

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

April 4, 2011

The City Council of the City of Grand Junction convened into regular session on the 4th day of April 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Teresa Coons. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Hill led the Pledge of Allegiance followed by a reflection from John Jenkins, Western Colorado Atheists and Free Thinkers.

Presentations

Scout Executive Keith Alder presented a Medal of Merit to Boy Scout Kyle Dunn. Mr. Alder said Kyle Dunn is receiving a National Heroism Award and he introduced Boy Scout Commissioner Bruce Ricks who presented the award. Commissioner Ricks asked Kyle Dunn and his aunt, Nancy Leonard, to come forward. He asked Kyle to recite the Boy Scout Pledge. Commissioner Ricks then related the story of Kyle's heroism of helping a boy having a seizure in the bleachers at a sporting event. Kyle is a member of Troop 318, sponsored by Holy Family.

Proclamations/Recognitions

Proclaiming April 2011 as "Month of the Young Child" in the City of Grand Junction

Proclaiming April 2011 as "Child Abuse Prevention Month" in the City of Grand Junction

Proclaiming April 16, 2011 as "National Health Care Decisions Day" in the City of Grand Junction

Proclaiming April 16, 2011 as "Arbor Day" in the City of Grand Junction

Council Comments

Councilmember Kenyon advised he recently went to a Parks Improvement Advisory Board meeting. JUCO is coming up and the day after JUCO, the Stadium improvements will begin.

Council President Coons reminded all citizens that are registered voters to turn in their ballots by the next day, Election Day.

She also said she attended two wonderful long-awaited events. The first was the ribbon cutting for the new CNG fueling facility on Riverside Parkway near City Shops. The second event was a groundbreaking for the new Public Safety Building.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Susuras moved to approve Items #1 through #7 on the Consent Calendar which he then read. Councilmember Hill seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the March 14, 2011 Special Session and the March 14, 2011 Regular Meeting

2. **Outdoor Dining Lease for Rockslide Brew Pub, Inc., Located at 401 Main Street**

Rockslide Brew Pub, Inc., is requesting an Outdoor Dining Lease for an area measuring 29 feet by 23 feet directly in front of the property located at 401 Main Street. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Resolution No. 16-11—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Rockslide Brewpub, Inc.

Action: Adopt Resolution No. 16-11

3. **Setting a Hearing on Correcting the Boundaries for the Grand Junction, Colorado Downtown Development Authority (DDA)**

Certain parcels have been identified by the Mesa County Assessor's Office and the City as having changed, possibly since the creation of the DDA database in 1981, so that the boundaries of those parcels are no longer accurately recorded. The DDA has worked with City and County staff to correct these maps and GIS databases of District properties. This ordinance makes the corrections complete and lawful.

Proposed Ordinance Determining the Boundaries for the Grand Junction, Colorado Downtown Development Authority

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2011

4. **Setting a Hearing on an Amendment to Parts of Chapter 6 of the City of Grand Junction Code of Ordinances Pertaining to Dogs Running at Large and the Presence of Dogs and Other Animals at Downtown Grand Junction Events**

At the request of the Grand Junction Downtown Development Authority and the Downtown Association, the City Attorney has written a proposed clarification and expansion of the restrictions in Chapter 6 of the City of Grand Junction Municipal Code regarding dogs in common areas and dogs and other animals at downtown events.

Proposed Ordinance Amending Parts of Chapter 6 of the Grand Junction Municipal Code Relating to Pets and Dogs in Common and Public Areas

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2011

5. **Brookwillow Village Drainage Easement Vacation, Located at 663 Serenity Court** [File #VAC-2011-696]

A request to vacate an existing 10-foot drainage easement that encumbers Lot 1, Brookwillow Village, Filing III (recorded in Bk. 4699, Pg. 675) along the south property line of 663 Serenity Court.

Resolution No. 17-11—A Resolution Vacating a Drainage Easement on Lot 1, Brookwillow Village Subdivision, Filing III, Located at 663 Serenity Court

Action: Adopt Resolution No. 17-11

6. **Setting a Hearing on Text Amendments to Section 21.06.010(b)(3) of Title 21 of the Grand Junction Municipal Code, Concerning Nonresidential Streets** [File #ZCA-2011-633]

This text amendment to Section 21.06.010(b)(3), Existing Residential Streets, of the Grand Junction Municipal Code is to allow the Director authority to determine the minimum acceptable standards for local nonresidential streets and to defer construction of local nonresidential street improvements if certain criteria are met.

Proposed Ordinance Amending Section 21.06.010(B)(3), of the Grand Junction Municipal Code, Infrastructure Standards, Concerning Nonresidential Streets

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2011

7. **Setting a Hearing on Providing Standards and Allowing for Optional Premises Liquor License in Conjunction with a Hotel and Restaurant Liquor License for Mesa State College**

Mesa State College has requested that, in addition to licensing their new College Center with a Hotel Restaurant Liquor License, that it be allowed optional premise permits for three of their recreational facilities. The State Liquor Code requires that in order for the municipality to issue optional premises permits, it must adopt specific standards by ordinance and eliminate the distance restriction for optional premises permits in the same manner it eliminated the distance restriction for hotel restaurants by Ordinance No. 3620 in 2004.

Proposed Ordinance for Optional Premises Permits for Mesa State College's Brownson Arena, Walker Field Soccer Stadium, and Elliott Tennis Center, all on the Mesa State College Campus and to Amend the Grand Junction Municipal Code Section 5.12.220 to Eliminate the Distance Restriction for Optional Premises Permits in Conjunction with Hotel Restaurant Liquor Licenses

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2011

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Western Trends Annexation and Zoning, Located at 507 and 512 Fruitvale Court [File # ANX-2011-467]

A request to annex the 5.019 acre Western Trends Annexation and to zone the annexation, less 3.882 acres of public right-of-way, to a C-1 (Light Commercial) zone district.

The public hearing was opened at 7:32 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The annexation consists of three parcels. The Comprehensive Plan designates the property for commercial use. The property is currently a commercial planned development and is being used commercially. This is the final hearing for annexation. The applicant requested voluntary annexation and the request is consistent with the Comprehensive Plan and the request meets all criteria of the Grand Junction Municipal Code.

Councilmember Palmer asked if the property will create an enclave. Mr. Rusche said it will not.

Councilmember Susuras asked for clarification on the contiguity with the City limits. Mr. Rusche showed where there is right-of-way that is contiguous. The request also falls under the Persigo Agreement. The City Attorney was asked to clarify it further.

City Attorney Shaver advised that only one-sixth contiguity is required and part of the adjacent Business Loop is in the City limits.

Councilmember Palmer queried if contiguity can be achieved with right-of-way and not create an enclave. City Attorney Shaver said that is correct.

Tom Logue, representing the applicant, said they did not have anything to add.

There were no public comments.

Councilmember Susuras asked why the business in the building on the property requesting annexation, is in business when it is a marijuana farm, in the County jurisdiction and not allowed. He asked why this business has not been shut down.

City Attorney Shaver said he is not sure but can find out. The business closing may have been deferred due to its pending annexation.

Councilmember Susuras asked why this would come forward at this meeting when the following day the marijuana question will be settled. City Attorney Shaver responded it is a separate legal process.

Councilmember Susuras asked when action can be taken against the grow farm. City Attorney Shaver said the ordinance will become effective immediately if not turned down by the voters.

Councilmember Pitts asked if the same owner owns all parcels. Mr. Rusche said there are three tax parcels with nine lots and are all owned by the applicant.

Councilmember Palmer said the Persigo Agreement is triggered by development activity. Since there is no development, the annexation is not triggered by development. He asked if the County is notified when these processes begin.

Mr. Rusche said yes they are notified and asked to provide any comments.

Councilmember Pitts asked about the formula for annexation. City Attorney Shaver said it is based on 1/6 contiguity and the City surveyor calculates that. There are other criteria

in the law; urban or urbanizing, whether it is capable of being integrated into the community, etc. The Planner makes those determinations and brings them before the Council.

There were no public comments.

The public hearing was closed at 7:47 p.m.

a. Accepting Petition

Resolution No. 18-11—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Western Trends Annexation, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4459—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Western Trends Annexation, Approximately 5.019 Acres, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way

c. Zoning Ordinance

Ordinance No. 4460—An Ordinance Zoning the Western Trends Annexation to C-1 (Light Commercial), Located at 507 and 512 Fruitvale Court

Councilmember Kenyon moved to adopt Resolution No. 18-11 and also adopt Ordinance Nos. 4459 and 4460 and ordered them published in pamphlet form. Councilmember Hill seconded the motion.

Councilmember Palmer objected to not bringing in the entire development into the City but rather “plucking” commercial development. It only adds to the problem of patchwork of City boundaries. He felt it was an attempt by the applicant to bring the property into the City as the activity is illegal in unincorporated Mesa County. He will not support the annexation.

Councilmember Pitts agreed with the term “plucked”. He will not support the annexation.

Councilmember Susuras agreed.

Councilmember Hill said the request meets the criteria of the Comprehensive Plan and the City has to start somewhere to fulfill the future plan. It will have a positive impact on the City from a property and sales tax perspective. He is supportive because it meets the criteria of the Plan as far as growing the City of Grand Junction.

Councilmember Kenyon said he agrees; the areas not in the City need to be filled in. The City has to accept the application from the owners if they are going to fill these areas in.

Council President Coons agreed with Councilmember Hill, it is a voluntary request. They need to recognize that the current use of the property is not the only or final use of the property.

Motion failed by roll call vote with Councilmembers Palmer, Pitts and Susuras voting NO.

Public Hearing—Gay Johnson’s Alley Right-of-Way Vacation, Located at 333 N. 1st Street [File #VAC-2010-314]

A request to vacate the entire north/south alley way between Grand Avenue and White Avenue, west of N. 1st Street, and east of North Spruce Street. The vacation of this alley will allow for an expansion of the business located at 333 N. 1st Street. The applicant is requesting to continue to allow additional time to submit a subdivision plat that would adjust property boundaries and address access issues related to the requested vacation.

Ordinance No. 4461—An Ordinance Vacating Right-of-Way for Gay Johnson’s Alley, Located at 333 N. 1st Street

Councilmember Hill moved to continue the hearing to April 18, 2011 of the proposed Vacation of Alley Right-of-Way Ordinance. Councilmember Palmer seconded the motion. Motion carried.

Public Hearing—Text Amendments to Section 21.04.030 of Title 21 of the Grand Junction Municipal Code, Concerning Parking Spaces at a Business Residence [File #ZCA-2011-631]

This text amendment to Section 21.04.030(i)(2)(iv), Business Residence, of the Grand Junction Municipal Code is to clarify the number of required parking spaces for a Business Residence.

The public hearing was opened at 7:54 p.m.

Lisa Cox, Planning Manager, presented this item. She explained the reason for amending the Code. The amendment is to correct a conflict that has existed in the Code since 2000. They analyzed the situation and determined that there should be one parking space minimum per Business Residence.

Councilmember Palmer asked if it is one parking space plus the parking for a business. Ms. Cox answered yes. Councilmember Palmer inquired if five people live there, all with vehicles, will it push more cars out onto the street. Ms. Cox said it is unlikely a Business Residence will be in a residential area. Staff would have discussions with the applicant and analyze the need and would have concerns if the residence is large and there was a potential for concern.

Councilmember Palmer asked about fraternities and sororities and the requirement for one space per two beds. Ms. Cox advised that, at this time, there are no fraternities or sororities but they are happy to review that provision if those develop on campus.

Councilmember Hill inquired what would trigger a Business Residence. Ms. Cox said that will come into play when someone wants a business to have an accessory use of a dwelling unit.

Councilmember Susuras asked about the conflict, one area requires one space and in another place in the Code two spaces are required. Ms. Cox said that is correct.

There were no public comments.

The public hearing was closed at 8:05 p.m.

Councilmember Susuras said it addresses and fixes conflicting provisions in the Code and he will support it.

Ordinance No. 4462—An Ordinance Amending Section 21.04.030(i)(2)(iv), Business Residence, of the Grand Junction Municipal Code Concerning the Number of Parking Spaces Required

Councilmember Hill moved to approve Ordinance No. 4462 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Text Amendments to Section 21.02.110 of Title 21 of the Grand Junction Municipal Code Concerning Conditional Use Permits [File #ZCA-2011-630]

This text amendment to Section 21.02.110, Conditional Use Permit, is to allow an amendment to a CUP and to correct a scrivener's error that deleted specific terms related to Compatibility with Adjoining Properties.

The public hearing was opened at 8:07 p.m.

Lisa Cox, Planning Manager, presented this item. She said the reason for the amendments is to clarify the Code and fix a scrivener's error. The proposal involves allowing a Conditional Use Permit (CUP) to be amended if appropriate and to add the compatible language that was inadvertently left out.

Currently, there is no provision to allow for an amendment to a Conditional Use Permit instead of forcing a complete new application. It also allows someone other than the applicant to request that a CUP be revoked. The City could also request such a revocation.

Councilmember Pitts asked for an example; is there an existing situation? Ms. Cox had a couple of examples. The Code is very restrictive. There is a car wash that wanted to make some changes but because the applicant was approved under a Conditional Use Permit under the existing code, he would be required to apply for a new Conditional Use Permit. Another example is a drive through which required a Conditional Use Permit and now they want outside storage. The existing Code requires a new CUP.

Councilmember Susuras was concerned that anyone within 500 feet could seek a revocation of the CUP. Ms. Cox said there are particular grounds for such a request (A through F of the Code).

Council President Coons asked if the original CUP would be a public hearing process whereas a change would not require a public hearing. Ms. Cox said the amended CUP would require a public hearing but they do not have to relinquish their old CUP and apply for a whole new one.

There were no public comments.

The public hearing was closed at 8:16 p.m.

Ordinance No. 4463—An Ordinance Amending Section 21.02.110, Conditional Use Permit, of the Grand Junction Municipal Code

Councilmember Hill moved to approve Ordinance No. 4463 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion.

Councilmember Kenyon thanked Ms. Cox and recognized the difficulty in bringing forward changes. He said this is a commonsense improvement.

Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Council President Coons asked Councilmember Palmer if he would like the discussion of parking at fraternities and sororities to be brought forward. Councilmember Palmer said that he would like the issue looked at.

Adjournment

The meeting was adjourned at 8:20 p.m.

Stephanie Tuin, MMC
City Clerk