

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

January 3, 2018

The City Council of the City of Grand Junction convened into regular session on the 3rd day of January 2018 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Phyllis Norris, Duncan McArthur, Duke Wortmann, and Council President Rick Taggart. Councilmember Barbara Traylor Smith was absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Wanda Winkelmann.

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

Proclamation - Proclaiming January 15, 2018 as "Martin Luther King, Jr. Day" in the City of Grand Junction

Councilmember Boeschstein read the proclamation. David Combs, Eric Ward and Janielle Westermire were present to accept the proclamation. Mr. Combs spoke on behalf of the Martin Luther King, Jr. Day Committee, thanked Council, and described the events surrounding Martin Luther King, Jr. Day including the reading of the proclamation by Council President Taggart in front of City Hall at 1:00 p.m. on January 15th, a symbolic march in downtown Grand Junction, the presentation of the Fourth Annual Harry Butler Community Service Award, and an evening program with community leaders.

Citizens Comments

Bruce Lohmiller spoke of the need for Night Patrols to assist in taking people off the streets and getting them into shelters.

Kimberly Langston, a representative for PLACE (People for Local Activities and Community Enrichment), said the first community meeting for the Community Center feasibility study will be held at Faith Heights Church Thursday, January 18th at 5:30 p.m. She also encouraged people to join a Focus Group to find out what features the community would like in a Community Center. Input can also be given through the PLACE Facebook page.

Council Reports

Councilmember McArthur commented on the Martin Luther King, Jr. Day Proclamation and lauded Harry Butler for all his service to get the holiday recognized in the community.

Councilmember Wortmann said he had a good holiday and was ready to get back to work.

Councilmember Boeschenstein said he went to the great old cities of Norwalk, and Boston over the holiday, where he worked before moving to Grand Junction. He said these cities have redeveloped themselves and he had the opportunity to work extensively to improve those communities and he hopes to bring that experience to Grand Junction. Councilmember Boeschenstein echoed Councilmember McArthur's thoughts on recognizing minorities.

Councilmember Kennedy reminded that he withdrew from the congressional race due to his mother's illness and said that she had passed away on Christmas morning. He thanked his mother for her legacy; he will remember her sense of adventure and recalled a yearlong trip to Europe with her.

Councilmember Norris is glad to start a new year.

Council President Taggart said it had been quiet the last two weeks. The year had highs and lows that included his son having a major stroke. He hopes 2018 will be a good year with a significant amount of highs and a limited amount of lows.

Consent Agenda

Councilmember Kennedy moved to approve adoption of Consent Agenda items #1 through #3. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the December 18, 2017 Workshop
- b. Minutes of the December 20, 2017 Executive Session
- c. Minutes of the December 20, 2017 Regular Meeting

2. Set Public Hearings

- a. Legislative

- i. Introduction of Ordinance Amending Ordinance 4772 Concerning the Downtown Development Authority Tax Increment Debt Financing and Setting a Public Hearing for January 17, 2018

- b. Quasi-judicial
 - i. 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, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Taurus Park Plaza Annexation of 40.414 Acres, Located at 789 23 Road, and Setting a Hearing for February 7, 2018

 - ii. 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, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Adams Annexation, Approximately 13.159 Acres Located South of B ¼ Road, west of 27 ½ Road and just west of the County Fairgrounds, and Setting a Hearing for February 21, 2018

3. Resolutions

- a. Resolution Authorizing the City Manager to Submit a Grant Request to Great Outdoors Colorado (GOCO) for the School Yard Initiative grant program for Mesa View Elementary School

- b. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2018 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Regular Agenda

Public Hearing - An Ordinance Amending Chapter 2 of the Grand Junction Municipal Code Concerning Fees, Costs and Surcharges in Municipal Court

This ordinance establishes the fees and costs that may be charged in Grand Junction Municipal Court and for those to be changed over time by Resolution of the City Council.

City Attorney John Shaver explained if the ordinance is adopted, the Presiding Judge of the Municipal Court shall prepare a schedule of Court Costs; 2018 costs and fees are included in the report but are not part of the Ordinance.

Colorado law (C.R.S. 13-10-113(3)) provides that the municipal judge is empowered in his/her discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial is found guilty of an ordinance violation.

While the law provides that costs, including the costs of prosecution, may be imposed by ordinance, no method is established for how those costs (which may also be known as fees) may be changed. City Attorney Shaver noted the court is governed by Colorado Revised Statutes and Council is required to approve these additional costs that can be assessed. Details are in the ordinance which are representative of the costs that would be approved.

The public hearing was opened at 6:25 p.m.

There were no public comments.

The public hearing was closed at 6:25 p.m.

Councilmember Kennedy asked if these costs outlined in the ordinance are higher or lower from the norm. City Attorney Shaver said some fees are new, but the costs are in line with others, although they are increased slightly. He clarified that these are not fines.

Council President Taggart asked why the fee schedule is not part of the ordinance. City Attorney Shaver said the ordinance is enabling legislation and Council allows the approval of these fees, not the amounts. These numbers are the 2018 fees, but they can be changed.

Councilmember Boeschstein moved to approve Ordinance No. 4775 - An ordinance amending Chapter 2 of the Grand Junction Municipal Code concerning fees, costs and surcharges in Municipal Court on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Public Hearing - An Ordinance Amending Various Sections of the Zoning and Development Code Regarding Administration and Procedures, Setbacks, Cluster Development, Fences and Flood Damage Prevention

The Community Development Director is requesting amendments to various sections of the Zoning and Development (Z & D) Code to address issues of relevancy, clarity,

organizational changes and other minor corrections. The proposed changes include changes to Chapters 2, 3, 4 and 7 of the Zoning and Development Code.

Community Services Manager Kathy Portner said this item is to clean-up the Z & D Code and explained since the original adoption of the Z & D Code, the structure of the Department has changed from the Public Works and Planning Department to the Community Development Department. The proposed amendment would replace all references to the Public Works and Planning Department and/or Director with the Community Development Department and/or Director. In accordance with Section 21.02.140(c), an application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment. Ms. Portner then detailed the sections and proposed changes regarding administration and procedures, Zoning Districts, uses and Special Regulations.

Councilmember McArthur asked regarding the Administrative Development Permits and the changes to expedite this process. Ms. Portner said this is to clarify what is already in place as a procedure and that appeals will be handled the same way as they are currently. Councilmember McArthur asked about the limitations for retaining walls and if there are many are over four feet. Ms. Portner said there are not many, but this would allow the Director to have the authority to allow it in certain circumstances.

Councilmember Kennedy asked about the wording in Section 21.02.070(a) which reads, "addition to permit shall be amended through the process it was originally approved" and said the wording didn't sound correct to him. Ms. Portner agreed that it could be worded better.

Councilmember McArthur asked why when patio covers encroach on setbacks, are they required to not be attached to the house. Ms. Portner said the difference is that when it is not attached to the house it is considered an accessory structure and can meet accessory structure setbacks. Anything attached to the house must meet principle structure setbacks.

Councilmember Norris said she would go to the fence section for questions on fences and is concerned about moving a topic out of an area where it typically would be found. Ms. Portner said if a standard can't be met, Community Development should be consulted. The concern is not to have information in too many places which can cause inconsistencies. Ms. Portner said the average citizen does not read the Code, but rather contacts Community Development.

The recommendation by the Planning Commission is to approve the amendments to provide consistency and clarity to the Code.

Councilmember Boeschstein said Grand Junction has flash floods and therefore flood regulations are very important for flood insurance purposes. He thanked staff for bringing this forward.

City Manager Caton said that Councilmember Norris raised a good point and clarified that the fence section holds most information, but if a deviation is needed, it will fall under administrative variances and therefore does not need to be kept in the fence section. Councilmember Norris said she has heard 12 specific complaints from citizens regarding the Code. She said the average citizen should be able to read and understand the Code. City Manager Caton said other communication and education avenues can be looked at.

Council President Taggart agreed with Councilmember Norris, but understands the duplicity. He suggested a statement that would guide someone to the deviation section if needed.

City Attorney Shaver said cross references can be used, however variances are complicated and it could be a disservice to citizens. Councilmember Norris suggested adding a statement to contact the Community Development Department.

The public hearing was opened at 6:53 p.m.

There were no public comments.

The public hearing was closed at 6:53 p.m.

Councilmember McArthur said the Z & D Code is large, but the benefit is to make the process less arbitrary and this is the goal. He thanked staff.

Council President Taggart said he likes the cluster development concept, but has concerns the math is too liberal. He would like to reward developers willing to add open space, but is concerned how this may impact developments. Ms. Portner said the Planning Commission is grappling with this issue and believes they will have recommendations in the future.

City Manager Caton said this will be returned to Council, but this item is to correct the math.

Councilmember Norris noted cluster developments have come forward in the last few months and there has been a big impact to adjoining properties. She feels this should be put on hold until the whole issue can be looked at. City Manager Caton said they want to do their due diligence and provide a complete picture to Council and added the remaining land is challenging to develop; the easy properties have been built.

Councilmember McArthur said the negative economic aspect of breaking up land is that if the land is not going to generate enough revenue to make it profitable, it will not be developed. The City needs to be careful and not provide disincentives regarding cluster provisions. The State Demographer anticipates this area will grow and is concerned that the density of building projects is not sufficient.

Council President Taggart asked for clarification on whether the calculation presented is netted after the non-buildable area is taken out. Ms. Portner said it is based on the gross, not on the net. The 2010 Code allowed for density to be reduced. Bonuses were built in depending on the use of the land.

City Attorney Shaver said the dedication to the City must be based on open space.

Councilmember Norris asked for more education.

Ms. Porter said the item presented before them is to correct the math. There are no other proposed changes to this section.

Council President Taggart said he is not anxious to sign off on this with the current chart and asked if the Planning Commission could come back to address this. He is concerned that approving this ordinance would have the look of Council approving the Z & D Code as a whole. Councilmember Kennedy asked that the table be deleted.

Councilmember Norris is concerned with the fence area change and the cluster provision.

City Manager Caton said the chart math is not correct and should be addressed immediately; the methodology can be addressed later. He restated that the fence topic change could be addressed with a reference to redirect a citizen. He stated flyers could be used to educate and inform citizens with things like flyers.

Councilmember Boeschstein agreed with City Manager Caton and said that is very effective. Regarding the cluster provision, he doesn't believe it needs to be changed but thinks pictures of cluster developments (Ridges, Summer Hill, etc.) would be helpful. This is a great concept and protects geologically difficult areas.

Council President Taggart asked Ms. Portner if anything needs to be changed in the motion to address the reference. City Attorney Shaver said the motion does not need to be amended, staff can take direction to add that.

Councilmember Boeschstein moved to approve Ordinance No. 4778 - An ordinance amending various sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) regarding administration and procedures, setbacks, cluster development, flood damage prevention and fences on final passage and ordered final

publication in pamphlet form. Councilmember Wortmann seconded the motion. Motion carried by roll call vote with Councilmember Norris voting NO.

Public Hearing - An Ordinance Rezoning Property Located at 2802 Patterson Road from R-4 (Residential, 4 du/ac) to MXOC (Mixed Use Opportunity Corridor)

The Applicant, 1st Church of the Nazarene, requests a rezone of 6.2 acres, located at 2802 Patterson Road, from R-4 (Residential-4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district. The purpose of the rezone request is to enable the Applicant to erect signage consistent with a non-residential zone district. The MXOC zone district is consistent with the Future Land Use designation of Mixed Use Opportunity Corridor along this section of Patterson Road. The MXOC zone district allows for mixed use development and has specific site design and architectural standards to provide for a compatible transition to the surrounding residential neighborhoods. The signage standards require monument style signs not exceeding 15 feet in height and 300 square feet in size (based on the property's street frontage) and allow for digital displays, as desired by the Applicant.

Community Services Manager Kathy Portner reviewed the request, the surrounding area, the rezone criteria, and Findings of Fact and Conclusions.

Currently the property has a 24-square foot internally illuminated sign along the Patterson Road frontage. The applicant would like to replace the sign with a larger, more visible sign with digital display. However, Section 21.06.070(h)(1) of the Zoning and Development Code restricts permanent signs in a residential zone district to 24 square feet in size and does not allow digital display. The applicant requested a variance to that provision from the Zoning Board of Appeals, but was denied in a unanimous decision due to the lack of ability to demonstrate compliance with the required criteria. The applicant is now requesting a rezone to MXOC (Mixed Use Opportunity Corridor) to accommodate the proposed sign.

Councilmember Kennedy asked if the original request was rejected because they couldn't meet the criteria; he asked for specifics. Ms. Portner said the variance criteria is very specific and hard to meet; the applicant had to prove they were unique under the current zoning which they were unable to do.

The public hearing was opened at 7:17 p.m.

Council President Taggart asked for the applicant to speak. Larry Chovancek, Senior Pastor of Grand Junction 1st Church of the Nazarene, said the desire to change the 20-year-old sign stems from the it being rusted, wanting more information displayed and to elevate the sign for better visibility. He noted the church has no intention to sell the property.

The public hearing was closed at 7:20 p.m.

Councilmember Norris asked about neighborhood meetings. Two were held and no one showed up.

Council President Taggart said the church has been at this location for 20 years and asked how they have been able to operate all that time in an R-4 zone. He also noted it seems odd to change the zoning for the purpose of a sign. Ms. Portner said the vast majority of churches are in residential zones. Ms. Portner said a rezone request for the purpose of a sign is unusual and it would be inappropriate if the church was located in a quiet residential area, but since it is on a busy corridor of Patterson, the rezoning is appropriate.

Councilmember McArthur asked if this zoning change will apply to the total site or just the noted cross-hatched area on the map. Ms. Portner said it applied to the total site. He asked if this issue could be addressed through the sign code. Ms. Portner said it is something they could take a look at.

City Attorney Shaver said that he would recommend making the change through a function of the sign code.

Council President Taggart agreed.

Councilmember Wortmann moved to approve Ordinance No. 4780 - An ordinance rezoning property located at 2802 Patterson Road from R4 (Residential, 4 du/ac) to MXOC (Mixed Use Opportunity Corridor) on final passage and ordered final publication in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Public Hearing - An Ordinance Vacating the East-West Alley Right-of-Way of Block 123 of the Original City Plat between 2nd and 3rd Streets and between Colorado Avenue and Ute Avenue

The Applicant, Western Hospitality, LLC, is requesting to vacate the entire alley right-of-way of Block 123 of the original City plat between 2nd and 3rd Streets, between Colorado Avenue and Ute Avenue. The proposed vacation would vacate the public access but would require retaining it as a utility easement for the full length of the alley as well as providing access easements on the east and west ends of the alley for areas that have adjoining properties under different ownership. This request has been brought forth to be able to help facilitate the implementation of the Applicant's preferred site plan for a new hotel (Hilton Tru) at 243 Colorado Avenue.

Senior Planner Lori Bowers reviewed the request, the criteria, and the Planning Commission recommendation.

The Applicant has assembled approximately 1.2 acres of currently vacant land between 2nd and 3rd Streets and Colorado and Ute Avenues to develop a new hotel. The properties combined form a reverse “L” shape, with the southernmost property line bounding Ute Avenue, and the western most property line bounding 2nd Street. The proposed alley vacation will facilitate the Applicant’s desired traffic flow for the new hotel parking lot. The Applicant plans on fencing the parking lot to increase security and safety for hotel guests and their vehicles. Currently there is significant transient foot traffic through this area which is a concern for the Applicant.

A neighborhood meeting was held on September 20, 2017. Three neighbors (adjacent property owners) were present at the meeting. The Applicant also indicated that they had spoken in person, by phone and by email with other property owners adjacent to the alley regarding the proposal. All comments were supportive of the proposal and did not object to the alley vacation.

Staff finds this request conforms with the Zoning and Development Code and Planning Commission concurred with this finding.

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

There were no public comments.

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

Councilmember Kennedy moved to approve Ordinance No. 4781 - An ordinance vacating the east-west alley right-of-way between 2nd and 3rd Streets, south of Colorado Avenue on final passage and ordered final publication in pamphlet form.

Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing - A Resolution to Amend the Comprehensive Plan Future Land Use Map from "Neighborhood Center Mixed Use" to "BPMP (Business Park Mixed Use)" and an Ordinance Zoning Properties to I-O (Industrial/Office Park), Located at 2202 and 2202 ½ H Road

The Applicants, Jerry Patterson and TEK Leasing, LLC, are requesting an amendment to the Comprehensive Plan Future Land Use Map designation for properties located at 2202 and 2202 ½ H Road from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" and to rezone the properties from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) zone district on 8.59 acres, in anticipation of future development. The allowed uses in the MXG-3 zone district do not allow for outdoor storage which the properties owners would like to develop and the I-O zone district does support. The requested rezone to I-O is currently not supported by the underlying Comprehensive Plan designation of Neighborhood Center which has resulted in a two-part request to

first amend the current Comprehensive Plan designation to Business Park Mixed Use followed by a request to rezone the property to I-O.

Senior Planner Lori Bowers described the request in more detail.

The Applicants held a neighborhood meeting on October 18, 2017 at Appleton Elementary School. Four citizens attended the meeting. There were a few general questions about the description of the proposed Comprehensive Plan Amendment/ Rezone to (BPMU Business Park Mixed Use/I-O Industrial/Office Park). There was one objection to the requested rezone. The attendee in opposition expressed concerns about the sale of his own property having to compete with the rezoned properties, which he felt would make their property more attractive to potential buyers than his.

Councilmember McArthur looked at area designations and asked about neighborhood centers. Ms. Bowers said there is a neighborhood center on 1st and Patterson and 29 and D Roads among others. She noted that they have allowed for several neighborhood centers so that in the future one won't be missed if this designation change is approved.

Councilmember Norris asked if the sewer expansion for this rezone is in the City's budget. Ms. Bowers said it would be the developer's responsibility to pay for that.

Councilmember Kennedy asked if they would change the designation for all neighborhood centers, or just the two parcels presented. Ms. Bowers said it was only for the two parcels before Council.

Councilmember Norris commented that there are a lot of buildings out there and this will fit in well.

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

Marcy Johnson spoke in favor of the change. She agrees with staff and hopes this is passed.

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

Councilmember Wortmann said this is his work neighborhood and he is in full support.

Councilmember Kennedy moved to approve Resolution No. 05-18 - A resolution amending the Comprehensive Plan Future Land Use Map of the City of Grand Junction from Neighborhood Center Mixed Use to Business Park Mixed Use, located at 2202 and 2202 ½ H Road and Ordinance No. 4782 - An ordinance zoning properties located at 2202 and 2202 ½ H Road to I/O (Industrial/Office Park) on final passage and ordered final publication in pamphlet form. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

Public Hearing - Change in Use Incentive Grant Request in the Amount of \$2,746.21 from Thai Number Nine, LLC, Located at 539 N. 1st Street

Thai Number Nine, a proposed restaurant to be located at 539 N. 1st Street, has submitted an application for consideration of a grant for \$2,746.21 from the Change in Use Incentive Grant program. The amount requested is for 25% of the sewer wastewater Plant Investment Fee (PIF) required for the conversion of the existing building to a restaurant use. The request is consistent with the purpose of the Change in Use Incentive Grant Pilot Program as established by the City Council in January 2017 to fund 25% of the sewer wastewater Plant Investment Fee (PIF), up to \$10,000 for the conversion of an existing building in the Greater Downtown Planning Area to a restaurant use. The purpose of the program is to maintain and enhance the viability of downtown and encourage the reuse of existing buildings as restaurants.

Community Services Manager Kathy Portner reviewed this item. Thai Number Nine was previously approved for a Change in Use Incentive Grant for the reuse of a building located at 126 N. 7th Street. However, the water line size serving the building was inadequate to serve the required fire suppression system and the cost to upgrade the line was prohibitive. The restaurant is now proposed to be located in the building located at 539 N. 1st Street, a building previously used as a retail establishment (formerly eBricks). The estimated maximum Plant Investment Fee (PIF) for the conversion is \$10,984.84, based on the additional impact to the sewer system of a restaurant use. However, the PIF might be able to be reduced based on the monitoring of water consumption for the first six months of operation. If approved, the grant amount would not exceed 25% of the final PIF or a maximum of \$2,746.21. The request meets the purpose and requirements of the Change in Use Incentive Grant program.

The location of this restaurant is within the Downtown District of the Planning Area which qualifies it for the City's 25% grant. However, this building is outside of the Downtown Development Authority's boundary which means they do not qualify to seek an additional 25% grant from the DDA for assistance with the Plant Investment Fees.

Councilmember Kennedy said he is glad to see interest in the grant so early in the year.

Council President Taggart is glad to see other use in this area and looks forward to seeing more businesses move there.

Councilmember Boeschstein moved to approve the Change in Use Incentive Grant request from Thai Number Nine, LLC, located at 539 N. 1st Street, in the amount not to exceed \$2,746.21. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:54 p.m.

Wanda Winkelmann, MMC
City Clerk