

GRAND JUNCTION CITY COUNCIL

MINUTES OF THE REGULAR MEETING

MARCH 15, 2017

The City Council of the City of Grand Junction convened into regular session on the 15th day of March, 2017 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Rick Taggart, Barbara Traylor Smith, Martin Chazen, and Council President Phyllis Norris. Councilmember McArthur was absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

Appointment

Councilmember Chazen made a motion to appoint Garrett Syphers to the Ridges Architectural Control Committee for a term that runs continuously. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Proclamations

Proclaiming March 2017 as Developmental Disabilities Awareness Month

Councilmember Traylor Smith read the proclamation. Doug Sorter, Development Vice President with STRiVE was present to receive the proclamation. Mr. Sorter provided some statistics about STRiVE and why he is involved. They recently received a prestigious designation and are the only facility in Colorado with that certification. He told a story about a client. He also thanked and recognized Councilmember Traylor Smith for her participation on the board and announced the web address. He invited everyone to a monthly luncheon they host to learn more about STRiVE.

Proclaiming February 26 through March 4, 2017 as Peace Corps Week Honoring their 56th Anniversary.

Brien Webster, Dan Robinson, and a woman (no name given), all former Peace Corps volunteers, were present to receive the proclamation. They all spoke in the language of the country they served in and thanked the City Council. Councilmember Boeschstein then read the proclamation.

Citizens Comments

Bruce Lohmiller, 3032 North 15th Street, #208, addressed the Council on case work, the group that was present to receive the Peace Corps proclamation, Doctors Without Borders, and the Red Cross. He said he spoke with City Attorney John Shaver and he received a letter from Washington, D.C. and the report conflicted with the Mind Springs report. City Attorney Shaver helped him as did the Police Department. He mentioned sex education classes at the School District, Night Patrols, and Whitman Park.

Council Reports

Councilmember Boeschstein announced that morning he attended a celebration where a historic marker was placed the Schiesswohl Building. Several historical buildings within the City will also receive plaques. The Historic Preservation Board also participated in this celebration and designed the plaques.

Councilmember Chazen said on March 2nd he met with Cub Scout Pack 353 (Webelos) and shared with them a picture of when he was a scout. They discussed City government and the kids had good questions. Downtown Development Authority (DDA) has had a couple of executive sessions and a workshop on March 13th about Broadband. On March 8th, he went to the Western Colorado Latino Chamber of Commerce Business After Hours event and said that is a very big and active group.

Councilmember Kennedy said most of the last couple of weeks he was in many broadband meetings. On March 5th he and his wife Sara went to a fundraising event (Dancing with the Stars) in Montrose for Court Appointed Special Advocates (CASA) where they danced to represent Christ's Kitchen. He issued a challenge to the local non-profit agencies as the event raised \$75,000 and it was a lot of fun. He expressed that the City should continue down the broadband path for the benefit of the community.

Councilmember Traylor Smith said she went to the Community Services Block Grant (CSBG) program's funding meeting. The State has changed funding formulas and now use the funds towards the effort to get kids in the lower economic level to a third-grade reading level. She feels they are really making a difference.

Councilmember Taggart said his two weeks has been filled with negotiations on behalf of the Airport and there are only two remaining legal issues. He is hopeful the Airport Board can make an announcement in next sixty days regarding resolution of those issues.

Council President Norris made comment on broadband that this is only just beginning, the focus now will be on goals, and staff is still working on it. She attended the Forestry Board meeting which has two new members. She, along with the City Manager, hosted

some Palisade High School students to learn about City government because they are going to Washington, D.C.

Consent Agenda

Councilmember Kennedy moved to adopt Consent Agenda items #1 through #3. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Councilmember Kennedy pointed out that part of the Consent Calendar included a resolution to change the meeting start time to 6:00 p.m. starting April 5th.

Consent Agenda

1. Approval of Minutes

- a. Minutes of the February 15, 2017 Regular Meeting
- b. Summary of the February 27, 2017 Workshop
- c. Minutes of the March 1, 2017 Executive Session

2. Set Public Hearing

- a. Legislative
 - i. Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Group Living and Set a Hearing for April 5, 2017
- b. Quasi-judicial
 - i. Ordinance Rezoning the Lusby Apartment Complex, Located at 1321 Kennedy Avenue and Set a Hearing for April 5, 2017
 - ii. Ordinance Approving a Rezone to PD (Planned Development) and an Outline Development Plan for the Mind Springs Health Campus, Located at 515, 521 28 3/4 Road and 2862 North Avenue and Set a Hearing for April 5, 2017

3. Resolutions

- a. Resolution Changing the Start Time for City Council Meetings

Regular Agenda

Public Hearing - Ordinance Zoning Properties at 1313 and 1321 Wellington Avenue (Hilltop Bacon Center)

Hilltop requests approval of a rezone of property, located at 1313 and 1321 Wellington Avenue, from R-8 (Residential-8 du/ac) to RO (Residential Office) zone district for the expansion of the adjacent Bacon Campus.

The two properties currently each have single family homes on them. Hilltop intends to utilize the houses and properties to expand housing and supportive services offered at the Bacon Campus for adults with traumatic brain injuries.

The public hearing was opened at 7:30 p.m.

Kristen Ashbeck, Senior Planner/CDBG Administrator, presented this item. The request is to rezone two properties from R-8 to RO.

The subject properties, located at 1313 and 1321 Wellington Avenue, were recently purchased by Hilltop Health Service Corporation (Hilltop). Hilltop also owns and operates the Bacon Campus located just to the east at 1405 Wellington Avenue and would like to incorporate the two parcels to the west into the campus to be used for additional living facilities. The Bacon Campus provides services for adults with traumatic brain injuries.

A neighborhood meeting regarding the proposed zone change was held on May 2, 2016 with 6 citizens, the applicant, their representatives, and City Project Manager in attendance. Area residents in attendance voiced no objections to the application to rezone the two residential parcels from R-8 to R-O.

The existing Bacon Campus has a zoning of Residential Office (RO) which is the requested zone for the two westerly parcels. The Comprehensive Plan Future Land Use Map for the existing campus designates the property as Residential Medium and the two westerly parcels are designated as Business Park Mixed Use. Both land use categories can be implemented with the RO zone district.

The existing zoning in the area was reviewed. The proposed RO zone is compatible with (1) the Comprehensive Plan Future Land Use Map; (2) the surrounding B-1, PD and RO zoning; and (3) surrounding mix of uses in the area. The Planning Commission recommended approval.

Council President Norris said she was on the Hilltop Board years ago but has not been involved with this project.

Councilmember Boeschstein asked what the height limitations are. Ms. Ashbeck responded 40 feet.

Councilmember Kennedy stated this is a smart use of Hilltop's property and gives his full support.

Council President Norris said this Center provides services not provided anywhere else in the western United States.

There were no public comments.

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

Councilmember Kennedy moved to adopt Ordinance No. 4739 - An Ordinance Zoning Properties Located at 1313 and 1321 Wellington Avenue (Hilltop Bacon Center) to RO (Residential Office) on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing - Ordinance Amending the Commons Planned Development Located at 625 27 ½ Road

The applicant requests approval of a revised PD (Planned Development) zoning and Outline Development Plan (ODP) to continue development of a mixed use senior living campus with default zones of R-8 (Residential 8 units/acre), R-12 (Residential 12 units/acre) and MXOC (Mixed Use Opportunity Corridor), located at 625 27 ½ Road (address of existing Commons Assisted Living Facility).

A PD zone district was originally established in 2002, primarily for the construction of the assisted living facility and some of the cottage units. Previous plans have expired and this PD zoning ordinance and ODP are an update to be consistent with the current Comprehensive Plan Future Land Use Map as well as allow for continued build-out of The Commons senior living campus.

The public hearing was opened at 7:37 p.m.

Kristen Ashbeck, Senior Planner/CDBG Administrator, presented this item. She described the request, the location, and the site. A neighborhood meeting was held January 25, 2017 where 5 citizens attended. No opposition was expressed.

She then described the surrounding properties, zoning, and land uses. When first developed, The Commons property had a split land use designation on the Future Land Use Map and the approved development plans averaged density over the site to accommodate both the assisted living facility and the cottages. The current Comprehensive Plan Future Land Use Map designates the entire property as Residential Medium High with a density range of 8 to 16 units per acre. In addition, the

Patterson Road corridor is designated as a Mixed Use Opportunity Corridor. A new form-based zone district, MXOC was established in 2014 and permits all types of group living facilities, along with other types of commercial uses. This is consistent with the kinds of development that have occurred along the corridor, including City Market, other expanded group living facilities, large church sites, and the office complex at Village Park at 28 ¼ Road.

The Commons senior living complex was originally zoned Planned Development (PD), primarily for development of an assisted living facility which was constructed in 2002 with 14 attached single family cottages and a senior recreation center. In 2003, that ordinance was amended to add another 20 cottage units. In 2007, the plan was amended again since Hilltop had acquired the property on the northwest corner of 27 ½ and Patterson Roads which was incorporated into the Plan to accommodate additional cottage units to replace the proposed recreation center. To date, the assisted living facility has a license for 185 beds which is considered 46 housing units and 38 of the cottage units have been constructed.

The applicant is requesting a revision to the existing PD zoning ordinance and approval of an Outline Development Plan. The Plan depicts three areas or “pods” of different land use intensity/density.

Pod 1 incorporates the existing assisted living complex and contemplates development of a similar care facility on the western side of the area. An underlying zone district of R-12 is proposed to accommodate this anticipated future development.

Pod 2 encompasses the cottage units, both existing and proposed, with an underlying zoning of R-8.

Pod 3 in the far south end of the site takes advantage of the MXOC that gives the developer flexibility to provide additional housing and/or support facilities, including an office or other services. The requested underlying zone district of MXOC supports this potential range of uses.

She then addressed the requested signage plan in each of the pods. All signs have to be monument style.

The Planning Commission recommended approval of both requests, it is consistent with the Comprehensive Plan, and fills a need for housing for senior living. The proposal also meets the criteria for Planned Development in the Zoning and Development Code.

There were no public comments.

The public hearing was closed at 7:44 p.m.

Councilmember Traylor Smith asked if they are building a four plex or a duplex. Ms. Ashbeck said more of what they currently have which is a series of duplexes.

Councilmember Kennedy moved to adopt Ordinance No. 4740 - An Ordinance Amending Ordinance No. 4019 Zoning the Commons Planned Development to Update the PD (Planned Development) Zoning for an Existing PD (Planned Development) Zone, by Approving an Outline Development Plan with Default Zones of R-8 (Residential 8 Units/Acre), R-12 (Residential 12 Units/Acre) and MXOC (Mixed Use Opportunity Corridor), Located at 625 27 1/2 Road (Address of Existing Assisted Living Facility) on final passage and order final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Public Hearing - Ordinance Amending Sections of the Zoning and Development Code Regarding Signage

A proposed ordinance addressing both content neutrality and electronic and digital signage was tabled by City Council at their November 16, 2016 meeting with direction for staff to get business input on the proposed changes, specifically to the electronic and digital sign regulations. The staff has been working with the Chamber of Commerce to garner input and is now bringing the electronic sign regulations portion of the ordinance back to City Council.

The public hearing was opened at 7:46 p.m.

David Thornton, Principal Planner, presented this item and provided information regarding the process of the proposed ordinance. The proposal before them focuses on digital and electronic signs. He reviewed the history of the amendments; this portion was split from the content neutrality portion that was adopted on February 1st.

Mr. Thornton highlighted the various elements in the proposal before Council, the highest priority being brightness. The ordinance establishes the maximum brightness which all new digital signs have the technological ability to dim. Older signs have the ability to be dimmed. Interactive signs are also prohibited. Staff did meet with representatives from the sign industry because much of the other regulation was eliminated. They received one call from a citizen that is opposed to all digital signs. The industry supports the proposal before them.

Councilmember Boeschstein said he was glad that it was based on Colorado Department of Transportation (CDOT) regulations. Mr. Thornton said CDOT will continue to regulate and enforce all of their regulations on CDOT rights-of-way. The City will just regulate what is proposed on city businesses, and on non CDOT highways and roadways.

Councilmember Boeschstein asked which City roadways are State highways. Mr. Thornton replied I-70 Business Loop, North Avenue, and Highway 340.

Council President Norris asked if there will be signs out of compliance. Mr. Thornton stated the one on 12th Street is one example; the owner of the sign would be asked to abide by the new brightness standard if the proposed ordinance is approved.

City Manager Caton said it is his understanding that the brightness would be out of compliance, but that is adjustable.

City Attorney Shaver said Council has that authority to regulate all the signs.

General concerns were raised regarding information and digital signs which invite viewers to interact and if it compels someone to do something. There was discussion regarding the brightness of the signs, retrofitting existing signs, regulating the brightness, safety issues, the types of sign this would apply to, and if this is adopted it would become the new standard.

City Attorney Shaver said there are a couple of items that could be changed and wording added to review the regulation on interactive signs for a viewer from the travel way (vehicular traffic). He suggested adding "immediately interact" in the proposal.

Paul Shugar, 2901 North Court, complimented the City Planning Department but said not all signs have photocells built in; some digital signs are imported from overseas for cost savings and do not have the brightness dimmers. However, most signs purchased from professional installers will have the ability to adjust brightness. It is his belief that the signs in question are the cheaper brands that don't have the photocells. He believes brightness of digital signs is a safety issue; he believes there are three in the valley that are a safety issue.

Adam Hoffer, 1421 Windsor Court, commented on the software needed for adjustments on signs and said the signs can be adjusted, but some may need a retrofit kit; however not all are made alike. There are cheaper brands. The kits are readily available, but they are not cheap.

Councilmember Chazen asked on the cheaper older style signs, did Mr. Hoffer know the cost of bringing these signs into compliance. Mr. Hoffer said the range of cost could be from \$500 to \$1500 plus labor.

C.J. Rhyne, Grand Junction Area Chamber of Commerce, asked if the signs can be regulated with software so they won't have to be retrofitted. (The response from the audience was inaudible). He appreciated working with the community and he said that is evident by the few that are in attendance that the community supports the ordinance.

Mark Gamble, Colorado West Outdoor Advertising, assured Council that the brightness standard established by CDOT was done more than two years ago. He attended the meetings then, and the potential for the retrofitting issue was discussed then. He thanked staff and feels that it is a great solution.

Councilmember Chazen said there is nothing in the ordinance that refers to CDOT standards and if, in the future, CDOT changes their requirements, will this ordinance need to be changed? Mr. Thornton said the ordinance will need to be amended if and when standards change. It will then come back before Council.

There were no other public comments.

The public hearing closed at 8:25 p.m.

Councilmember Traylor Smith moved to approve Ordinance No. 4741 - An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage on final passage and order final publication in pamphlet form. Councilmember Kennedy asked to include the amended language suggested by the City Attorney on interactive signs. City Attorney Shaver confirmed the intention of the amendment to be that the viewer would not be compelled to react to the sign. Councilmember Traylor Smith agreed with the amendment. Councilmember Kennedy seconded the amended motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:26 p.m.

Stephanie Tuin, MMC
City Clerk