservation Board would be a review agency and any appeals would go to the Planning Commission. There were a number of other suggestions to retain and enhance the area. Additions and alterations would have to maintain the architectural standards including roof pitch and overhang, primary entrances, and historical style of any entry feature. There are a number of styles in the District already so the consistency must be with the structure itself not the surrounding homes. No new primarily nonresidential structure would be allowed except for the two churches. Demolition would require a public hearing before the Historic Preservation Board. The First Baptist Church did lodge an objection to that provision. Parking is restricted to certain areas. Fencing and signage is also addressed.

Councilmember Palmer asked if there are already criteria for Historic Designation. Ms. Portner said the designation did have criteria but there are no criteria in place to maintain those restrictions.

Councilmember Coons asked, if a building were demolished, would the non-conforming uses be allowed to be rebuilt? Ms. Portner said they could rebuild that or an allowed use including a residential home.

Council President Hill asked about home based daycare versus those that currently exist. Ms. Portner explained the difference between home based and a commercial day care.

Councilmember Kenyon asked about the meetings that have taken place with those affected. Ms. Portner listed the meeting in March for the OSM, a meeting specific for 7th Street in June, emails were sent out when the matter was to come before the City Council. The neighbors put a meeting together in August where Public Works and Planning Director Tim Moore attended. Then notice was again sent out when this public hearing was scheduled.

Councilmember Coons said she and the City Attorney also attended another small neighborhood meeting.

Council President Hill then opened the floor to public comment. He outlined that the City Council will take up each item separately but the public can speak to any and all at any point.

James Golden, 1615 White Avenue, is the attorney for James Purcell Heirs LLC, which owns five storefronts located on the south side of the 400 block of Main Street stated that street addresses of the properties and tenants are 411 Main Street, Off the Wall II, 413 Main Street, Western Anglers, 417 Main Street, Hart Music, 449 Main Street, Gelato Junction, and 455 Main, Trendes, a new tenant. The issue is the LLC, wants the Council to consider is the definition of the rights of the City versus the rights of the owners of the property relative to the public right-of-way known as Main Street. Mr. Golden noted that law prohibited a vacation of right-of-way where access would be restricted. He addressed State Law that prohibits vacation of part of Main Street which he felt his clients may be subject to a taking of rights by the other uses for those rights-of-way as proposed. He noted that the Plan may adversely affect the downtown and thus his clients. It was his contention that the proper process had not occurred under the DDA's Plan of Development to allow for the vacation of right-of-way.

Council President Hill said he felt Mr. Golden is addressing the Downtown Uplift project which was approved two weeks prior. His comments will be entered into the record.

Jan Logan, First Baptist Church, located at the corner of 7th and Grand Avenue, said the Church and the Board of Trustees are concerned about paragraph 9, Repairs and Renovations, that disallows demolition. Also, no new nonresidential structures shall be built in the District. They were concerned if they were ever to have to sell, she would like to see other uses allowed. It would impact any market value they would have on their building.

Sandra Alexander, 848 White Avenue, stated the consultant referred to demographics from the 2000 census, ten years old. Being a resident and owner for over 18 years, she thanked the Director for the current zoning of Residential Office (RO) and the plan for no zoning changes. She is pleased with the changes that have been made in the neighborhood and they value the flexibility the RO zoning allows them.

Sherry DeRose, 604 N. 7th Street, expressed her support for the Overlays, both Downtown and 7th Street. She thanked the City Staff. She commended the City for its forward thinking. Regarding the 7th Street Overlay, she understands there is some opposition. Jodie Behrman only represents a small number that oppose the Overlay. She believes in property rights and the Overlay takes that into consideration. She believes she has the right to use her property as a bed and breakfast. Some of those in opposition have rentals on their property. Bed and breakfasts are recognized uses in Historical Districts. She urged approval of the Overlay Districts.

Pat Olson, 445 N. 7th Street, was in opposition and had others who are opposed stand. He said the uses there have been the same for the last 25 years. He thought the Overlay should be written to look at each individual property. The Overlay is very broad and will open up other potential uses. He asked that the Overlay require a full public hearing for accessory uses and bed and breakfast uses.

Kathy Jordan, 440 N. 7th Street, said she has two more letters to distribute to the City Council. She listed the many ways the City and the Historic District have worked together for the District. She noted that the Historic Tours that take place annually use the money to contribute to the community. She hopes that spirit of partnership will continue and that the Overlay would be changed in regards to the uses by right specifically, the accessory units, the subunits, and the bed and breakfast uses.

Sharon Snyder, 639 N. 7th Street, distributed a packet of material and then objected to the administrative approvals. She disagreed with land use changes such as subunits being done administratively. She referred to a letter from George Tracy that noted changing the interiors will change the ambiance of the Historical District. Out of 31 properties, 17 owners filled out a survey, 89% felt that a public hearing should be required for land use change. She referred to previous applications that had been denied based on the 1984 Plan, although Staff has stated that the Plan was never officially adopted. The Overlay transfers decision making to Staff. She pointed out an error in the ordinance

as to the boundaries of the District. They are not saying they don't think any other uses are appropriate; they want City Council to review and decide. She felt the Overlay is vague and sloppy. She listed a number of items that were not addressed in the Overlay. She asked that the City version be sent back to Staff.

Joe Hatfield, 407 N. 7th Street, said that as unique as the homes are they are still affected by the real estate market. He did not feel the Planning Department should restrict the uses in order to help inflate prices. The previous owners of his home approached the City for a bed and breakfast and were told a public hearing would be required and they did not pursue the idea. He listed the results of the questionnaire, yet the Overlay still allows many of the uses. The results were ignored. He asked that the Plan be sent back to Staff.

Gordon Nicholson, 726 Ouray Avenue, said the Strategic Downtown Master Plan and the Overlay are critical to all the citizens. He asked that they be remanded back to Staff to incorporate the resident's input. There was only one representative appointed to the Task Force. There was no draft Master Plan presented at the neighborhood meetings as previously stated.

Jodie Behrman, 107 Park Drive, attorney representing several property owners, thanked Councilmember Coons for bringing up the meeting she and City Attorney Shaver attended. Ms. Behrman noted examples of clients who did not receive notice. In the notice there was no mention that land use would be addressed. Once they arrived, they found that they had no opportunity to address land use. She questioned the benefit of adopting a plan that the majority of residents do not want. The area has not changed in 25 years. She asked what public benefit adoption of the Overlay will provide.

Vicki Femley, 178 Glory View Drive, has lived in Grand Junction all her life. The Jordan House is one of the most photographed houses in Western Colorado. This is a tiny little area, so what harm would it be to redo the language for this tiny little area to protect it and send a clear message that the City recognizes this area for what it is. She asked Council to consider their request.

Donna Patton, 341 Gunnison, resides in the original square mile, asked about the RO zoning. She has a lot of RO on Gunnison, she asked if the intensity and density in RO could change.

Jim Smith, although he no longer lives on 7th Street, but did live there for 32 years, wants it to stay like it was.

Ted Jordan, Jr., grew up on 7th Street, which is a great neighborhood. Everybody goes to the Jordan house to talk. He loves it and does not want to see it change.

There were no other public comments.

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

Council President Hill called a recess at 10:14 p.m.

The meeting reconvened at 10:21 p.m.

Councilmember Beckstein asked Ms. Portner to address some of the statements that were made. She addressed the question on the RO zoning, most of the areas shown are transitional areas which are mostly zoned RO. The Overlay would not preclude a zone change, it would be based on the Future Land Map that gets adopted but the design standards would stay the same. With the Historic District Boundary, the error was discovered and the corrected ordinance was provided to the City Clerk. Another question was whether duplexes would be allowed, the density might allow it but the only allowed uses by right are those already established and those five on the list. A duplex would require a more stringent process.

Councilmember Beckstein noted another concern about paved parking on 7th Street. Ms. Portner said the intent is that any parking would be screened from 7th Street.

Councilmember Coons stated one of the speakers indicated that the Overlay did not address screening, fencing, porches, etc. Were they addressed? Ms. Portner responded that fencing, porches, and landscaping are addressed; not required, but encouraged.

Councilmember Coons said the boundary issue was clarified, does it cross Grand, include the R-5 School and the two houses across the street, and would it be subject to the Overlay? Ms. Portner said it would be subject to the Overlay Plan for design standards.

Councilmember Palmer asked if the Director has flexibility, and are those specified? Ms. Portner said it is not specified but is only for the design standards, not the use, there is a provision for an appeal. She read the language from the proposed Overlay Plan.

Council President Hill voiced the concerns from the church. Ms. Portner said City Council would decide. Council President Hill asked about the statement that no new non-residential structures may be built in the District. Ms. Portner said there would be opportunity to apply for a rezone.

Councilmember Todd inquired about the Downtown Strategic Plan; how does that connect to the Comprehensive Plan? City Attorney John Shaver said it is a policy statement that would be incorporated into the overall Comprehensive Plan.

Councilmember Palmer asked about the Downtown Master Plan; does adoption of this Plan obligate the City to any financial obligation? City Attorney John Shaver stated from a legal perspective there is no financial appropriation attached.

Councilmember Todd said it has been stated many times by Council that they were not going to take any individual neighborhood plan before the Comprehensive Plan is adopted. This is having the cart before the horse. She would like to get the Comprehensive Plan adopted first.

Councilmember Kenyon stated he agreed with Councilmember Todd. He can see conflicts that are not resolvable; it is a little premature. He would like to finish the Comprehensive Plan and then evaluate and compare it to the vision and goals and see if there are conflicts and resolve those first.

Councilmember Pitts stated that he also agrees with Councilmember Todd, that it is premature; changes are still being made. There are issues that may affect the Comprehensive Plan which Councilmembers Todd and Kenyon have both mentioned.

Councilmember Palmer also agreed with Councilmembers Todd, Kenyon, and Pitts.

Councilmember Coons said she recognizes the issue regarding the Comprehensive Plan but disagrees about not moving forward. To date, they have included the Neighborhood Plans already adopted, she does not see anything in this Plan that will change drastically. She acknowledges special areas that need to be treated specially. Despite that they have had concerns from citizens, she personally participated in three meetings and there was a fourth one she was not able to attend. As a resident of the area she has spoken with many of the residents and she would like to see these issues resolved and let people move forward.

Councilmember Beckstein said if there was an issue with the Master Plan, it should have been directed to the Downtown Development Authority to stop it, but that direction was not given, and they were told to go forward. The direction was to take the Comprehensive Plan and bring back something specific to the downtown; starting over would be a waste of Staff and volunteer time. The Council has pushed for this, she will support this.

Council President Hill said the majority are not ready to adopt this until the Comprehensive Plan is resolved and to also give Staff a chance to resolve conflicts. He asked if it could be continued rather than voted down.

City Attorney John Shaver stated Council could take the matter under advisement, nothing compels an answer at this time. This might better coincide with adoption of the

Master Plan. Option 2 would be to adopt the Plan conditionally and identify areas that need to be addressed which would trigger another hearing.

Councilmember Coons asked City Attorney Shaver if the adoption of the Plan does not necessarily adopt the Overlays, would they be considered separately? City Attorney Shaver said it does not. Councilmember Coons asked if the resolution discussion were to continue, would the Overlay discussion also need to continue? City Attorney Shaver stated that overall it would be recommended, although the 7th Street proposal could stand alone.

Councilmember Todd said she is not against what is before Council but more of the timing; she appreciates all the time that has gone into this, but disagrees with Councilmember Beckstein that Council directed them to bring it forward. She wants to make the greater decision first. This is not a waste of time to her.

Councilmember Pitts said in regard to the 7th Street Historical District, that this ordinance stands alone, he does not want to tie the 7th Street ordinance to the other items.

Council President Hill asked Councilmember Kenyon about his opinion. Councilmember Kenyon stated that he is 99% there with the Strategic Master Plan, his issue is with the Overlay Plan and how it dovetails with the Comprehensive Plan, specific to densities. He agrees that Ordinance No. 4384 can stand alone.

Councilmember Hill said the Overlay Plan cannot stand alone without a change as it refers to a section that does not exist. City Attorney Shaver explained how there could be a modification of Ordinance No. 4384. There could be an independent association such as a Home Owners Association (HOA) regardless of objections from other residents if there were sufficient votes to create an HOA.

Councilmember Kenyon said he is willing to send Ordinance No. 4384 back to Staff for clarification; the Plan could be done better, and the community wants more specificity and protection. If sent back, it could continue that process with the community.

Council President Hill asked would a HOA with more stringent uses override the Overlay Plan. City Attorney Shaver stated that another body such as private association would enforce its rules against the other. The City would not be involved.

Councilmember Todd said one could not be forced into an HOA that was not in existence when the home was purchased. City Attorney Shaver said it is difficult but can be done.

Councilmember Kenyon said it is difficult to form an HOA when there is a disagreement. The Historic District is important to the community, and he does not want to push it back on them.

Council President Hill asked if there was a motion.

Councilmember Pitts suggested a proposal to craft a separate ordinance that could pull out Ordinance No. 4384 from section 7.7 and make a decision on that portion.

Resolution No. 78-09—A Resolution Adopting the Strategic Downtown Master Plan as a Part of the Grand Junction Growth Plan

Ordinance No. 4383—An Ordinance Amending the Zoning and Development Code to add Section 7.7 Strategic Downtown Master Plan Zoning Overlay Design Standards and Guidelines

Councilmember Kenyon moved to continue Resolution No. 78-09 and Ordinance No. 4383 to a future date to be determined so that Council can continue to study and discuss this at workshop and answer the questions and evaluate where it fits into the Comprehensive Plan. Councilmember Todd seconded the motion.

Council President Hill asked for any Council discussion.

Councilmember Beckstein said the main focus of the Comprehensive Plan is the preservation of neighborhood identities and the original square mile. There are such neighborhoods and the DDA is trying to help preserve those specialized neighborhoods. The Comprehensive Plan will allow additional review as things change.

The vote was called. Motion carried by roll call vote 6 to 1 with Teresa Coons voting NO.

Council President Hill inquired about changing the wording in Ordinance No. 4384 as Councilmember Pitts suggested. City Attorney Shaver stated this could be changed and easily redrafted for consideration for Wednesday or any point in the future. There could be an argument that the neighbors may want to participate in that change.

Councilmember Coons asked if the ordinance is reframed and then brought back, would it be a public hearing? City Attorney Shaver said this is up to Council. The title would change and the first and third paragraphs would change. The residents may want to address the Council, but this is a good faith basis for standing alone.

Council President Hill stated his concern is there are elements in the Plan itself that refer to the other items.

Ordinance No. 4384—An Ordinance Amending Ordinance No. 2211 by Adoption of the 7th Street Residential Historic District Zoning Overlay Design Standards and Guidelines, Amending the Zoning and Development Code to Add Section 7.7

Councilmember Todd moved to continue Ordinance No. 4384 for further discussion to a date to be determined. Councilmember Kenyon seconded the motion.

Councilmember Kenyon stated he still has a couple of concerns with the 7th Street Plan: 1) that the residents come to Council and 2) the church concerns.

Council President Hill asked about the flexibility of bringing these issues into a workshop and then bring them back to a Council meeting.

City Attorney Shaver said his understanding of the intent is to integrate this Plan into the Comprehensive Plan.

Councilmember Coons asked about addressing the other issues brought up. City Attorney Shaver said they could and also decide if it should be integrated into the Comprehensive Plan.

Council President Hill stated the most desirable would be to bring these three back at a public hearing again, or roll it into the Comprehensive Plan process which is also a public hearing. He then clarified the motion.

Councilmember Todd stated that incorporation into the Comprehensive Plan conflicts with the goal of keeping a vision rather than having the detail.

Councilmember Pitts, asked again, why Ordinance No. 4384 is tied to the other two. Councilmember Todd said it is not in the motion, it is to continue it.

Councilmember Coons agreed that Ordinance No. 4384 should be continued as well.

Council President Hill called for the vote.

Motion carried by roll call vote 6 to 1 with Councilmember Beckstein voting NO.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:15 p.m.

Stephanie Tuin, MMC
City Clerk