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**CITY COUNCIL AGENDA  
WEDNESDAY, MAY 20, 2020  
250 NORTH 5<sup>TH</sup> STREET  
5:15 PM – PRE-MEETING – MUNICIPAL COURT HEARING ROOM  
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

*Beginning May 20, 2020 and thereafter, in-person citizen comments are reinstated. Persons attending meetings will be asked to practice social distancing and wear masks. The temporary process of submitting comments on meeting agenda items by telephone or on-line has ended. If you need to contact City Council or City staff prior to a City Council meeting, e-mail addresses and other contact information is available at [www.gjcity.org](http://www.gjcity.org). If you wish to address Council in person you will be further advised of the process at the meeting.*

**Call to Order, Pledge of Allegiance, Moment of Silence**

**Proclamations**

Proclaiming May 17 - 23, 2020 as Emergency Medical Services Week in the City of Grand Junction

**Appointments**

Appointment to the 2020 Parks, Recreation, and Open Space (PROS) Master Plan Advisory Committee

**Certificates of Appointment**

To the Horizon Drive Association Business Improvement District

**Citizen Comments**

*Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.*

**City Manager Report**

**Council Reports**

## **CONSENT AGENDA**

*The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.*

### **1. Approval of Minutes**

- a. Minutes of the May 6, 2020 Regular Meeting
- b. Minutes of the May 11, 2020 Special Meeting

### **2. Set Public Hearings**

*All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.*

- a. Legislative
  - i. Introduction of an Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Requirements for Conducting Neighborhood Meetings and Set a Public Hearing for June 1, 2020
- b. Quasi-judicial
  - i. Introduction of an Ordinance Amending the Comprehensive Plan Changing the Future Land Use Map Designation for a Property of 5.26 Acres from the Commercial and Commercial/Industrial Future Land Use Designations to the Downtown Mixed Use Future Land Use Designation and Rezoning said Property of 5.26 acres from a C-2 (General Commercial) Zone District to a R-24 (Residential - 24 du/ac) Zone District Located at 630 South 7th Street and Set a Public Hearing for June 1, 2020

- 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 Redlands 360 Annexation of 237.57 Acres, Located South of the Redlands Parkway/Highway 340 Intersection and Set a Public Hearing for July 1, 2020
  - iii. Introduction of an Ordinance to Vacate a 25 Foot Wide by 400 Lineal Foot Portion of the Undeveloped 27 ½ Road Public Right-of-Way (ROW) Abutting the Eastern Property Line of the Property Located at Approximately 347 27 ½ Road and Set a Public Hearing for June 1, 2020
  - iv. Introduction of an Ordinance for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a Rezone from R-E (Residential – Estate) to C-1 (Light Commercial) Located at 785 24 Road and Set a Public Hearing for June 1, 2020
  - v. Set a Hearing to Consider a Request by Grand Junction Land Company, LLC for Review of a Consolidated Service Plan for the Proposed Redlands 360 Metropolitan District Nos. 1-9
- c. Public Finance Agreement, First Amendment to Loan Agreements and Amending Ordinance 4881 Concerning the City of Grand Junction Dos Rios General Improvement District

### 3. Continue Public Hearings

- a. Quasi-judicial
  - i. A Resolution Accepting the Petition for Annexation of 45.543-Acres of Land and Ordinance Annexing the Magnus Court Annexation, Located on the West End of Magnus Court - **Continued to June 15, 2020**

### 4. Contracts

- a. National Junior College Athletic Association (NJCAA), the Grand Junction Baseball Committee and City of Grand Junction Junior College World Series Contract Extension 2020-2044

- b. Contract for 2020 CDBG - Safe Routes to Schools Project

## 5. Resolutions

- a. A Resolution Assigning City Councilmembers to Various Boards, Commissions, and Authorities
- b. A Resolution for the Issuance of a Revocable Permit to the Grand Junction Housing Authority to Install a Free-Standing Monument Sign within the N 15th Street Right-of-Way Adjacent to 3032 N 15th Street
- c. A Resolution Vacating a Publicly Dedicated 30-Foot Wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as Granted to the City of Grand Junction within the Original Tract C, Pear Park North Subdivision

## 6. Other Action Items

- a. Grant Offer for CARES Act at the Grand Junction Regional Airport

## REGULAR AGENDA

*If any item is removed from the Consent Agenda by City Council, it will be considered here.*

## 7. Public Hearings

- a. Items Related to Community Development Block Grant Funding
  - i. A Resolution 1) Amending the 2019 Program Year Action Plan as a Part of the Grand Junction Five-Year Consolidated Plan for the Community Development Block Grant (CDBG) Program to Include CDBG-CV funds Received via the CARES Act and Allocate the Funds to Additional Activities; and 2) Amending the CDBG Citizen Participation Plan to Include Flexibilities Allowed by the Department of Housing and Urban Development (HUD)
- b. Legislative

- i. An Ordinance to Make a Supplemental Appropriation of \$300,000 from the City General Fund Reserve to Support the #GJStrong Fund in the City of Grand Junction, Colorado - **Continued from May 6, 2020**
- ii. A. An **Emergency** Ordinance Regarding Neighborhood Meetings and Alternative Hearing Procedures for Land Use Applications  
  
- **OR IF NOT APPROVED** -  
  
B. Introduction of an Ordinance Regarding Neighborhood Meetings and Alternative Hearing Procedures for Land Use Applications and Set a Public Hearing for June 3, 2020
- iii. An Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters - [Staff Presentation](#)
- iv. An Ordinance Amending Title 21 of the Grand Junction Municipal Code to Modify and Clarify Provisions Governing the Planned Development (PD) Zone District - [Staff Presentation](#)
- c. Quasi-judicial
  - i. An Ordinance to Amending the Planned Development (PD) Zoning and Outline Development Plan (ODP) for Riverfront at Dos Rios, Located on the Northeast Bank of the Colorado River between Hale Avenue and near the 5th Street/Highway 50 Viaduct - [Staff Presentation](#)
  - ii. An Ordinance to Vacate Seven Portions of Public Right-of-Way and a Resolution to Vacate a Public Sanitary Sewer Easement within the Proposed Riverfront at Dos Rios Development - [Staff Presentation](#)
  - iii. An Ordinance to Vacate an Approximate 30-Foot Wide by 675-Foot Long Portion of 29 5/8 Road Abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road - [Staff Presentation](#)

## 8. Resolutions

- a. A Resolution of Notice of Intent to Create an Improvement District - Victor Drive Sanitary Sewer Improvement District SS-20 and Set a Public Hearing for July 1, 2020

**9. Non-Scheduled Citizens & Visitors**

*This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.*

**10. Other Business**

**11. Adjournment**



*City of Grand Junction, State of Colorado*

# Proclamation

- Whereas,** amidst a global pandemic, we recognize now more than ever that emergency medical services are a vital public service; and
- Whereas,** the members of emergency medical service teams are ready to go beyond the call to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- Whereas,** access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- Whereas,** emergency medical service providers have traditionally served as the safety net of America's health care systems; and
- Whereas,** emergency medical service teams consist of emergency medical technicians, paramedics, firefighters, emergency nurses, emergency physicians, administrators and others; and
- Whereas,** the members of emergency medical service teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- Whereas,** the citizens of Grand Junction benefit daily from the knowledge, skills, and selfless service of these highly trained individuals; and
- Whereas,** it is appropriate to recognize the value and the accomplishments of emergency medical service providers by recognizing Emergency Medical Services Week.

**NOW, THEREFORE,** I, Duke Wortmann, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of May 17 – May 23, 2020 as

## *"Emergency Medical Services Week"*

in the City of Grand Junction and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 20<sup>th</sup> day of May 2020.

*C. E. Duke Wortmann*

Mayor





**Grand Junction City Council**

**Regular Session**

**Item #**

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**Meeting Date:** May 20, 2020

**Presented By:** Ken Sherbenou, Parks and Recreation Director

**Department:** Parks and Recreation

**Submitted By:** Ken Sherbenou

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**Information**

**SUBJECT:**

Appointment to the 2020 Parks, Recreation, and Open Space (PROS) Master Plan Advisory Committee

**RECOMMENDATION:**

Staff recommends appointment of the members to the PROS Advisory Committee.

**EXECUTIVE SUMMARY:**

The Parks and Recreation Department will be conducting the Parks and Recreation Master plan over the next six months. As a part of this effort, an Advisory Committee will be established to help guide the creation of the Plan. The following individuals were recommended by City Council to serve on the committee:

1. Micah Adams
2. Bennett Boeschenstein
3. Kevin Bray
4. Paul Cain
5. Cindy Enos-Martinez
6. Josh Niernberg
7. Shaun Howe
8. Derek Wagner
9. Barbara Zind
10. Ted Ciavonne
11. Libby Collins
12. Kylie Holley
13. Joy Hudack
14. Andrey Krievs

15. Diane Schwenke
16. Danette MacMillan
17. William Findlay
18. Brandon Stam
19. Kyle Gardner

### **BACKGROUND OR DETAILED INFORMATION:**

In 2001, the City of Grand Junction completed the Parks, Recreation and Open Space Master Plan. This was updated as the Parks Inventory in 2011. However, the plan has not been updated since that time. The 2001 plan served the community well with many components having been completed, including an outdoor amphitheater, Las Colonias Park and Canyon View Park.

The Parks, Recreation, and Open Space (PROS) Master Plan, derived from citizen and stakeholder input, will provide clear direction for services, facilities, and amenities for the next 5 to 8 years. It is imperative that there be meaningful community participation in the preparation of the plan and that the consulting team includes substantial opportunities for citizen participation in the planning process. This is an action step in the draft Comprehensive Plan (up for Council Adoption in the Spring of 2020). The PROS Master Plan is intended to dovetail and build off of the Comprehensive Plan.

The PROS Advisory Committee will serve as a sounding board, meeting at key points during the project to discuss overall planning direction, review project deliverables, vet ideas and help promote community involvement. This PROS Advisory Committee may include elected and appointed officials, representatives of community organizations (public, private and non-profit), business owners, residents, and other stakeholders. Committee members should anticipate approximately 5-10 meetings during the planning process over the next 6-7 months as well as attendance at public outreach events. The committee will consist of 19 members.

The proposed Advisory Committee is comprised of a diverse group of representatives with knowledge and experience in a variety of areas.

1. Micah Adams: Grand Junction Economic Partnership (GJEP) & Construction Management Experience with FCI
2. Bennett Boeschenstein: Retired Planner; Previous City Councilmember
3. Kevin Bray: Real Estate Industry
4. Paul Cain: Athletic Director School District; Coordinates School District Use of Many City Facilities
5. Cindy Enos-Martinez: Former City Councilmember; Former School Board; Member of the Comprehensive Plan Advisory Committee
6. Josh Niernberg: Bin 707 Owner; Visit GJ Board; Outdoor Recreation Coalition
7. Shaun Howe: Executive Director of the Fire FC Soccer Club
8. Derek Wagner: CMU, Vice-President for Intergovernmental & Community Affairs

9. Barbara Zind: Pediatrician - Creator of We Can! Mesa County
10. Ted Ciavonne: Landscape Architect; Member of the Comprehensive Plan Advisory Committee
11. Libby Collins: Colorado West Land Trust Community Engagement
12. Kylie Holley: Formerly with CMU working Strength and Conditioning
13. Joy Hudack: Executive Director, Riverside Educational Center
14. Andrey Krieves: PLACE, Chair 2C campaign; Volunteer Coordinator SD#51 Bond Campaign
15. Diane Schwenke: GJ Chamber of Commerce President; Member of the Comprehensive Plan Advisory Committee
16. Danette MacMillan: St. Mary's Director of Nursing
17. William Findlay: Member Riverfront Foundation; Colorado West Land Trust Board; Parks and Recreation Advisory Board; Retired Pediatrician
18. Brandon Stam: Downtown Grand Junction, Executive Director
19. Kyle Gardner: Director of Therapy at Community Hospital

In addition to regular Council brief updates on the PROS Master Plan and Task Force, there have been two memos submitted to City Council. These are both attached for reference. Furthermore, the full list of all 40 applicants is included as well. The opportunity to serve on the Advisory Committee was widely circulated and publicized including the parks and rec. newsletter (sent to over 16,000 people), the City website, the parks and rec. website, and a press release that led to coverage by several media outlets.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I move to (appoint/not appoint) to the 2020 Parks, Recreation and Open Space (PROS) Master Plan Advisory Committee the applicants named by the City Council as shown in the attached list.

**Attachments**

1. PROS Master Plan Memo 042120
2. PROS Master Plan and Election Timeline030920
3. PROS Interest - Master List 3 8 20

## *Memorandum*

**TO:** Mayor and Members of Council  
**FROM:** Greg Caton, City Manager  
Ken Sherbenou, Parks & Recreation Director  
**DATE:** April 21, 2020  
**SUBJECT:** Parks, Recreation and Open Space (PROS) Master Plan Update

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The crisis caused by the COVID-19 pandemic has impacted the community. However, City operations and projects, including the Parks, Recreation and Open Space (PROS) Master Plan continue to move forward. Although many capital projects are being delayed, the planning process will continue given its importance for charting the future of the Parks, Recreation and Open Space system. Additionally, half of this project is funded through a Great Outdoors Colorado (GOCO) grant and the funds must be expended to receive reimbursement from GOCO.

**Planning Process** – Two major elements of the planning process are the selection of the PROS Advisory Committee and the selection of the consultant group to facilitate the Master Plan. The City was fortunate to receive strong interest from community members with 40 applications submitted for the Advisory Committee. Discussion of the PROS Advisory Committee was originally scheduled for the March 16<sup>th</sup> City Council workshop, followed by official appointment on March 18<sup>th</sup>. Both of these meetings were cancelled, and Councilmembers sent their selections to the City Manager.

PROS Advisory Committee – Based on feedback provided by City Council, the following is a list of proposed PROS Advisory Committee members:

1. Micah Adams: Grand Junction Economic Partnership (GJEP) & Construction Management Experience with FCI
2. Bennett Boeschstein: Retired Planner; Previous City Councilmember
3. Kevin Bray: Real Estate Industry
4. Paul Cain: Athletic Director School District; Coordinates School District Use of Many City Facilities
5. Cindy Enos-Martinez: Former City Councilmember; Former School Board; Member of the Comprehensive Plan Advisory Committee
6. Josh Niernberg: Bin 707 Owner; Visit GJ Board; Outdoor Recreation Coalition
7. Shaun Howe: Executive Director of the Fire FC Soccer Club
8. Derek Wagner: CMU, Vice-President for Intergovernmental & Community Affairs
9. Barbara Zind: Pediatrician - Creator of We Can! Mesa County
10. Ted Ciavonne: Landscape Architect; Member of the Comprehensive Plan Advisory Committee
11. Libby Collins: Colorado West Land Trust Community Engagement
12. Kylie Holley: Formerly with CMU working Strength and Conditioning
13. Joy Hudack: Executive Director, Riverside Educational Center
14. Andrey Krievs: PLACE, Chair 2C campaign; Volunteer Coordinator SD#51 Bond Campaign

15. Diane Schwenke: GJ Chamber of Commerce President; Member of the Comprehensive Plan Advisory Committee
16. Danette MacMillan: St. Mary's Director of Nursing
17. William Findlay: Member Riverfront Foundation; Colorado West Land Trust Board; Parks and Recreation Advisory Board; Retired Pediatrician
18. Brandon Stam: Downtown Grand Junction, Executive Director
19. Kyle Gardner: Director of Therapy at Community Hospital

Consultant Group – The PROS Master Plan consultant group was selected through a competitive Request for Proposal (RFP) process. Three groups submitted proposals. These were evaluated independently by a group of reviewers. [GreenPlay LLC](#) was selected as the highest rated group. GreenPlay's proposal included themselves as the lead consultant. They are partnered with [DHM Design](#) for landscape architecture, [RRC Associates](#) for the statistically valid survey and [Barker-Rinker-Seacat](#) for the indoor facility assessment. In person interviews were conducted, confirming the rating, and GreenPlay agreed to some suggested changes to the responsibilities among their group as we desired. Negotiations are currently underway, and we expect to be under contract soon. GreenPlay is the leading firm in the country regarding parks and recreation planning work. They have completed over 500 similar projects.

**Timeline** – The City proposes starting the process of providing background information to the Advisory Committee once appointed as well as to the consultant group. Although public engagement beyond online platforms is not currently viable, we believe progress on the PROS Master Plan is possible.

An approximate, updated timeline is as follows:

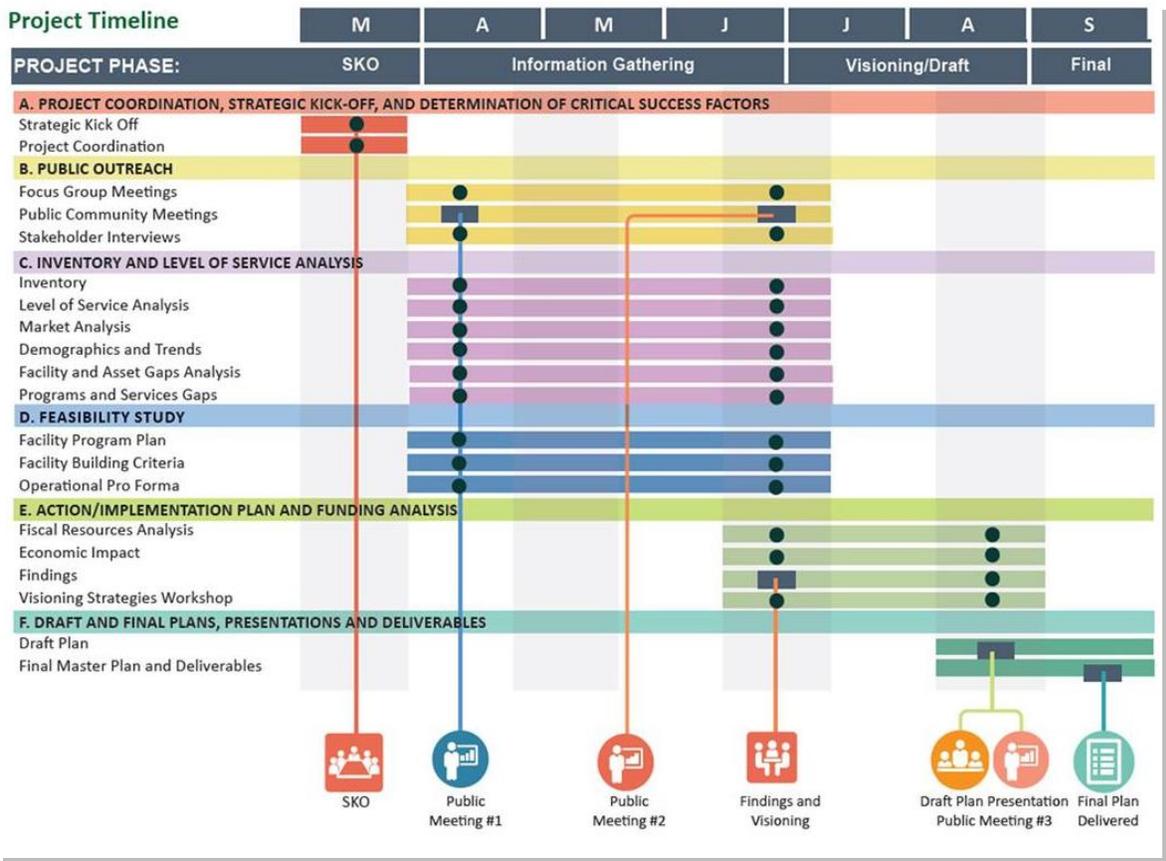
- May – *Project Kick Off*
- June - August – *Inventory, Survey and Level of Service Analysis*
- June - August – *Feasibility Study*
- August - October – *Action/Implementation Plan*
- September - November – *Complete Final Plan*

Please provide any comments to City Manager Caton.

**TO:** Mayor and Members of Council  
**FROM:** Greg Caton, City Manager  
 Ken Sherbenou, Parks & Recreation Director  
**DATE:** March 9, 2020  
**SUBJECT:** Parks, Rec. and Open Space (PROS) Master Plan Timeline

City Council recently directed staff to further explain the timeline anticipated for the Parks, Recreation and Open Space (PROS) Master Planning Process. The City received proposals from three consultant groups, one of which will facilitate the PROS Master Plan. These consultants will be interviewed on March 13<sup>th</sup>, with the top consultant group selected shortly thereafter. The successful consultant group will then begin the PROS Master Planning process. Below is an example of a proposed timeline from one of the consultant groups:

- *March 2020* – Project Kick Off
- *April 2020-June 2020* – Inventory, Survey and Level of Service Analysis
- *April 2020-June 2020* – Feasibility Study
- *June 2020-August 2020* – Action/Implementation Plan
- *August 2020-September 2020* – Complete Final Plan



Additionally, Council inquired about the deadline for submission of a ballot question for the Tuesday, April 6, 2021 election. City Clerk Wanda Winkelmann has indicated that the deadline for a ballot question is 60 days prior to an election, which would be February 5, 2021. In the recent past, the fall before the spring election has been the time when finalizing a potential question occurs.

Lastly, at the March 16<sup>th</sup> workshop, the Council will consider 42 applicants who have applied to serve on the PROS Task Force. Staff recommends that 15-19 individuals be appointed.

First Name	Last Name	Representation/Position	Area of Representation
Micah	Adams	GJEP/Construction Management Exp. with FCI	Horizon
Carter	Bair	CFO, CPA, Hilltop/GV Rec. Resources, Inc	Horizon
Bennett	Boeschente	Retired Planner, Previous Councilor	City Center
Kevin	Bray	Real Estate Industry	City Center
Sarah	Brooks	Mesa County Regional Transportation Planning Office. Rec. experience in Fruita and Palisade	City Center
Paul	Cain	Coordinates School District Use of Many GJ Facilities; Athletic Director	School District
Susan	Capps	Founder of Senior Beacon	Fruitvale
Josh	Castaneda	Mutual Friends (Skate Shop) Owner; City of GJ Employee, Special Projects Team	City Center
Ted	Ciavonne	Member CPAC/Landscape Architect	City Center
Libby	Collins	Colorado West Land Trust Community Engagement	City Center
Cindy	Enos-Martin	Member CPAC/Formers City Council and School Board	City Center
William	Findlay	Member Riverfront Foundation, CWLT Board, PRAB, retired pediatrician	City Center
Steven	Fox	CMU - Newspaper Advisor, PT Professor	City Center
Amy	Gallagher	Licensed Psychologist; Mind Springs Health	Fruitvale
Kyle	Gardner	Director of Therapy at Community Hospital	City Center
Harry	Griff	Museum Board, DDA Board, GJ Lion's Club, Retired Attorney	Horizon
Chris	Hargis	COO, St Mary's Medical Center	City Center
Brian	Hart	Retired from IBM, Parks/Rec Advocate	?
Kylie	Holley	Previously a CMU trainer	City Center
Shaun	Howe	Fire FC	County, South Orchard Mesa
Joy	Hudack	Exec. Director, Riverside Educational Center	City Center
Sarah	Johnson	Mesa County Public Health, Comm. Network Coordinator	City Center
Andrea	Krieves	PLACE; Chair 2C campaign, Volunteer Coordinator SD#51 Bond Campaign	Redlands
Doug	Levinson	School Board Member	District 51
Danette	MacMillan	St. Mary's Director of Nursing	Horizon
Scott	McBrayer	Chiropractor - previous PRAB member	City Center
Carrie	McVean	Previously on the Grand Valley Mosquito Control Board, currently Head of Biology Department at CMU	Redlands
Josh	Niernberg	Bin 707 Owner; Visit GJ Board, Outdoor Recreation Coalition.	City Center
Linda	Norman	Recent retiree; involved community member	Fruitvale
Kathy	Portner	Previous City Planner, Retired in 2019	Redlands
Diane	Schwenke	GJ Chamber of Commerce President	Redlands
Jeffrey	Smith	Recent retiree; Pres. Of West. Slope Pickleball Club	County, Mack
Mary	Sornsins	Involved Community Member	?
Doug	Sorter	Strive, V.P.	City Center
Brandon	Stam	Downtown Grand Junction, Exec. Director	City Center
Gary	Stubler	Urban Trails Committee,	Redlands
Baillie	Tomlinson	Youth Mountain Biking/River City Consultants	Horizon
Derek	Wagner	CMU, VP for Intergovernmental & Community Affairs	Center Center
Aaron	Young	Owner geography and environmental management and downtown real estate project	City Center
Barbara	Zind	Pediatrician - Creator of We Can! Mesa County	Horizon



**Grand Junction City Council**

**Regular Session**

**Item #**

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**Meeting Date:** May 20, 2020

**Presented By:** Wanda Winkelmann, City Clerk

**Department:** City Clerk

**Submitted By:** Wanda Winkelmann

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**Information**

**SUBJECT:**

To the Horizon Drive Association Business Improvement District

**RECOMMENDATION:**

Present the new volunteers with their Certificates of Appointment.

**EXECUTIVE SUMMARY:**

There are two new members to the Horizon Drive Association Business Improvement District.

**BACKGROUND OR DETAILED INFORMATION:**

Kevin Harrison and Brian Burford were appointed by City Council at their May 6, 2020 Regular Meeting.

**FISCAL IMPACT:**

n/a

**SUGGESTED MOTION:**

n/a

**Attachments**

None

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

**May 6, 2020**

**Call to Order. Pledge of Allegiance. Moment of Silence**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of May 2020 at 6:04 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout and Council President Pro Tem Duke Wortmann. Council President Rick Taggart was absent.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Janet Harrell.

Council President Pro Tem Wortmann called the meeting to order. Councilmember McDaniel led the Pledge of Allegiance which was followed by a moment of silence.

**Proclamations**

**Proclaiming May 3 - 9, 2020 as Drinking Water Week in the City of Grand Junction**

Councilmember Pe'a read the proclamation.

**Proclaiming May 4 - 9, 2020 as National Economic Development Week in the City of Grand Junction**

Councilmember Andrews read the proclamation.

**Proclaiming May 10 - 16, 2020 as Police Week in the City of Grand Junction**

Councilmember Stout read the proclamation.

**Appointments**

**Election of Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem**

Council President Pro Tem Wortmann opened the floor for nominations for the office of Mayor. Councilmember Norris moved to nominate Councilmember Wortmann for Mayor. Councilmember Andrews seconded the motion.

Councilmember McDaniel moved to close the nominations for Mayor. Councilmember

Norris seconded the motion. Motion carried by unanimous voice vote.

The motion to elect Duke Wortmann to the office of Mayor carried by unanimous roll call vote.

Councilmember Stout moved to nominate Councilmember McDaniel for the office of Mayor Pro Tem. This motion did not receive a second.

Councilmember Pe'a moved to nominate Councilmember Andrews to the office of Mayor Pro Tem. Councilmember Norris seconded the motion.

Councilmember Andrews moved to close the nominations for Mayor Pro Tem. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

The motion to elect Kraig Andrews to the office of Mayor Pro Tem carried by roll call vote with Councilmember Stout voting NO.

City Clerk Winkelmann administered the Oaths of Office to Mayor Wortmann and Mayor Pro Tem Andrews.

### **To the Horizon Drive Association Business Improvement District**

Council President Wortmann moved to appoint Brian Burford and Kevin Harrison to the Horizon Drive Association Business Improvement District Board for four-year terms ending April 2024. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

### **Citizen Comments**

Council President Wortmann read the following citizen comments that were submitted online: Cynthia Catanese submitted a comment about developing a vaccine for COVID-19; Jane Grace commented about current in-store customer limits; Colleen Welch wrote about pedestrian safety; and Trisa Mannion commented on current public comment restrictions.

### **City Manager Report**

City Manager Caton responded to the Citizen Comments regarding public comment restrictions and traffic safety, noting the City's next steps on reopening to the public and that the Police and Traffic Departments were looking into the concern. City Manager Caton also provided updates on the Council approved COVID-19 non-profit grant funds and the sales/use and lodging tax deferral.

**Council Reports**

Councilmember Norris virtually attended the Business Incubator Center meeting where it was announced four new businesses will open this May.

Councilmember Stout noted the Commission on Arts and Culture will be on hold until business restrictions are lessened. At the Grand Junction Downtown Development Authority/Business Improvement District's (DDA) meeting it was announced that their gift card promotion has resulted in \$40,000 in spending, First Fridays are now being held virtually, and the DDA is helping to provide nighttime security and street cleaning. In conjunction with the City, the DDA is also working on parking and pop up seating as ways to adapt to social distancing. The Creative District was awarded \$5,000 for the Local Artist Grant Program which just went live.

**CONSENT AGENDA**

Councilmember Stout requested Consent Agenda item 4.d., Contract for the Amphitheater Addition, be moved to the Regular Agenda for discussion.

Councilmember Andrews moved to adopt Consent Agenda items #1 - #4. c. Councilmember Pe'a seconded the motion. Motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Minutes of the April 15, 2020 Regular Meeting

**2. Set Public Hearings**

- a. Legislative
  - i. Introduction of an Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters and Set a Public Hearing for May 20, 2020
  - ii. Introduction of an Ordinance Amending Title 21 of the Grand Junction Municipal Code to Modify and Clarify Provisions Governing the Planned Development (PD) Zone District and Set a Public Hearing for May 20, 2020
  - iii. Introduction of an Ordinance Amending Title 21 of the Grand Junction Municipal Code Regarding Setbacks in the B-1: Neighborhood Business Zone District and Set a Public Hearing for June 1, 2020

- b. Quasi-judicial
  - i. Introduction of an Ordinance to Amend the Planned Development (PD) Zoning and Outline Development Plan (ODP) for Riverfront at Dos Rios, Located on the Northeast Bank of the Colorado River between Highway 50 and Hale Avenue and Set a Public Hearing for May 20, 2020
  - ii. Introduction of an Ordinance to Vacate Seven Portions of Public Right-of-Way within the Proposed Riverfront at Dos Rios Development and Set a Public Hearing for May 20, 2020
  - iii. Introduction of an Ordinance to Vacate an Approximate 30-Foot-Wide by 675-Foot-Long Portion of 29 5/8 Road Abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road and Set a PublicHearing for May 20, 2020

**3. Continue Public Hearings**

- a. Quasi-judicial
  - i. An Ordinance Rezoning the Horizon Villas Property from Planned Development (PD) to Residential - 8 du/ac (R-8) Located West of Horizon Glen Drive - **Continued to June 1, 2020**

**4. Contracts**

- a. Contract for Vendor Space at Las Colonias Park
- b. Contract for Street Maintenance - 2020 Asphalt Overlay Project
- c. Contract for 2020 Horizon Place Reconstruction

**REGULAR AGENDA**

**Contract for the Amphitheater Addition**

This project consists of an 830 square foot addition to the Las Colonias Amphitheater for public restroom facilities to be open during the day for general park use as well as

during events. The addition will also provide vastly improved green room facilities to serve performers and their staff which will provide a more appealing venue to support more concerts and events.

Councilmember Stout expressed concern as to why this project is moving forward during the current economic environment. General Services Director Jay Valentine explained this project was included in Las Colonias Master Plan and funding was issued through a Park Development Bond. However, further review of the Park's needs modified the project scope to include a dual use/accessible (Riverfront Trail and Amphitheater) restroom and Amphitheater greenroom requiring additional capital funding. Project funds are budgeted from the bond proceeds and \$200,000 from the Capital Improvement Projects. The project design and bid were completed prior to the COVID-19 pandemic.

Discussion included that the Park Development bond funds are restricted for public park amenities and the funding structure/sources would need to change if the project was not approved now.

Councilmember McDaniel moved to approve the contract for the Amphitheater addition. Councilmember Andrews seconded the motion. Motion carried by roll call vote with Councilmember Stout voting NO.

**An Ordinance Amending the Grand Junction Municipal Code Title 21, Zoning and Development Code to Revise Sections Related to Drinking Establishments and Other Similar Uses**

Amendments to the Zoning and Development Code (Title 21) were identified by staff and the Planning Commission as opportunities to modernize, remove unnecessary regulations and refine processes that address drinking establishments and other similar uses while providing regulations that foster compatible land uses and maintain logical and orderly development.

Associate Planner Jace Hochwalt presented this item.

Discussion covered that the definitions used are based on State statute; this item is only in reference to zoning and there are no compliance issues.

The public hearing opened at 7:07 p.m.

Scott Beilfuss wrote about drink tickets for Downtown events.

The public hearing closed at 7:08 p.m.

Councilmember Andrews moved to adopt Ordinance No. 4918, an ordinance amending Sections 21.04.010 and 21.10.020 of the Zoning and Development Code regarding definitions and Use Standards for alcohol establishments in the City of Grand Junction on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote with Councilmember Pe'a voting NO.

**An Ordinance to Renew the Cable Franchise Agreement with Spectrum, Pacific West, LLC, Locally Known as Charter Communications**

The ordinance renewed Charter Communication's right to furnish, sell and distribute cable television services to the City and to all persons, businesses and industry within the City and the right to acquire, construct, install, locate, maintain, operate and extend into, within and through said City all facilities reasonably necessary to furnish cable television services and the right to make reasonable use of all streets and other public places and easements as may be necessary; and fixing the terms and conditions thereof.

City Attorney Shaver presented this item.

Discussion ensued regarding this type of lease relative to federal law and the City Charter, that this type of agreement is not exclusive to any one cable company and the City may allow use of rights-of-way to other cable companies, franchise agreements can only relate to cable television (not internet or broadband), and the value of revisiting improved internet/broadband service.

The public hearing opened at 7:25 p.m.

John Lee submitted a comment on behalf of Charter/Spectrum in favor of this item.

Scott Beilfuss and Randy Spydell submitted comments against this item.

The public hearing closed at 7:28 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4919, an ordinance granting a renewal of the franchise by the City of Grand Junction to Spectrum Pacific West, LLC, locally known as Charter Communications on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

**An Emergency Ordinance to Make a Supplemental Appropriation of \$540,000 from the City General Fund Reserve to Support the City’s Business Stabilization and Recovery Fund in the City of Grand Junction, Colorado**

Emergency ordinances require a unanimous vote by the full Council; due to the absence of Councilmember Taggart this item was not heard.

**An Ordinance to Make a Supplemental Appropriation of \$540,000 from the City General Fund Reserve to Support the City’s Business Stabilization and Recovery Fund in the City of Grand Junction, Colorado**

This ordinance allows for expenses directly and indirectly related to forestalling foreclosure, rental assistance and temporary mitigation of other financial impacts on businesses in the City of Grand Junction.

City Manager Caton and City Attorney Shaver presented this item.

Discussion addressed concerns as to the State Constitution’s definition of “public purpose” regarding these funds for economic development, the possibility some funds may not be repaid and the type of programs (grant or loan) other municipalities have offered. Other points reviewed were the Economic Development Partners endorsed this program for small businesses (50 or fewer) that are not eligible for other monies, it is easier and worth this investment to maintain existing businesses, and that the Business Incubator Center would administer the program and vet candidates based on sustainable business plans.

The public hearing opened at 7:53 p.m.

No public comments were received.

The public hearing closed at 7:53 p.m.

Councilmember Norris moved to adopt Ordinance No. 4920, an ordinance making a supplemental appropriation of \$540,000 and amending the 2020 City budget to include the Business Stabilization and Recovery Assistance Fund in the amount of the supplemental appropriation on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by roll call vote with Councilmember Stout voting NO.

**An Ordinance Making Supplemental Appropriations for the 2020 Budget for the City of Grand Junction**

This ordinance appropriated funds approved for projects started in the prior budget year but not completed in that year. Because these capital projects were already planned and the expenditure approved by Council in the 2019 budget, they do not decrease the budgeted fund balances.

Finance Director Jodi Romero presented this item.

Discussion followed clarifying the specific projects included in the completion of Las Colonias Business Park and River Park and the Las Colonias Business Park Incentive.

The public hearing opened at 8:02 p.m.

Dennis Simpson and William Voss submitted comments against this item.

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

Councilmember Pe'a moved to adopt Ordinance No. 4921, an ordinance making supplemental appropriations to the 2020 Budget of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2020 and Ending December 31, 2020 on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

**An Ordinance to Make a Supplemental Appropriation of \$387,000 from the City General Fund Reserve to Support the HomewardBound Homeless Shelter and the #GJStrong Fund in the City of Grand Junction, Colorado**

This ordinance allocates \$87,000 toward expenses incurred by HomewardBound Homeless Shelter in caring for homeless persons directly or indirectly impacted by COVID- 19 in the City of Grand Junction and will also provide an additional \$300,000 to the Western Colorado Community Foundation for expenditure related to providing basic needs of food and shelter.

City Manager Caton presented this item.

Discussion included using Community Development Block Grant (CDBG) - CV funds rather than the City's General Fund, bifurcating this item to consider the HomewardBound Homeless Shelter request at this meeting and the #GJStrong Fund request at the May 20, 2020 meeting and clarification on the minimum amount to be kept in the City's General Fund

per policy and the distribution time line of the regular and COVID-19 CDBG funds.

The public hearing opened at 8:20 p.m.

Scott Beilfuss submitted a comment in favor of this item.

The public hearing closed at 8:20 p.m.

Councilmember Stout moved to bifurcate the item in order to consider the \$87,000 HomewardBound Homeless Shelter request and the \$300,000 #GJStrong Fund request separately. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

Councilmember Stout moved to adopt amended Ordinance No. 4922, an ordinance to make a supplemental appropriation of \$87,000.00 from the City General Fund Reserve to support the HomewardBound Homeless Shelter in the City of Grand Junction, Colorado on final passage and ordered final publication in pamphlet form. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

Councilmember Stout moved to continue the amended ordinance to make a supplemental appropriation of \$300,000.00 from the City General Fund Reserve to support the #GJStrong Fund in the City of Grand Junction, Colorado to May 20, 2020. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

**An Emergency Ordinance Regarding Neighborhood Meetings and Alternative Hearing Procedures for Land Use Applications**

Emergency ordinances require a unanimous vote by the full Council; due to the absence of Councilmember Taggart City this item was continued to May 20, 2020.

Citizen comments received for this item will be read at the May 20, 2020 public hearing.

**An Ordinance Rezoning Three Properties of a Total of 10.86 Acres Currently in R-1 (Residential - 1 du/ac), R-E (Residential - Estate), and R-R (Residential - Rural) Zone Districts to an R-2 (Residential - 2 du/ac) Zone District Located at 2574 and 2576 Tahoe Drive and an Adjacent Unaddressed Property**

Applicants Kyle Berger and Mark Beckner requested a rezone of three properties totaling 10.86 acres located at 2576 and 2574 Tahoe Drive along with adjacent unaddressed parcel from R-R (Residential - Rural), R-E (Residential - Estate) and R-1 (Residential - 1 du/ac) zone

districts to an R-2 (Residential - 2 du/ac) zone district. This request is made in anticipation of a simple subdivision to adjust boundary lines for these parcels. The requested R-2 zone district is consistent with the Comprehensive Plan Future Land Use designation of Residential Low (0.5 to 2.0 units/acre).

Associate Planner Lance Gloss presented this item.

The public hearing opened at 8:35 p.m.

No public comments were submitted.

The public hearing closed at 8:35 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4924, an ordinance rezoning Augustine Blue, Beckner and Berger Properties from R-E (Residential – Estate), R-R (Residential – Rural), and R-1 (Residential – 1 du/ac) to R-2 (Residential – 2 du/ac) located at 2574 Tahoe Drive, 2576 Tahoe Drive and an adjacent unaddressed parcel on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

**A Resolution to Create Alley Improvement District No. ST-20**

A successful petition was submitted requesting a Local Improvement District be created to reconstruct an east/west alley between Pitkin and Ute Avenues from 10<sup>th</sup> to 11<sup>th</sup> Streets.

Public Works Director Trent Prall presented this item.

The public hearing was opened at 8:41 p.m.

George and Debra Preuss submitted a comment in favor of this item.

The public hearing was closed at 8:41 p.m.

Councilmember Stout moved to adopt Resolution 23-20, a resolution creating and establishing Alley Improvement District No. ST-20 within the corporate limits of the City of Grand Junction, Colorado, authorizing the reconstruction of certain alleys, adopting details, plans and specifications for the paving thereon and providing for the payment thereof. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:45 p.m.

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Wanda Winkelmann, MMC  
City Clerk

# GRAND JUNCTION CITY COUNCIL

## SPECIAL SESSION MINUTES

May 11, 2020

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, May 11, 2020 at 5:30 p.m. in the Auditorium, City Hall, 250 North 5<sup>th</sup> Street. Those present were Councilmembers Kraig Andrews, Chuck McDaniel (via phone), Phyllis Norris, Phil Pe'a (via phone), Rick Taggart (via phone), and Mayor Duke Wortmann.

Staff present for the Executive Session were City Manager Greg Caton, City Attorney John Shaver, Community Development Director Tamra Allen, Finance Director Jodi Romero, and Grand Junction Economic Partnership Executive Director Robin Brown.

### **Executive Session**

Councilmember Norris moved to go into Executive Session:

EXECUTIVE SESSION TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO COLORADO REVISED STATUTE 24-6-402(4)(e)(I) REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR BONSAI DESIGN LLC AND PROPERTY(IES) LOCATED IN LAS COLONIAS BUSINESS PARK, AT OR NEAR 1850 RIVERFRONT DRIVE/LAS COLONIAS DRIVE, GRAND JUNCTION, COLORADO

Councilmember Andrews seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 5:34 p.m.

Councilmember Norris moved to adjourn. Councilmember Andrews seconded. Motion carried unanimously.

The meeting adjourned at 6:53 p.m.

Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #2.a.i.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

Introduction of an Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Requirements for Conducting Neighborhood Meetings and Set a Public Hearing for June 1, 2020

#### **RECOMMENDATION:**

Planning Commission heard this item at its May 12, 2020 meeting and voted (5-0) to recommend approval of this request.

#### **EXECUTIVE SUMMARY:**

Staff proposes to clarify requirements for a neighborhood meeting prior to a development application which is an ongoing planning process or of little consequence to neighboring properties but that remains useful in achieving the intended purpose of a neighborhood meeting.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The Zoning and Development Code requires an applicant to conduct a neighborhood meeting pertaining to a proposed development. A neighborhood meeting is required to occur no more than six months prior to the submittal of an application and is intended to help produce a better project through dialogue between the developer and neighboring property owners prior to the submittal of a development application. A neighborhood meeting is also intended to provide information about the project so that neighbors may gauge potential impacts and engage in a dialogue about mitigation of potential impacts. The Zoning and Development Code identifies the certain types of

proposed development for which neighborhood meetings are required before an application is submitted, whether approved administratively or whether the item requires final action by the Planning Commission and/or City Council. Section 21.02.070 addresses the requirement for administrative development permits and Section 21.02.080 addresses the requirement for permits that involve a public hearing/action by Planning Commission and/or City Council. The Planning Commission discussed this topic at its February 20, 2020 workshop and directed staff to proceed with the following proposed changes.

#### Neighborhood Meetings for Administrative Review Applications

Presently, for proposed development applications that are reviewed and approved administratively the code (21.02.070) provides that a neighborhood meeting be required prior to a submittal of an application for any subdivision except for simple subdivisions (creating only 1 new lot) and major site plan applications. The purpose of a neighborhood meeting makes sense when a project is proposed on vacant property, redevelops an existing site or adds more density or intensity of use to a neighborhood. In these instances it is staff's belief that it is both appropriate and essential to give neighbors the opportunity to learn about a project and to ask questions and provide comments prior to submittal of a land use application.

Staff also believes it does not make sense to hold a neighborhood meeting in instances where a neighborhood meeting was initially conducted for the overall proposed development such as a new subdivision but not when the already approved project is moving forward on implementing the approved plan through various stages of a project. A recent example is the Granite Falls Subdivision off South Camp Road. A neighborhood meeting was held prior to the submittal of the preliminary plan whereby neighbors attended and expressed comments regarding the project. The preliminary plan was then refined, submitted and ultimately approved by staff. The project has continued to be constructed consistent with its approved preliminary plan and is now moving forward with its third filing. As currently written, the Code would require that prior to the filing of each final plat, a neighborhood meeting would be held. However, the final plat is required to be consistent with the approved preliminary plan, so in effect, a neighborhood meeting is required but any new comments submitted would be unable to be utilized/incorporated if they were inconsistent with the approved preliminary plan; thereby creating an ineffective neighborhood meeting. To modify this section, staff is proposing to add language in Section 21.02.070(a)(2)(iv) that provides an exception for final plans for continuous phases/filings of a subdivision to not require a neighborhood meeting. The proposed exception to a neighborhood meeting in this instance is as follows:

(iii) Continuous phases and/or filings of an approved Preliminary Subdivision Plan

A second exception proposed to be added to the Neighborhood Meeting section is the

exemption for a subdivision application to be required to hold a neighborhood meeting if the proposed subdivision was presented as part of a previous neighborhood meeting. This instance frequently occurs when a property owner requests rezone of a property and, if approved, follows shortly thereafter with submittal of a subdivision application. It is required for a neighborhood meeting to be held prior to the submittal of a rezone application and it is commonplace for an applicant to also present and discuss the proposed future subdivision plans at the time of the neighborhood meeting. Requiring a second neighborhood meeting is generally perceived by staff as redundant so long as a significant amount of time has not passed between the completion of a rezone and the filing of a subdivision application. The neighbors would continue to receive mailed notice that a subdivision application had been submitted for review. The proposed code modification is as follows:

(iv). Subdivision applications for which a neighborhood meeting was held for a concurrent application such as a rezone so long as information about the proposed subdivision was presented at a neighborhood meeting. The concurrent application must have been considered in a public hearing no more than 180 days prior to the subdivision application submittal.

The last exception for a Neighborhood Meeting is the need for clarification related to section 21.02.150(c) pertaining to a Final Development Plan for a Planned Development. Like the previous discussion about the preliminary and final plans, Outline Development Plan applications require a neighborhood meeting, but it is unclear for the final plan (that is equivalent to platting all or part of an ODP). The addition of the following section works to clarify this portion of the Code:

(v). An application for subdivision that is being filed as a Final Development Plan consistent with Section 21.02.150(c).

#### Neighborhood Meetings for Applications Requiring Public Hearing

In the case of development applications that require a public hearing/action by Planning Commission and/or City Council, Section 21.02.080 is presently silent on the specific types of applications for which a neighborhood meeting is required. The code simply lists neighborhood meetings as a requirement for all applications/permits requiring a public hearing. Similar to the discussion above, the requirement for a neighborhood meeting works to implement the purpose of the neighborhood meeting for most land use applications that require a public hearing, however, there are minor applications that require a proposal be reviewed at a public hearing but that have little, if any, impact on a neighborhood; in particular a proposal to vacate an easement on a property. In this instance, staff does not believe a neighborhood meeting would produce a better project or provide reasonable changes as vacation of public easement are generally technical details related specifically to City infrastructure and utilities. To modify this section, staff is proposing to add language in Section 21.02.100 that

provides a neighborhood meeting is not required for an easement vacation application, as follows:

21.02.100(e) A Neighborhood Meeting is not required prior to application for the vacation of an easement.

### **NOTIFICATION REQUIREMENTS**

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on May 5, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the City of Grand Junction Zoning and Development Code amendment request, ZCA-2020-173, the following findings of fact have been made:

1) The amendments to the Zoning and Development Code are useful in that they modernize the Code, remove unnecessary regulations, and refine processes to provide regulations that assist in logical and orderly development.

Therefore, the Planning Commission recommends approval of the request.

### **FISCAL IMPACT:**

There is no direct fiscal impact related to this request.

### **SUGGESTED MOTION:**

I move to introduce an ordinance amending Title 21 of the Grand Junction Municipal Code pertaining to the requirements for Neighborhood Meetings and set a public hearing for June 1, 2020.

### **Attachments**

1. Planning Commission Minutes - 2020 - May 12 - Draft
2. Neighborhood Meetings Proposed Ordinance

**GRAND JUNCTION PLANNING COMMISSION**  
**May 12, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece.

Those present were Planning Commissioners; Vice Chair Bill Wade, George Gatseos, Andrew Teske, and Ken Scissors.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

There were approximately 4 meeting attendees.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

The Planning Commission reviewed the meeting minutes from the April 28, 2020 meeting.

Commissioner X moved to approve the minutes as presented. Commissioner X seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos  
Commissioner Scissors  
Commissioner Teske  
Commissioner Wade

The motion carried unanimously 4-0.

**2. EVE II – Comprehensive Plan Amendment and Rezone**

**File # CPA-2020-194; CPA-2020-190**

Consider a request by S2E Developments (CO), LLC for a Comprehensive Plan Amendment from a Commercial and Commercial/Industrial Future Land Use designation to a Downtown Mixed Use Future Land Use designation and a Rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) for a 5.26-acre parcel located at 630 South 7<sup>th</sup> Street.

### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

None.

### **Applicant's Presentation**

The Applicant, S2E Developments (CO), LLC, represented by Marissa Adelstein, was present and gave a brief overview of the previously submitted presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Public Comment**

The public hearing was opened at 5 p.m. on Tuesday, May 5, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, May 5, 2020 as described on the meeting notice as well as the agenda.

Michael Bradney Higginbotham, Rick Nisley, Ray Rickard, Bruce Milyard, and Rich Rochette made comments in favor of the request.

The public hearing was closed at 6:23 p.m. on May 12, 2020.

### **Discussion**

Commissioners Wade and Gatseos made comments in support of the request.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Comprehensive Plan Amendment request for the property located at 630 South 7th Street, City file number CPA-2020-194, and for the Rezone request for the same property located at 630 South 7th Street, City file number RZN-2020-190, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Teske seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Teske YES  
Commissioner Wade YES

The motion carried 5-0.

### **3. Mallard – Comprehensive Plan Amendment and Rezone**

#### **File # RZN-2020-100; CPA-2020-101**

Consider a request by Mallard View LLC, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) on a total of 17.84-acres located at 785 24 Road.

#### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

#### **Questions for Staff**

Commissioner Gatseos asked questions regarding the decision making criteria and the traffic.

Commissioner Scissors asked a question regarding the suggested motion.

Commissioner Ehlers asked a question regarding maximum residential density in the C-1 zone district. Mr. Peterson noted this is 12-24 dwelling units per acre.

Commissioner Gatseos made a comment regarding surrounding zone districts.

Commissioner Scissors asked a question regarding the Applicant's presentation.

#### **Applicant's Presentation**

Lisa Cox, Vortex Engineering, made comments clarifying the request.

#### **Questions for Applicant**

Commissioner Wade asked a question regarding the concerns of the public comment.

Commissioner Ehlers asked a question regarding the importance of maintaining the high density residential zone districts and inquired about split zoning.

Commissioner Gatseos asked a question about the mixed-use zone district. Tamra Allen, Community Development Director, clarified staff's hesitancy supporting the request.

Commissioner Teske asked a question regarding the option that Ms. Cox described earlier regarding ensuring residential development.

## **Public Hearing**

The public hearing was opened at 5 p.m. on Tuesday, May 5, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, May 5, 2020 as described on the meeting notice as well as the agenda.

Sarah S. Abraham left a comment in opposition of the request.

The public hearing was closed at 7:09 p.m. on May 12, 2020.

## **Questions for Staff**

Commissioner Teske asked a question regarding the Code section that was referenced by the Applicant: 21.02.130(d)(1)(v). Jamie Beard, Assistant City Attorney, answered the question regarding Comprehensive Plan amendments vs. Rezone approval time periods.

Commissioner Ehlers made a statement regarding the comprehensive plan designations and asked staff about a process to ensure residential zone density.

Ms. Allen described that the Applicant wanted to pursue the entire site be C-1. She suggested that the Commissioners take action on the application in front of them tonight.

Commissioner Ehlers made a statement that he supports some level of commercial in this area.

## **Discussion**

Commissioner Scissors stated he agreed with Commissioner Ehlers statements.

Commissioner Gatseos stated he is in favor of some type of hybrid that would allow commercial.

Commissioner Teske supported some level of commercial activity but noted the main bulk of the property is slated for high density residential use.

Commissioner Wade made agreed with the other Commissioners.

## **Motion and Vote**

Commissioner Ehlers made the following motion, "Mister Chairman, on the Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial), City file numbers RZN-2020-100 & CPA-2020-10, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed as presented by the Applicant."

Commissioner Scissors seconded the motion. Chairman Wade took a roll call vote:

Commissioner Ehlers NO  
Commissioner Gatseos NO  
Commissioner Scissors NO  
Commissioner Teske NO  
Commissioner Wade NO

The motion failed 0-5.

**4. Zoning Code Amendment – Neighborhood Meetings File # ZCA-2020-173**

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding requirements for Neighborhood Meetings.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Commissioner Scissors asked a question regarding the continuous phases and filings section and the time limit required.

Commissioner Ehlers asked a question regarding public participation.

**Public Hearing**

The public hearing was opened at 5 p.m. on Tuesday, May 5, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, May 5, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 7:41 p.m. on May 12, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Scissors made the following motion, "Mister Chair, on the Zoning and Development Code Amendments, ZCA-2020-173, I move that the Planning Commission

forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Teske seconded the motion. Chairman Reece called a roll call vote:

- Commissioner Ehlers YES
- Commissioner Gatseos YES
- Commissioner Scissors YES
- Commissioner Teske YES
- Commissioner Wade YES

The motion carried 5-0.

**5. Other Business**

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None.

**6. Adjournment**

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Commissioner Gatseos motioned to adjourn the meeting. Commissioner Teske seconded the motion. The meeting adjourned at 7:45 p.m.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE PERTAINING TO THE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS**

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The Zoning and Development Code requires an applicant to conduct a neighborhood meeting pertaining to a proposed development. The meeting is intended to help produce a better project through dialogue between the developer and neighboring property owners prior to the submittal of a development application. Presently, the Code is not clear regarding which types of applications for which a neighborhood meeting is required. The purpose of a neighborhood meeting makes sense when a project is proposed on vacant property, redevelops an existing site or adds more density or intensity of use to a neighborhood. In these instances it is not only appropriate but essential to give neighborhoods the opportunity to raise issues and voice concerns prior to submittal. However it does not make sense in instances where the application will have little impact on the neighborhood. Therefore, Staff recommended the Planning Commission and City Council modify the Code in order to provide clarity regarding Neighborhood Meeting requirements that provides some flexibility but that is consistent with the intended purpose of a neighborhood meeting.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) BE AMENDED AS FOLLOWS (existing text strikethrough, new text underlined):**

**21.02.070 Administrative Development Permits (a)(2)(iv). Neighborhood Meeting**

A neighborhood meeting is required for subdivision applications ~~except for simple subdivisions and minor exemption subdivisions~~ except as follows. See GJMC 21.02.080(e) for neighborhood meeting requirements.

- (i) simple subdivisions
- (ii) minor exemption subdivisions
- (iii) continuous phases and/or filings of an approved Preliminary Subdivision plan
- (iv) subdivision applications for which a neighborhood meeting was held for a previous application affecting the same property (e.g. rezone) so long as information about the proposed subdivision was presented at a neighborhood meeting. The previous application must have been considered in a public hearing no more than 180 days prior to the subdivision application submittal.
- (v) an application for subdivision that is being filed as a Final Development Plan consistent with Section 21.02.150(c).

**21.02.100 Vacation of public right-of-way or easement.**

(e) A Neighborhood Meeting is not required prior to application for the vacation of an easement.

Re-letter subsequent section as (f).

Introduced on first reading this \_\_\_ day of \_\_\_\_\_, 2020, and ordered published in pamphlet form.

Adopted on second reading this \_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



## Grand Junction City Council

### Regular Session

Item #2.b.i.

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**Meeting Date:** May 20, 2020

**Presented By:** Lance Gloss, Associate Planner

**Department:** Community Development

**Submitted By:** Lance Gloss, Associate Planner

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### **Information**

#### **SUBJECT:**

Introduction of an Ordinance Amending the Comprehensive Plan Changing the Future Land Use Map Designation for a Property of 5.26 Acres from the Commercial and Commercial/Industrial Future Land Use Designations to the Downtown Mixed Use Future Land Use Designation and Rezoning said Property of 5.26 acres from a C-2 (General Commercial) Zone District to a R-24 (Residential - 24 du/ac) Zone District Located at 630 South 7th Street and Set a Public Hearing for June 1, 2020

#### **RECOMMENDATION:**

The Planning Commission heard this item at their May 12, 2020 meeting and voted (5-0) to recommend approval of this request.

#### **EXECUTIVE SUMMARY:**

The Applicant, S2E Developments (CO), LLC, is requesting both a Comprehensive Plan Amendment and a rezone for a 5.26-acre property located at 630 South 7th Street. The first request is to amend the Comprehensive Plan future Land Use designation for this property from Commercial and Commercial/Industrial to Downtown Mixed Use. The second request is to Rezone the same property from a C-2 (General Commercial) zone district to a R-24 (Residential – 24 du/ac) in anticipation of future multifamily residential development. The property is currently within the Downtown Commercial Corridor Overlay Zone District and is proposed to remain within this Downtown Commercial Corridor Overlay Zone District. The requested R-24 zone district is not consistent with the existing Comprehensive Plan Future Land Use Map designation of Commercial or Commercial/Industrial, but does work to implement the proposed designation of Downtown Mixed Use. While multifamily residential development is an allowed use under the current zoning because of the standards of

the Downtown Commercial Corridor Overlay Zone District, the proposed rezone would allow for multifamily residential development without a limit on the number of units per acre, whereas the density is limited to 24 dwelling units per acre under the current zoning. Rezoning would also have the effect of disallowing a range of commercial uses that are allowed on the property under the current zoning.

## **BACKGROUND OR DETAILED INFORMATION:**

### **BACKGROUND**

The 5.26-acre subject property is situated in the southern area of Downtown, adjacent to the main stem of the railroad tracks. The property which is Lot 1 of the Seventh & South Ave Subdivision, currently contains one commercial warehouse structure of approximately 48,628 square feet that was built in 1900 and was substantially reconstructed in 1985. The property was annexed into the City limits in 1909 as part of the South Alley of South Avenue Annexation. Over the last century, various commercial, industrial, and low-density residential structures have occupied the property. The northern side of the property was, until recently, similar in character to the residential areas to the north of the property (across South Avenue) and to the east of the property (across South 8th Street) as it had five small residential structures. The last small residential structures on the property were demolished in 2015. In 2016, all of the formerly separate properties that make up the subject property in its current configuration were combined into one lot by the Seventh and South Ave Subdivision. In 2015, a .26 acre portion of the property was rezoned, from I-1 (Light Industrial) to C-2 (General Commercial) to match the rest of the property. This C-2 zoning is consistent with the long history of commercial and light industrial uses on the southern portions of the property over the last century.

The subject property lies at the confluence of several districts with distinct character, some of which are in flux.

- To the north lies the Downtown Central Business District, with the Downtown core and a concentration of B-2 (Downtown Business) zoning several blocks to the northwest, a residential transitional area with R-O (Residential Office) zoning to the northeast, and—located immediately to the north—the commercial corridor along Pitkin Avenue, Ute Avenue, and South Avenue which is largely zoned C-2 and C-1 (Light Commercial) and falls largely within the Greater Downtown Commercial Corridor Overlay zone district.

- To the west and east lie districts with I-1 and I-2 (General Industrial) zoning, where historical residential uses persist in pockets among primarily industrial uses such as manufacturing, storage, and shipping.

- Directly south of the property, across the mainstem of the railroad tracks, the South 7th Street corridor extends toward the River District, with most properties that front onto

South 7th Street being in the C-2 zone district and falling within the Greater Downtown Commercial Corridor Overlay zone district. To the southeast and southwest of the property, most properties are in the I-1 and I-2 zone districts and are currently in industrial or commercial uses, with long-standing pockets of mostly single-family residential uses on properties that are no longer zoned for low-density residential use.

The site's main access is currently from South 7th Street, which is classified as a Major Collector, and access is also provided from South Avenue, 1st Avenue, and South 8th Street, all of which are classified as local roads. The site is approximately 375 feet from the I-70 Business Loop, which is classified as a Major Arterial and is a Colorado Department of Transportation Right-of-Way.

The Applicant has expressed the intent to remove the existing commercial warehouse structure and associated shipping facilities and redevelop the property with a multifamily residential land use. The Applicant seeks the R-24 zone due to the allowable land uses provided within the district and, in particular, multifamily residential uses without maximum density limits. The existing C-2 zoning does not allow for multifamily residential uses, although multifamily residential uses are currently allowed on the property as a result of it being within the Greater Downtown Commercial Corridor Overlay Zone District. That overlay stipulates that multifamily residential construction shall be allowed on these properties as if they were in the C-1 (Light Commercial) zone district, per GJMC Section 24.08.060(d). As the overlay would thus allow multifamily residential development of up to 24 dwelling units per acre, the intent and effect of the proposal to rezone to R-24 would be to increase the allowable density of residential development from a maximum of 24 dwelling units per acre to no maximum residential density.

The Comprehensive Plan Future Land Use Map identifies the property as Commercial, with a small portion (approximately 0.27 acres) in the southeast corner of the subject property designated as Commercial/Industrial. The proposed R-24 Zone District is not a zone district that implements the Commercial Future Land Use designation, nor the Commercial/Industrial designation. However, the proposal for the rezone is being concurrently reviewed alongside a proposal to amend the Comprehensive Plan Future Land Use Map designation for this property to Downtown Mixed Use. In addition to R-24 (Residential – 24 dwelling units/acre) the following zone districts would also work to implement the proposed Downtown Mixed Use designation.

- a. R-16 (Residential – 16 du/ac)
- b. R-24 (Residential – 24 du/ac)
- c. R-O (Residential Office)
- d. B-2 (Downtown Business)
- e. C-1 (Light Commercial)
- f. MXR, G & S (Mixed Use Residential, General and Shopfront)

Concerning the rezoning request, the purpose of the existing C-2 (General Commercial) zone district is to provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. On the other hand, the purpose of the R-24 zone district is to provide for high density residential use, allowing multifamily development with no maximum density. R-24 may also serve as a transitional district between single-family and trade zones. This district is further intended to allow high density residential unit types provide a balance of housing opportunities in the community. As specified in the Grand Junction Municipal Code, the R-24 zone district is appropriate in the Village and Neighborhood Centers; per the Comprehensive Plan, it is also appropriate for the core area of Downtown, as is being considered here.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding a proposed rezone request and Comprehensive Plan would, under typical circumstances, be required in accordance with Section 21.02.080 (e) of the Zoning and Development Code. In this instance, no Neighborhood Meeting was held, because the requirement was waived by the City Council at their March 23, 2020, meeting as a component of the City's comprehensive response to the COVID-19 epidemic.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 30, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on May 1, 2020. The notice of this public hearing was published May 5, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

#### **Comprehensive Plan Amendment**

Pursuant to section 21.02.130(c)(1), the City may amend the Comprehensive Plan, neighborhood plans, corridor plans, and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:

*(i) Subsequent events have invalidated the original premises and findings; and/or*

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as Commercial and Commercial/Industrial. The Applicant is requesting a Future Land Use designation of Downtown Mixed Use to allow for high-density residential and business uses.

The original premise for the Commercial and Commercial/Industrial Future Land Use

designation for the properties was essentially that this corridor would develop as a typical commercial area. Conversely, the recent trajectory of Downtown has been to a broader mix of uses along the 7th street corridor inclusive of uses such as fitness gyms, entertainment, restaurants, and retail. South 7th Street has experienced multi-modal transportation upgrades and other streetscape improvements that make residential development increasingly viable. Thus, the current premise is that this corridor should, and increasingly does, serve as an artery for the expansion of a Downtown-like mixed-use environment southward from the vicinity of Main Street. Whereas commercial uses were once seen as the primary appropriate uses along 7th Street, the City now, through the recently adopted Vibrant Together Plan of Development, recognizes the need for a wider mix of uses including high-density residential.

The Vibrant Together plan; officially the Plan of Development (POD) for the Downtown Development Authority was adopted by both the City and DDA in October 2019. The POD envisions significantly increased emphasis on pedestrian presence and streetscape vitality along South 7th Street, relative to previous plans such as the Greater Downtown Plan (2013). The POD also places added emphasis on the closely-related need for high-density housing. The POD even explicitly identified the subject property as a primary site for catalytic development that aligned with the vision of a densified, mixed use South 7th Street. The POD also calls for streetscape improvements that are significantly better aligned with the bulk standards and other development standards of such zone districts as B-2 and R-24 than with the standards applied under existing C-2 zoning. In sum, under the new conditions presented by the DDA's Plan of Development, Commercial and Commercial/Industrial designations are no longer the best means of achieving adopted goals.

Staff thus finds that this criterion is met.

*(ii) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or*

For over a century, the vicinity of the subject property has been a predominately commercial and industrial area, owing largely to the presence of the railroad mainstem, railroad spurs, and the nearby intersection of the Colorado and Gunnison Rivers with their associated railroad routes. Much of the area to the south and east of the property remains in commercial and industrial use.

However, the subject property also sits at the periphery of an expanding and densifying Downtown Central Business District, as well as along the main thoroughfare connecting the Central Business District with the Riverfront at Las Colonias. The continuing development of the Las Colonias Park, particularly the new amphitheater and the present development of the Las Colonias Business Park with the PD zone district has

created a re-assessment of what types of land uses best fit this section of the City. Given its location at the contact point between the Las Colonias area and the Central Business District, the conditions surrounding the subject property have more recently evolved.

Moreover, the City has recently approved numerous projects in the Downtown core and the Riverfront area, including significant office construction in the vicinity of Main Street and 7th Street, new construction and rehabilitation of structures for small business in the vicinity of Colorado Avenue, and a mix of commercial and residential development directly adjacent to the Colorado River. In particular, the ongoing development of areas of office, retail, service, and manufacturing employment in the general vicinity of the property have likely increased demand for high-density residential opportunities in the Downtown, as would be encouraged by the Downtown Mixed Use Future Land Use designation. Likewise, improvements to pedestrian, bicycle, and motor vehicle infrastructure such as the establishment of Riverside Parkway as a principal arterial and Complete Streets improvements to South 7th Street have improved conditions for mixed-use development.

This is not to suggest that commercial and commercial/industrial land-uses have disappeared from the vicinity of the site. On the contrary, oil-related business are directly adjacent to the subject property to the east and west. Various industrial and commercial uses related to material supply, recycling, fabrication, and similar are found nearby. But so, too, are many uses typically associated with Business, Commercial, and Residential zone districts, with restaurant, single-family residential, multi-family residential, retail, light industrial, heavy industrial, medical marijuana cultivation, fitness, office, judicial, and entertainment uses within a one block radius of the site. The area thus represents a broad mix of uses that continues to evolve.

Staff has found that the character and condition of this area has changed and continues to change and therefore finds that this criterion has been met.

*(iii) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

The subject property is advantaged by its position in the City's historical and present-day core, where services and utilities are robustly provided and where new development poses fewer demands for upgrades to primary utilities. At present, availability of services includes City water and sewer, Grand Valley Irrigation District, Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also within walking distance of numerous community facilities, including several parks, arts and entertainment venues, a public library, and public transit stops. Based on the provision and concurrency of public utilities and community facilities to

serve the future land use designation request, staff finds that this criterion has been met.

*(iv) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The Downtown Mixed Use Future Land Use designation is confined to a contiguous area, generally bounded by Riverside Parkway, Pitkin Avenue, Grand Avenue, and 8th Street, and also extends along Ute Avenue, Colorado Avenue, and Pitkin Avenue to approximately 14th Street. Generally, for Downtown to expand in the immediate vicinity of the existing Downtown in a manner consistent with the existing downtown character, more land will need to be designated Downtown Mixed Use or a similar Future Land Use. Specifically, only Downtown Mixed Use allows for B-2 (Downtown Business) zoning, which is specifically tailored to promote the urban form and mix of uses associated with downtown. Furthermore, despite the ongoing and planned expansion of Downtown-like uses and streetscape along South 7th Street to the Riverfront at Las Colonias, no Downtown Mixed Use designations have yet been extended along South 7th Street. Rather, South 7th Street remains under the Future Land Use designations of Commercial and Commercial/Industrial, which allow for zone districts and uses that may not be appropriate to fostering a Downtown-like character in parts of the Rail District.

Thus, staff finds that this criterion has been met.

*(v) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The greatest benefit to be derived from the requested changes is the potential to support future growth and development of a vibrant, Downtown-like link between the vicinity of Main Street Downtown and the Riverfront at Las Colonias. This Comprehensive Plan Amendment would allow a greater mix of uses along the 7th Street Corridor, and crucially allow rezoning to such districts as B-2 (Downtown Business), R-24, and the Mixed Use Form Districts. These zone districts have standards for building form, streetscape, and uses that are more aligned with the Downtown character than currently available districts, such as C-2 (General Commercial). Amending the Comprehensive Plan to extend the area designated Downtown Mixed Use to the south, rather to the north, east, or west, also contributes to the conservation of long-established, medium-low density residential districts, while continuing to provide opportunities for housing near the urban core.

Thus, staff finds that the community and area would derive benefits from the proposed amendment and thus has found this criterion has been satisfied.

The proposed amendments implement the following guiding principle, goals and policies:

Guiding Principle 2: Sustainable Growth Patterns – Encourage infill and redevelopment.

Guiding Principle 3: Housing Variety – Allow/encourage more variety in housing types.

Goal 1: To implement the Comprehensive Plan in a consistent manner.

Policy C: The City will make land use decisions consistent with the goal of supporting and encouraging the development of centers. The Subject Property is located within the City Center.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy F: Encourage the revitalization of existing commercial and industrial areas.

Specifically, this amendment will work to encourage the invigoration of the South 7th Street Corridor, a vital connection between the Downtown Central Business District, the Rail District, and the River District typified by the Riverfront at Las Colonias.

### **Rezone**

In advance, it must be noted that the subject property has a base zoning of C-2, but that the effect of this base zoning is significantly changed by the Greater Downtown Commercial Corridor Overlay which encompasses most of the South 7th Street corridor. That zoning overlay is intended to implement goals of the 2013 Downtown Plan, and includes many allowances and requirements aimed at fostering an improved pedestrian environment and greater visual interest along South 7th Street. Such standards include the reduction of front yard setbacks along South 7th Street to zero feet; allowance of multi-family development up to 24 du/ac, regardless of base zoning; required façade variation; and the requirement that all parking be outside the front yard setback. However, the treatment of criteria below focuses on the C-2 zoning with

somewhat less regard to this overlay zone district, as the overlay is not proposed to change.

The criteria for review of a rezone application is set forth in Section 21.02.140(a). The criteria provide that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria.

*(1) Subsequent events have invalidated the original premises and findings; and/or*

The existing C-2 zoning was most recently applied to portions of the property in 2015. The decision was premised on the notion that this corridor would serve as a general commercial area, albeit specifically tailored to serve pedestrian needs through the standards of the Greater Downtown Commercial Corridor Overlay. General commercial uses were then seen as the most appropriate uses of a corridor that was meant to connect the core area of Downtown with the River District while simultaneously buffering the industrial uses of the Rail District (generally, the vicinity of Winters Avenue). At the time of that rezoning action, and at time of the 2010 Comprehensive Plan's adoption, high-density residential uses were considered possible desired uses for the South 7th Street Corridor, but were considered secondary to Commercial uses as reflected in the name of the Greater Downtown Commercial Corridor Overlay.

Since that time, the City has invested significant resources in energizing the River District (directly to the South), including with the Riverfront at Las Colonias, a long-term project aimed at revitalizing the river's edge proximate to Downtown. More recently, the City has adopted the Downtown Development Authority's (DDA) Plan of Development, entitled "Vibrant Together," which emphasizes the need to increase vitality along South 7th Street and to make changes that support the pedestrian environment along that corridor. That Plan of Development goes further than previous adopted plans in emphasizing the need for a mix of uses (both vertically and horizontally) as well as concentrated residential uses that would support a round-the-clock pedestrian atmosphere. Specifically, that Plan calls to "extend the energy of Main to the River along 7th Street" including through the introduction of greater residential density (See p. 13, "Vibrant Together").

In essence, the premise today is that this corridor best serves the Downtown and the City at large if it is substantially re-developed to support a greater mix of uses, the presence of pedestrians on the street, and housing opportunities for those who seek to live and work Downtown. These aims are not particularly well-supported by C-2 zoning for the parcel, even with the Greater Downtown Corridor Commercial Overlay, and are arguably better supported by a district that provides for residential uses.

Staff thus finds that this criterion is met.

*(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*

The character of South 7th Street has evolved and will continue to evolve substantially according to adopted plans. Many, though certainly not all, of the properties in the immediate vicinity of the subject property have transitioned away from an industrial-commercial mix to office-commercial mix of uses. Meanwhile, many long-standing residential uses have persisted longer than may have been anticipated when the area was slated for commercial and industrial uses. In the wider context, the DDA's Plan of Development on the City's Active Transportation Corridors map both called for greater development of residential uses and improvements to (and enlivening of) the streetscape along the South 7th Street corridor. Since the last rezone involving this property, South 7th Street has indeed received a significant upgrade to align with the City's adopted Complete Streets Policy, with new pedestrian, bicycle, and landscape amenities. The development of the Riverfront at Las Colonias at the south end of South 7th Street, combined with the identification of South 7th Street as the primary connection between Main Street and Las Colonias, further underscores the changing character, context, and condition of the subject property's vicinity.

Staff therefore finds that this criterion is met.

*(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the C-1 zone district. The subject property is advantaged by its position in the City's historical and present-day core, where services and utilities are robustly provided and where new development poses fewer demands for upgrades to primary utilities. City Sanitary Sewer is located adjacent to the site in South Avenue, South 7th Street, and 1st Avenue, as well as across the site. City Water is likewise available, located in South Avenue and South 7th Street. The property is also served by Grand Valley Irrigation District, Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also within walking distance of numerous community facilities, including several parks, arts and entertainment venues, a public library, and public transit stops. Public schools are also accessible by multiple modes of transportation. The primary non-educational need that is not served within easy walking distance is a large grocer.

In general, staff has found public and community facilities are adequate to serve the type and scope of the commercial land use(s) proposed. As such, staff finds this criterion has been met.

*(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The proposed R-24 zoning makes up approximately 1% of the total zoned acres within City Limits, whereas the existing C-2 zoning makes up about 3% of the City. R-24 is the only zone district that allows residential density to exceed 24 units per acre and is thus the primary means of allowing high density multifamily housing development in the City (the alternative being a Planned Development). In the immediate vicinity of the subject property, including the entirety of the Rail and River Districts, there are no properties zoned R-24. The only R-24 zoning in the entire area covered by the Greater Downtown Plan is located in two pockets: one at Main Street and 17th Street; one at 4th Street and Chipeta Avenue.

Staff thus finds this criterion has been met.

*(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The community and area will benefit from this proposed rezone request by creating the potential for high-density residential land uses at a central Downtown location, without compromising the durability of established medium-low-density residential areas in other areas of Downtown. Furthermore, the ongoing vacancy of the subject property and the under-utilization of various commercial and industrial properties nearby suggests that the community will not suffer serious hardship as a result of rezoning the subject property out of the C-2 zone district. The community and area will also benefit from the potential for redevelopment of this underutilized site that, should it develop, will be required to meet current code standards for such site improvements as landscaping and other on-site improvements.

Therefore, Staff finds that this criterion has been met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

**Goal 1 / Policy A:** Land use decisions will be consistent with Future Land Use Map.

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Policy A:** to create large and small “centers” throughout the community that provide services and commercial areas.

**Policy B:** Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

**Goal 5:** To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

**Goal 12:** Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the request for approval to amend the Comprehensive Plan Future Land Use Map (File no. CPA-2020-194), from a Commercial Future Land Use designation to a Downtown Mixed Use Future Land Use designation, and the request to rezone (File no. RZN-2020-190) from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) with no change to the Greater Downtown Commercial Corridor Overlay Zone District designation for one property having a total of 5.26 acres and located at 630 South 7th Street, the following findings of fact have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
- 2) The request is consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval.

### **FISCAL IMPACT:**

This request does not have any direct fiscal impacts.

### **SUGGESTED MOTION:**

I move to introduce an ordinance amending the Comprehensive Plan Future Land Use

Map of the City of Grand Junction from Commercial and Commercial/Industrial to Downtown Mixed Use for a property of 5.26 acres and rezoning said property of 5.26 acres from a C-2 (General Commercial) Zone District to a R-24 (Residential - 24 du/ac) Zone District, located at 630 South 7th Street and set a public hearing for June 1, 2020.

### **Attachments**

1. EVE II Rezone and CPA Development Application Packet
2. Maps and Locations
3. Draft Ordinance
4. Public Comment \_ EVE II RZN CPA \_ GJSpeaks

## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Rezone / Comprehensive Plan Amendment

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation Commercial

Existing Zoning C-2

Proposed Land Use Designation Residential

Proposed Zoning R-24

### Property Information

Site Location: 630 S. 7th Street

Site Acreage: 5.25 Acres

Site Tax No(s): 2945-231-43-001

Site Zoning: C-2

Project Description: To amend the Comprehensive Plan and Rezone the parcel to R-24.

### Property Owner Information

Name: EN-SIM PARTNERSHIP, LLP

Street Address: 701 Colorado Avenue

City/State/Zip: Grand Junction, CO 81501

Business Phone #:

E-Mail: robin.levine2012@gmail.com

Fax #:

Contact Person: Robin Levine

Contact Phone #: 970-270-8601

### Applicant Information

Name: S2E Developments (CO), LLC

Street Address: 6400 South Fiddlers

City/State/Zip: Greenwood Village, CO 80111

Business Phone #: 303-359-7883

E-Mail: marissa@s2etech.com

Fax #:

Contact Person: Marissa Adelstein

Contact Phone #: 303-359-7883

### Representative Information

Name: River City Consultants, Inc.

Street Address: 215 Pitkin Ave. #201

City/State/Zip: Grand Junction, CO 81501

Business Phone #: 970-241-4722

E-Mail: btomlinson@rccwest.com

Fax #:

Contact Person: Baillie Tomlinson

Contact Phone #: 970-241-4722

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application *Doug Simons*

Date 03/31/2020

Signature of Legal Property Owner *Doug Simons*

Date 03/31/2020

Project Report

## **EVE Park II**

# **Sustainable Living Project on 630 S. 7<sup>th</sup> Street**

Project Report

April 10th, 2020

Prepared for:

**City of Grand Junction**

Grand Junction, CO 81501

Prepared by:



**215 Pitkin, Grand Junction, CO 81501**

**Grand Junction, CO 81506**

**Phone: (970) 241-4722**

**Fax: (970) 241-8841**

## **A. Project Description**

- 1) Location: The proposed project is located at 630 S. 7th Street, Grand Junction, Colorado (Parcel No. 2945-231-43-001).
- 2) Acreage: The project consists of approximately 5.26 acres in a C-2 (General Commercial) zone district and the Greater Downtown Commercial Corridor Overlay.
- 3) Proposed Use: This submittal is for a rezone from C-2 to R-24 with a Comprehensive Plan Amendment. This zoning is generally compatible with the surrounding mix of uses and with the site's proximity to the Central Business District.

## **Public Benefit**

The proposed zoning will allow implementing development projects that will facilitate a sustainable lifestyle and use of multi-modal transportation linked to central downtown.

Diversification of uses in zoning allows the land to be used more efficiently. Residents will be able to live in the vicinity of where they work with this proposed rezone.

The proposed zoning enables the development to adapt an old, perhaps undesired property, and revitalize it into a centralized location for residents to reside in.

In this area, there is an abundance of drug-related crimes. Studies show that you can reduce crime by reshaping the environment with zoning.

The location of the project potentially will reduce the number of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

## **Neighborhood Meeting**

A neighborhood meeting was required for this submittal; however, due to COVID-19 and limitations on the size of gatherings, the meeting requirement was waived by the City Council for the unforeseen future.

## **D. Project Compliance, Compatibility, and Impact**

- 1) Adopted plans and/or policies:

The proposed zoning, in conjunction with a Comprehensive Plan Amendment, will comply with the adopted codes, plans and requirements for the property. The project is proposed to ensure all City requirements are met. Impacts on the infrastructure will be addressed including water, sewer, access, lighting, etc. will not be impacted by this rezone/Comprehensive Plan Amendment.

- 2) Land use in the surrounding area:

The uses contained within the surrounding area are commercial and industrial, as well as existing residences that have been rezoned to commercial and industrial zone districts to guide future redevelopment

- 3) Site access and traffic patterns:

Site access and traffic patterns have been considered due to a possible Site Plan submittal and will potentially be off South Ave.

4) Availability of utilities, including proximity of fire hydrants

The subject parcel is served by the following:

Grand Junction Water Service Area

City of Grand Junction Sewer

Grand Valley Irrigation Company

Xcel Energy

City of Grand Junction Fire- Station 1

Charter (Cable)

CenturyLink (Phone)

A Fire Flow Form will be included with a future site plan submittal.

5) Special or unusual demands on utilities:

There will be no unusual demand on utilities as a result of the Rezone and Comprehensive Plan Amendment.

6) Effects on public facilities:

The Rezone and Comprehensive Plan Amendment will have no adverse effect on public facilities.

7) Hours of operation:

Not applicable.

8) Number of employees:

Not applicable.

9) Signage

Not applicable.

10) Site Soils Geology:

Not applicable.

11) Impact of project on site geology and geological hazards:

None are anticipated.

**E. Must address the review criteria contained in the Zoning and  
Development Code for the type of application being submitted**

**21.02.140 Code amendment and rezoning.**

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

(1) Subsequent events have invalidated the original premises and findings; and/or

*The proposed Rezone request to R-24 and Comprehensive Plan Amendment will add a buffer to the Greater Downtown Transitional Overlay.*

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

*The amendment would help revitalize the south downtown area and make the area more pedestrian-friendly. This development takes undesired property and proposes a centralized location for residents to thrive in. This is consistent with Goal 4 of the Comprehensive Plan: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing, and tourist attractions. It is also consistent with Goal 5 of the Comprehensive Plan: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.*

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

*Public and community facilities are existing and adequate and will support the proposed use, and are not affected as a result of the Rezone request.*

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

*This parcel of land is adequately serviced by utilities and roadways. There is an inadequate supply of residential parcels in this area to accommodate residential development in the downtown area.*

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

*Pedestrian opportunities could be expanded in this area with the development of this parcel as well as revitalization to the downtown area. This is consistent with Goal 9 of the Comprehensive Plan: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water, and natural resources.*

(6) General Approval Criteria. No permit may be approved by the Director unless all of the following criteria are satisfied:

(i) Compliance with the Comprehensive Plan and any applicable adopted plan.

*This submittal is for a Comprehensive Plan Amendment and Rezone.*

(ii) Compliance with this zoning and development code.

*This submittal is for a Rezone from C-2 to R-24. Once approved, the proposed use and subsequent site plan submittal will comply with the zoning and development code.*

(iii) Conditions of any prior approvals.

*There are no prior approvals with this submittal.*

(iv) Public facilities and utilities shall be available concurrently with the development.

*All public facilities and utilities shall be available concurrent with this development.*

(v) Received all applicable local, State and federal permits.

*None needed for this Rezone and Comprehensive Plan Amendment submittal.*

## Legal Description

LOT 1 SEVENTH & SOUTH AVE SUBDIVISION SEC 14 & SEC 23 1S 1W UM RECD  
R-2757389 MESA CO RECDS - 229,126 SF \ 5.26 AC



904483

BOOK 3055 PAGE 258

STATEMENT OF AUTHORITY

C.R.S. Section 38-30-172

2049690 04/08/02 1251PM

MONIKA TODD CLK&REC MESA COUNTY CO  
REC FEE \$5.00

1. This Statement of Authority relates to an entity [1] named EN-SIM PARTNERSHIP, LLP.
2. The type of entity is a:
  - [ ] corporation
  - [ ] nonprofit corporation
  - [ ] limited liability company
  - [ ] general partnership
  - [ ] limited partnership
  - [ ] \_\_\_\_\_
  - [X] registered limited liability partnership
  - [ ] registered limited liability limited partnership
  - [ ] limited partnership association
  - [ ] government or governmental subdivision or agency
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is 200 South 7<sup>th</sup> Street, Grand Junction, Colorado 81501.
5. The [X] name and [X] position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are DOUGLAS S. SIMONS and JAMEE E. SIMONS, constituting all of the partners of the partnership.
- 6.[2] The authority of the forgoing persons to bind the entity is [X] not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property: N/A
- 8.[3] This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

Executed this 5<sup>th</sup> day of April, 2002.

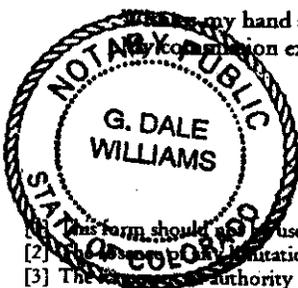
EN-SIM PARTNERSHIP, LLP

By *Douglas S. Simons*  
Douglas S. Simons

By *Jamee E. Simons*  
Jamee E. Simons

State of Colorado )  
County of Mesa ) ss.

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of April, 2002, by DOUGLAS S. SIMONS and JAMEE E. SIMONS.



*G. Dale Williams*  
Notary Public

[1] This form should be used unless the entity is capable of holding title to real property.  
[2] A limitation shall be prima facie evidence that no such limitation exists.  
[3] The authority must be recorded to obtain the benefits of the statute.

**BARGAIN AND SALE DEED**

KNOW ALL BY THESE PRESENTS, That LOJO PARTNERSHIP, L.L.P. ,  
a **Colorado limited liability partnership**, (whether one, or more than one), the  
“Grantor,” whose legal address is 2303 W Ridges Blvd., Grand Junction,  
Colorado 81507 of the County of Mesa and State of Colorado,

for the consideration of the sum of ---NO CONSIDERATION--- DOLLARS, (\$ 00.00 ), in hand paid, hereby sells and  
conveys to EN-SIM PARTNERSHIP, L.L.P., a Colorado limited liability partnership (whether one, or more than  
one), the “Grantee,” whose legal address is 701 Colorado Ave., Grand Junction, Colorado 81501, of the County of  
Mesa and State of Colorado, the following real property situate in the County of Mesa and State of Colorado, to wit:

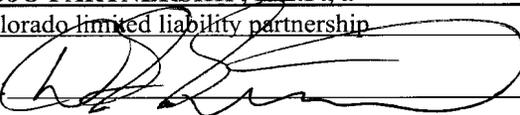
**Lot 1 of the Seventh & South Ave Subdivision, a re-plat of Block 159, City of Grand Junction,  
Reception No. 87703, Block 1 & Block 5, Milldale Subdivision, Reception No. 41117, vacated First  
Avenue and alleys, including a portion of South Avenue, 7<sup>th</sup> Street and 8<sup>th</sup> Street, S 1/2 of Sec. 14,  
N 1/2 of Sec. 23, T1S, R1W, U. M., City of Grand Junction, Mesa County, Colorado**

**As recorded in the books and records of the Clerk and Recorder of Mesa County, Colorado at  
Reception No. 2757390**

also known by street address as: 630 South 7<sup>th</sup> Street, Grand Junction, Colorado 81501  
and assessor’s schedule or parcel number: 2945-231-43-001

with all its appurtenances.

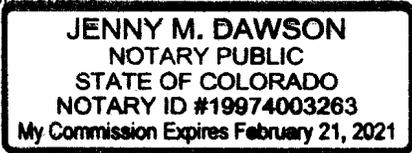
Signed this 8<sup>th</sup> day of October, 2019.

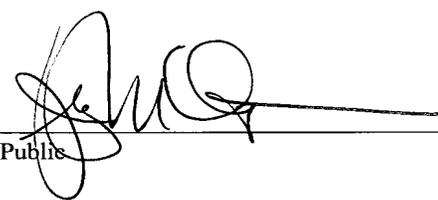
LOJO PARTNERSHIP, L.L.P., a  
Colorado limited liability partnership  
By:   
Its: Partner

STATE OF COLORADO )  
 ) ss.  
\_\_\_\_\_ County of Mesa )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of October, 2019, by Douglas S. Simons  
as Partner of LOJO Partnership, LLP, a Colorado limited liability partnership.

Witness my hand and official seal.  
My commission expires:



  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)



Site Vicinity Map

PITKIN AVE

PITKIN AVE

S 5TH ST

S 6TH ST

SOUTH AVE

S 8TH ST

S 9TH ST

S 10TH ST

SOUTH AVE

50

S 5TH ST

S 7TH ST

1ST AVE

DRD

2ND AVE

S 9TH ST

S 10TH ST

S 8TH ST

3RD AVE

3RD AVE

Miss County  
Alternative Sentencing  
Unit



GJPD / GJFD

PITKIN AVE

### Uses Map

Restaurant

Gasoline

Retail

Multi-family

Judicial

SOUTH AVE

SOUTH AVE

Single-Family

Fitness

1ST AVE

Oil-Related

Auto Recycle

Oil-Related

CDOT

Marijuana Greenhouse

D RD

Get Air Trampoline Park

Daily Sentinel

2ND AVE

Distribution

3RD AVE

3RD AVE

S 5TH ST

S 6TH ST

S 8TH ST

S 9TH ST

S 10TH ST

S 5TH ST

S 7TH ST

S 8TH ST

S 9TH ST

S 10TH ST

50

Mesa County Sentencing



Historically Residential Downtown

### Site Context Map

Main Street

Riverfront at Dos Rios

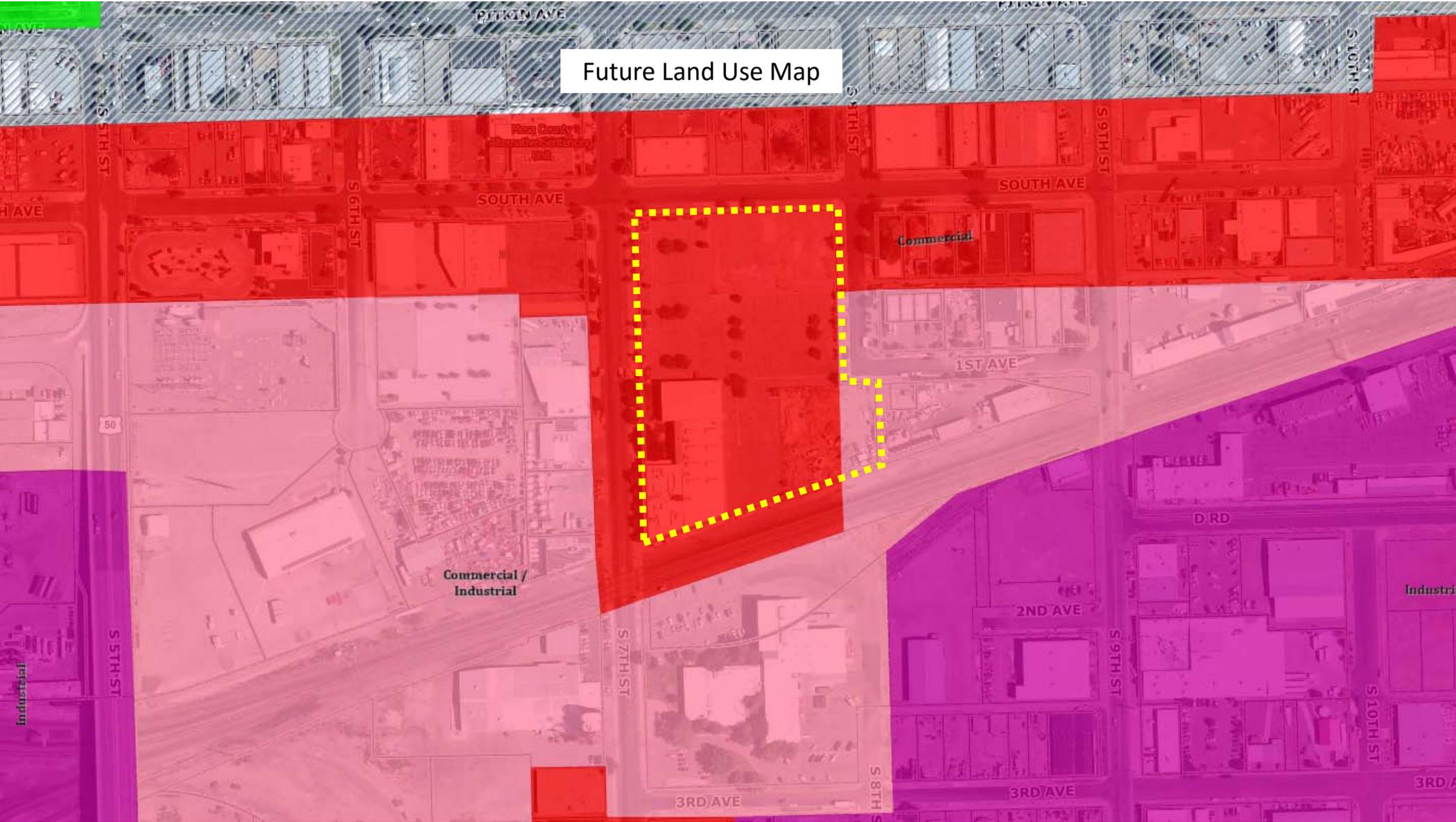
Industrial Core of Rail District

Riverfront at Las Colonias

Aerial Photographs



# Future Land Use Map





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE  
MAP OF THE CITY OF GRAND JUNCTION FROM COMMERCIAL AND  
COMMERCIAL/INDUSTRIAL TO DOWNTOWN MIXED USE FOR A PROPERTY OF  
5.26 ACRES AND REZONING SAID PROPERTY OF 5.26 ACRES  
FROM A C-2 (GENERAL COMMERCIAL) ZONE DISTRICT TO A R-24  
(RESIDENTIAL – 24 DU/AC) ZONE DISTRICT**

**LOCATED AT 630 SOUTH 7TH STREET**

Recitals:

The applicant, S2E Developments (CO), LLC with consent of the owner, En-Sim Partnership, LLC, who owns 5.26 acres of land at 630 South 7<sup>th</sup> Street (referred to herein and more fully described below as the “Property”), proposes an amendment to the Comprehensive Plan Future Land Use Map from Commercial and Commercial/Industrial to Downtown Mixed Use and a rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Commercial and Commercial/Industrial to Downtown Mixed Use, and recommended subsequent approval of zoning the S2E Developments (CO), LLC property to the R-24 (Residential – 24 du/ac) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Downtown Mixed Use of the Comprehensive Plan and the Comprehensive Plan’s goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Future Land Use Map from Commercial to Downtown Mixed Use for 5.26 acres of land at 630 South 7<sup>th</sup> Street is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, as further described in the Staff Report introduced and admitted into the record. The City Council finds that a R-24 (Residential – 24 du/ac) zone district, as proposed in City file no. RZN-2020-190 is consistent and is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies; and, the rezoning criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code; and, the applicable corridor guidelines and other overlay districts.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The following properties shall be redesignated to Downtown Mixed Use Future Land Use in the Comprehensive Plan and shall be zoned R-24 (Residential – 24 du/ac):

LOT 1 SEVENTH & SOUTH AVE SUBDIVISION SEC 14 & SEC 23 1S 1W UM RECD R-2757389 MESA CO RECDS

CONTAINING 229,126 Sq. Ft. or 5.26 Acres, more or less, as described hereon.

Introduced on first reading this \_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Great addition to the City. We need and must encourage this type of development to realize the potential of our downtown.

05/05/2020 2:59 pm

**Michael Bradney Higginbotham**

664 JUBILEE CT, Jubilee Ct  
Grand Junction, 81506

*4 / 9 Planning Commissioners have viewed this comment*

I highly encourage this zoning change. It is an excellent to opportunity to provide needed residential housing near downtown. This will also further enhance Seventh street as a major corridor to Los Colonias.

05/07/2020 4:10 pm

**Rick Nisley**

2845 1/2 Grand Cascade Court  
Grand Junction, 81501

*4 / 9 Planning Commissioners have viewed this comment*

As an owner of properties in the Las Colonias Park area, and also working on and with projects that involve the expansion and connection of downtown and Las Colonias Park, I see this as a great opportunity to add a much needed high-quality residential component.

05/08/2020 10:13 am

**Ray Rickard**

2415 Red Ranch Drive  
Grand Junction, 81505

*4 / 9 Planning Commissioners have viewed this comment*

Being a contractor/developer in Grand Junction for many years it is my opinion, long with many others, that we need more people living in, or near, the downtown area to create the vibrant downtown economy we all desire. This project, along with others being planned, will move Grand Junction in that direction. The 7th Street corridor will become the vital link for connectivity to the new Las Colonias Business/Recreation area to the South. This project will be a key element in achieving this transition. This developer's resume is impressive and will bring innovative ideas and design to Grand Junction. This is exactly the type of project the community should embrace and support. I suggest the Planning Commission display our "Western Colorado charm" and appreciation by moving this project forward. Please approve the Comprehensive Plan Amendment and Rezone.

Bruce Milyard and Tyler Milyard  
Western Constructors Inc.

05/08/2020 11:45 am

**Bruce Milyard**

730 Scarlet  
Grand Junction, 81505

*4 / 9 Planning Commissioners have viewed this comment*

This project sounds like the perfect upgrade to the Los Colonias business park area. Residential units will be vital to the city's growth.

05/11/2020 3:57 pm

**Rich Rochette**

390 WHITE RIVER DR  
Grand Junction, 81504

*3 / 9 Planning Commissioners have viewed this comment*



## Grand Junction City Council

### Regular Session

Item #2.b.ii.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

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 Redlands 360 Annexation of 237.57 Acres, Located South of the Redlands Parkway/Highway 340 Intersection and Set a Public Hearing for July 1, 2020

#### **RECOMMENDATION:**

Staff recommends approval of the resolution and ordinance.

#### **EXECUTIVE SUMMARY:**

The Applicant, Grand Junction Land Company, LLC, is requesting to annex 237.57 acres located south of the Redlands Parkway/Highway 340 intersection. There is no publicly dedicated right-of-way proposed with this annexation request. The subject property is vacant but is crisscrossed with recreational trails of which the property owner has been allowed to be utilized by the public for several decades. The owner is requesting annexation in anticipation of developing this parcel as well as adjacent parcels already within the City limits as a Planned Development, which constitutes "annexable development" and as such is required to annex in accordance with the Persigo Agreement. Consideration for zoning of this annexation will be heard in a future action.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The Redlands 360 Annexation consists of one 237.57-acre parcel of land located south

of the Redlands Parkway and Highway 340 intersection. The property is currently vacant but is a part of what will be proposed for a larger development that includes the large property to the south and a smaller parcel to the west, both of which are already in the City limits. Total site development including both the annexation area and the areas already within the City limits totals approximately 615 acres. The applicant is proposing to develop an estimate of a total of 1,666 housing units of mixed types (multifamily, townhomes and single family) as well as potentially a small commercial area. The development will also include an extensive network of developed and undeveloped open space and trails.

Zoning will be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

There is no dedicated right-of-way included in the annexation, but right-of-way will be dedicated at the time of future development.

The property is currently adjacent to existing city limits and is within the Persigo 201 boundary and is annexable development as defined in the Persigo Agreement. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation by the City. The property owner has signed a petition for annexation of the property.

The Municipal Annexation Act pursuant to C.R.S. 31-12-104 requires that all of the following be found for a property(s) to be eligible for annexation. Staff has provided discussion on each of the criteria, as follows:

a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

There is one property owner of record, Grand Junction Land Company. The petition has been signed by 100% percent of the property owners.

b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

c) A community of interest exists between the area to be annexed and the City.

This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities.

A recently completed inventory of Vacant Residential Zone Properties shows that there are very limited areas in the Redlands Planning Area upon which future development

may occur, particularly other than the subject parcel and the larger area to be developed in the future. The Comprehensive Plan suggests that growth occur in each Planning Area to afford housing choices throughout the community. Consequently, it is in the City's interest to consider annexation of parcels such as this which is an infill site surrounded by urban development and which has the capacity to absorb some of the future residential development with a mix of housing choices.

d) The area is or will be urbanized in the near future;

This area has been identified as part of the City's Urban Development Boundary since the 1996 Growth Plan. The City's adopted Comprehensive Plan indicates urban level development with land use categories including Residential Low (.5 to 2 dwelling units per acre), Residential Medium (4 to 8 dwelling units per acre), Residential Medium High (8 to 16 dwelling units per acre) and a Neighborhood Center in the northeast area of the site. Thus, a mix of residential densities and limited non-residential use are envisioned as appropriate land uses on this property.

e) The area is capable of being integrated with the City;

The Redlands 360 Annexation parcel is, along with the adjacent acreage of the proposed overall development under the same ownership that is already in the City limits, a large infill site that is surrounded by urban development. There are adjacent or nearby major roadways including Redlands Parkway and Highway 340 which can provide access to the site. Surrounding urban development is already served by utilities and services that can be extended to integrate the site with the City. The type of development envisioned for this parcel and the overall development is not unlike the adjacent Ridges development in that it is a site with varied topography that lends itself to the preservation of open space and trails between areas of urban development with varied housing densities/choices and limited non-residential use. Thus, the area to be annexed will be integrated within the City.

f) No land held in identical ownership is being divided by the proposed annexation;

No land held in identical ownership is being divided by the proposed annexation.

g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

All land is being included in the annexation is with owner's consent.

Staff has found, based on review of the petition, applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Redlands 360 Annexation is eligible to be annexed.

As indicated in the attached Annexation and Summary, this is the first step in the annexation process for the property. This resolution referring a petition, taking land use jurisdiction and introducing (first reading) an annexation ordinance will be followed by a City Council public hearing (second reading) to finalize the annexation which is presently scheduled for July 1, 2020. Once the Applicant submits an application for the Planned Development zoning and Outline Development Plan (ODP), Planning Commission will hear and make recommendation for the zone of annexation, followed by introduction of an ordinance (first reading) to zone the property by Council and lastly a public hearing (second reading) for City Council decision on the zoning.

### **FISCAL IMPACT:**

Due to its large size and the lack of current infrastructure to the site, the City has contracted with a consultant to prepare a detailed Fiscal Impact Study of the Redlands 360 annexation and the eventual development of the entire 624-acre Planned Development. The study is currently underway and will be made available as part of the staff report to City Council at its final hearing on the annexation. City departments have provided both general and preliminary information below. At the time of the final annexation hearing, the results of the more detailed third-party study. This study is being fully funded by the developer, but consultant selection and project oversight is being conducted by City staff.

Initially, based on the proposed Redlands 360 Metropolitan District Service Plan provided by the developer, the City's 8 mills would generate annual property tax revenue of \$16,000 starting in year 5 and by full build out at year 26 it would generate annual property tax revenue of \$566,000. Property tax is approximately 13% of general fund revenues used, in part, to provide for all City services.

### **Fire**

This property is in the Grand Junction Rural Fire Protection District (Rural Fire District) and Redlands Sub-District, both served by the Grand Junction Fire Department through a contract with the Rural Fire District. The district collects mill levies of 5.223 and 4.904 generating a total of \$1,953 per year in property taxes that are then passed on to the City of Grand Junction per the contract. If annexed, the Rural Fire District mill levies will be removed, and the City's 8 mills will be assessed.

Primary fire and EMS response to this area is from Fire Station 5 at 2155 Broadway. With an estimated build out of 1,666 housing units of mixed types (multifamily, townhomes and single family) as well as potentially a small commercial area the department will see an increase in calls for service to this area. With the planned phasing of the development, Fire Station 5 has the capacity to handle the increase in calls and meets National Fire Protection Association Standards for response time to this area. However, as the Redlands continues to build out and grow, an additional fire station has been identified in the area of Monument Road and Mariposa Drive in order

to maintain response time standards and an increasing call volume in the future.

### **Utilities**

The developer will be required to extend sewer to serve the development and the builder will be required to pay Plant Investment Fees. Therefore, there is no fiscal impact to the Persigo Sewer Enterprise Fund.

### **Police**

In an effort to determine/anticipate what the impact may be to the GJPD in providing police services should the development proceed, calls for service during 2018 and 2019 were analyzed. A review of that data revealed that there were two calls for service in that area. A review of data in an area of similar development and mixed uses and densities as that proposed for Redlands 360 (in this case the Redlands development known as the Ridges) revealed that there were 1,213 calls for service in 2018-2019. Based on this information, it is anticipated that any calls for service by GJPD for the Redlands 360 location will equal approximately 34% of an officer.

Thus, GJPD does not anticipate a need for an increase in personnel or equipment at this time in order to provide law enforcement services to this proposed annexation. However, this annexation, along with any future annexations/developments, will have a cumulative impact that will require an increase in law enforcement personnel and equipment in order to provide adequate services.

### **Public Works**

The subject property currently has limited access to public right-of-way with frontage on South Broadway, 23 Road and Easter Hill Drive, none of which are developed to City standards to accommodate the anticipated development. Thus, it is anticipated that development will require substantial improvements both on- and off-site to provide an adequate circulation system. The proposed Redlands 360 Metropolitan District Service Plan shows construction costs to be borne by the developer/metropolitan district of approximately fourteen miles of streets within the eight phases of the development with a total cost of \$18.7 million. The detailed fiscal analysis to be prepared by the consultant will provide an analysis of anticipated City fiscal impact for capital expenditures as well as ongoing maintenance of the streets within the overall development.

### **Parks and Recreation**

It is anticipated that the overall planned development will include a dedication of public open space of a least ten percent (10%) as required by City Code. The City has identified the need for future park space that would include some type of playing field amenity, however discussion with the Applicant on this need and how and where field and/or traditional park space could be accommodated on site is on-going. The site is composed of complex topography that does not lend itself well to the development of large flat field space. The estimated cost to the City of maintaining developed parkland

is approximately \$5,616 per park acre, which may or may not be located within the area presently proposed for annexation.

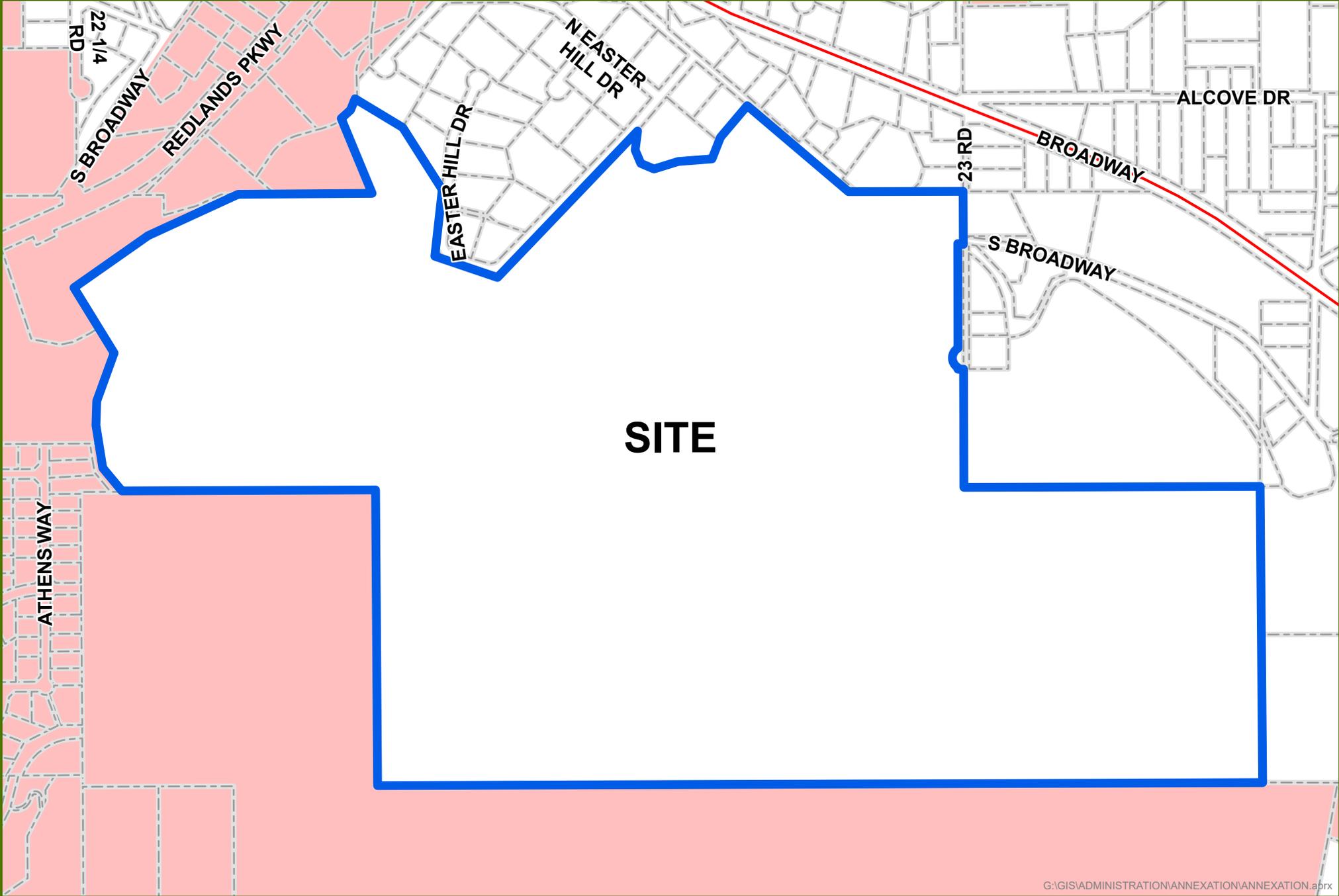
**SUGGESTED MOTION:**

I move to adopt Resolution No. 24-20, a resolution referring a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, setting a hearing on such annexation and exercising land use control Redlands 360 Annexation, approximately 237.57 acres, located south of the Redlands Parkway and Highway 340 intersection, as well as introduce a proposed ordinance annexing territory to the City of Grand Junction, Colorado, Redlands 360 Annexation, approximately 237.57 acres, located south of the Redlands Parkway and Highway 340 intersection, and set a public hearing for July 1, 2020.

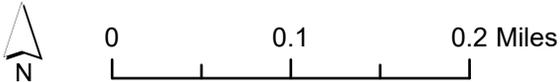
**Attachments**

1. Redlands 360 Annexation Maps
2. Redlands 360 Annexation Schedule Summary
3. Resolution - Referral of Petition - Redlands 360 Annexation
4. Redlands 360 Annexation Ordinance

# REDLANDS 360 ANNEXATION



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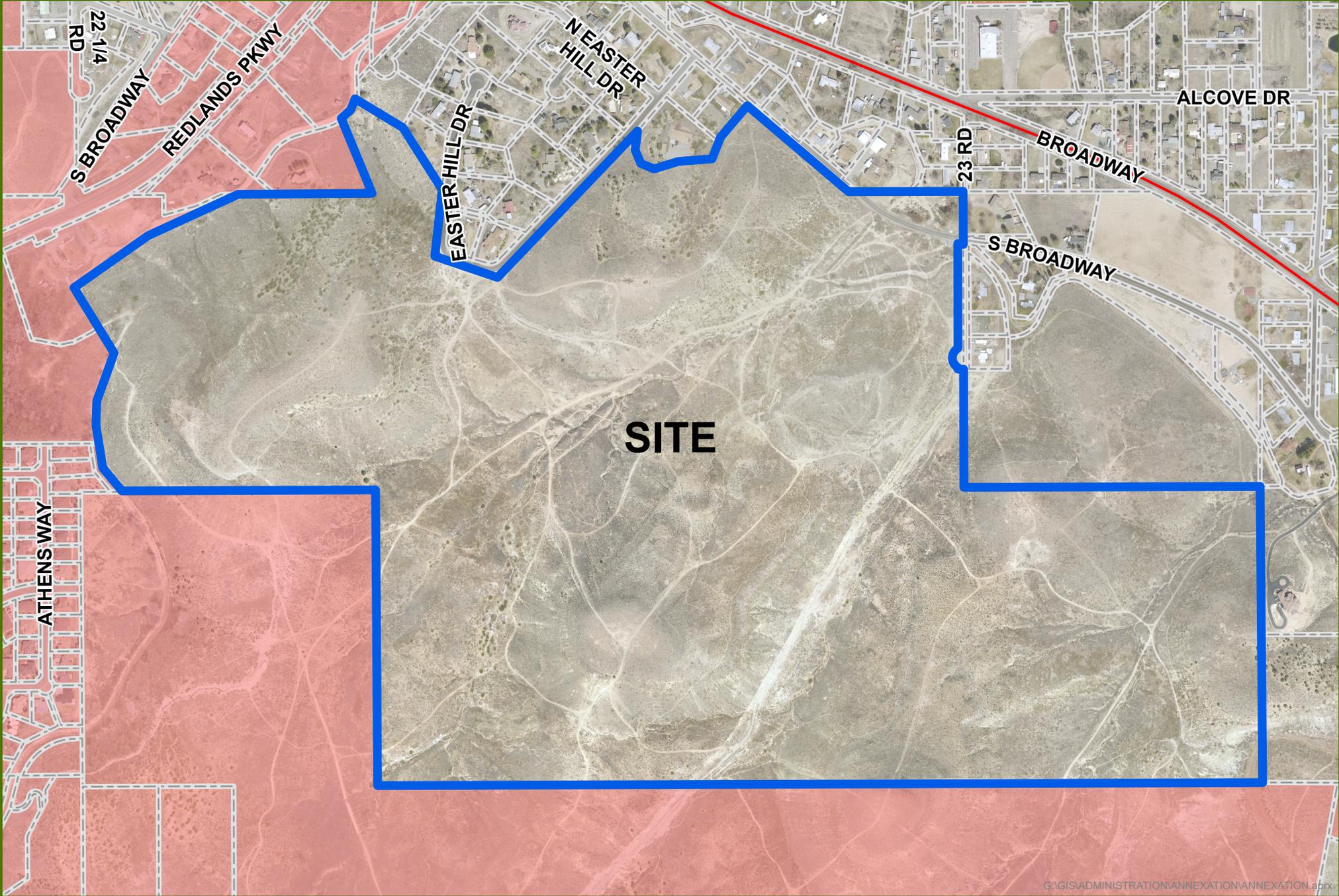


 Annexation  City Limits

Date Created: 3/6/2020



# REDLANDS 360 ANNEXATION



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0 0.1 0.2 Miles

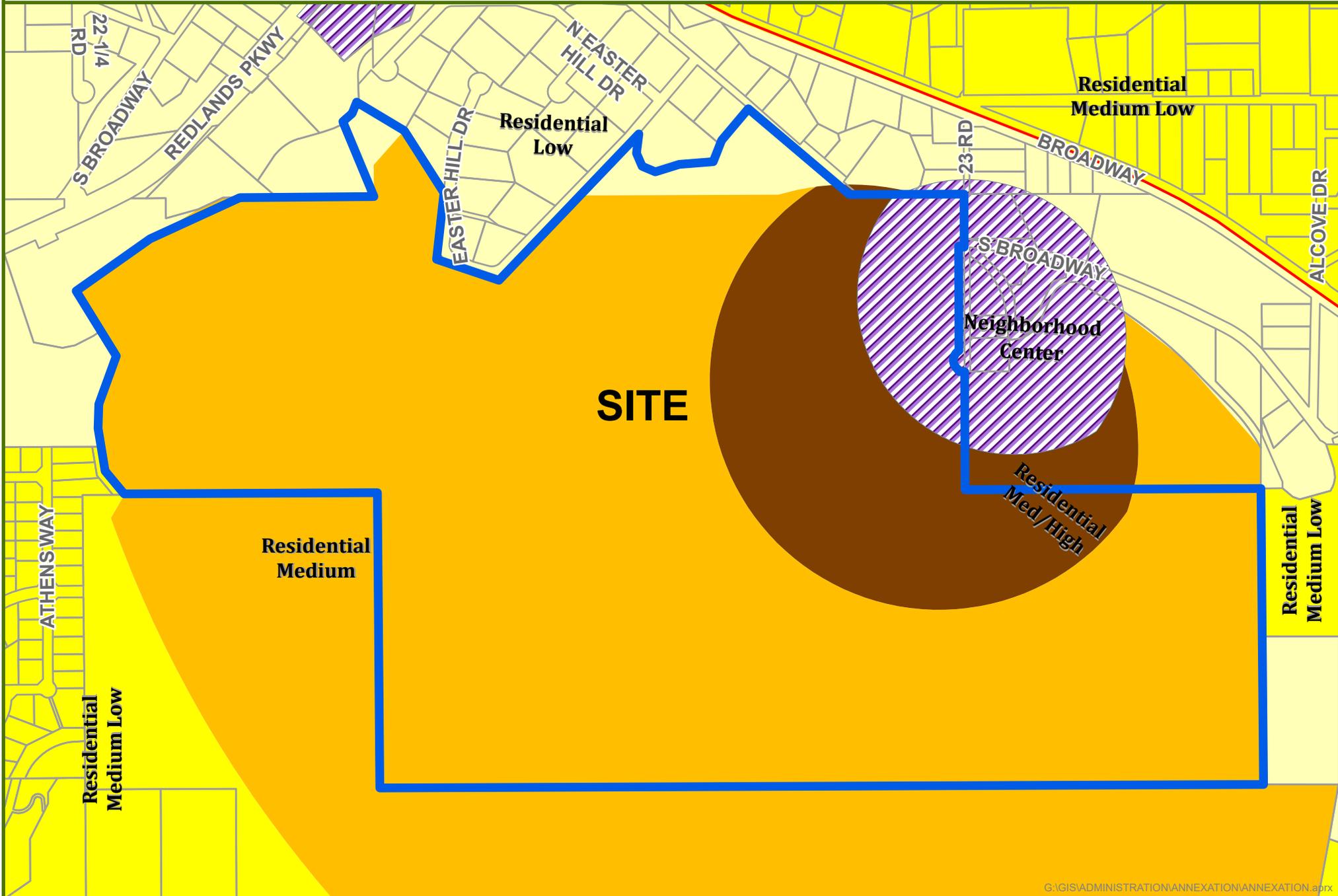
 Annexation  City Limits

Date Created: 3/6/2020



GEOSPATIAL INFORMATION SYSTEMS

# REDLANDS 360 ANNEXATION - FUTURE LAND USE



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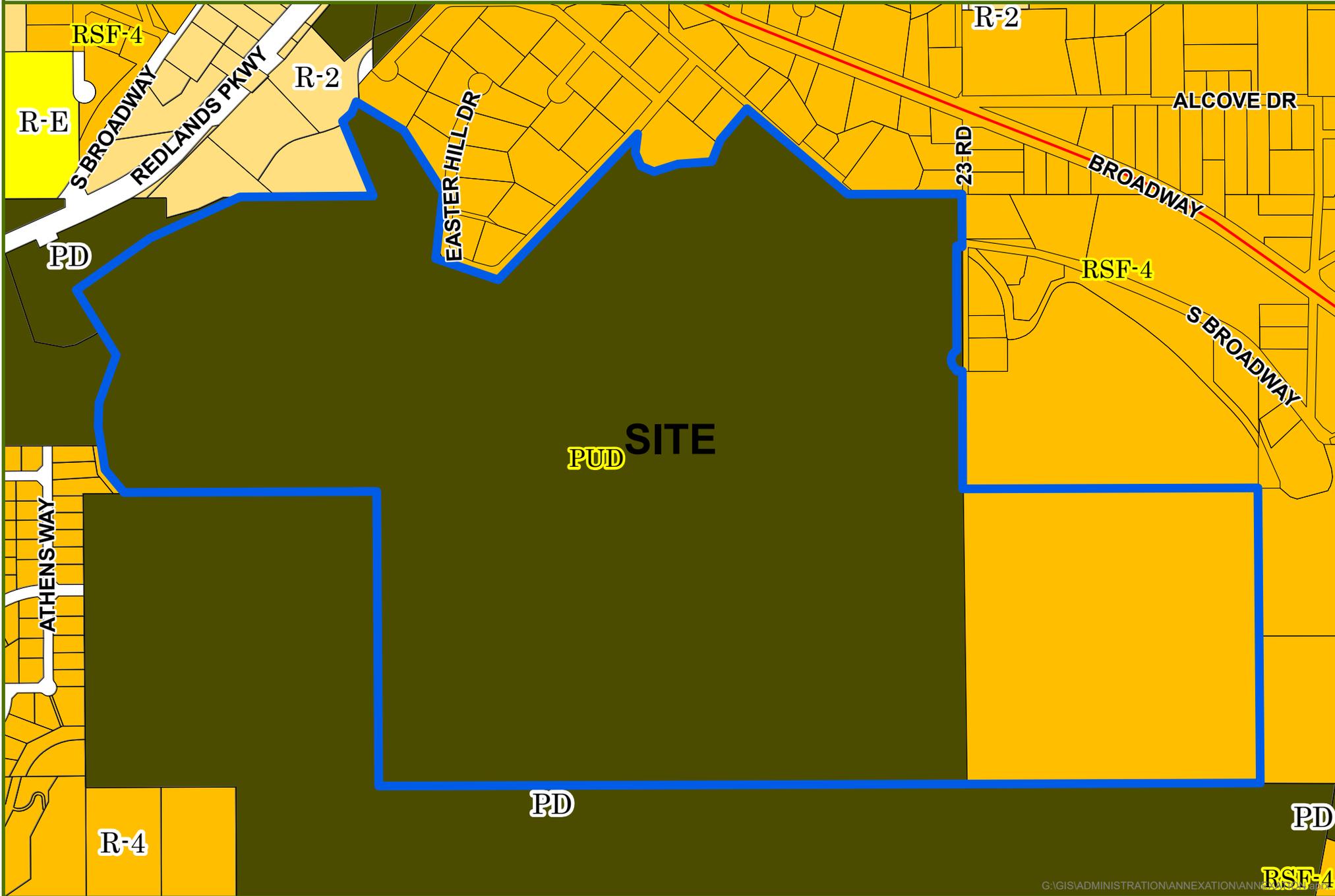


0 0.1 0.2 Miles

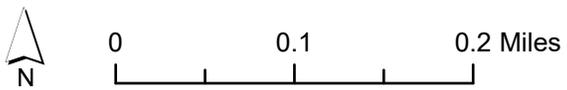
 Annexation Boundary

Date Created: 3/6/2020

# REDLANDS 360 ANNEXATION - ZONING



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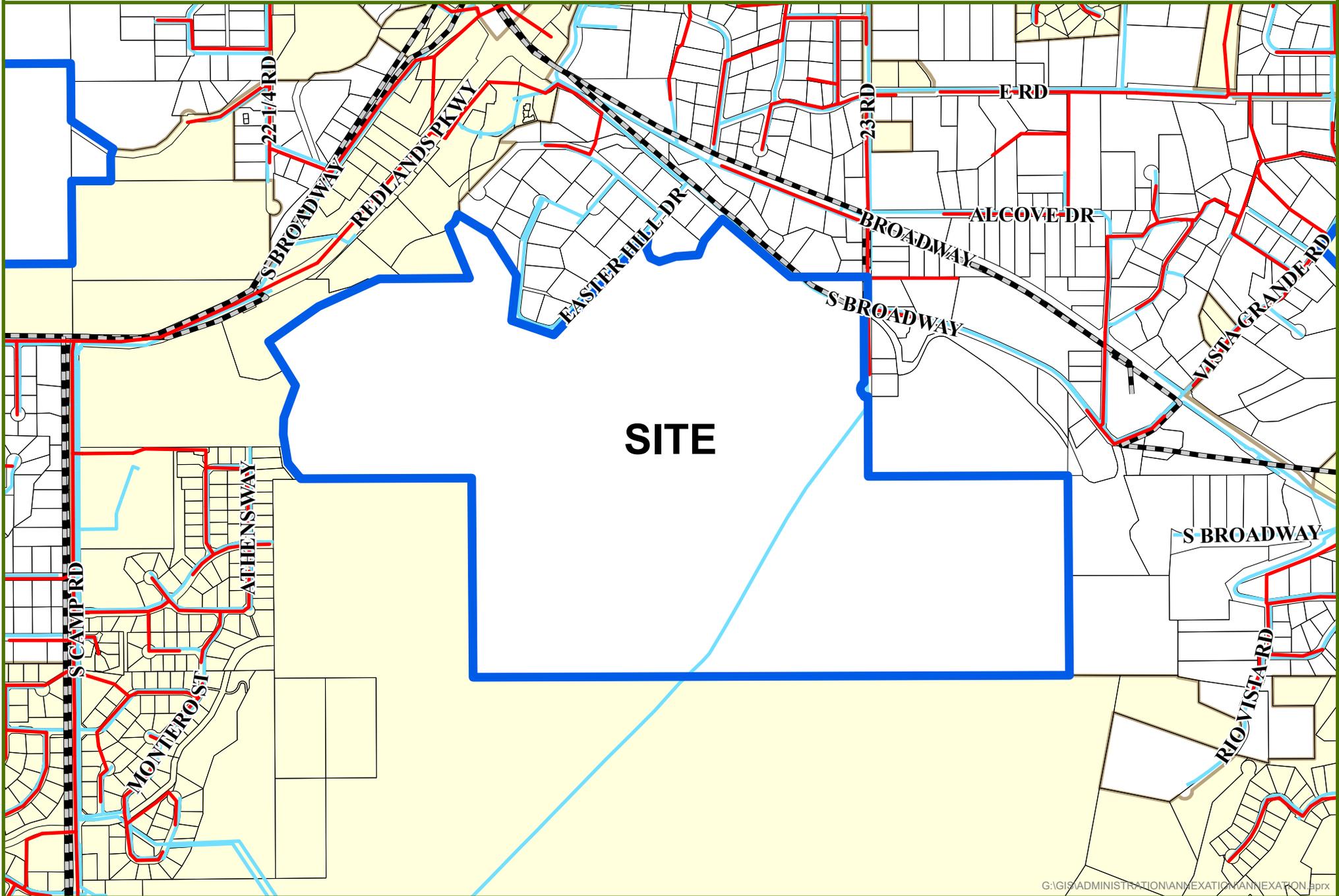


Annexation    City Zoning    County Zoning

Date Created: 3/6/2020

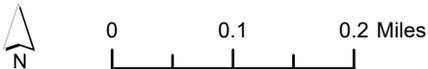


# REDLANDS 360 ANNEXATION - UTILITIES



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- ANNEXATION
- SEWER
- UTE WATER
- CITY LIMITS
- QWEST FIBER



Date Created: 3/6/2020

## REDLANDS 360 ANNEXATION SCHEDULE

<b>May 20, 2020</b>	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
<b>TBD</b>	Planning Commission considers Zone of Annexation
<b>TBD</b>	Introduction of a Proposed Ordinance on Zoning by City Council
<b>July 1, 2020</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
	Effective date of Annexation

### ANNEXATION SUMMARY

<b>File Number:</b>		ANX-2020-153
<b>Location:</b>		South of Redlands Parkway and Highway 340 Intersection
<b>Tax ID Numbers:</b>		2945-181-00-052
<b># of Parcels:</b>		1
<b>Existing Population:</b>		0
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		237.57
<b>Developable Acres Remaining:</b>		237.57
<b>Right-of-way in Annexation:</b>		0 acres
<b>Previous County Zoning:</b>		RSF-4 (Residential Single Family – 4 du/ac) and Planned Unit Development (PUD)
<b>Proposed City Zoning:</b>		Planned Development (PD)
<b>Current Land Use:</b>		Vacant
<b>Future Land Use:</b>		Mixed Use and Residential Density
<b>Values:</b>	<b>Assessed:</b>	\$
	<b>Actual:</b>	\$
<b>Address Ranges:</b>		400 23 Road
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation/Drainage:</b>	Redlands Water & Power Company
	<b>School:</b>	Fruita Monument HS / Redlands Middle / Wingate, Scenic and Broadway Elementary
	<b>Pest:</b>	Grand River Mosquito Control District

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**REDLANDS 360 ANNEXATION**

**APPROXIMATELY 237.57 ACRES LOCATED SOUTH OF THE REDLANDS  
PARKWAY AND HIGHWAY 340 INTERSECTION**

WHEREAS, on the 20<sup>th</sup> day of May, 2020, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**REDLANDS 360 ANNEXATION**

A tract of land located in portions of the South Half of the Northwest Quarter (S ½ NW ¼), the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼), the North Half of the Southeast Quarter (N ½ SE ¼), and the Northeast Quarter (NE ¼) of Section 18, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows;

BEGINNING at the East Quarter corner of Section 18, Township 1 South, Range 1 West of the Ute Meridian, whence the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of said Section 18 bears South 00°38'29" East, a distance of 1312.69 feet, for a basis of bearing with all bearings contained herein relative thereto; thence along the East line of the NE ¼ SE ¼ of said Section 18, South 00°38'29" East, a distance of 1312.69 feet to the Southeast corner of the said NE ¼ SE ¼ of said Section 18; thence along the South line of the said NE ¼ SE ¼ and the South line of the NW ¼ SE ¼ of Section 18, South 89°44'21" West, a distance of 2633.27 feet, to the SW corner of said NW ¼ SE ¼ of Section 18; thence along the West line of the said NW ¼ SE ¼, North 00°18'07" West, a distance of 1318.44 feet, to the Center Quarter Corner (C ¼) of said Section 18; thence along the South line of the SE ¼ NW ¼, South 89°52'29" West, a distance of 1131.96 feet, to the point on the centerline of the Redlands Water and Power Company Second Lift Canal, as recorded in Book 1175, Page 192; thence along the said centerline the following five (5) courses: 1) thence North 39°27'14" West, a distance of 133.57 feet; 2) thence North 09°06'14" West, a distance of 192.56 feet; 3) thence North 01°57'46" East, a distance of 108.17 feet; 4) thence North 20°06'46" East, a distance of 228.20 feet; 5) thence North 31°31'14" West, a distance of 341.77 feet, to a point of intersection with the centerline of the Redlands Water and Power Company First Lift Canal, as recorded in Book 1175, Page 192; thence along the said centerline of the Redlands Water and Power Company First Lift Canal the following two (2) courses: 1) thence North 55°01'46" East, a distance of 403.97 feet; 2) thence North 65°29'46" East, a distance of 441.63 feet, to a point on

the North line of the SE ¼ NW ¼ of Section 18; thence along the said North line of the SE ¼ NW ¼ of said Section 18, North 89°41'38" East, a distance of 598.71 feet, to the Northwest corner of the SW ¼ NE ¼ of said Section 18; thence North 22°24'45" West, a distance of 361.73 feet to a point on the centerline of said Redlands Water and Power Company First Lift Canal; thence along said centerline of Redlands Water and Power Company First Lift Canal the following two (2) courses: 1) thence North 48°35'51" East, a distance of 56.08 feet; 2) thence North 21°40'15" East, a distance of 54.16 feet to a point on the Southwesterly boundary of South Easter Hill Subdivision, as recorded in Plat Book 9, Page 61 of the Mesa County Records; thence along the said boundary of said South Easter Hill Subdivision the following eight (8) courses: 1) thence South 58°54'45" East, a distance of 248.17 feet; 2) thence South 32°20'45" East, a distance of 329.00 feet; 3) thence South 05°18'15" West, a distance of 68.10 feet; 4) thence South 06°48'15" West, a distance of 230.30 feet; 5) thence South 68°21'45" East, a distance of 165.00 feet; 6) thence South 74°39'45" East, a distance of 130.10 feet; 7) thence North 44°02'15" East, a distance of 866.20 feet; 8) thence North 40°26'15" East, a distance of 38.18 feet; thence South 07°39'15" West, a distance of 85.86 feet; thence South 23°04'45" East, a distance of 64.50 feet; thence South 67°03'45" East, a distance of 64.03 feet; thence North 72°43'15" East, a distance of 112.51 feet; thence North 85°45'15" East, a distance of 152.14 feet; thence North 21°21'15" East, a distance of 102.82 feet; thence North 40°26'15" East, a distance of 185.00 feet, to a point on the Southerly right-of-way line of South Broadway; thence along the said Southerly right-of-way line, South 49°33'45" East, a distance of 592.43, to a point of intersection with the North line of the SE ¼ NE ¼ of said Section 18; thence along the said North line of SE ¼ NE ¼, North 89°57'50" East, a distance of 511.84 feet, to the Northeast corner of the SE ¼ NE ¼ of said Section 18; thence along the East line of the Said SE ¼ NE ¼ Section 18, South 00°01'53" East, a distance of 236.65 feet, to a point of intersection on the South right-of-way line of South Broadway and the centerline of 23 Road, as described in Book 940, Page 197 of the Mesa County Records; thence along the Westerly right-of-way of said 23 Road the following five (5) courses: 1) thence North 80°35'30" West a distance of 25.34 feet; 2) thence South 00°01'53" East, a distance of 466.71 feet; 3) thence along the arc of a non-tangent curve to the left, having a delta angle of 120°00'00", with a radius of 50.00 feet, an arc length of 104.72 feet, a chord bearing of South 00°01'53" East, and a chord length of 86.60 feet; 4) thence South 00°01'53" East, a distance of 6.70 feet; 5) thence North 89°58'07" East, a distance of 25.00 feet, to a point on the East line of the said SE ¼ NE ¼ Section 18; thence along the said East line of the SE ¼ NE ¼ Section 18, South 00°01'53" East, a distance of 527.43 feet, to the E ¼ corner of said Section 18, the POINT OF BEGINNING, Mesa County, Colorado.

TOGETHER WITH, the NW ¼ SW ¼, of Section 17, Township 1 South, Range 1 West of the Ute Meridian, Mesa County Colorado.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 1<sup>st</sup> day of July, 2020, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 6:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the 20<sup>th</sup> day of May, 2020.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

**NOTICE IS FURTHER GIVEN** that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

\_\_\_\_\_  
City Clerk

<i><b>DATES PUBLISHED</b></i>
<b>May 22, 2020</b>
<b>May 29, 2020</b>
<b>June 5, 2020</b>
<b>June 12, 2020</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**REDLANDS 360 ANNEXATION**

**APPROXIMATELY 237.57 ACRES LOCATED SOUTH OF THE REDLANDS  
PARKWAY AND HIGHWAY 340 INTERSECTION**

**WHEREAS**, on the 20<sup>th</sup> day of May, 2020, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 1<sup>st</sup> day of July 2020; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF GRAND JUNCTION, COLORADO:**

That the property situate in Mesa County, Colorado, and described to wit:

**REDLANDS 360 ANNEXATION**

A tract of land located in portions of the South Half of the Northwest Quarter (S ½ NW ¼), the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼), the North Half of the Southeast Quarter (N ½ SE ¼), and the Northeast Quarter (NE ¼) of Section 18, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows and depicted in Exhibit A;

BEGINNING at the East Quarter corner of Section 18, Township 1 South, Range 1 West of the Ute Meridian, whence the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of said Section 18 bears South 00°38'29" East, a distance of 1312.69 feet, for a basis of bearing with all bearings contained herein relative thereto; thence along the East line of the NE ¼ SE ¼ of said Section 18, South 00°38'29" East, a distance of 1312.69 feet to the Southeast corner of the said NE ¼ SE ¼ of said Section 18; thence along the South line of the said NE ¼ SE ¼ and the South line of the NW ¼ SE ¼ of Section 18, South 89°44'21" West, a distance of 2633.27 feet, to the SW corner of said NW ¼ SE ¼ of Section 18; thence along the West line of the said NW ¼ SE ¼, North 00°18'07" West, a distance of 1318.44 feet, to the Center

Quarter Corner (C ¼) of said Section 18; thence along the South line of the SE ¼ NW ¼, South 89°52'29" West, a distance of 1131.96 feet, to the point on the centerline of the Redlands Water and Power Company Second Lift Canal, as recorded in Book 1175, Page 192; thence along the said centerline the following five (5) courses: 1) thence North 39°27'14" West, a distance of 133.57 feet; 2) thence North 09°06'14" West, a distance of 192.56 feet; 3) thence North 01°57'46" East, a distance of 108.17 feet; 4) thence North 20°06'46" East, a distance of 228.20 feet; 5) thence North 31°31'14" West, a distance of 341.77 feet, to a point of intersection with the centerline of the Redlands Water and Power Company First Lift Canal, as recorded in Book 1175, Page 192; thence along the said centerline of the Redlands Water and Power Company First Lift Canal the following two (2) courses: 1) thence North 55°01'46" East, a distance of 403.97 feet; 2) thence North 65°29'46" East, a distance of 441.63 feet, to a point on the North line of the SE ¼ NW ¼ of Section 18; thence along the said North line of the SE ¼ NW ¼ of said Section 18, North 89°41'38" East, a distance of 598.71 feet, to the Northwest corner of the SW ¼ NE ¼ of said Section 18; thence North 22°24'45" West, a distance of 361.73 feet to a point on the centerline of said Redlands Water and Power Company First Lift Canal; thence along said centerline of Redlands Water and Power Company First Lift Canal the following two (2) courses: 1) thence North 48°35'51" East, a distance of 56.08 feet; 2) thence North 21°40'15" East, a distance of 54.16 feet to a point on the Southwesterly boundary of South Easter Hill Subdivision, as recorded in Plat Book 9, Page 61 of the Mesa County Records; thence along the said boundary of said South Easter Hill Subdivision the following eight (8) courses: 1) thence South 58°54'45" East, a distance of 248.17 feet; 2) thence South 32°20'45" East, a distance of 329.00 feet; 3) thence South 05°18'15" West, a distance of 68.10 feet; 4) thence South 06°48'15" West, a distance of 230.30 feet; 5) thence South 68°21'45" East, a distance of 165.00 feet; 6) thence South 74°39'45" East, a distance of 130.10 feet; 7) thence North 44°02'15" East, a distance of 866.20 feet; 8) thence North 40°26'15" East, a distance of 38.18 feet; thence South 07°39'15" West, a distance of 85.86 feet; thence South 23°04'45" East, a distance of 64.50 feet; thence South 67°03'45" East, a distance of 64.03 feet; thence North 72°43'15" East, a distance of 112.51 feet; thence North 85°45'15" East, a distance of 152.14 feet; thence North 21°21'15" East, a distance of 102.82 feet; thence North 40°26'15" East, a distance of 185.00 feet, to a point on the Southerly right-of-way line of South Broadway; thence along the said Southerly right-of-way line, South 49°33'45" East, a distance of 592.43, to a point of intersection with the North line of the SE ¼ NE ¼ of said Section 18; thence along the said North line of SE ¼ NE ¼, North 89°57'50" East, a distance of 511.84 feet, to the Northeast corner of the SE ¼ NE ¼ of said Section 18; thence along the East line of the Said SE ¼ NE ¼ Section 18, South 00°01'53" East, a distance of 236.65 feet, to a point of intersection on the South right-of-way line of South Broadway and the centerline of 23 Road, as described in Book 940, Page 197 of the Mesa County Records; thence along the Westerly right-of-way of said 23 Road the following five (5) courses: 1) thence North 80°35'30" West a distance of 25.34 feet; 2) thence South 00°01'53" East, a distance of 466.71 feet; 3) thence along the arc of a non-tangent curve to the left, having a delta angle of 120°00'00", with a radius of 50.00 feet, an arc length of 104.72 feet, a chord bearing of South 00°01'53" East, and a chord length of 86.60 feet; 4) thence South 00°01'53" East, a distance of 6.70 feet; 5) thence North 89°58'07" East, a distance of

25.00 feet, to a point on the East line of the said SE ¼ NE ¼ Section 18; thence along the said East line of the SE ¼ NE ¼ Section 18, South 00°01'53" East, a distance of 527.43 feet, to the E ¼ corner of said Section 18, the POINT OF BEGINNING, Mesa County, Colorado.

TOGETHER WITH, the NW ¼ SW ¼, of Section 17, Township 1 South, Range 1 West of the Ute Meridian, Mesa County Colorado.

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 20<sup>th</sup> day of May, 2020 and ordered published in pamphlet form.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

# Exhibit A

## REDLANDS 360 ANNEXATION

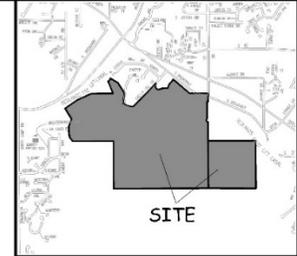
LYING IN THE N 1/2 SE 1/4, NE 1/4, SE 1/4 NW 1/4 OF SECTION 18, AND NW 1/4 SW 1/4 OF SECTION 17,  
TWP 1 SOUTH, RGE 1 WEST, UTE PRINCIPAL MERIDIAN  
COUNTY OF MESA, STATE OF COLORADO

### DESCRIPTION

A tract of land located in portions of the South Half of the Northwest Quarter (S 1/2 NW 1/4), the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4), the North Half of the Southeast Quarter (N 1/2 SE 1/4), and the Northeast Quarter (NE 1/4) of Section 18, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows:

BEGINNING at the East Quarter corner of Section 18, Township 1 South, Range 1 West of the Ute Meridian, whence the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 18 bears South 00°38'29" East, a distance of 1312.69 feet, for a basis of bearing with all bearings contained herein relative thereto; thence along the East line of the NE 1/4 SE 1/4 of said Section 18, South 00°38'29" East, a distance of 1312.69 feet to the Southeast corner of the said NE 1/4 SE 1/4 of said Section 18; thence along the South line of the said NE 1/4 SE 1/4 and the South line of the NW 1/4 SE 1/4 of Section 18, South 89°44'21" West, a distance of 2633.27 feet, to the SW corner of said NW 1/4 SE 1/4 of Section 18; thence along the West line of the said NW 1/4 SE 1/4, North 00°18'07" West, a distance of 1318.44 feet, to the Center Quarter Corner (C 1/4) of said Section 18; thence along the South line of the SE 1/4 NW 1/4, South 89°52'29" West, a distance of 1131.96 feet, to the point on the centerline of the Redlands Water and Power Company Second Lift Canal, as recorded in Book 1175, Page 192; thence along the said centerline the following five (5) courses: 1) thence North 39°27'14" West, a distance of 133.57 feet; 2) thence North 09°06'14" West, a distance of 192.56 feet; 3) thence North 01°57'46" East, a distance of 108.17 feet; 4) thence North 20°06'46" East, a distance of 228.20 feet; 5) thence North 31°31'14" West, a distance of 341.77 feet, to a point of intersection with the centerline of the Redlands Water and Power Company First Lift Canal, as recorded in Book 1175, Page 192; thence along the said centerline of the Redlands Water and Power Company First Lift Canal the following two (2) courses: 1) thence North 55°01'46" East, a distance of 403.97 feet; 2) thence North 65°29'46" East, a distance of 441.63 feet, to a point on the North line of the SE 1/4 NW 1/4 of Section 18; thence along the said North line of the SE 1/4 NW 1/4 of said Section 18, North 89°41'38" East, a distance of 598.71 feet, to the Northwest corner of the SW 1/4 NE 1/4 of said Section 18; thence North 22°24'45" West, a distance of 361.73 feet to a point on the centerline of said Redlands Water and Power Company First Lift Canal; thence along said centerline of Redlands Water and Power Company First Lift Canal the following two (2) courses: 1) thence North 48°35'51" East, a distance of 56.08 feet; 2) thence North 21°40'15" East, a distance of 54.16 feet to a point on the Southwesterly boundary of South Easter Hill Subdivision, as recorded in Plat Book 9, Page 61 of the Mesa County Records; thence along the said boundary of said South Easter Hill Subdivision the following eight (8) courses: 1) thence South 58°54'45" East, a distance of 248.17 feet; 2) thence South 32°20'45" East, a distance of 329.00 feet; 3) thence South 05°18'15" West, a distance of 68.10 feet; 4) thence South 06°48'15" West, a distance of 230.30 feet; 5) thence South 68°21'45" East, a distance of 165.00 feet; 6) thence South 74°39'45" East, a distance of 130.10 feet; 7) thence North 44°02'15" East, a distance of 866.20 feet; 8) thence North 40°26'15" East, a distance of 38.18 feet; thence South 07°39'15" West, a distance of 85.86 feet; thence South 23°04'45" East, a distance of 64.50 feet; thence South 67°03'45" East, a distance of 64.03 feet; thence North 72°43'15" East, a distance of 112.51 feet; thence North 85°45'15" East, a distance of 152.14 feet; thence North 21°21'15" East, a distance of 102.82 feet; thence North 40°26'15" East, a distance of 185.00 feet, to a point on the Southerly right-of-way line of South Broadway; thence along the said Southerly right-of-way line, South 49°33'45" East, a distance of 592.43, to a point of intersection with the North line of the SE 1/4 NE 1/4 of said Section 18; thence along the said North line of SE 1/4 NE 1/4, North 89°57'50" East, a distance of 511.84 feet, to the Northeast corner of the SE 1/4 NE 1/4 of said Section 18; thence along the East line of the Said SE 1/4 NE 1/4 Section 18, South 00°01'53" East, a distance of 236.65 feet, to a point of intersection on the South right-of-way line of South Broadway and the centerline of 23 Road, as described in Book 940, Page 197 of the Mesa County Records; thence along the Westerly right-of-way of said 23 Road the following five (5) courses: 1) thence North 80°35'30" West a distance of 25.34 feet; 2) thence South 00°01'53" East, a distance of 466.71 feet; 3) thence along the arc of a non-tangent curve to the left, having a delta angle of 120°00'00", with a radius of 50.00 feet, an arc length of 104.72 feet, a chord bearing of South 00°01'53" East, and a chord length of 86.60 feet; 4) thence South 00°01'53" East, a distance of 6.70 feet; 5) thence North 89°58'07" East, a distance of 25.00 feet, to a point on the East line of the said SE 1/4 NE 1/4 Section 18; thence along the said East line of the SE 1/4 NE 1/4 Section 18, South 00°01'53" East, a distance of 527.43 feet, to the E 1/4 corner of said Section 18, the POINT OF BEGINNING, Mesa County, Colorado.

TOGETHER WITH, the NW 1/4 SW 1/4, of Section 17, Township 1 South, Range 1 West of the Ute Meridian, Mesa County Colorado.



LOCATION MAP: NOT-TO-SCALE

**ABBREVIATIONS**

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.P.M.	UTE PRINCIPAL MERIDIAN
NO.	NUMBER
SQ. FT.	SQUARE FEET
∠	CENTRAL ANGLE
RAD.	RADIUS
AL	ARC LENGTH
CHL	CHORD LENGTH
CBS	CHORD BEARING
BLK.	BLOCK
PL.	PLAT BOOK
BOOK	BOOK
PG.	PAGE

### AREA OF ANNEXATION

ANNEXATION PERIMETER	17,301.86 FT.
CONTIGUOUS PERIMETER	9,328.73 FT.
AREA IN SQUARE FEET	10,340,083 FT.
AREA IN ACRES	237.376

The Sketch and Description contained herein have been derived from subdivision data and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This plat does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundaries.

ORDINANCE NO.  
?????

EFFECTIVE DATE  
?????

PRELIMINARY

JOHN L. GREEN, P.L.S. No. 18670  
Professional Land Surveyor for the  
City of Grand Junction  
DATE: \_\_\_\_\_

THIS IS NOT A BOUNDARY SURVEY

**Notice:**  
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

DRAWN BY: A.H.M. DATE: 09-04-2020  
DESIGNED BY: DATE: \_\_\_\_\_  
CHECKED BY: J.L.G. DATE: \_\_\_\_\_  
APPROVED BY: DATE: \_\_\_\_\_

SCALE  
1" = 200'

**Grand Junction**  
PUBLIC WORKS & PLANNING

PUBLIC WORKS  
ENGINEERING DIVISION  
SURVEY DEPARTMENT

REDLANDS 360  
ANNEXATION

1  
OF  
2





## Grand Junction Planning Commission

### Regular Session

Item #2.b.iii.

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**Meeting Date:** May 20, 2020

**Presented By:** Landon Hawes, Senior Planner

**Department:** Community Development

**Submitted By:** Landon Hawes, Senior Planner

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### **Information**

#### **SUBJECT:**

Introduction of an Ordinance to Vacate a 25 Foot Wide by 400 Lineal Foot Portion of the Undeveloped 27 ½ Road Public Right-of-Way (ROW) Abutting the Eastern Property Line of the Property Located at Approximately 347 27 ½ Road and Set a Public Hearing for June 1, 2020

#### **RECOMMENDATION:**

The Planning Commission heard this request at their April 14, 2020 meeting and voted 7-0 to recommend approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Eddy at Grand JCT, LLC seeks to vacate a 400 lineal foot portion of the undeveloped public 27 ½ Road right-of-way that currently bisects their property in preparation for future development. This request for right of way vacation proposal complies with the Grand Valley Circulation Plan and Comprehensive Plan of the City of Grand Junction.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

Eddy at Grand JCT, LLC seeks to vacate a portion of the undeveloped 27 ½ Road, a public right-of-way that bisects two parcels of property both owned by Eddy at Grand JCT, LLC of 7.22 acres and 3.39 acres in size for a total of approximately 10.61 acres. One property is addressed as 347 27 ½ Road and the other property is unaddressed but maintains the parcel number 2945-244-00-080. The properties generally sit at the junction of 27 ½ Road and C ½ Road at a site frequently referenced as Brady Trucking

or the Rendering Plant site. Several unused buildings are currently located at this site, though the site is otherwise vacant. The Applicant has represented an intention to combine these lots as well as an additional lot located at 2757 C ½ Road into a single lot and develop a mixed-use project on the site. Thus, the section of 27 ½ Road ROW that runs north-south through the property is not desired by the Applicant in order to develop the property as a whole.

This segment of 27 ½ Road is not shown on the Grand Valley Circulation Plan nor is this portion of right of way in the City's long-term plans for construction of a future roadway. The 27 ½ road right of way currently terminates at the Colorado River and no alignment or right of way exists on the south side of the Colorado River.

Existing utilities owned and maintained by Xcel Energy are located within the undeveloped right of way that is being requested for vacation. Xcel Energy has indicated no opposition to the vacation of the road, however expressed the need, should the ROW be vacated, for a utility easement to be provided to Xcel Energy to ensure maintenance for the existing overhead power lines and gas pipe that currently are located within this right of way.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed rezone request was held on March 19, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's representatives, as well as a city staff member, were present along with 7 attendees from the public. Questions were asked regarding geotechnical concerns, density, and trail easements pertinent to future development of the property. However, no specific questions or concerns were expressed regarding the request to vacate right of way. The attendees indicated that the recent rezone to C-1 for the property is a positive change for them.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on November 15, 2019. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on April 3, 2020. The notice of this public hearing was published on April 7, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way shall conform to the following:

(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

The public right of way that is proposed to be vacated has not been identified as necessary for the future development of either 27 ½ Road or C ½ Road. As such, the vacation of this portion of roadway would not conflict with the Comprehensive Plan or Circulation Plan. Additionally, Goal 4 of the Comprehensive Plan is to “support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.” The properties flanking the undeveloped right of way are adjacent to the Las Colonias Business Park and are part of the City Center district. The vacation of this right of way will help the Applicant create a more cohesive site that allows for efficient design and a wider range of potential uses.

(2) No parcel shall be landlocked as a result of the vacation;

No private or public parcels shall be landlocked as a result of the proposed vacation. Therefore, staff finds that this criterion has been met.

(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

The site will continue to have access to 27 ½ and C ½ Roads and no other access will be restricted as a result of this vacation. Therefore, staff finds that this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);

Providers of city utilities and services received invitations to provide comments regarding this request. Comments received included remarks from Ute Water and Grand Valley Drainage District, who expressed no objection to the vacation. Xcel Energy provided comments that they currently possess an underground gas line and an overhead power line in or near to the existing ROW and requested that an easement be recorded where the existing ROW is now located, should the vacation be approved. The Applicant has been working directly with Xcel Energy to determine the appropriate easement and preparing documents to be executed should the vacation be approved. In general, the proposed easement is 32.8 feet in width on its main part and 20 feet wide on its northern section abutting C ½ Road and would run the full north/south length of the requested area of 27 ½ road right of way to be vacated; approximately 400 feet. Staff recommends that should the vacate request be approved, it be conditioned upon recordation of an agreed upon easement with Xcel Energy. Staff finds this criterion can be met subject to the recommended condition.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code; and

As previously mentioned, Xcel Energy has requested an easement for the purpose of maintaining an existing underground gas line and overhead power line to the property. No other utility has indicated that vacation of the ROW would cause any reduction in quality of services provided. So long as an easement is executed for the purposes of continued use by Xcel Energy, staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The City does not currently maintain this right of way, as it is undeveloped. Should the right of way be vacated, the City will not have future maintenance requirements for this section of right-of-way. Vacation of this right of way may provide additional opportunity for this property to develop with uses complementary to those found in the City's Riverfront at Las Colonias. Therefore, staff finds that this criterion has been met.

#### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the request by Eddy at Grand JCT, LLC for a vacation of City right-of-way, VAC-2019-459, for the approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 of the Zoning and Development Code.

Therefore, staff recommends conditional approval of the request with the following conditions:

1. Prior to recording the vacation and subject to Xcel's review and approval, the Applicant shall grant and record an easement to Xcel Energy for the purpose of utility location, maintenance and access.

2. A pedestrian access easement shall be retained comparable to the pedestrian access easement that already exists on both properties, and comparable in size and location.

#### **SUGGESTED MOTION:**

I move to introduce an ordinance vacating a portion of 27 1/2 Road right-of-way located at 347 27 1/2 Road and set a public hearing for June 1, 2020.

## **Attachments**

1. 27.5 Road ROW vacation application packet
2. 27.5 Road ROW Vacation Neighborhood Meeting Notes
3. 27.5 Road ROW Vacation vicinity map
4. 26' ROW Exhibit 3-16-20
5. XCEL Easement Exhibit\_2020-01-30
6. 27.5 Road ROW Vacation Ordinance v2

## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation <input style="width: 90%;" type="text"/>	Existing Zoning <input style="width: 90%;" type="text"/>
Proposed Land Use Designation <input style="width: 90%;" type="text"/>	Proposed Zoning <input style="width: 90%;" type="text"/>

### Property Information

Site Location: <input style="width: 95%;" type="text" value="southeast corner of 27 1/2 road &amp; C 1/2 road"/>	Site Acreage: <input style="width: 95%;" type="text" value="3.3 acres"/>
Site Tax No(s): <input style="width: 95%;" type="text" value="2945-244-00-080"/>	Site Zoning: <input style="width: 95%;" type="text" value="I-O (proposing C-1)"/>
Project Description: <input style="width: 98%;" type="text" value="Vacating ROW on C 1/2 Road and 27 1/2 Road concurrent with a Rezone to C-1"/>	

### Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Date

Signature of Legal Property Owner

Date

**347 27 ½ Road & 2757 C ½ Road**  
**Vacation of ROW**  
**August 9, 2019**  
**Project Description**

**Project Overview**

There are 12.2 acres currently in three parcels located on 347 27 ½ Road, a non-addressed property, and 2757 C ½ Road, which are slated to be developed by Rain Drop Partners. At present, SLB Enterprises LLC owns all three parcels.

Rain Drop Partners submitted a Comprehensive Plan Amendment along with Rezone requests, that resulted in the recent approval of all three properties being rezoned to C-1 (Light Commercial).

This proposal is to vacate the piece right-of-way of 27 ½ Road abutting the east edge of the property at 347 27 ½ and the west edge of the non-addressed property. There is no need for this piece of right-of way as it dead ends at the Colorado River. Vacating the right-of-way of 27 ½ Road would allow this development project to be more efficient.

**A. Project Description**

Location and Site Features

- The parcels are located on the corner of 27 ½ Road and C ½ Road adjacent to the Las Colonias Business Park. The property is in the City.
- There is an 8” sewer main in 27 ½ Road and C ½ Road. We understand that Ute Water provides sufficient capacity to the properties.
- Surrounding land use /zoning is Planned Development (Las Colonias) and I-1 to the north, County Zoning of RSF-R to the east; R-5 Residential and CSR to the south across the Colorado River; and Planned Development (Las Colonias) to the west.
- There is currently two access points off 27 ½ Road and C ½ Road. These properties have street frontage all along 27 ½ Road and C ½ Road.
- There are a few existing, abandoned buildings that will likely be demolished at some point in the future.
- The site is generally flat, sloping west and south towards the river.
- There is a drainage or irrigation ditch that defines the east boundary of the easternmost property.
- The purpose of the right-of-way-vacation is to allow a cohesive and efficient commercial/mixed use type development to better compliment the adjacent Las Colonias Business Park.

Existing Zoning

- The parcels have been recently rezoned to C-1.

**B. Public Benefit:**

- The removal of unnecessary City ROW; the addition of taxable real estate;
- Infill development that utilizes existing infrastructure;

- The cohesive and efficient development of three abutting parcels with similar FLU and zoning designations;

### **C. Neighborhood Meeting**

A Neighborhood Meeting was held on March 19, 2019 for the Rezone/Comp Plan Amendment & ROW Vacation. About 7 neighbors attended and gave positive feedback overall. Official Neighborhood Meeting notes are included in this submittal.

### **D. Project Compliance, Compatibility, and Impact**

#### 1. Adopted Plans and/or Policies

The Future Land Use Plan; the Land Development Code.

#### 2. Surrounding Land Use

Surrounding land use /zoning is under Planned Development/Industrial to the north, RSF-R to the east; the Colorado River / Residential to the south; and Planned Development to the west (Las Colonias Business Park).

#### 3. Site Access and Traffic

There is currently one access point to C ½ Road, and 27 ½ Road extends into the properties.

#### 4 & 5. Availability of Utilities and Unusual Demands

Sanitary Sewer: Sewer is provided by the City of Grand Junction. It is an existing 8” line located in 27 ½ Road and C ½ Road.

Domestic water will be provided by Ute Water.

#### 6. Effects On Public Facilities

Future development of these properties will have expected, but not unusual impacts on the fire department, police department, and the public school system.

#### 7. Site Soils

No unusual or unexpected soil issues are present at the proposed site.

#### 8. Site Geology and Geologic Hazards

There is ‘floodway designation along the river edge of the property; there is 100 year floodplain on much of the property.

#### 9. Hours of Operation N/A

#### 10. Number of Employees N/A

#### 11. Signage Plans N/A

#### 12. Irrigation

### **E. Development Schedule and Phasing**

- Submit ROW Vacation – August 2019
- Submit Major Site Plan - Fall 2019

## NEIGHBORHOOD MEETING NOTES

### March 19, 2019 @ 5:30pm

A Neighborhood Meeting was held on March 19, 2019 regarding a proposed ROW Vacation of 27 ½ Road and proposed Rezone from I-1 & I-O to C-1 at 347 27 ½ Road, 2757 C ½ Road and the adjacent parcel to the west.

#### In Attendance:

Representatives: Ted Ciavonne & Mallory Reams (Ciavonne, Roberts & Associates Inc.)  
Kathy Portner (City of Grand Junction)

About 7 Neighbors attended the meeting and had the following comments:

- So the adjacency allows the comp plan change? –Yes.
- That area is in the floodway/flood plain. Will they have to fill it? – Can't build in the floodway. There will most likely be a trail in that area eventually. As far as the rest of the area, the soil will have to raise least 1' above flood plain grade.
- They still found it unusual that residential would be planned here as it's in the flood plain.
  - Kathy Portner informed them to keep in mind that the entire Riverside Neighborhood is in the flood plain. The city has rules and regulations in place to plan/resolve things like this and minimize risk.
- What about foundations in that type of soil? – A Geotechnical Report will be done at time of Site Plan which will come with recommendations for foundations.
- Has a geotechnical report been done? – Not yet, but that will be the next step after this rezone/ROW vacation submittal.
- Has the price of the land been decided? Under contract? – No idea.
- On the westerly parcel, is that the bike trail that goes up and around it? Will it remain that way when this develops? – The city has a 50' trail easement along these three parcels. That trail will remain, but eventually there will be another trail along the river.
- The neighbors liked that it was going to change from industrial to commercial. They don't want industrial. They are concerned with light pollution and noise that goes along with industrial uses so this is a positive change for them.
- Where will the dog park be for Las Colonias? North of this property? – No, it has moved more to the west.
- What is the maximum density allowed? – Up to 24 units/acre for C-1 with a 40' height restriction
- Are you dealing with a single owner? – We are. It is not clear if there are other investors/owners involved at this time.
- So you don't know what the uses might be? – No, but it will be a mixed use type with office, retail and some sort of residential. The potential owner wants the uses to compliment what is happening at Las Colonias Business Park.

- The neighbors wanted to mention that their neighborhood across the river is very, very quiet with an abundance of different types of wildlife around. They want the potential owner to keep that in mind when deciding what to put here.
- They informed us we should look at the wash to the north and how to improve drainage when this project goes to site plan review.
- The property surrounding Indian Road to the North; what is that going to be? Will they go MU? – It was developed as an industrial park.
- Any landscaping? – Yes there will be. It's too early to tell what the design will look like, but the city has a landscape code that we will follow when the time comes.

# SIGN-IN SHEET

## NEIGHBORHOOD MEETING

Tuesday March 19, 2019 @ 5:30pm

FOR: REZONE @ 347 27 1/2 Road, 2757 C 1/2 Road and the adjacent parcel to the west.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE # / EMAIL</u>
Penny Heuscher (Pauline)	24601 Sorento Sorento Ln Cedaridge, 81413 (own property on mt view Ct received notice	pheuscher@gmail.com
Enno Heuscher	"	epheuscher@gmail.com
Janet Magoon	2752 Chayenne Dr.	janetmagoon@live.com
Paul Early	776 23 1/2 Rd	
Bessie Skinner	2773 C 1/2 Rd Skinner Farm	2000@YAHOO.COM
Harry Graff	2636 Chestnut Dr. 91506	harryegllblaw.com
Diane Birmingham	333 Mtn View Ct.	dbham52@gmail.com
Kathy Portner	City of GS	
Ted Ciavonne + Malloy Reams	Ciavonne, Roberts + Associates	

# Vicinity Map



RIVERFRONT L...

LAS COLONIAS DR

Las Colonias Middle Pond

LAS COLONIAS LNDG

27 1/2 ST

INDIAN RD

C 1/2 RD

Colorado River

Colorado River

### ROAD RIGHT OF WAY VACATION

A Parcel of land located within the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, County of Mesa, State of Colorado and being a part of a strip of land described in document recorded at Reception No.60138 of the Mesa County Records, being more particularly described as follows:

A 25.00 foot wide strip of land, the West line of the East 12.50 feet adjoins the West line of Government Lot 2 of said Section 24, the North line of said strip of land beginning 26.00 feet South of the North line of said Government Lot 2 and terminating at the North Bank of the Colorado River and the East line of the West 12.50 feet adjoins the East line of Government Lot 3 of said Section 24, the North line of said strip of land beginning beginning 26.00 feet South of the North line of said Government Lot 3 and terminating at the North Bank of the Colorado River.

Containing an area of 9,460 square feet (.217 acres) more or less as described.

This legal description prepared by:  
Christopher C. Ransier CO PLS 38089  
717 Centauri Drive  
Grand Junction, CO 81506



CENTER 1/4 CORNER,  
SECTION 24 SECTION 24,  
TOWNSHIP 1 SOUTH,  
RANGE 1 WEST,  
UTE MERIDIAN

Located within the NE1/4 SW1/4 and  
the NW1/4 SE1/4 of Section 24,  
Township 1 South, Range 1 West, Ute Meridian,  
County of Mesa, State of Colorado

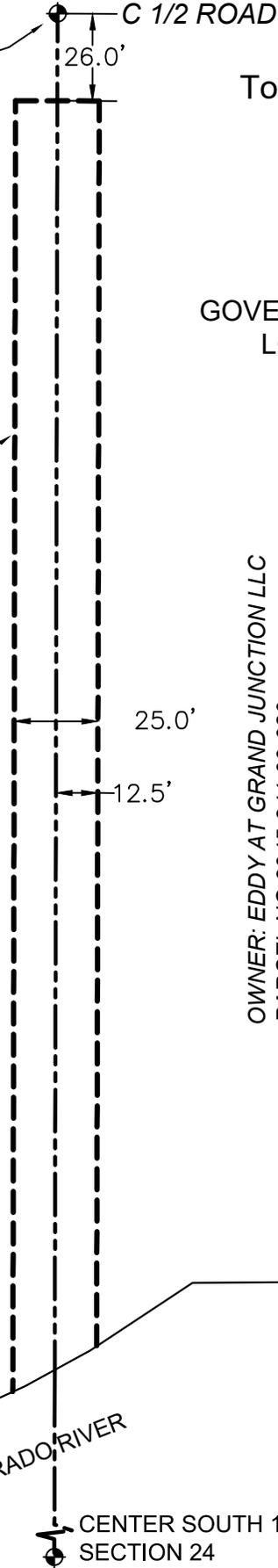
GOVERNMENT  
LOT 3

GOVERNMENT  
LOT 2

VACATION AREA

OWNER: EDDY AT GRAND JUNCTION LLC  
PARCEL NO. 2945-243-00-081  
RECEPTION NO. 2909396

OWNER: EDDY AT GRAND JUNCTION LLC  
PARCEL NO. 2945-244-00-080  
RECEPTION NO. 2909396



SCALE IN FEET

1"=50'

\*This Exhibit is not intended to be used for  
establishing or verifying property boundary lines.  
\*Linear units are in U.S. Survey Feet.

TOP OF NORTH BANK  
COLORADO RIVER

COLORADO RIVER

CENTER SOUTH 1/16 CORNER,  
SECTION 24



CHRISTOPHER C. RANSIER  
CO PLS 38089  
717 CENTAURI DRIVE  
GRAND JUNCTION, CO 81506

# ALTA/NSPS LAND TITLE SURVEY

## Located within the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado

**PARCEL DESCRIPTION:**

As Described in a Warranty Deed recorded at Reception No.2894815 in the office of the Mesa County Clerk and Recorder.

**PARCEL 1:**

ALL OF LOT 3, EXCEPT THE WEST 10 CHAINS THEREOF IN SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE C/4 CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE ALONG THE NORTH LINE OF GOVERNMENT LOT 3 IN SAID SECTION 24 S89°56'19"W 12.50 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 27½ ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89°56'19" 652.12 FEET; THENCE S00°06'53"E 534.28 FEET TO THE NORTH BANK OF THE COLORADO RIVER, WHICH IS ALSO THE SOUTH LINE OF GOVERNMENT LOT 3 IN SAID SECTION 24; THENCE ALONG SAID RIVER BANK THE FOLLOWING THIRTEEN (13) COURSES: 1. S82°54'10"E 17.50 FEET; 2. N73°04'18"E 49.98 FEET; 3. N82°36'10"E 205.52 FEET; 4. N84°59'11"E 36.42 FEET; 5. N84°27'00"E 76.02 FEET; 6. N75°18'35"E 56.11 FEET; 7. N82°35'07"E 9.02 FEET; 8. S52°59'28"E 9.53 FEET; 9. N61°06'48"E 19.97 FEET; 10. N70°44'38"E 63.80 FEET; 11. N74°23'15"E 70.58 FEET; 12. N61°19'12"E 30.61 FEET; 13. N70°38'06"E 23.73 FEET TO THE WEST RIGHT-OF-WAY LINE OF 27½ ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE N00°07'57"E 413.77 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

THE WEST 367.65 FEET OF ALL THAT PART OF LOT 2 IN SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN LYING WEST OF THE DRAINAGE DITCH OF THE GRAND JUNCTION DRAINAGE DISTRICT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE C/4 CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE S89°46'04"E 12.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 27½ ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE S00°07'57"W 404.92 FEET TO THE NORTH BANK OF THE COLORADO RIVER, WHICH IS ALSO THE SOUTH LINE OF GOVERNMENT LOT 2 IN SAID SECTION 24; THENCE ALONG SAID RIVER BANK THE FOLLOWING EIGHT (8) COURSES: 1. S45°37'16"E 24.34 FEET; 2. S62°32'16"E 33.07 FEET; 3. N55°25'33"E 33.87 FEET; 4. N89°54'00"E 153.40 FEET; 5. N85°02'35"E 50.54 FEET; 6. S87°09'05"E 12.51 FEET; 7. N52°08'39"E 22.53 FEET; 8. S84°02'41"E 46.74 FEET; THENCE N00°07'57"E 403.55 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 2; THENCE ALONG SAID NORTH LINE N89°46'04"E 355.15 FEET TO THE POINT OF BEGINNING.

**PARCEL 3:**

A PARCEL OF LAND SITUATE IN G.L.O. LOT 2 OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE C/4 CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE ALONG THE NORTH LINE OF THE NW¼ SE¼ OF SAID SECTION 24 S89°46'04"E 367.65 FEET; THENCE S00°07'57"W 30.00 FEET TO THE SOUTH RIGHT-OF-WAY OF C/4 ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY S89°46'04"E 335.18 FEET; THENCE S33°58'56"W 457.11 FEET TO A POINT ON THE NORTH BANK OF THE COLORADO RIVER; THENCE ALONG AND PARALLEL WITH THE COLORADO RIVER N55°58'04"W 97.06 FEET; THENCE N00°07'57"E 326.08 FEET TO THE POINT OF BEGINNING.  
ALL IN COUNTY OF MESA, STATE OF COLORADO.

**PARCEL DESCRIPTION AS SURVEYED:**

**PARCEL 1:**

All of Government Lot 3, except the West 10 chains thereof in Section 24, Township 1 South, Range 1 West of the Ute Meridian, and being more particularly described as follows:

Commencing at the center 1/4 corner of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence along the North line of Government Lot 3 of said section 24 S89°56'42"W, a distance of 12.50 feet to a point on the West road right of way as described in document found at Reception No.60138 of the Mesa County Records and the Point of Beginning; thence continuing along said North line S89°56'42"W, a distance of 652.12 feet; thence S00°06'53"E, a distance of 534.35 feet to the North bank of the Colorado River; thence perpendicular to the median line of the Colorado River S03°33'44"E, a distance of 164.69 feet to a point on the median line of the Colorado River; thence Northeasterly along said median line to a point on the East line of said Government Lot 3; thence along the East line of said Government Lot 3 N00°07'10"E, a distance of 168.95 feet to a point on the North Bank of the Colorado River and a point on the Southerly road right of way as described in document found at Reception No.60138, 26014 and 39754 of the Mesa County Records; thence along said road right of way S61°42'09"W, a distance of 14.25 feet; thence along said road right of way N00°07'10"E, a distance of 410.86 feet to the Point of Beginning.  
Containing 9.586 Acres, more or less as described.

**PARCEL 2:**

The West 367.65 feet of all that part of Government Lot 2 in Section 24, Township 1 South, Range 1 West of the Ute Meridian lying West of the drainage ditch of the Grand Junction Drainage District, and being more particularly described as follows:

Commencing at the center 1/4 corner of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence S89°45'54"E, a distance of 12.50 feet to a point on the East road right of way as described in document found at Reception No.60138 of the Mesa County Records and the Point of Beginning; thence along said road right of way S00°05'19"W, a distance of 397.16 feet to the North bank of the Colorado River; thence along said road right of way S61°24'09"W, a distance of 14.25 feet to a point on the West line of said Government Lot 2; thence along the West line of said Government Lot 2 S00°07'10"W, a distance of 168.95 feet to the median line of the Colorado River; thence Northeasterly and Easterly along said median line to a point from which the center 1/4 corner of said Section 24 bears N32°46'02"W, a distance of 670.32 feet; thence perpendicular from said median line N01°22'02"E, a distance of 163.95 feet to a point on the North Bank of the Colorado River; thence N00°08'07"E, a distance of 398.25 feet to a point on the North line of said Government Lot 2; thence along the North line of said Government Lot 2 N89°45'54"W, a distance of 355.15 feet to the Point of Beginning.  
Containing 4.627 Acres, more or less as described.

**PARCEL 3:**

A parcel of land situate in Government Lot 2 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, and being more particularly described as follows:

Commencing at the center 1/4 corner of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence along the North line of said Government Lot 2 S89°45'54"E, a distance of 355.15 feet; thence S00°08'07"W, a distance of 30.00 feet to the Point of Beginning; thence S89°45'54"E, a distance of 335.18 feet; thence S33°59'06"W, a distance of 457.11 feet to a point on the North bank of the Colorado River; thence perpendicular to the median line of the Colorado River S00°52'11"W, a distance of 153.21 feet to a point on the median line of the Colorado River; thence Westerly along said median line to a point from which the center 1/4 corner of said Section 24 bears N32°46'02"W, a distance of 670.32 feet; thence perpendicular from said median line N01°22'02"E, a distance of 163.95 feet to a point on the North Bank of the Colorado River; thence N00°08'07"E, a distance of 398.25 feet to the Point of Beginning.  
Containing 2.099 Acres, more or less as described.

**ALTA/NSPS Land Title Surveys**

**TABLE A**

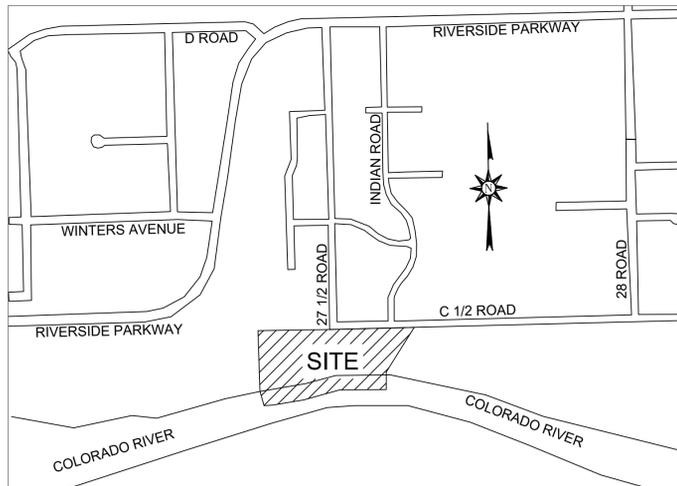
- Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner. *Shown hereon.*
- Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork. *347 27 1/2 Road, Grand Junction, CO 81501 & 2757 C 1/2 Road, Grand Junction, CO 81501*
- The property shown hereon is located within Zone X and Zone AE according to FEMA Panel Map Number 08077C0816F Dated July 6, 2010.
- Gross land area (and other areas if specified by the client) *Land Area 12.540± Acres, Body of Water Area 3.770± Acres, Total 16.310± Acres.*
- Not Applicable to this survey.
- (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter. *Current Zoning Classification- Light Commercial (C-1) Zoning District, City of Grand Junction GIS map 12/21/2019 Building Setbacks- Front 15 feet, Rear 10 feet, Sides 0 feet. Building Height Maximum- 40 feet.*  
(b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter. *City of Grand Junction GIS map 12/21/2019*
- Exterior dimensions of all buildings at ground level. *Shown hereon.*  
*Square footage of:*  
*(1) exterior footprint of all buildings at ground level. Shown hereon.*
- Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse). *Shown hereon.*
- Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots. *no observed evidence of spaces or striping*
- Names of adjoining owners according to current tax records. *Shown hereon.*
- As specified by the client, distance to the nearest intersecting street. *Shown hereon.*
- Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork. *No evidence of recent earth moving or construction.*
- Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. *This surveyor is aware of proposed road right of way vacation between Parcel 1 and Parcel 2, currently submitted to the City of Grand Junction Planning. At the time of this survey no information was provided to the surveyor as to the outcome of the City of Grand Junctions decision.*
- If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state. *No observed evidence.*
- Include any plottable offsite (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions). *Shown hereon.*

**SURVEY NOTES:**

- Underground utility marks were provided by a qualified utility locator.
- Linear units are in U.S. Survey Feet.
- Title research was supplied by Land Title Guarantee Company, File Number GJC65040774. Date: 12/19/2019.
- The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of ascertained survey monuments.
- The Colorado River is defined as a Non-Navigable River. The ownership of lands on either side of the River shall extend to the Thalgew and the Thread, or Geometric (median line) center of the River. The Colorado River adjacent to this site is a natural meandering River and lands adjacent to the Colorado River may gain area due to accretion or lose lands due to erosion.
- According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**BASIS OF BEARINGS:**

The bearing between the center 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian and the center East 1/16 of Section 24, Township 1 South, Range 1 West of the Ute Meridian is S89°45'54"E, this bearing corresponds with grid north of the Mesa County Local Coordinate System. Both Monuments are in Monument Boxes.



VICINITY MAP  
NOT TO SCALE

**SCHEDULE B, PART II**

ORDER NUMBER: GJC65040774

- ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND. *NOT A SURVEY ISSUE.*
- EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS. *NOT A SURVEY ISSUE.*
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS. *SHOWN HEREON.*
- ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. *NOT A SURVEY ISSUE.*
- DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE OF THE PROPOSED INSURED ACQUIRES OF RECORD FOR VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. *NOT A SURVEY ISSUE.*
- (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. *NOT A SURVEY ISSUE.*
- (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER. *NOT A SURVEY ISSUE.*
- RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED AS RESERVED IN UNITED STATES PATENTS RECORDED AUGUST 21, 1897 IN BOOK 11 AT PAGE 504 UNDER RECEPTION NO. 25969. *BLANKET EASEMENT.*
- RIGHTS OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 21, 1897 IN BOOK 11 AT PAGE 504 UNDER RECEPTION NO. 25969. *BLANKET EASEMENT.*
- A STRIP OF LAND 30 FEET IN WIDTH, WHETHER IN FEE OR EASEMENT ONLY, ALONG THE ENTIRE EASTERN LINE OF SAID LOT THREE (3), AS SET FORTH IN DEED RECORDED OCTOBER 18, 1897 IN BOOK 46 AT PAGE 466 UNDER RECEPTION NO. 26210. *NOT APPLICABLE TO THE SURVEYED PROPERTY.*
- A STRIP OF LAND 10 FEET IN WIDTH FOR ROAD PURPOSES, AND RIGHTS INCIDENTAL THERETO, ALONG THE EAST END OF SAID LOT THREE (3), AS RESERVED IN DEED RECORDED SEPTEMBER 2, 1897 IN BOOK 57 AT PAGE 544 UNDER RECEPTION NO. 26014. *SHOWN HEREON.*
- A STRIP OF GROUND FOR ROAD PURPOSES, AND RIGHTS INCIDENTAL THERETO, ON THE WEST SIDE OF LOT TWO OF SAID SECTION 24, AS SET FORTH IN WARRANTY DEED RECORDED MARCH 28, 1902 IN BOOK 74 AT PAGE 396 UNDER RECEPTION NO. 39754. *SHOWN HEREON.*
- RIGHT-OF-WAY FOR C 1/2, AND RIGHTS INCIDENTAL THERETO, AS DISCLOSED IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY ASSESSOR. *SHOWN HEREON.*
- ANY QUESTION, DISPUTE OR ADVERSE CLAIM AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ACCRETION, RELICTION, EROSION OR AVULSION OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE COLORADO RIVER LYING WITHIN THE SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING THE SUBJECT LANDS. *SHOWN HEREON.*
- ANY RIGHTS, INTERESTS OR EASEMENTS IN FAVOR OF THE RIPARIAN OWNERS, THE UNITED STATES OF AMERICA, THE STATE OF COLORADO, OR THE GENERAL PUBLIC, WHICH EXIST, HAVE EXISTED, OR ARE CLAIMED TO EXIST IN AND OVER WATERS AND PRESENT AND PAST BED AND BANKS OF THE COLORADO RIVER. *NOT A SURVEY ISSUE.*
- ANY RIGHTS, INTERESTS OR EASEMENTS WHICH EXIST OR ARE CLAIMED TO EXIST IN FAVOR OF THE PUBLIC THROUGH THE SUBJECT PROPERTY FOR ACCESS TO THE COLORADO RIVER. *NOT A SURVEY ISSUE.*
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF RIGHT-OF-WAY AGREEMENT, GRANTED TO CENTRAL GRAND VALLEY SANITATION DISTRICT, RECORDED MARCH 11, 1971 IN BOOK 956 AT PAGE 409 UNDER RECEPTION NO. 1001904. *SHOWN HEREON.*
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND AGREEMENT, IN FAVOR OF THE GRAND JUNCTION DRAINAGE DISTRICT, RECORDED NOVEMBER 14, 1983 IN BOOK 1464 AT PAGE 580 UNDER RECEPTION NO. 1345103. *SHOWN HEREON.*
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND AGREEMENT, IN FAVOR OF THE GRAND JUNCTION DRAINAGE DISTRICT, RECORDED MAY 20, 1987 IN BOOK 1643 AT PAGE 936 UNDER RECEPTION NO. 1455510. *SHOWN HEREON.*
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF GRANT OF TRAIL EASEMENT, GRANTED TO THE CITY OF GRAND JUNCTION, A COLORADO HOME RULE MUNICIPALITY, RECORDED MARCH 10, 2014 IN BOOK 5579 AT PAGE 610 UNDER RECEPTION NO. 2684027. *SHOWN HEREON.*
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON BOUNDARY SURVEY CERTIFIED NOVEMBER 20, 2006 PREPARED BY POLARIS SURVEYING, PATRICK CLICK, P.L.S., JOB #07-48. *SHOWN HEREON.*
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON IMPROVEMENT SURVEY PLAT CERTIFIED AUGUST 13, 2019 PREPARED BY CR SURVEYING LLC, JOB #1051019. *SHOWN HEREON.*

**CERTIFICATION:**

To The Eddy at Grand Junction, LLC, a Colorado limited liability company, Land Title Guarantee Company and Old Republic National Title Insurance Company, and their respective affiliates, successors and assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1.2,3,4,6(a),6(b),7(a),7(b)(1),8,9,13,14,16,17,18,19 and 20 of Table A thereof. The fieldwork was completed on June 16th, 2019 and December 20th, 2019.

Date of Plat or Map: December 27th, 2019



Christopher C. Ransier  
Colorado PLS 38089

**SHEET 1 OF 2**

**ALTA/NSPS LAND TITLE SURVEY**  
Located within the NE1/4 SW1/4 and  
the NW1/4 SE1/4 of Section 24,  
Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado

**LAND SURVEY DEPOSITS**  
Mesa County Surveyor's Office  
Date \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
Deposit No. \_\_\_\_\_

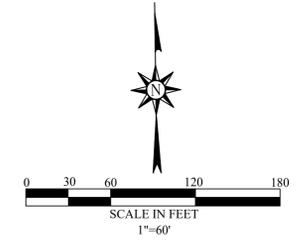
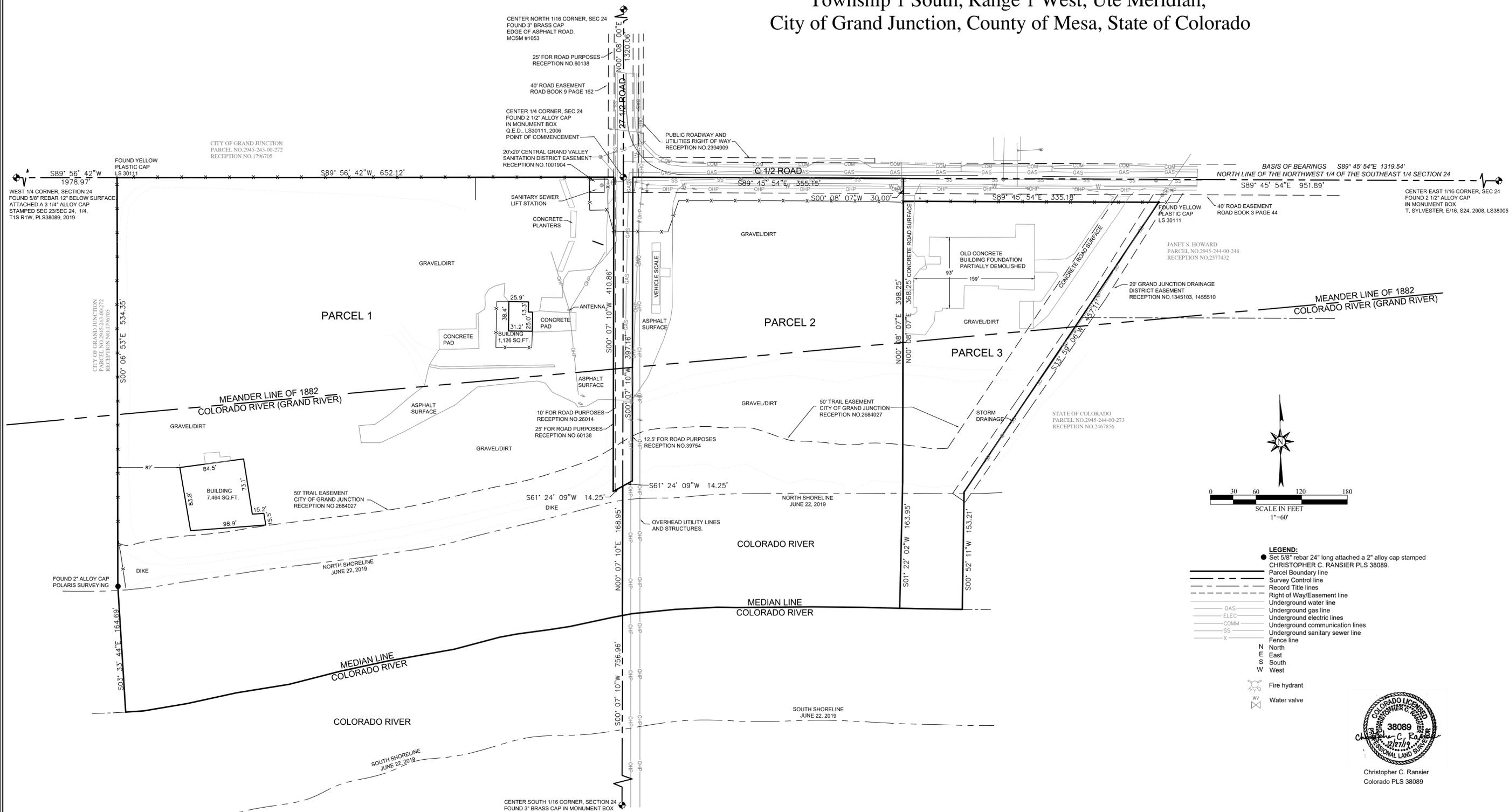


CR SURVEYING, LLC  
717 CENTAURI DRIVE  
GRAND JUNCTION, COLO 81506  
970-201-4081

SURVEYED BY: CCR    DRAWN BY: CCR    JOB #: 3014119    DATE 12/27/2019

# ALTA/NSPS LAND TITLE SURVEY

Located within the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 24,  
Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado



- LEGEND:**
- Set 5/8" rebar 24" long attached a 2" alloy cap stamped CHRISTOPHER C. RANSIER PLS 38089.
  - Parcel Boundary line
  - Survey Control line
  - Record Title line
  - Right of Way/Easement line
  - Underground water line
  - GAS Underground gas line
  - ELEC Underground electric lines
  - COMM Underground communication lines
  - SS Underground sanitary sewer line
  - X Fence line
  - N North
  - E East
  - S South
  - W West
  - ⊕ Fire hydrant
  - ⊕ WV Water valve



Christopher C. Ransier  
Colorado PLS 38089

**BASIS OF BEARINGS:**  
The bearing between the center 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian and the center East 1/16 of Section 24, Township 1 South, Range 1 West of the Ute Meridian is S89°45'54"E, this bearing corresponds with grid north of the Mesa County Local Coordinate System. Both Monuments are in Monument Boxes.

- SURVEY NOTES:**
- Underground utility marks were provided by a qualified utility locator.
  - Linear units are in U.S. Survey Feet.
  - Title research was supplied by Land Title Guarantee Company, File Number GJC65040774, Date: 12/19/2019.
  - The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of accepted survey monuments.
  - The Colorado River is defined as a Non-Navigable River. The ownership of lands on either side of the River shall extend to the Thalweg and the Thread, or Geometric (median line) center of the River. The Colorado River adjacent to this site is a natural meandering River and lands adjacent to the Colorado River may gain area due to accretion or lose lands due to erosion.
  - According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**LAND SURVEY DEPOSITS**  
Mesa County Surveyor's Office  
Date \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
Deposit No. \_\_\_\_\_

**SHEET 2 OF 2**

**ALTA/NSPS LAND TITLE SURVEY**  
Located within the NE1/4 SW1/4 and  
the NW1/4 SE1/4 of Section 24,  
Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado



CR SURVEYING, LLC  
717 CENTAURI DRIVE  
GRAND JUNCTION, COLO 81506  
970-201-4081

SURVEYED BY: CCR    DRAWN BY: CCR    JOB #: 3014119    DATE: 12/27/2019

**XCEL ENERGY EASEMENT**

A Parcel of land located within the NW1/4 of the SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

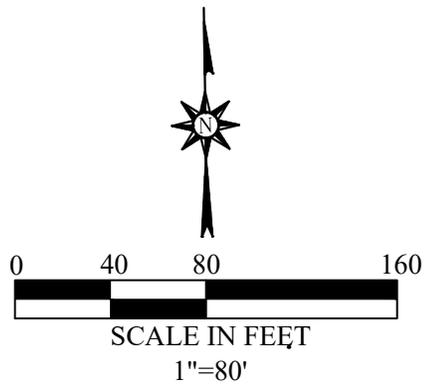
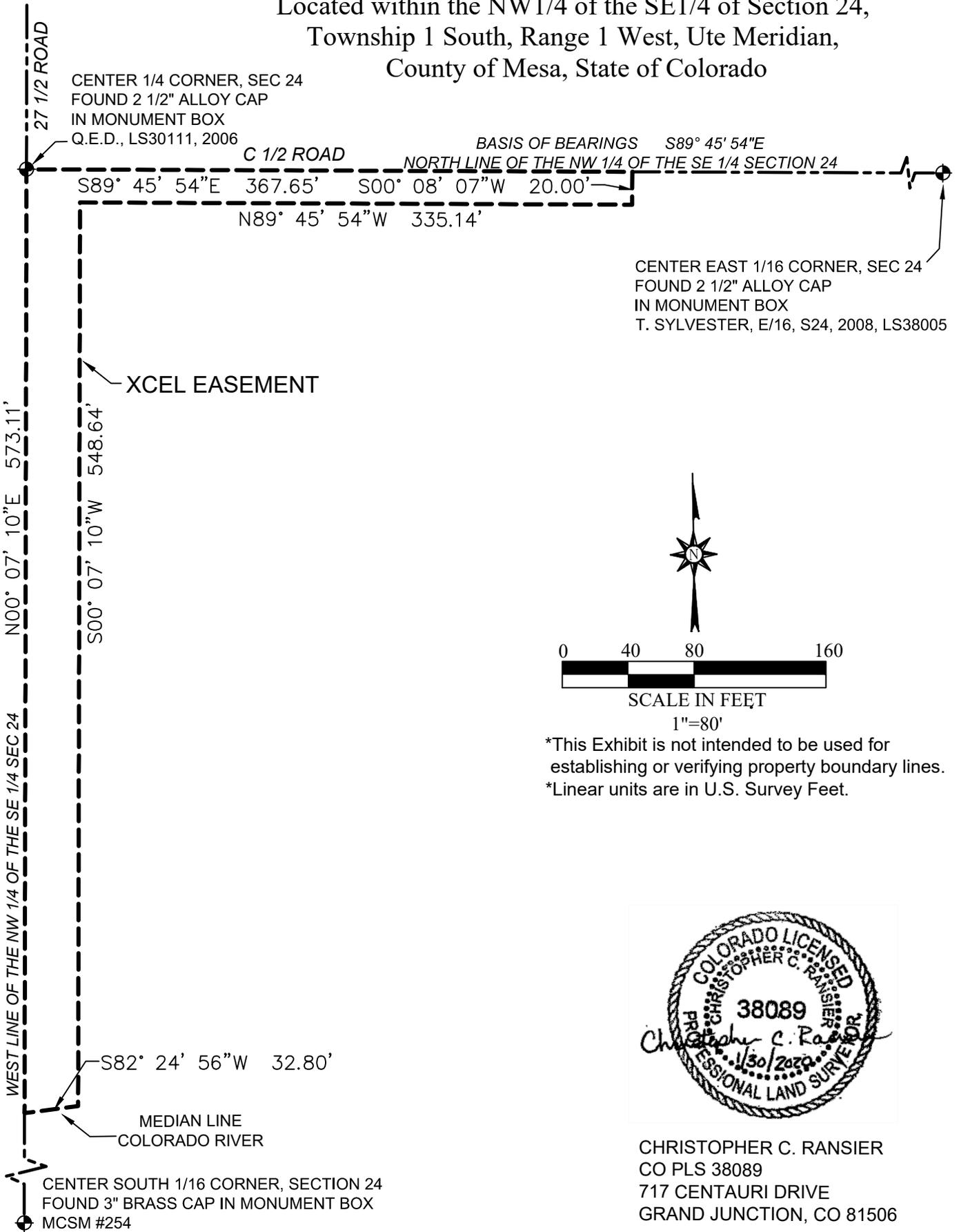
Beginning at the Center 1/4 corner of Section 24 whence the Center East corner of Section 24 bears S89°45'54"E with all bearings being relative thereto; thence S89°45'54"E, a distance of 367.65 feet; thence S00°08'07"W, a distance of 20.00 feet; thence N89°45'54"W, a distance of 335.14 feet; thence S00°07'10"W, a distance of 548.64 feet to the median line of the Colorado River; thence S82°24'56"W along the median line of the Colorado River, a distance of 32.80 feet; thence N00°07'10"E, a distance of 573.11 feet to the Point of Beginning.

Containing an area of 25,256 square feet (.579 acres) more or less as described.

This legal description prepared by:  
Christopher C. Ransier CO PLS 38089  
717 Centauri Drive  
Grand Junction, CO 81506



Located within the NW1/4 of the SE1/4 of Section 24,  
Township 1 South, Range 1 West, Ute Meridian,  
County of Mesa, State of Colorado



\*This Exhibit is not intended to be used for establishing or verifying property boundary lines.  
\*Linear units are in U.S. Survey Feet.



CHRISTOPHER C. RANSIER  
CO PLS 38089  
717 CENTAURI DRIVE  
GRAND JUNCTION, CO 81506

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING A PORTION OF 27 ½ ROAD RIGHT-OF-WAY LOCATED AT 347 27 ½ ROAD

RECITALS:

Eddy at Grand JCT, LLC has requested to vacate 400 lineal feet of 27 ½ Road right-of-way, located at 347 27 ½ Road, in order to enable the orderly development of a future mixed-use campus on site.

Xcel Energy owns a gas line and overhead power lines that currently lie in the ROW to be vacated. The Applicant must grant an easement to Xcel Energy allowing for continued access to this gas equipment as a condition of approval.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code.

The Planning Commission, having heard and considered the requests, found the criteria of the Code to have been met, and recommended that the portion of 27 ½ Road right-of-way located at 347 27 ½ Road be vacated.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated alley right-of-way is hereby vacated subject to the listed conditions:

A Parcel of land located within the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, Count of Mesa, State of Colorado and being a part of a strip of land described in document recorded at Reception No.60138 of the Mesa County Records, being more particularly described as follows:

A 25.00 foot wide strip of land, the West line of the East 12.50 feet adjoins the West line of Government Lot 2 of said Section 24, the North line of said strip of land beginning 26.00 feet South of the North line of said Government Lot 2 and terminating at the North Bank of the Colorado River and the East line of the West 12.50 feet adjoins the East line of Government Lot 3 of said Section 24, the North line of said strip of land beginning beginning 26.00 feet South of the North line of said Government Lot 3 and terminating at the North bank of the Colorado River.

Containing an area of 9,460 square feet (.217 acres) more or less as described.

Conditions of Approval:

1. Applicant shall grant an easement to Xcel Energy allowing for continued access to all Xcel equipment within the right-of-way area to be vacated.
2. Applicant shall pay all recording/documentary fees for the Vacation Ordinance.

Introduced for first reading on this 6<sup>th</sup> day of May, 2020 and ordered published in pamphlet form.

PASSED and ADOPTED this 1<sup>st</sup> day of June, 2020 and ordered published in pamphlet form.

ATTEST:

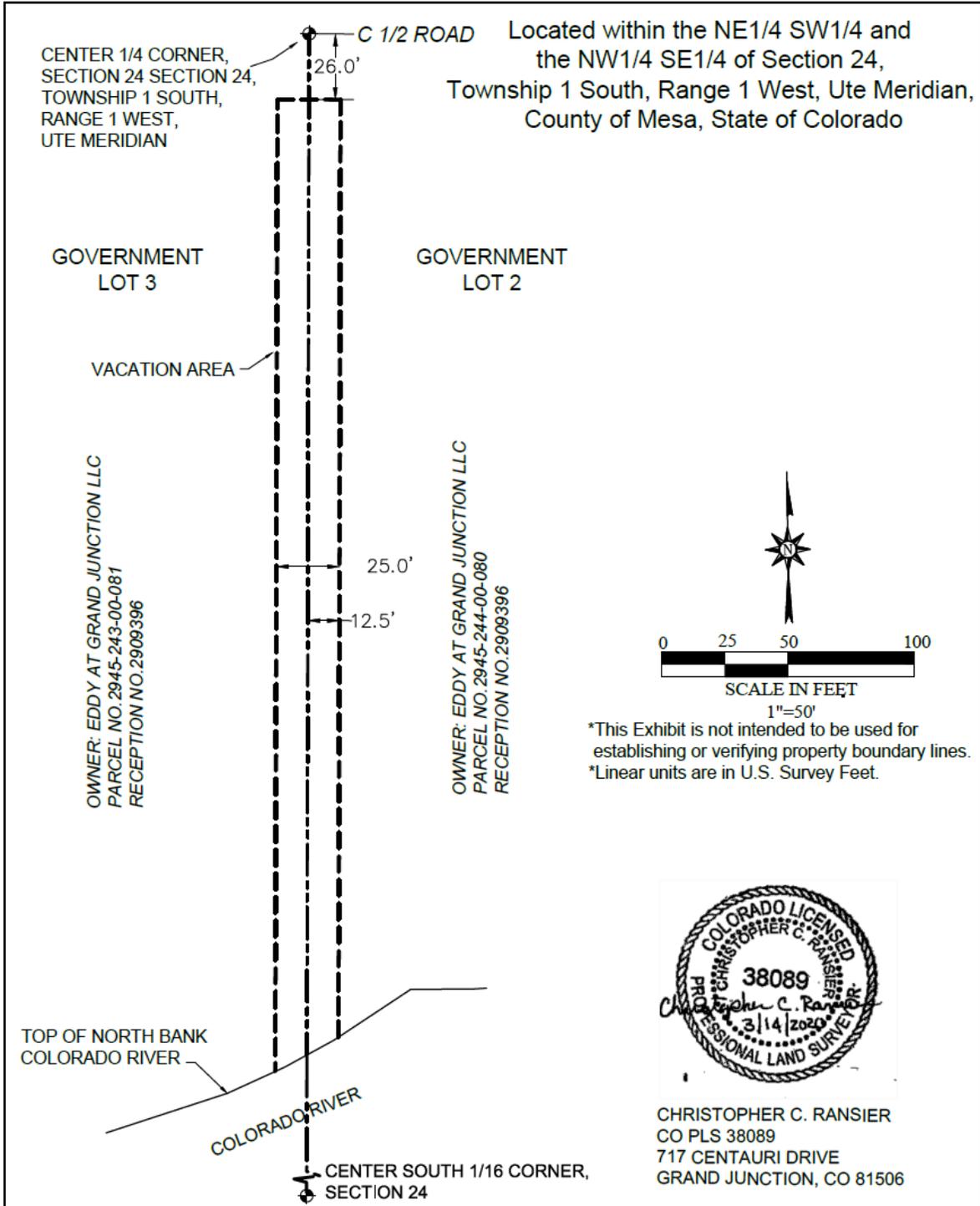
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President of City Council

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City Clerk

# EXHIBIT A





## Grand Junction City Council

### Regular Session

Item #2.b.iv.

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**Meeting Date:** May 20, 2020

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

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### **Information**

#### **SUBJECT:**

Introduction of an Ordinance for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a Rezone from R-E (Residential – Estate) to C-1 (Light Commercial) Located at 785 24 Road and Set a Public Hearing for June 1, 2020

#### **RECOMMENDATION:**

The Planning Commission heard this item at their May 12, 2020 meeting and voted (5-0) to recommend denial of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Mallard View LLC, is requesting a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) for the entire 17.84-acres located at 785 24 Road in anticipation of future development. Staff has been unable to find the request for the full 17.84 acres to have met the required criteria.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The subject property is situated west of 24 Road, north of I-70 and south of H Road. Fellowship Church is located further to the south. The property currently contains a single-family detached home along with various accessory structures and is 17.84-acres in size. The Applicant is interested in preparing the property for future development that would be consistent with the scope and type of development

envisioned by the Comprehensive Plan as a Village Center as currently identified on a portion of the property.

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as having three designations; Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The purposes of these designations are as follows:

**Village Center Mixed Use:** Employment, residential, service, park and retail allowed. The Village Center is intended to be at a smaller scale (1 – 5 stories and smaller land area) than Downtown Mixed Use. A mix of uses, either horizontal or vertical, is expected unless otherwise designated in an adopted Area or Neighborhood Plan.

**Residential High Mixed Use:** All types of residential development may be permitted in these areas provided that gross densities are at least 16 and up to 24 du/acre. Modest amounts (dependent on zoning applied but not intended for more than 10% of a development) of service-oriented and retail commercial are allowed in the Residential High Mixed-Use Land Use Classification. Higher density residential (and neighborhood retail/service center development) may be permitted.

**Residential Medium:** A mix of residential development types with gross densities of 4 to 8 dwelling units per acre are anticipated in areas with this designation. Single family development will be integrated with other dwelling types, including duplexes, and low intensity attached residential development. Some low intensity multi-family development may be permitted.

The Applicant is requesting a future land use designation of Village Center for the entire 17.84-acres with a proposed zoning of C-1 (Light Commercial). The purpose of the C-1 (Light Commercial) zone district is to provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. 24 Road is currently classified as a Minor Arterial north of I-70.

In addition to the C-1 (Light Commercial) zoning requested by the petitioner, the following zone districts implement the Comprehensive Plan designation of Village Center for the subject property.

- a. R-8 (Residential – 8 du/ac)
- b. R-12 (Residential – 12 du/ac)
- c. R-16 (Residential – 16 du/ac)
- d. R-24 (Residential – 24 du/ac)

- e. R-O (Residential Office)
- f. B-1 (Neighborhood Business)
- g. M-U (Mixed Use)

The following zone districts implement the Comprehensive Plan designation of Residential High Mixed Use:

- a. R-16 (Residential – 16 du/ac)
- b. R-24 (Residential – 24 du/ac)
- c. R-O (Residential Office)
- d. B-1 (Neighborhood Business)

The following zone districts implement the Comprehensive Plan designation of Residential Medium:

- a. R-4 (Residential – 4 du/ac)
- b. R-5 (Residential – 5 du/ac)
- c. R-8 (Residential – 8 du/ac)
- d. R-12 (Residential – 12 du/ac)
- e. R-16 (Residential – 16 du/ac)
- f. R-O (Residential Office)

Land use classifications do not always follow property lines and it is not unusual for a single parcel of land to have more than one land use classification, especially larger acreage such as this. When a parcel has more than one land use classification, it allows greater flexibility for the specific requested zoning of the property and the anticipated development.

Properties adjacent to the subject property to the east, across 24 Road are zoned C-1 (Light Commercial) and County RSF-R (Residential Single Family – Rural). Also, to the east, west and south is County RSF-R (Residential Single Family – Rural). Directly to the north is County residential Planned Unit Development (PUD) with a City B-1 (Neighborhood Business) to the northeast located at the intersection of 24 Road and H Road, which contains the Beehive Homes, assisted living facility. Further to the south is Fellowship Church that is zoned R-R (Residential - Rural).

## **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed rezone and comprehensive plan amendment requests were held on February 4, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's Representative and City staff were in attendance along with approximately twelve citizens. Comments and concerns expressed by the attendees centered on what was going to be developed on the property and what the impacts of the proposed C-1 zone district

would have on the existing residential properties in the area.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 28, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on May 1, 2020. The notice of the Planning Commission public hearing was published May 5, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

### **Comprehensive Plan Amendment**

The criteria for review is set forth in Section 21.02.130 (c) (1). The criteria provides that the City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and;

(1) Subsequent events have invalidated the original premises and findings; and/or

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as having three designations; Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The original 2010 Future Land Use Map premise for these existing three designations was that the property would develop as a more residential medium to residential high area with an overall density designation (R-8 to R-24). The majority of the property (approximately 15.6 acres) is intended to have no commercial). By changing the entire property to Village Center the focus of the area would shift from primary residential to primarily commercial as the purpose of the Village Center is employment, residential, service, park and retail.

Though Village Center allows for and incorporates residential uses, it is not the overarching purpose of the designation and staff believes it does not align with the Comprehensive Plan's vision for this area of the community. Staff has been unable to identify a subsequent event that would invalidate the original premise and findings of the 2010 Comprehensive Plan and therefore, has found this criterion is not met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character and/or condition of the area has not changed in recent years as the properties located on the west side of 24 Road remain single-family residential located on large lot/acreage and relatively rural in nature. The property located on the east side

of 24 Road (782 24 Road) has a lavender farm and small distillery currently operating. All properties directly abutting the east side of 24 Road and between I-70 and H Road are designated Village Center but excluding the small distillery (approximately 3,700 square feet of space) remain as large acreage tracts of rural land. As such, Staff has not identified other character and/or condition changes that would support the affirmative finding of this criterion, therefore staff has not found this criterion to have been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the Village Center category as identified within the Comprehensive Plan. Ute Water and City sanitary sewer are presently available within 24 Road. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the south is Community Hospital located on G Road. Further to the south on 24 Road is the Mesa Mall area which includes restaurants, retail and service centers, banks and a grocery store, etc.

In general, staff has found public and community facilities are adequate to serve the type and scope of the Village Center designation proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The proposed Village Center designation for the entire 17.84-acre property could allow for a mixture of both commercial and higher density residential zoning districts. Presently the plan designates for a distance of approximately one-half mile on the east side of 24 Road, from I-70 north to beyond H Road, a large area of approximately 60 acres that is designated Village Center. In addition, west of 24 Road along the H Road Corridor for a distance of approximately .37 miles is another 34.5 acres of land designated Village Center, of which the Applicant's 2.1 acres of Village Center designated property is a part. With the exception of the Beehive Homes residential living facility and the Highlands Distillery, the balance of this acreage has not been developed consistent with the Village Center designation. Staff has been unable to find that there is an inadequate supply of suitably designated land available either in the community or the immediate surrounding area and therefore has found the criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community and area may benefit from this proposed Comprehensive Plan Amendment if the proposed request was modified to request the Village Center designation for only a portion along the 24 Road Corridor – consistent with the adopted Comprehensive Plan - which would allow the property to develop as a mixed use development of both light commercial and residential, thus meeting the intent of the 2010 Comprehensive Plan Future Land Use Map for this area of the community. However, as proposed the requested Future Land Use Map change to Village Center for the entire 17.84-acres, would not ensure any (or a portion) of the site be developed for residential purposes, which is not be in conformance with the Comprehensive Plan's vision.

As proposed, the request does not work to implement multiple goals and a policy of the Comprehensive Plan. Specifically, the request significantly alters the plan's approach to providing housing and a variety of housing types in this area. Goals and the policy not found to be met are as follows:

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County and other service providers.

**Policy A:** City and County land use decisions will be consistent with the Future Land Use Map.

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Goal 5:** To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Further, there is no specific development such as an Outline Development Plan being reviewed concurrently that would provide for demonstrable public benefit.

Staff has been unable to identify tangible public benefits to the community in general or the area specifically, therefore, Staff does not find this criterion has been met.

### **Rezone**

The criteria for review is set forth in Section 21.02.140 (a). The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or

The property is currently zoned R-E (Residential Estate) and was annexed into the City

limits in 2006 (Arbogast Annexation # 1 & #2). The Applicant is requesting a zoning change to C-1 (Light Commercial) for the entire 17.84-acres in conjunction with a proposed Comprehensive Plan Future Land Use Map amendment to Village Center.

The 2010 Comprehensive Plan Future Land Use map was adopted subsequent to the Residential-Estate designation of the property. The Plan designated this property Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The existing zoning of R-E does not work to implement any of the current Future Land Use Map designations on the property. As such, staff has found that with the adoption of the 2010 Comprehensive Plan, the R-E zone district has been invalidated and has therefore found this criterion to be met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character and/or condition of the area has not changed in recent years as the properties located on the west side of 24 Road remain single-family residential located on large lot/acreage and relatively rural in nature. The property located on the east side of 24 Road (782 24 Road) has a lavender farm and small distillery currently operating. All properties directly abutting the east side of 24 Road and between I-70 and H Road are designated Village Center but excluding the distillery remains as large acreage tracts of rural land. As such, Staff has not identified other character and/or condition changes that would support an affirmative conclusion of character or condition changes in the area, and therefore staff has not found this criterion to have been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the Village Center category as identified within the Comprehensive Plan and the proposed C-1 zone district. Ute Water and City sanitary sewer are presently available within 24 Road. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the south is Community Hospital located on G Road. Further to the south on 24 Road is the Mesa Mall area which includes restaurants, retail and service centers, banks and a grocery store, etc.

In general, staff has found public and community facilities are adequate to serve the type and scope of the C-1 zone district proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as

defined by the presiding body, to accommodate the proposed land use; and/or

Presently on the east side of 24 Road, north of I-70 and south of H Road is an area of approximately 38 acres zoned C-1 Commercial. Of this proximate acreage, 34 acres are vacant. To the west along what would be 24 ¼ Road there exists another approximate 26 acres of undeveloped C-1 zoned property. Staff has been unable to identify that there is an inadequate supply of suitably designated land available either in the community or the immediate surrounding area. Presently the C-1 zone district comprises the largest amount of commercially designated zoned land within the City limits (1,167-acres) and is primarily located, as planned, around the City's major transportation corridors including Patterson Road (Mesa Mall area), State Highway 6 & 50, State Highway 50, I-70 Business Loop, Horizon Drive, and along North Avenue. Staff finds that the criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community and area may benefit from this proposed rezoning for a small portion of the property – consistent with the adopted Comprehensive Plan's Village Center designation - which would allow for a small portion of the property to develop as a mixed use center thus meeting the intent of the Comprehensive Plan Future Land Use Map for this area. However, as proposed the requested C-1 Zoning for the entire 17.84-acres, would not ensure any (or a portion) of the site be developed for residential purposes, which is not be in conformance with the Comprehensive Plan's vision.

The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan. The rezoning request to C-1, absent an approved Comprehensive Plan Amendment is not consistent with the adopted Future Land Use Map. In addition, as currently requested by the applicant is not consistent with the following goals and policies of the Comprehensive Plan. Specifically, the request significantly alters the plan's approach to providing housing and a variety of housing types in this area.

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County and other service providers.

**Policy A:** City and County land use decisions will be consistent with the Future Land Use Map.

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Goal 5:** To provide a broader mix of housing types in the community to meet the needs

of a variety of incomes, family types and life stages.

Further, there is no specific development such as an Outline Development Plan being reviewed concurrently that would provide for demonstrable public benefit.

Staff has been unable to identify tangible public benefits to the community in general or the area specifically, therefore, Staff does not find this criterion has been met.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Mallard Comprehensive Plan Amendment and Rezone requests, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center Mixed Use and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) for the property located at 785 24 Road, the following findings of facts have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

1. The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
2. The request is not consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

1. The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
2. The request is not consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, the Planning Commission recommends denial of the request.

### **FISCAL IMPACT:**

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on the type of use.

### **SUGGESTED MOTION:**

I move to introduce an ordinance amending the Comprehensive Plan Future Land Use Map of the City of Grand Junction from Residential High Mixed Use (16-24 du/acre)

and Residential Medium (4-8 du/acre) to Village Center and Rezoning from R-E (Residential Estate) Zone District to C-1 (Light Commercial) Zone District located at 785 24 Road and set a public hearing for June 1, 2020.

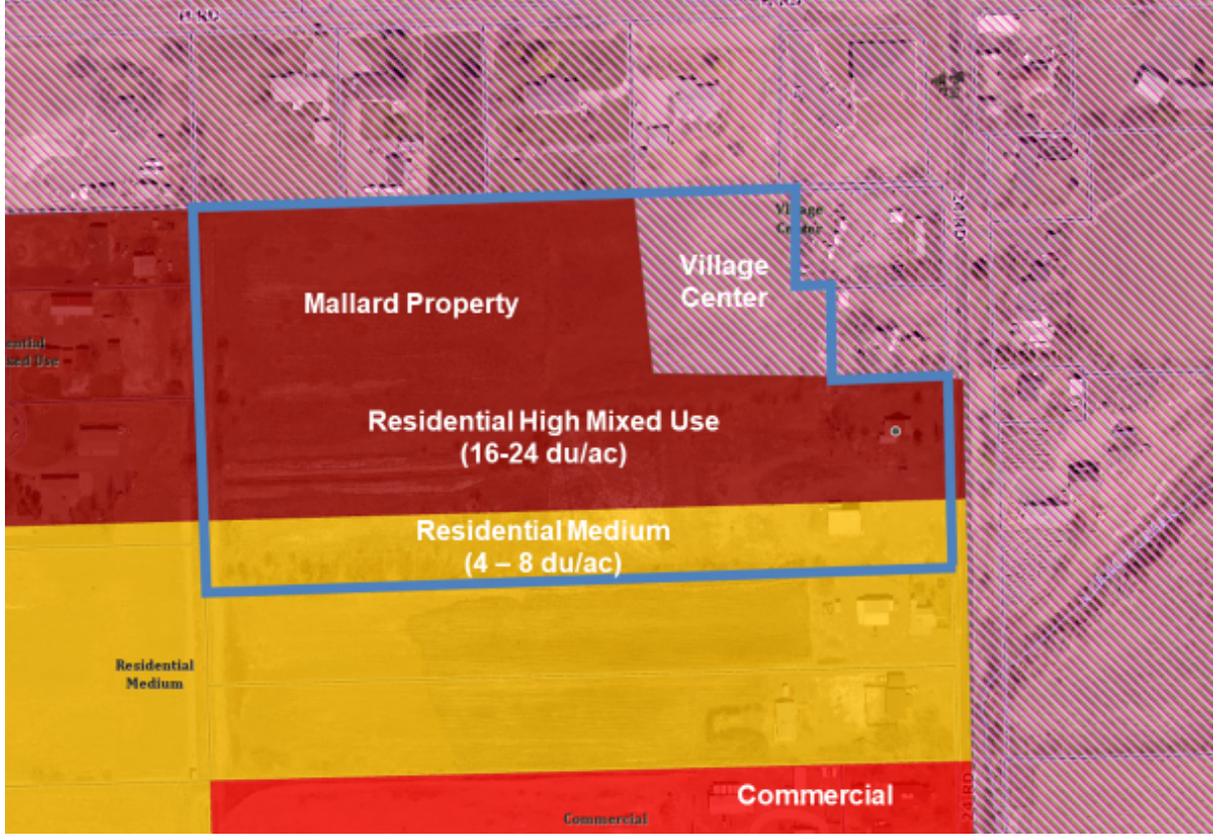
**Attachments**

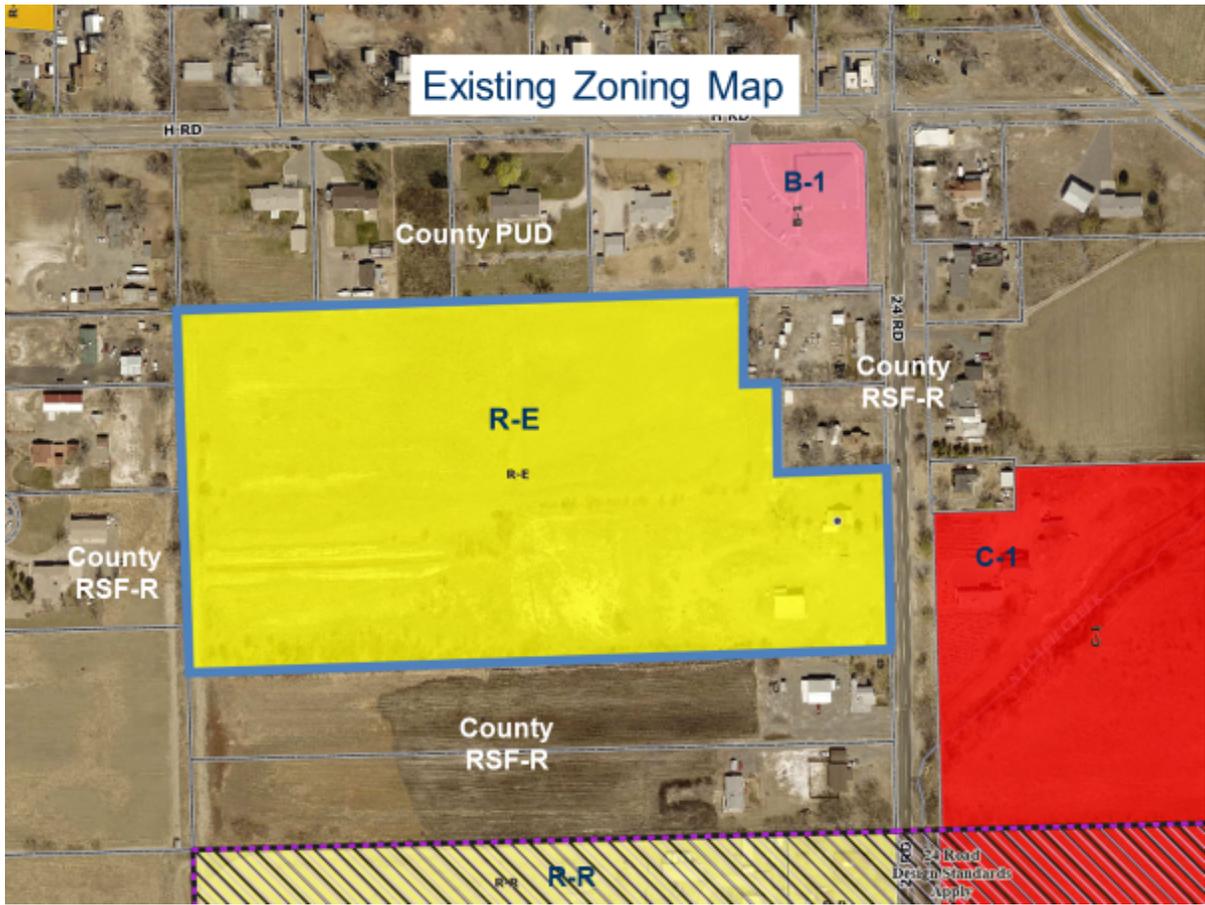
1. Site Location, Aerial, Future Land Use & Zoning Maps, etc
2. Development Application Dated February 2, 2020
3. Public Correspondence Received
4. Combined CPA and Zoning Ordinance





# Comprehensive Plan Future Land Use Map







**Google Maps Street view of property from 24 Road, looking northwest – July 2019**

## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation <input type="text" value="VCMU, RMH, &amp; RM"/>	Existing Zoning <input type="text" value="RE (Residential Estate)"/>
Proposed Land Use Designation <input type="text" value="VCMU"/>	Proposed Zoning <input type="text" value="C1 (Light Commercial)"/>

### Property Information

Site Location: <input type="text" value="785 24 Road, Grand Junction, CO 81505"/>	Site Acreage: <input type="text" value="Approx. 17.84"/>
Site Tax No(s): <input type="text" value="2701-320-00-027"/>	Site Zoning: <input type="text" value="RE (Residential Estate)"/>
Project Description: <input type="text" value="Application to rezone from RE (Residential Estate) to zone district C1 (Light Commercial)"/>	

### Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

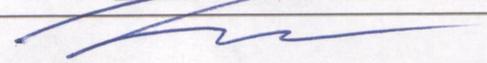
Contact Phone #:

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application  Digitally signed by Jennifer Christensen  
Date: 2020.02.03 11:30:48 -07'00'

Date

Signature of Legal Property Owner 

Date

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Mallard View, LLC ("Entity") is the owner of the following property:

(b) 785 24 Road, Grand Junction, CO 81505

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

- My legal authority to bind the Entity both financially and concerning this property is unlimited.
- My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

[Empty box for limited authority details]

- The Entity is the sole owner of the property.
- The Entity owns the property with other(s). The other owners of the property are:

[Empty box for other owners]

On behalf of Entity, I have reviewed the application for the (d) Rezone

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) N/A

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: [Handwritten Signature]

Printed name of person signing: John Davis

State of Colorado )

County of Mesa ) ss.

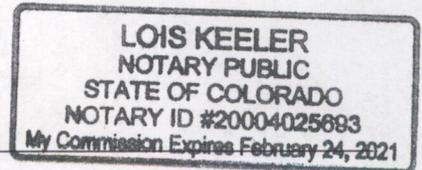
Subscribed and sworn to before me on this 11 day of February, 2020

by John Davis

Witness my hand and seal.

My Notary Commission expires on 2.24.21

Lois Keeler  
Notary Public Signature



## Instructions

An ownership statement must be provided for each and every owner of the property.

- (a) Insert complete name of owner as it appears on deed by which it took title. If true name differs from that on the deed, please provide explanation by separate document
- (b) Insert legally sufficient description of land for which application has been made to the City for development. Include the Reception number or Book and Page for recorded information. Assessor's records and tax parcel numbers are not legally sufficient description. Attach additional sheet(s) as necessary, and reference attachment(s) here. If the legal description or boundaries do not match those on the plat, provide an explanation.
- (c) Insert title/capacity within the Entity of person who is signing.
- (d) Insert the type of development application request that has been made. Include all pending applications affecting the property.
- (e) Insert name of all other owners, if applicable.
- (f) Insert the type of development application request(s) that has/have been made. Include all pending development applications affecting the property.
- (g) Explain the conflict and/or possible conflict and describe the information and/or evidence available concerning the conflict and/or possible conflict. Attach copies of written evidence.

2/3

WARRANTY DEED

Grantor(s):  
Steve V. Arbogast

2321584 BK 4176 PG 93  
06/08/2006 01:42 PM  
Janice Ward CLK&REC Mesa County, CO  
RecFee \$5.00 SurChgs \$1.00  
DocFee \$79.99

whose address is , , and State of  
\*County of

SEVEN HUNDRED NINETY NINE THOUSAND NINE HUNDRED AND NO/100-  
-----dollars, in hand paid, hereby sell(s)

and convey(s) to:  
Mallard View, LLC

whose address is P.O. Box 2867, Grand Junction, Colorado 81505

\*County of Mesa , and State of Colorado , the following real  
property, in the \*County of Mesa , and State of Colorado, to wit:

TAX SCHEDULE NUMBER: 2701-321-00-027

A parcel of land situate in the Northeast Quarter of the Northeast Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, as described in Book 2990 at Page 652 of the records of said Mesa County, being more particularly described as follows:

The North Half of the South Half of the Northeast Quarter of the Northeast Quarter and the South Half of the North Half of the Northeast Quarter of the Northeast Quarter of said Section 32;

EXCEPT:

Commencing at the Northeast Corner of said Section 32, being a found Mesa County survey marker, the basis of bearing being S00°02'59"W to the North 1/16 corner of said Section 32, being another found Mesa County survey marker;

thence S00°02'59"W a distance of 330.22 feet to the Point of Beginning;  
thence S00°02'59"W a distance of 330.22 feet;  
thence N89°58'07"W a distance of 222.75 feet;  
thence N00°02'59"E a distance of 160.21 feet;  
thence N89°58'17"W a distance of 61.00 feet;  
thence N00°02'29"E a distance of 170.00 feet;  
thence S89°58'17"E a distance of 283.75 feet to the Point of Beginning.

also known by the street and number as 785 24 Road, Grand Junction, Colorado 81505

with all its appurtenances, and warrant(s) the title to the same, subject to:

general taxes for the year and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy & Sell Real Estate relating to the above described property; distribution utility easements (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters Not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy & Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, if any.

Signed this 26 th day of May , 2006

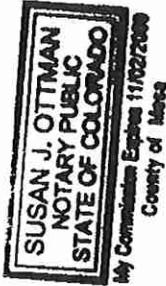
*Steve V. Arbogast*

Steve V. Arbogast

STATE OF COLORADO }  
\*County of MESA ss.

The foregoing instrument was acknowledged before me this 26 th day of May 2006

BY: Steve V. Arbogast



My Commission expires

Witness my hand and official seal.

*[Signature]*  
Notary Public

\*If in Denver, insert "City and"

79.99

## **Legal Description**

785 24 Road  
Grand Junction, CO 81505

TP#: 2701-321-00-027

N2S2NE4NE4 + S2N2NE4NE4 SEC 32 1N 1W EXC BEG 322.5FT S OF NE COR SEC 32 W 258.75FT S 170FT E  
36FT S 160FT E 222.75FT N TO BEG

**Project Report  
for  
Mallard Rezone Request**

Date: February 17, 2020

Prepared by: Robert W. Jones II, P.E.  
Vortex Engineering and Architecture, Inc.  
861 Rood Avenue  
Grand Junction, CO 81501  
(970) 245-9051  
VEI# F10-050

Submitted to: City of Grand Junction  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

Type of Design: Rezone Request

Property Owner: Mallard View, LLC  
637 25 Road  
Grand Junction, CO 81505

Property Address: 785 24 Road  
Grand Junction, CO 81505

Tax Parcel No: 2701-321-00-027

## 1. Project Intent

This application is made to request a rezone from RE (Residential Estate) zone district to the C1 (Light Commercial) zone district which supports the Comprehensive Plan's goal for development of a Village Center in the Appleton Neighborhood area of the community. The owner's intent is to prepare the subject property for future development that will be consistent with development as envisioned by the Comprehensive Plan.

## 2. Project Description

The subject property is located at 785 24 Road and is approximately 17.84 acres. The property is located in an area of the City that has seen recent annexations and development of properties with residential and non-residential development. As the City moves forward with their efforts to update the existing Comprehensive Plan, the Appleton Neighborhood has been identified as an area likely to see increased interest in development. The applicant would like to prepare the subject property for future development that is consistent with the type of development envisioned by the Comprehensive Plan as a Village Center.

The property is ideally located to provide development that will support the Village Center with uses as allowed by the C1, Light Commercial zone district. Such uses include medical clinics, hotels, office buildings, health club and a variety of retail sales and services, as well as indoor and outdoor recreational and entertainment uses.

The current zoning of the subject property is Residential Estate which is not consistent with the Village Center envisioned by the Comprehensive Plan. The property must be rezoned to enable development to occur in accordance with the Comprehensive Plan.



## Legal Description

The legal description of this site is:

N2S2NE4NE4 + S2N2NE4NE4 SEC 32 1N 1W EXC BEG 322.5FT S OF NE COR SEC 32 W 258.75FT S 170FT E 36FT S 160FT E 222.75FT N TO BEG

### **3. Neighborhood Meeting**

A Neighborhood Meeting was held on Tuesday, February 4, 2020, from 5:30 to 6:30 pm at the Canyon View Vineyard Church, located at 736 24 ½ Road, Grand Junction. The owner's representative provided an overview of the rezone request and answered questions from area residents. Scott Peterson, Senior Planner with the City of Grand Junction Community Development Department, also attended the meeting to answer questions about the review and approval process.

The meeting was well attended by approximately eighteen citizens, although not all citizens signed the attendance sheet. A list of all those attending the meeting has been included with this application, as well as the primary issues of concern that were discussed during the meeting. Most comments raised during the meeting concerned what the proposed use will be, the maximum height and possible uses allowed in the C1 district, truck traffic on 24 Road and availability of utilities such as sewer and water.

Public notice for this application will be provided in accordance with Sec. 21.02.080(g) of the Grand Junction Municipal Code, including posting the subject property on the public right-of-way.

### **4. Comprehensive Plan**

The Comprehensive Plan's Future Land Use Map shows the subject property with three different land use classifications: Village Center Mixed Use (VCMU, 7 du/ac), Residential High Mixed Use (RMH, 16-24 du/ac) and Residential Medium (RM, 4-8 du/ac).

Because land use classifications do not always follow property lines, it's not unusual for a single parcel of land to have more than one land use classification. When a parcel has more than one land use classification, it allows greater flexibility for the specific zoning of the property and the future development.

The applicant is requesting a rezone from the existing Residential Estate (RE, 1 du/ac) zone district to the C1 (Light Commercial) zone district based on Grand Junction Municipal Code (GJMC) Section 21.02.130(d)(1)(v), which states that where the City of Grand Junction has sole jurisdiction, the Director has the authority to "Allow the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district."

Due to the different land use classifications assigned to the subject property, Section 21.02.130(d)(1)(v) is applicable to this rezone request.

The proposed rezone meets a number of the goals and policies of the Comprehensive Plan:

**Goal 1, Policy C:** The City and Mesa County will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

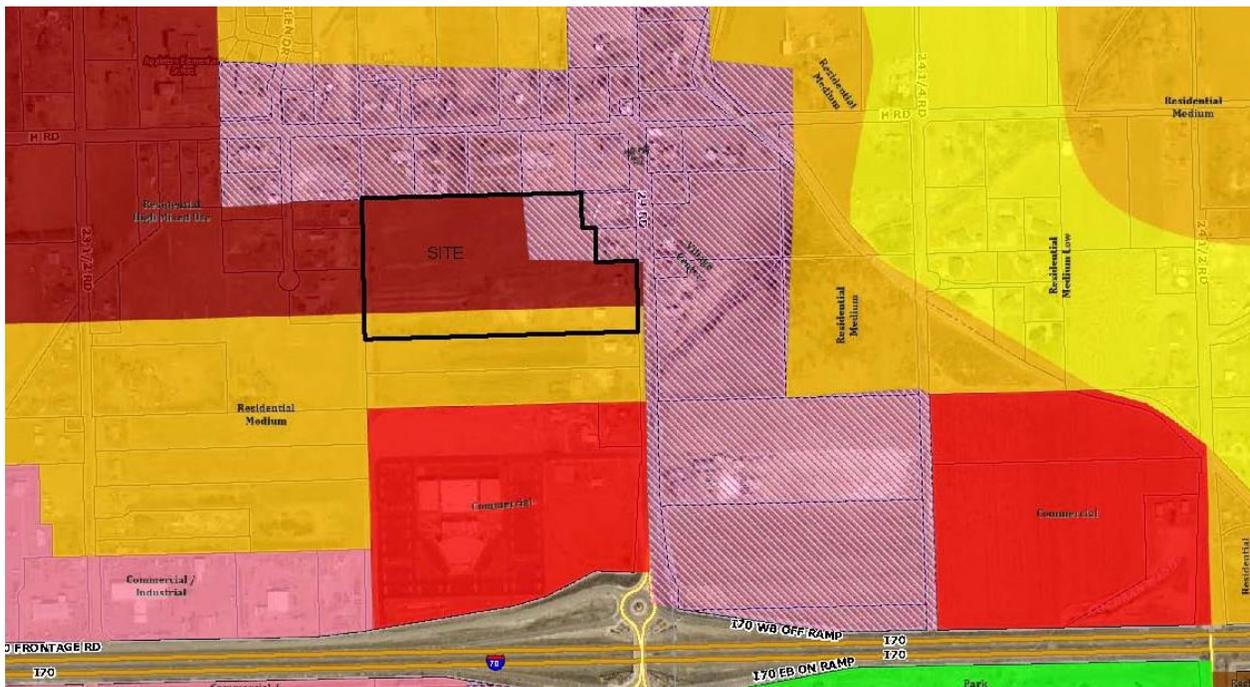
**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Goal 3, Policy A:** To create large and small “centers” throughout the community that provide services and commercial areas.

In addition to the goals and policies, the proposed development also meets the following Guiding Principles of the Comprehensive Plan:

**Guiding Principle 1:** Concentrated Centers – The Plan calls for three types of centers: The City Center, Village Centers and Neighborhood Centers. The Plan establishes “Mixed Use Opportunity Corridors” along some major corridors.

**Guiding Principle 2:** Sustainable Growth Patterns – Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.





## 6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on this site.

Utility providers for the site are as follows:

Sewer: City of Grand Junction/Persigo Wastewater Treatment Plant

Water: Ute Water Conservation District

Gas/Electric: Xcel Energy and Grand Valley Power

Drainage: Grand Valley Drainage District

Irrigation: Grand Valley Irrigation Company

All utilities shall be constructed to the design specifications and standards of the utility providers.

## 7. Drainage

The subject property has a gentle slope from east to west with an elevation of 4590 feet sloping to 4576 on the western side of the site. Stormwater and water quality for the site will be addressed at the time of actual development. It is anticipated that drainage will be detained onsite and discharged to an appropriate facility off-site at the time of development.

## 8. Wetlands and Floodplain

The subject property is located in Zone X – outside the 0.2% annual chance floodplain on FEMA Panel #0801G. There are no wetlands on the subject property that are identified on the City and Mesa County's GIS website maps.



## 9. Approval Criteria

Section 21.02.140(a), Approval Criteria, states that “In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if”:

(1) Subsequent events have invalidated the original premises and findings; and/or

**Response:** When the 2010 Plan was adopted, the City proactively rezoned several parcels to eliminate any discrepancies between the zoning and the land use classifications of the new Comprehensive Plan. The subject property was not rezoned at that time and the current zoning does not support the Comprehensive Plan.

Because the existing Residential Estate zoning does not implement any of the assigned land use classifications of the Comprehensive Plan, the current zoning is not consistent with the Comprehensive Plan. The C1 (Light Commercial) zone district implements the Village Center Mixed Use land use classification and would therefore be consistent with the Plan in addition to meeting a number of the goals and policies of the Plan.

**This criterion is not applicable because the 2010 Grand Junction Comprehensive Plan anticipated higher density and more intensive use than the current zoning reflects. The City did not change the zoning after adoption of the 2010 Plan to reflect the goals and policies of the new Plan for the subject property. The current zoning is likely consistent with the Growth Plan which preceded the 2010 Comprehensive Plan.**

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

**Response:** The character of the area has changed with the Proietti Annexation (2014), Taurus Park Plaza Annexation (2018), South Twenty Annexation (2019) and the Maverick Estates Annexation (2019) as well as the recently developed Apple Glen Subdivision (2018), a new subdivision under review for 73 lots located at 2335 H Road and the Phase II expansion of the Beehive Homes Assisted Living facility.

The requested rezone is consistent with the recent trend of developing properties in the Appleton Neighborhood area and is consistent with the 2010 Comprehensive Plan.

**This criterion has been MET.**

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

**Response:** Public and community facilities providing services in medical, education, recreational, retail, sales and personal services are available within 2 miles of the subject property. All utilities have the willingness and capacity to serve the site when it develops.

**This criterion has been MET.**

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

**Response:** Although there are six parcels located east of the subject property that are currently zoned C1, the total acreage of the six parcels is not sufficient to support development of the Village Center as envisioned by the Comprehensive Plan. There is a wide variety of uses that combine to make up a Village Center and the applicant would like to rezone the subject property to prepare the site for future development that will support the Village Center.

**This criterion has been MET.**

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

**Response:** Future development of the subject property will provide jobs during the construction phase of development and services with new businesses to the area. Development of the site will also encourage infill development in the Appleton Neighborhood area, resulting in more compact development and less urban sprawl. The provision of services and potential employment within the Village Center will provide benefit to the local community and overall City.

**This criterion has been MET.**

## **10. Development Schedule**

There is no schedule for the future development of the subject property at this time. A development schedule will be provided with any future land use application when requesting approval for development.

## **11. Conclusion**

After demonstrating how the proposed rezone request meets the goals and policies of the Comprehensive Plan and the approval criteria from Section 21.02.140(a) of the Grand Junction Municipal Code, the applicant respectfully requests approval of the request to rezone from Residential Estate zone district to the C1, Light Commercial, zone district.

## **12. Limitations/Restrictions**

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Grand Junction, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under

other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

February 10, 2020

City of Grand Junction  
Community Development Department  
Attn: Scott Peterson, Senior Planner  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

RE: Mallard Rezone Neighborhood Meeting  
Date: Tuesday, February 4, 2020  
Time: 5:30 – 6:30 PM  
Location: Canyon View Vineyard Church

Dear Mr. Peterson:

On Tuesday, February 4, 2020, a Neighborhood Meeting was held from 5:30 – 6:30 pm at the Canyon View Vineyard Church for the proposed Mallard Rezone. An overview of the proposed rezone request from the RE, Residential Estate zone, to the C1, Light Commercial zone was presented by Lisa Cox of Vortex Engineering, Inc., followed by questions from the neighborhood residents.

The meeting was well attended with approximately eighteen citizens, Scott Peterson from the City of Grand Junction, and Lisa Cox, Robert Jones and Jennifer Christensen from Vortex Engineering, Inc. Comments, questions and concerns were voiced during the meeting.

Lisa Cox, with Vortex Engineering, Inc., provided an overview of the requested rezone from RE, Residential Estate, to the C1, Light Commercial zone district, as well as a list of allowed uses in the C1 zone. Ms. Cox stated that the C1 zone district supports the Comprehensive Plan's goal of creating a Village Center in the Appleton area of 24 Road and H Road. The current zoning of property in the Appleton area was also reviewed, including the six parcels to the east that are currently zoned C1.

Ms. Cox stated that the current zoning does not implement the Future Land Use Map of the Comprehensive Plan and that the property will have to be rezoned to be developed. Ms. Cox reviewed the other possible zone districts that implement the City's Future Land Use Map for the property that support the Village Center concept.

The following is a synopsis of the questions posed by the neighborhood residents:

- What was the maximum height allowed in the C1 zone district?
- What was going to be developed on the property?
- Does C1 support warehousing like FedEx and UPS?
- Will citizens get a handout from the City of allowed uses in the C1?

- Where are utilities coming from?
- Why isn't the church zoned C1?

Ms. Cox reviewed the ways that citizens will receive notice of the application when it has been received by the City and that the application will be processed with two public hearings through the Planning Commission and City Council. There would be multiple opportunities for public input during the review process.

At 6:25 p.m. Lisa Cox thanked those who attended the neighborhood meeting and shared their concerns. The meeting was then closed.

Upon review of the meeting notes, please do not hesitate to contact me by phone at 970-245-9051 or by email at [rjones@vortexeng.us](mailto:rjones@vortexeng.us) should you have any questions.

Sincerely,



Robert W. Jones II, P.E.  
Vortex Engineering & Architecture, Inc.

Cc: File

**Mallard Rezone  
Neighborhood Meeting Sign-In Sheet  
Tuesday, February 4, 2020**

	Full Name (Printed)	Address	City	Zip
1	Jennifer Christensen	8161 Road Ave.	GJ	81501
2	LISA Cox	8161 Road Ave.	GJ	81501
3	Alan Pruitt	782-23 1/10 Rd	GJ	81505
4	Deek Pennington	780-23 1/10 Rd	GJ	81505
5	Wendell Gates	2395 H Road	GJ	81505
6	Janet Abraham	2387 H Road	GJ	81505
7	James Abraham	"	"	"
8	Kimberly V Cloud	2391 H Rd	GJ	81505
9	Allen Etcheverry	777 24 rd	GJ	81505
10	Shellie Etcheverry	1779 24 Rd	GJ	81505
11	SCOTT PETERSON	CITY PLANNERS		81501
12	Scott Love	786 24 rd	CO	81505
13	Ron Gray	2364 H Rd	GJ	81605
14	Barbara Justice + Scott Ryden	792 237/10 Rd	GJ	81505
15	Robert W. Jones, II	8161 Road Avenue	GJ	81501
16				

## Scott Peterson

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**From:** Sarah Abraham <dpgraves785@gmail.com>  
**Sent:** Wednesday, February 5, 2020 1:02 PM  
**To:** Scott Peterson  
**Subject:** Mallard View Rezone

**\*\* - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - \*\***

We oppose the rezone to C-1 for the Mallard View property at 785 24 Road for the following reasons:

- 1) The apparent unwillingness of the developer to share even tentative plans for the property.
- 2) Traffic Issues: The C-1 designation states, " . . . development on sites that provide *excellent transportation access.*" 24 Road and H Road in that area are essentially 2-lane country roads. There is always a back-up at the intersection before and after school hours at Appleton School. There have been a number of minor accidents on H Road in the afternoon when parents are trying to get their children home.
- 3) Loss of Birds and other Wildlife: We have had as many as 16 different species of birds in our yard at various times. If trees are removed and the pasture is turned into streets, sidewalks and buildings, their habitat is lost.
- 4) Light Pollution: If there are stores and offices, there will also be streets and street lights. Depending on what types of businesses are chosen for the property, there might be lights (and noise) well into the night or even all night.

Additionally, we believe that the developer should be willing to work with us, the adjacent property owners, to help in maintaining our current property values, such as a buffer zone between the properties that would be beneficial to us both. If this happens, we would consider withdrawing our opposition.

Thank you for your consideration.

Sincerely,

James H. Abraham  
Sarah S. Abraham  
2387 H Road  
Grand Junction, CO 81505

# City of Grand Junction Review Comments

Date: March 17, 2020

Comment Round No. 1

Page No. 1 of 4

RZN-2020-100

Project Name: Mallard Rezone & Comp Plan Amendment

File No: CPA-2020-101

Project Location: 785 24 Road

Check appropriate  if comments were mailed, emailed, and/or picked up.

Property Owner(s): Mallard View LLC – Attn: John Davis

Mailing Address: 637 25 Road, Grand Junction, CO 81505

Email: [jdavis@bluestarindustries.com](mailto:jdavis@bluestarindustries.com) Telephone: (970) 640-4320

Date Picked Up: \_\_\_\_\_ Signature: \_\_\_\_\_

Representative(s): Vortex Engineering Inc. – Attn: Robert Jones II

Mailing Address: 861 Rood Avenue, Grand Junction, CO 81501

Email: [rjones@vortexeng.us](mailto:rjones@vortexeng.us) Telephone: (970) 245-9051

Date Picked Up: \_\_\_\_\_ Signature: \_\_\_\_\_

Developer(s):

Mailing Address:

Email:

Telephone:

Date Picked Up: \_\_\_\_\_ Signature: \_\_\_\_\_

## CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner

Email: [scottp@gjcity.org](mailto:scottp@gjcity.org) Telephone: (970) 244-1447

Dev. Engineer: Jarrod Whelan

Email: [jarrodw@gjcity.org](mailto:jarrodw@gjcity.org) Telephone: (970) 244-1443

# City of Grand Junction REQUIREMENTS

(with appropriate Code citations)

## CITY PLANNING

1. Application is to request a Rezone from R-E (Residential Estate) to C-1 (Light Commercial) along with a Comprehensive Plan Future Land Use Map Amendment from Residential High Mixed Use (16 - 24 du/ac) and Residential Medium (4 - 8 du/ac) to Village Center, in anticipation of future commercial development. Existing property is 17.84 +/- acres in size. The proposed C-1 (Light Commercial) Zone District is an applicable zone district within the Village Center category.

Applicant's Response:

Document Reference:

2. Public Correspondence Received:

As of this date, City Project Manager has received one (1) email concerning the proposed application from Sarah Abraham which has been previously forwarded to the applicant's representative. This email was not in favor of the proposed request. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Applicant's Response:

Document Reference:

3. Proposed Zoning Designation:

Has the applicant given thought to request the C-1 or other applicable zone districts such as R-O (Residential -Office) or B-1 (Neighborhood Business) that would also be compatible within the Village Center designation for the eastern quarter of the property adjacent to 24 Road and rezone the remainder of the property either R-8 (Residential – 8 du/ac) or R-12 (Residential – 12 du/ac), which would be in conformance with the other Future Land Use Map category of Residential Medium as identified on the property? Currently there is no C-1 zone district located west of 24 Road, north of I-70. By splitting the property into two (2) zone districts, it would be more in keeping with the current three (3) Future Land Use designations on the property and compatible with existing residential densities in the area. Please address or if applicant would like to discuss these and/or other options further.

Applicant's Response:

Document Reference:

4. Planning Commission and City Council Public Hearings:

Once proposed applications are ready to move forward, City Project Manager will schedule for the next available Planning Commission and City Council meetings. Due to the current Coronavirus outbreak, potential meeting dates could be sporadic over the coming months.

Code Reference: Sections 21.02.140 of the Zoning and Development Code.

Applicant's Response:

Document Reference:

**CITY DEVELOPMENT ENGINEER**

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No Exceptions Taken.

Applicant's Response:

Document Reference:

**CITY FIRE DEPARTMENT – Matt Sewalson – [mattse@gjcity.org](mailto:mattse@gjcity.org) (970) 549-5855**

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Grand Junction Fire Department's Fire Prevention Bureau has no comments.

Applicant's Response:

Document Reference:

**CITY ADDRESSING – Pat Dunlap – [patd@gjcity.org](mailto:patd@gjcity.org) (970) 256-4030**

---

No comments.

Applicant's Response:

Document Reference:

# OUTSIDE REVIEW AGENCY COMMENTS

## (Non-City Agencies)

**Review Agency: Mesa County Building Department**

**Contact Name: Darrell Bay**

**Email / Telephone Number: [Darrell.bay@mesacounty.us](mailto:Darrell.bay@mesacounty.us) (970) 244-1651**

---

MCBD has no objections to this project.

**Applicant's Response:**

**Review Agency: Xcel Energy**

**Contact Name: Brenda Boes**

**Email / Telephone Number: [Brenda.k.boes@xcelenergy.com](mailto:Brenda.k.boes@xcelenergy.com) (970) 244-2698**

---

Xcel has no objections to rezone this property.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

**Applicant's Response:**

**Review Agency: Ute Water Conservancy District**

**Contact Name: Jim Daugherty**

**Email / Telephone Number: [jdaugherty@utewater.org](mailto:jdaugherty@utewater.org) (970) 242-7491**

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- No objection to rezone or to comprehensive plan amendment.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**Applicant's Response:**

**Review Agency: Grand Valley Drainage District**

**Contact Name: Tim Ryan**

**Email / Telephone Number: [tim.admin@gvdd.org](mailto:tim.admin@gvdd.org) (970) 242-4343**

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GVDD has no comment or objection.

**Applicant's Response:**

**Review Agency: Grand Valley Power**

**Contact Name: Perry Rupp**

**Email / Telephone Number: [prupp@gvp.org](mailto:prupp@gvp.org) (970) 242-0040**

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1. The project is not in the Grand Valley Power (GVP) service area.

2. Thanks for the opportunity to review the project.

**Applicant's Response:**

## **REVIEW AGENCIES**

**(Responding with "No Comment" or have not responded as of the due date)**

**The following Review Agencies have not responded as of the comment due date.**

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1. Grand Valley Irrigation Company

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. Please follow-up with City Planning as necessary.

Date due: **June 17, 2020**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**

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**Applicant's Signature**

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**Date**

March 31, 2020

**TO:** City of Grand Junction – Planning Department  
Attn: Scott Peterson, Senior Planner  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

**RE:** Mallard Rezone Request  
Response to Comments – Round 1  
785 24 Road  
Grand Junction, CO 81505

**FILE #:** RZN-2020-100 & CPA-2020-101

**VEAI #:** F10-050

Dear Mr. Peterson,

Mallard View, LLC is requesting a rezone to the C-1, Light Commercial, zone district for property located at the above-referenced address in the City of Grand Junction. The following information is provided in response to Round 1 Review Comments dated March 17, 2020, from various City Departments and outside agencies.

## **CITY PLANNING**

### **Comments:**

1. Application is to request a Rezone from R-E (Residential Estate) to C-1 (Light Commercial) along with a Comprehensive Plan Future Land Use Map Amendment from Residential High Mixed Use (16 - 24 du/ac) and Residential Medium (4 - 8 du/ac) to Village Center, in anticipation of future commercial development. Existing property is 17.84 +/- acres in size. The proposed C-1 (Light Commercial) Zone District is an applicable zone district within the Village Center category.

**Response:** Comment acknowledged.

2. Public Correspondence Received:

As of this date, City Project Manager has received one (1) email concerning the proposed application from Sarah Abraham which has been previously forwarded to the applicant's representative. This email was not in favor of the proposed request. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

**Response:** Comment from citizen received and acknowledged.

3. Proposed Zoning Designation:

Has the applicant given thought to request the C-1 or other applicable zone districts such as R-O (Residential -Office) or B-1 (Neighborhood Business) that would also be compatible within the Village Center designation for the eastern quarter of the property adjacent to 24 Road and rezone the remainder of the property either R-8 (Residential – 8 du/ac) or R-12 (Residential – 12 du/ac), which would be in conformance with the other Future Land Use Map category of Residential Medium as identified on the property? Currently there is no C-1 zone district located west of 24 Road, north of I-70. By splitting the property into two (2) zone districts, it would be more in keeping with the current three (3) Future Land Use designations on the property and compatible with existing residential densities in the area. Please address or if applicant would like to discuss these and/or other options further.

**Response:** The applicant has given considerable thought to their request to rezone the subject property to C-1. In undertaking their due diligence for the property, the applicant has investigated

several development concepts for the site and made a final determination based on the goals and policies, as well as the Future Land Use Map of the Comprehensive Plan, that the City's goals and their (applicant's) development plans could best be achieved through the flexibility of the C-1 zone district.

The C-1 zone district is ideally suited to achieve a mix of land uses which include not only commercial but also higher residential density (the C-1 zone district allows 12-24 du/ac). The applicant has considered development concepts that are strictly residential as well as mixed land use concepts. Because the C-1 zone is classified as a mixed-use zone district by the City's Zoning Code, it allows a mix of uses that achieve the maximum flexibility with commercial and residential land uses.

There are a wide variety of uses that combine to make up a Village Center (one of the current land use classifications of the property) and the applicant would like to rezone the subject property to prepare the site for future development that will support the Village Center and to be able to take advantage of the close proximity to the I-70 interchange and the 24 Road corridor.

The applicant would like the flexibility of the C-1 zoning that allows commercial and residential development opportunities without the awkward situation of having split zoning for a single parcel of land. There are many different zoning requirements between commercial and residential zoning such as buffering, screening, landscaping and bulk standards. Split zoning would increase the complexity and possibly the cost of development. The applicant would like to have a single zone district for the property as you find for 99% of all parcels within the City.

#### 4. Planning Commission and City Council Public Hearings:

Once proposed applications are ready to move forward, City Project Manager will schedule for the next available Planning Commission and City Council meetings. Due to the current Coronavirus outbreak, potential meeting dates could be sporadic over the coming months.

Code Reference: Sections 21.02.140 of the Zoning and Development Code.

**Response:** Comment acknowledged. The applicant requests that this request be scheduled for the earliest available meeting dates for the Planning Commission and City Council.

#### **CITY DEVELOPMENT ENGINEER**

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No Exceptions Taken.

**Response:** Comment acknowledged.

#### **CITY FIRE DEPARTMENT – Matt Sewalson – [mattse@gjcity.org](mailto:mattse@gjcity.org) (970) 256-4030**

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Grand Junction Fire Department's Fire Prevention Bureau has no comments.

**Response:** Comment acknowledged.

No Comments.

**Response:** Comment acknowledged.

**OUTSIDE REVIEW AGENCY COMMENTS  
(Non-City Agencies)**

**Mesa County Building Department**

**Contact Name: Darrell Bay**

**Email / Telephone Number: [Darrell.bay@mesacounty.us](mailto:Darrell.bay@mesacounty.us) (970) 244-1651**

---

MCBD has no objections to this project.

**Response:** Comment acknowledged.

**Xcel Energy**

**Contact Name: Brenda Boes**

**Email / Telephone Number: [Brenda.k.boes@xcelenergy.com](mailto:Brenda.k.boes@xcelenergy.com) (970) 244-2698**

---

Xcel has no objections to rezone this property.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

**Response:** Comment acknowledged.

**Ute Water Conservancy District**

**Jim Daugherty**

**Email/Telephone Number: [jdaugherty@utewater.org](mailto:jdaugherty@utewater.org) (970) 242-7491**

---

- No objection to rezone or to comprehensive plan amendment.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**Response:** Comment acknowledged.

**Grand Valley Drainage District**

**Contact Name: Tim Ryan**  
**Email / Telephone Number: [tim.admin@gvdd.org](mailto:tim.admin@gvdd.org) (970) 242-4343**

---

GVDD has no comment or objection.

Applicant's Response:

**Response:** Comment acknowledged.

**Grand Valley Power**

**Contact Name: Perry Rupp**

**Email / Telephone Number: [prupp@gvp.org](mailto:prupp@gvp.org) (970) 242-0040**

---

1. The project is not in the Grand Valley Power (GVP) service area.
2. Thanks for the opportunity to review the project.

**Response:** Comment acknowledged.

#### **REVIEW AGENCIES**

**(Responding with "No Comment" or have not responded as of the due date)**

**The following Review Agencies have not responded as of the comment due date.**

---

1. Grand Valley Irrigation Company

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. Please follow-up with City Planning as necessary.

Date due: **June 17, 2020**

Vortex Engineering, Inc. looks forward to working successfully with the City of Grand Junction to successfully permit this project.

Upon your review of this information, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051. Thank you.

Sincerely,  
**Vortex Engineering, Inc.**



**Robert W. Jones, II, P.E.**

Cc: File

# City of Grand Junction Review Comments

Date: April 27, 2020

Comment Round No. 2

Page No. **1 of 2**

Project Name: Mallard Rezone & Comp Plan Amendment

File No: RZN-2020-100  
CPA-2020-101

Project Location: 785 24 Road

Check appropriate  if comments were mailed, emailed, and/or picked up.

Property Owner(s): Mallard View LLC – Attn: John Davis

Mailing Address: 637 25 Road, Grand Junction, CO 81505

Email: [jdavis@bluestarindustries.com](mailto:jdavis@bluestarindustries.com) Telephone: (970) 640-4320

Date Picked Up: \_\_\_\_\_ Signature: \_\_\_\_\_

Representative(s): Vortex Engineering Inc. – Attn: Robert Jones II

Mailing Address: 861 Rood Avenue, Grand Junction, CO 81501

Email: [rjones@vortexeng.us](mailto:rjones@vortexeng.us) Telephone: (970) 245-9051

Date Picked Up: \_\_\_\_\_ Signature: \_\_\_\_\_

Developer(s):

Mailing Address:

Email:

Telephone:

Date Picked Up: \_\_\_\_\_ Signature: \_\_\_\_\_

## CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner

Email: [scottp@gjcity.org](mailto:scottp@gjcity.org) Telephone: (970) 244-1447

Dev. Engineer: Jarrod Whelan

Email: [jarrodw@gjcity.org](mailto:jarrodw@gjcity.org) Telephone: (970) 244-1443

# City of Grand Junction REQUIREMENTS

(with appropriate Code citations)

## CITY PLANNING

### 1. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Comprehensive Plan Future Land Use Map Amendment and Rezone requests. City Project Manager will **tentatively** schedule application(s) for the following public hearing schedule:

- a. Planning Commission review of applications: **May 12, 2020** (This may be a virtual public meeting – additional details to follow).
- b. City Council review of applications (1<sup>st</sup> Reading of Ordinance): **June 3, 2020** (Consent Agenda – setting upcoming Public Hearing date).
- c. City Council review of applications (2<sup>nd</sup> Reading of Ordinance – Public Hearing): **June 17, 2020** (Please plan on attending meeting in case the City Council has any questions).

However, due to the current Coronavirus outbreak, potential meeting dates could be sporadic, or agenda items moved to other meeting dates over the coming months. Additional details may follow. Both the Planning Commission and City Council meetings begin at 6:00 PM.

If applicant cannot make the above scheduled public hearing dates, please notify City Project Manager and we can reschedule for later meeting dates.

Code Reference: Sections 21.02.130 and 140 of the Zoning & Development Code.

**Applicant's Response:**

**Document Reference:**

2. City Staff Report:

FYI. Once Planning Commission City Staff Report is complete, City Project Manager will email Report to Applicant and Project Representative for their information and files. At this time, City Staff does not support the applicant's proposal and requested zone district of C-1 (Light Commercial) for entire 17.84-acres.

**Applicant's Response:**

**Document Reference:**

## **REVIEW AGENCIES**

**(Responding with "No Comment" or have not responded as of the due date)**

**The following Review Agencies have not responded as of the comment due date.**

---

1. N/A.

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. **N/A. Applications will proceed to public hearing schedule as outlined within City Planning review comments.**

Date due: **N/A.**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**

---

**Applicant's Signature**

---

**Date**

## Scott Peterson

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**From:** Sarah Abraham <dpgraves785@gmail.com>  
**Sent:** Tuesday, May 12, 2020 12:52 PM  
**To:** Scott Peterson  
**Subject:** Mallard View Rezone

**\*\* - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - \*\***

We oppose the rezone to C-1 for the Mallard View property at 785 24 Road for the following reasons:

- 1) Traffic Issues: The C-1 designation states, ". . . development on sites that provide *excellent transportation access*." Both 24 Road and H Road in that area are essentially 2-lane country roads. There is always a back-up at that intersection before and after school hours at Appleton School. There have been a number of minor accidents on H Road in the afternoon when parents are trying to get their children home.
- 2) Loss of Birds, including game birds, and other Wildlife: If trees and grasses are removed and the pasture is turned into streets, sidewalks and buildings, their habitat is lost.
- 3) Light Pollution: There are already "city lights" along the I-70 corridor and even more on Patterson/F Road near 24 Road. A change to C-1 designation would mean city lights not just near, but *in* our rural neighborhood.
- 4) In the neighborhood meeting on February 4, 2020, the developer's representative was unwilling to share even tentative plans for the property, except to reiterate, "It will bring jobs to the area." There were residents' questions and concerns about the maximum height of buildings in the C-1 zone, which we were told was 40 feet. An increase in height to 65 feet had already been approved by the Planning Commission on January 28 (although not yet approved at that time by the City Council). This fact was not mentioned. (The City Council approved the proposal on February 19). The change to a height of 65 feet and the proximity to an interstate exchange almost screams the word "HOTEL!" If this is what is planned, do we really want our privacy invaded by strangers being able to look out over our back yards, pastures and even worse, our playgrounds (Appleton School, Fellowship Church and Canyon View Park)?

Please don't vote to take away our existing quiet, *safe* rural neighborhood.

Sincerely,

Sarah S. Abraham  
James H. Abraham  
2387 H Road  
Grand Junction, CO 81505

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY OF GRAND JUNCTION FROM RESIDENTIAL HIGH MIXED USE (16-24 DU/ACRE) AND RESIDENTIAL MEDIUM (4-8 DU/ACRE) TO VILLAGE CENTER AND REZONING FROM R-E (RESIDENTIAL ESTATE) ZONE DISTRICT TO C-1 (LIGHT COMMERCIAL) ZONE DISTRICT**

**LOCATED AT 785 24 ROAD**

Recitals:

The property owner, Mallard View LLC, proposes an amendment to the Comprehensive Plan Future Land Use Map from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) on a total of 17.84-acres, located at 785 24 Road.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and recommended subsequent approval of changing the zoning from R-E (Residential – Estate) to C-1 (Light Commercial) for the property, finding that it conforms to and is consistent with the Future Land Use Map designation of Village Center of the Comprehensive Plan and the Comprehensive Plan’s goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Future Land Use Map from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and rezoning from R-E (Residential – Estate) to C-1 (Light Commercial) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the C-1 (Light Commercial) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The following property shall be re-designated as Village Center on the Future Land Use Map of the Comprehensive Plan and shall be zoned C-1 (Light Commercial):

A parcel of land situate in the Northeast Quarter of the Northeast Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, as described in Book 2990 at Page 652 of the records of said Mesa County, being more particularly described as follows:

The North Half of the South Half of the Northeast Quarter of the Northeast Quarter and the South Half of the North Half of the Northeast Quarter of the Northeast Quarter of said Section 32;

EXCEPT:

Commencing at the Northeast Corner of said Section 32, being a found Mesa County survey marker, the basis of bearing being

S00 02'59"W to the North 1/16 corner of said Section 32, being another found Mesa County survey marker;

thence S0002'59"W a distance of 330.22 feet to the Point of Beginning;

thence S0002'59"W a distance of 330.22 feet;

thence N8958'07"W a distance of 222.75 feet;

thence N0002'59"E a distance of 160.21 feet;

thence N8958'17" a distance of 61.00 feet;

thence N0002'29"E a distance of 170.00 feet,

thence S89°58'17"E a distance of 283.75 feet to the Point of Beginning,

CONTAINING 777,237 Sq. Ft. or 17.84-Acres, more or less, as described hereon.

Introduced on first reading this \_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



## Grand Junction City Council

### Regular Session

Item #2.b.v.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck, Senior Planner

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### **Information**

#### **SUBJECT:**

Set a Hearing to Consider a Request by Grand Junction Land Company, LLC for Review of a Consolidated Service Plan for the Proposed Redlands 360 Metropolitan District Nos. 1-9

#### **RECOMMENDATION:**

Staff recommends setting a hearing for the June 17, 2020 City Council meeting.

#### **EXECUTIVE SUMMARY:**

As a means of generating capital for the proposed Redlands 360 development, Grand Junction Land Company LLC is proposing to form nine Metropolitan Districts. Per Title 32 of the Colorado Revised Statutes (C.R.S.), the first step is to develop a Consolidated Service Plan for the Districts, which is to be considered and, if found acceptable, approved by the City. Prior to consideration by the City Council and in accordance with State statute, the Council must take action to set a date for the public hearing to consider the formation of Consolidated Service Plan for the Metropolitan Districts.

#### **BACKGROUND OR DETAILED INFORMATION:**

Special districts are quasi-municipal corporations and political subdivisions that are organized to act for a particular purpose. A metropolitan district is a special district that provides any two or more services which may include fire protection, parks and recreation, safety protection, sanitation, solid waste, street improvements or water, to name a few. A district has the ability to acquire bonds for the construction of the improvements and to levy taxes to the area within their boundaries to repay those

bonds. The financing, construction, and operation and maintenance of improvements and services to support new development is legally the responsibility of the district if formed. In many jurisdictions, both municipalities and counties, special districts have been used as an implementation tool to harness private investment to achieve a city's planning, redevelopment, infill and economic goals.

The trend with special district legislation has been to allow general purpose local governments to exert greater control over the formation and operation of special districts. The service plan approval process is the key to exercising that control.

The legislative declaration found in Article 1 of Title 32 refers to "the Coordination and orderly creation of special districts" and the logical extension of special district services throughout the state." It further declares that the review procedures in Part 2 (the "Control Act") are created to "prevent unnecessary proliferation and fragmentation of local government and to avoid excessive diffusion of local tax sources." Also cited as reasons for these measures are "the elimination of the overlapping services provided by local governments" and efforts to "reduce duplication, overlapping and fragmentation of the functions and facilities of special districts."

Service Plans and statements of purposes in effect create binding agreements between the special district and the approval authority. ("Upon final approval by the court for the organization of the special district, the facilities, services, and financial arrangements of the special district shall conform so far as practicable to the approved Service Plan." (C.R.S. §32-1-201(1))).

The formation of a special district entails a three-part process that requires: 1) obtaining review and approval from the local governmental jurisdiction; 2) review by district court; and 3) a special election. The Grand Junction Municipal Code does not contain specific provisions related to the review of service plans therefore the process of submittal and review of the plans must be in compliance with requirements contained in Title 32 of the Colorado Revised Statutes. Those statutory requirements include submittal of the service plans to the clerk for the city council, referral of the plans to the planning commission for review and recommendation (if consistent with City policy), referral to City Council within thirty (30) days of plan submittal, and a public hearing with the City Council not more than thirty (30) days after setting the public hearing date.

In summary, metropolitan districts are formed and operated as follows:

- City Council must vote to approve a district service plan based on statutory approval criteria
- Affected property owners must vote to approve district formation by a simple majority

- Sale of municipal bonds generates funding for infrastructure and amenities
- As development occurs and property values increase, bonds are repaid by homeowners within the district via the additional taxes paid by district residents. The district does not tax anyone outside of its boundaries.
- The developer maintains oversight of the district, an annual outside audit is conducted of the district, and annual transparency reports are submitted to the City and State and made publicly available.
- The City has no legal or financial liability during the life of the district; it does not reduce current or future tax revenues of other public agencies and it does not draw from the City's capital improvement budget or capital reserves.

The Applicant filed and requested review of the Consolidated Service Plan for the proposed Redlands 360 Metropolitan District Nos. 1-9 and, per C.R.S., the City Clerk provided notice to the Colorado Department of Local Affairs on April 23, 2020.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

**SUGGESTED MOTION:**

I move to set a public hearing for June 17, 2020 for the review of the Service Plan for the proposed Redlands 360 Consolidated Metropolitan Districts 1-9.

**Attachments**

None



## Grand Junction City Council

### Regular Session

Item #2.c.

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**Meeting Date:** May 20, 2020

**Presented By:** John Shaver, City Attorney

**Department:** City Attorney

**Submitted By:** Jay Valentine

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### **Information**

#### **SUBJECT:**

Public Finance Agreement, First Amendment to Loan Agreements and Amending Ordinance 4881 Concerning the City of Grand Junction Dos Rios General Improvement District

#### **RECOMMENDATION:**

Adopt a proposed ordinance for a Public Finance Agreement and amendments to loan agreements and Ordinance 4881 regarding the issuance of bonds by the City of Grand Junction Dos Rios General Improvement District and the City of Grand Junction, and set a public hearing for June 3, 2020.

#### **EXECUTIVE SUMMARY:**

The Public Finance Agreement (PFA) forms an agreement between the City of Grand Junction and the Dos Rios General Improvement District (District or GID) pledging certain revenues received by the City to the GID to fund improvements in the Dos Rios development area (Project.)

In order to further the Dos Rios GID Project, the City agrees to pay certain pledged revenue to the District on and after the date of the issuance of bonds. The pledged revenue is the incremental property tax revenues and incremental sales tax revenues produced within the District. The pledged revenue, along with the proposed GID mill levy, will be specifically used for the repayment of the bonds.

#### **BACKGROUND OR DETAILED INFORMATION:**

On December 16, 1981, the City Council approved the Downtown Development

Authority Plan of Development (the Plan) which provided for the division of incremental property tax revenues and incremental municipal sales tax revenues pursuant to C.R.S. §31-25-807(3) to further the purposes of the Plan and provide financial support therefor from such tax increment revenues, as therein and herein further provided and the Council has approved amendments to the Plan from time to time including most recently by Ordinance No. 4881 adopted on November 6, 2019. The Project is consistent with the improvements which may be financed by the City pursuant to the Plan.

The City has previously pledged the tax increment revenues received by the City pursuant to the Plan to repay loans made to the City by American National Bank (the "Bank") pursuant to two separate loan agreements.

In order to assist the District with the financing of the Project, the City intends to provide certain revenues to the District including incremental property tax revenues and incremental sales tax revenues produced within the District.

The obligations of the City to allocate and pay the incremental revenues to the GID shall not constitute the creation of an indebtedness or other multiple-fiscal year obligation, nor authorize borrowing of money by the City within the meaning of any constitutional, home rule charter or statutory limitation or provision. The obligations of the City with respect to the City Revenues shall be from year to year only and shall not constitute a mandatory payment obligation of the City in any fiscal year beyond the present fiscal year and shall not directly or indirectly obligate the City to make any payments beyond those appropriated for any fiscal year in which the PFA is in effect.

It is in the best interest of the City to assist the District with financing the Project by entering into the PFA with the District and to enter into First Amendment to Loan Agreements with the Bank (the Amendments) and to confirm that Ordinance 4881 and the 2019 amendments to the Plan do not amend, modify or impair the tax increment financing provisions of the Plan.

**FISCAL IMPACT:**

Although estimated at \$10.9 million, the proposed debt issuance is to provide up to \$12.3 million in project funds, establish the debt service reserve, pay bond issuance costs, and make the first two year's interest payments. The term is estimated at 30 years at 6.125% interest rate for an average debt service cost of \$1.11 million per year. It is expected that the GID mill levy will cover 8% of the debt service cost with the remaining 92% covered by pledged TIF, sales, and property tax revenues.

**SUGGESTED MOTION:**

I move to introduce an ordinance for a Public Finance Agreement and amendments to

loan agreements and Ordinance 4881 regarding the issuance of bonds by the City of Grand Junction Dos Rios General Improvement District and the City of Grand Junction, and set a public hearing for June 3, 2020.

### **Attachments**

1. City Ordinance Approved PFA and Loan Amendment (FOR PACKETS)\_52122721\_5 (4)

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. [ ]

AN ORDINANCE CONCERNING THE CITY OF GRAND JUNCTION DOS RIOS GENERAL IMPROVEMENT DISTRICT AND IN CONNECTION WITH THE ISSUANCE OF BONDS BY THE DISTRICT APPROVING A PUBLIC FINANCE AGREEMENT AND FIRST AMENDMENT TO LOAN AGREEMENTS AND AMENDING ORDINANCE NO. 4881 CONCERNING THE DDA 2019 PLAN OF DEVELOPMENT.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

**Section 1.**     **Recitals:**

(A)     The City of Grand Junction, Colorado (the “City”), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the “Charter”).

(B)     Members of the City Council of the City (the “City Council”) have been duly elected or appointed and qualified.

(C)     The City of Grand Junction Dos Rios General Improvement District (the “District”) has been established to undertake the design, acquisition, construction, completion and installation of public improvements permitted pursuant to Title 31, Article 25, Part 6, Colorado Revised Statutes including, but are not limited to all utilities, gas, electric, water, storm sewer, sanitary sewer, drainage, all communications facilities such as cable, fiber, and broadband, roadways and alleyways, trails and sidewalks, environmental remediation, fill, street lights, landscaping, irrigation, public parking areas, signage, parks, and open space, together with land, easements and extensions of and improvements to said facilities within and without the boundaries of the District (the “Project”).

(D)     Article XIV, Section 18 of the Constitution of the State and C.R.S. §29-1-203 provide for and encourage governmental entities within the State to make the most efficient and effective use of their powers and responsibilities by cooperating with each other to accomplish specific public purposes.

(E)     On December 16, 1981, the City Council approved the Downtown Development Authority Plan of Development (the “Plan”) which provided for the division of incremental property tax revenues and incremental municipal sales tax revenues pursuant to C.R.S. §31-25-807(3) to further the purposes of the Plan and provide financial support therefor from such tax increment revenues, as therein and herein further provided and the Council has approved amendments to the Plan from time to time including most recently by Ordinance No. 4881 adopted on November 6, 2019 (“Ordinance No. 4881”).

(F)     The Project is consistent with the improvements which may be financed by the City pursuant to the Plan.

(G) The City has previously pledged the tax increment revenues received by the City pursuant to the Plan to repay loans made to the City by American National Bank (the “Bank”) pursuant to two separate loan agreements.

(H) In order to assist the District with the financing of the Project, the City intends to provide certain revenues to the District including tax increment revenues the City receives from property or transactions which occur within the District and certain other City revenues.

(I) The Council has determined, and now hereby determines, that it is in the best interest of the City to assist the District with financing the Project by entering into a Public Finance Agreement (the “PFA”) with the District and to enter into First Amendment to Loan Agreements with the Bank (the “Amendments”).

(J) There has been presented to the Council and are on file at the City offices the following: (i) the proposed form of the PFA; and (ii) the proposed form of the Amendments.

(K) No member of the Council has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this ordinance.

**Section 2. Ratification and Approval of Prior Actions:**

All action heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers, agents or employees of the Council or the City relating to the PFA, the Amendments, and the Project, is hereby ratified, approved and confirmed.

**Section 3. Approval of Documents:**

The PFA and the Amendments (collectively, the “Documents”), in substantially the forms presented to the Council and on file with the City Clerk, are in all respects approved, authorized and confirmed, and the President of the City Council is hereby authorized and directed for and on behalf of the City to execute and deliver the Documents in substantially the forms and with substantially the same contents as presented to the Council, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this ordinance. The City Clerk is hereby authorized and directed to attest the signature of the President of the City Council on the Documents.

**Section 4. Authorization to Execute Collateral Documents:**

The President and City Clerk and other appropriate officials or employees of the City are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance.

**Section 5.     Amendment of Ordinance No. 4881.**

The first paragraph of Ordinance No. 4881 is amended to read: The Plan of Development for Grand Junction, Colorado, Downtown Development Authority, as Adopted by Resolution of This City Council on December 16, 1981 (as amended prior to 2019, the “Original Plan”), is amended by the 2019 Plan of Development entitled “Vibrant Together” (the “2019 Plan”), but nothing in the 2019 Plan amends, modifies or impairs the tax increment financing provisions of the Original Plan.

**Section 6.     Repealer:**

All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent with this ordinance or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed.

**Section 7.     Severability:**

If any section, subsection, paragraph, clause or provision of this ordinance or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals by the City during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the City during the Lease Term and provisions for the conveyance of the Leased Property to the City under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance or such documents, the intent being that the same are severable.

**Section 8.     Charter Controls:**

Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

**Section 9.     Effective Date, Recording and Authentication:**

This ordinance shall be in full force and effect 30 days after its final passage and final publication pursuant to Section 136 of Article XVI of the Charter.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 20th DAY OF MAY, 2020.

CITY OF GRAND JUNCTION, COLORADO

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President of the City Council

(SEAL)

ATTEST:

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City Clerk

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 3rd DAY OF JUNE, 2020.

CITY OF GRAND JUNCTION, COLORADO

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President of the City Council

(SEAL)

ATTEST:

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City Clerk

STATE OF COLORADO            )  
   )  
 COUNTY OF MESA                ) SS.  
   )  
 CITY OF GRAND JUNCTION    )

I, Wanda Winkelmann, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado (the “City”) do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading, and ordered published in pamphlet form by the City Council (the “Council”) of the City at a regular meeting of the Council held at the City Hall on May 20, 2020, and was duly adopted on second reading and ordered published in pamphlet form by the Council at a regular meeting held on June 3, 2020, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The passage of the Ordinance on first reading on May 20, 2020, was duly moved and seconded and the Ordinance was approved by an affirmative vote of a majority of the members of the Council as follows:

Name	“Aye”	“Nay”	Absent	Abstain
Duke Wortmann, President of the City Council				
Kraig Andrews, President Pro Tem				
Kraig Andrews				
Chuck McDaniel				
Phyllis Norris				
Phillip Pe’a				
Anna Stout				
Rick Taggart				

3. The passage of the Ordinance on second and final reading on June 3, 2020, was duly moved and seconded and the Ordinance was approved by an affirmative vote of a majority of the members of the Council as follows:

Name	“Aye”	“Nay”	Absent	Abstain
Duke Wortmann, President of the City Council				
Kraig Andrews, President Pro Tem				
Kraig Andrews				
Chuck McDaniel				
Phyllis Norris				
Phillip Pe’a				
Anna Stout				
Rick Taggart				

4. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

5. The Ordinance has been signed by the President, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of the Ordinance as an emergency.

7. Notices of the meetings of May 20, 2020 and June 3, 2020, in the forms attached hereto as Exhibit A, were duly given to the Council members and were posted on the City website no less than twenty-four hours prior to the meeting as required by law.

8. The ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on \_\_\_\_\_, 2020 and \_\_\_\_\_, 2020, as required by the Charter. Notice of the hearing on the Ordinance was published on \_\_\_\_\_, 2020. The affidavits of publication are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City  
this \_\_\_\_ day of \_\_\_\_\_, 2020.

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City Clerk

(SEAL)

EXHIBIT A

(Attach Notices of Meetings)

EXHIBIT B

(Attach Affidavits of Publication)



## Grand Junction City Council

### Regular Session

Item #3.a.i.

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**Meeting Date:** May 20, 2020

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

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### **Information**

#### **SUBJECT:**

A Resolution Accepting the Petition for Annexation of 45.543-Acres of Land and Ordinance Annexing the Magnus Court Annexation, Located on the West End of Magnus Court - **Continued to June 15, 2020**

#### **RECOMMENDATION:**

Staff recommends continuation of the public hearing considering the adoption of a resolution accepting the petition for the Magnus Court Annexation and the proposed Ordinance to June 15, 2020.

#### **EXECUTIVE SUMMARY:**

The Applicants, JLC Magnus LLC & Bonds LLC, are requesting to annex 45.543-acres located at the west end of Magnus Court in the Redlands. The resolution to accept the annexation petition as well as to consider the annexation ordinance were scheduled to be heard on April 1, 2020. Due to COVID-19, Staff is recommending continuation of this hearing until June 15, 2020.

The proposed annexation includes 0.37-acres of the adjacent Magnus Court Right-of-Way. As part of this annexation, the City would take ownership & maintenance responsibilities of this 16,257-square feet of right-of-way. The subject properties currently contain no structures and are vacant. The owner is requesting annexation in anticipation of future residential subdivision development, which constitutes "annexable development" and as such is required to annex in accordance with the Persigo Agreement. Consideration for zoning of this annexation will be heard in a future action.

#### **BACKGROUND OR DETAILED INFORMATION:**

The Magnus Court Annexation consists of two properties that contain a total of 45.543-acres located at the west end of Magnus Court in the Redlands. Both properties are vacant. The Applicants wish to annex the two (2) properties into the City limits in anticipation of future residential subdivision development in conjunction with the neighboring properties to the east which are also owned by applicants and previously annexed and zoned R-2 (Residential – 2 du/ac) and R-E (Residential Estate). The Applicant will be requesting a zoning for the properties of PD (Planned Development) with a default zone district of R-2 (Residential – 2 du/ac). Zoning will be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

The proposed annexation includes 0.37-acres of the adjacent Magnus Court Right-of-Way (16,257-sq. ft.) which is currently not developed and contains no pavement, curb, gutter or sidewalk. As part of this annexation, the City would take ownership & maintenance responsibilities of this 16,257-square feet of right-of-way. Upon future subdivision development, the developer would be responsible for the cost and construction improvement cost of this right-of-way.

The properties are currently adjacent to existing city limits and are within the Persigo 201 boundary and is "Annexable Development" as defined in the Persigo Agreement. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation by the City. The property owners have signed a petition for annexation of the properties.

Staff has found, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Magnus Court Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

f) No land held in identical ownership is being divided by the proposed annexation;

g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

This resolution accepting the petition for annexation as well as the annexation ordinance public hearing was originally scheduled for April 1, 2020. Staff has requested this be continued until June 15, 2020 due to COVID-19 at which time an ordinance for zoning will also be considered at the public hearing.

### **FISCAL IMPACT:**

#### **Fire**

Currently the property is in two parcels in the Grand Junction Rural Fire Protection District (Rural District) and Redlands Sub-District, both served by the Grand Junction Fire Department through a contract with the Rural District. The district collects mill levies of 5.223 and 4.904 generating a total of \$1,256 per year in property taxes that are then passed on to the City of Grand Junction per the contract. If annexed, the Rural District mill levy will be removed, and the City's 8 mills will generate property tax revenue of \$960 per year. Property tax will need to pay for not only fire and emergency medical services, but also other City services provided to the area.

No changes in fire protection and emergency medical response are expected due to this annexation. Primary response is from Fire Station 5 at 2155 Broadway and from that location response times are within National Fire Protection Association guidelines. Fire Station 5 has the capacity to handle the increase in calls for service resulting from this annexation and development. At buildout, an annual incident volume of 6-10 calls for service is predicted.

#### **Utilities**

Water and sewer services are available to this property.

This property is within the Ute Water District service area. An 8-inch water serves this property along Magnus Court.

The property is currently within the Persigo 201 Sewer Service Area. A 6-inch sewer line is available on Magnus Ct, which ultimately connects to a 15-inch interceptor line at South Broadway. This sewer line should have sufficient capacity to serve an additional 74 sewer taps. The developer will be required to extend sewer to serve the development and the builder will be required to pay Plant Investment Fees. Therefore, there is not fiscal impact to the Persigo Sewer Enterprise Fund.

## **Police**

In an effort to determine/anticipate what the impact may be to the GJPD in providing police services should the city proceed with this annexation, calls for service during 2018 and 2019 were pulled. A review of that data revealed that there were only 10 calls for service in 2018 and 5 calls for service in 2019 to that surrounding area which is lower in residential density. Based on that information, we anticipate that any calls for service by GJPD for this location will equal to .8% of an officer.

With that said, at this point, the Police Department does not anticipate a need for an increase in personnel or equipment in order to provide law enforcement services to this proposed annexation. However, this annexation, along with any future annexations/developments will no doubt have an eventual cumulative impact that will require an increase in law enforcement personnel and equipment in order to provide adequate services.

## **Public Works**

Currently there are no public works improvements associated with this annexation. Future subdivision development would require the dedication of additional right-of-way and construction of at least 1500 feet of local road (Magnus Ct) to 22 ¼ Road in order to serve the development. The future subdivision proposes a total of 74 single-family detached lots in conjunction with adjacent parcels. The single family homes will generate approximately 700 “trips” per day in vehicular traffic onto adjacent roadways. Upon subdivision submittal, Public Works will be able to determine the long term maintenance impacts of the proposed roads, signage, striping, lighting, storm drainage and sweeping.

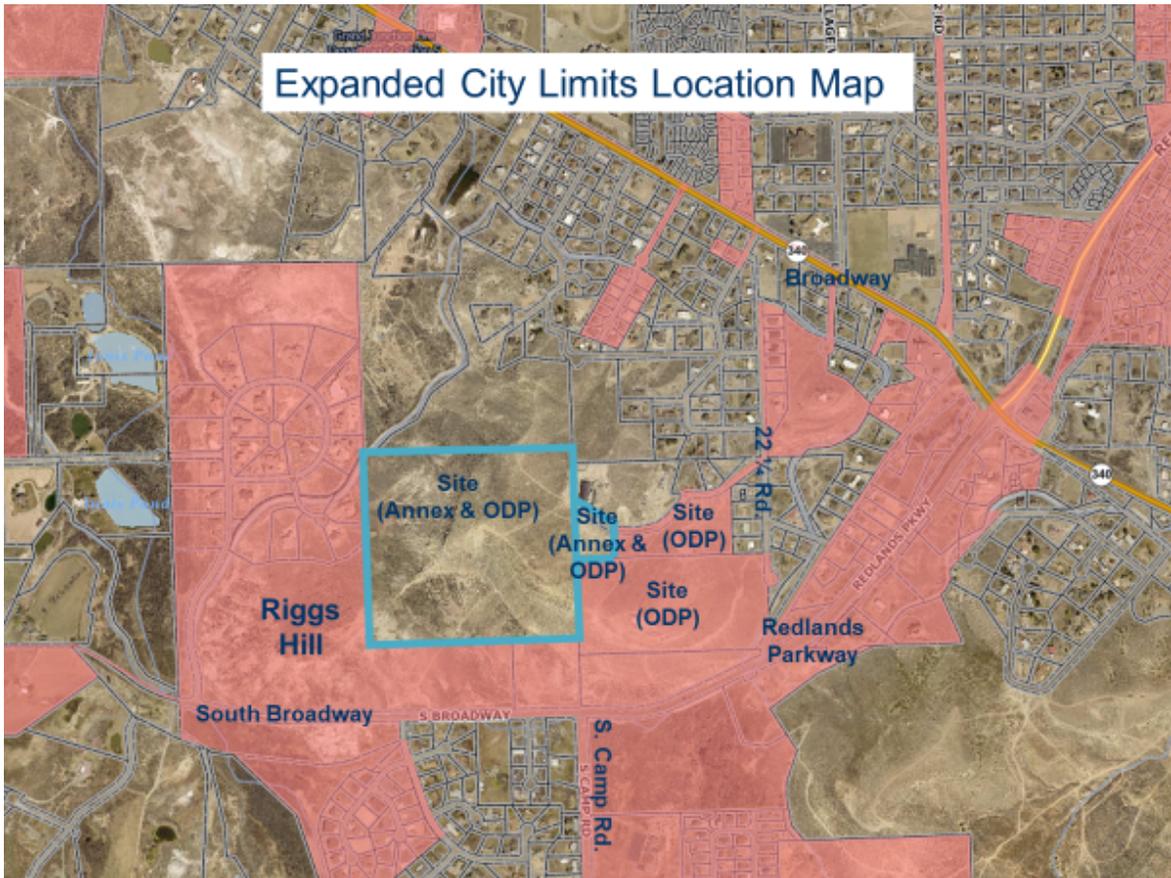
## **SUGGESTED MOTION:**

I move to continue to June 15, 2020 the hearing to consider Resolution No. 08-20, a resolution accepting a petition for the annexation of lands to the City of Grand Junction, Colorado, making certain findings, and determining that property known as the Magnus Court Annexation, located at the west end of Magnus Court, is eligible for annexation, and an ordinance annexing territory to the City of Grand Junction, Colorado, Magnus Court Annexation approximately 45.543-acres, located at the west end of Magnus Court.

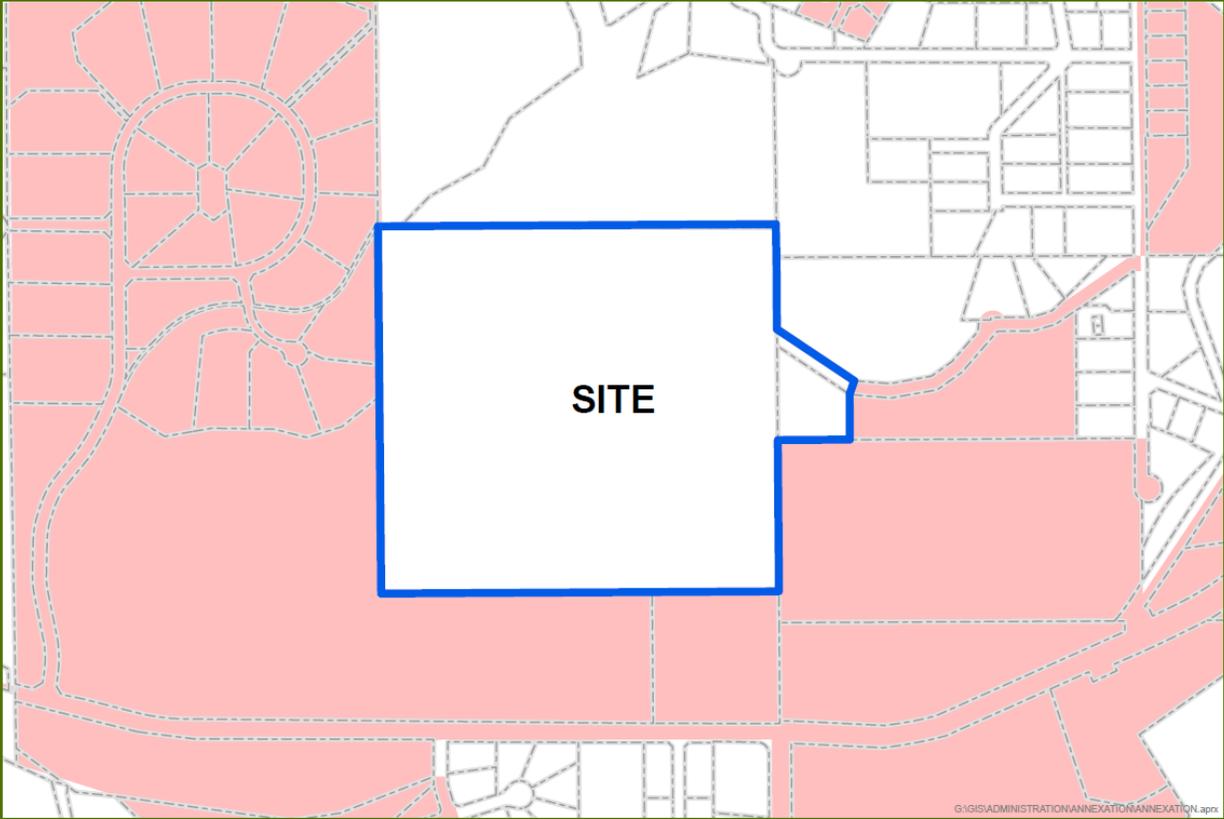
## **Attachments**

1. Site Location, Aerial Photo, Zoning Maps, etc
2. Magnus Court Annexation Schedule & Summary
3. Resolution Accepting Petition for Annexation
4. Annexation Ordinance - Magnus Court Annexation

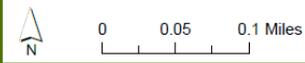
# Expanded City Limits Location Map



MAGNUS COURT ANNEXATION



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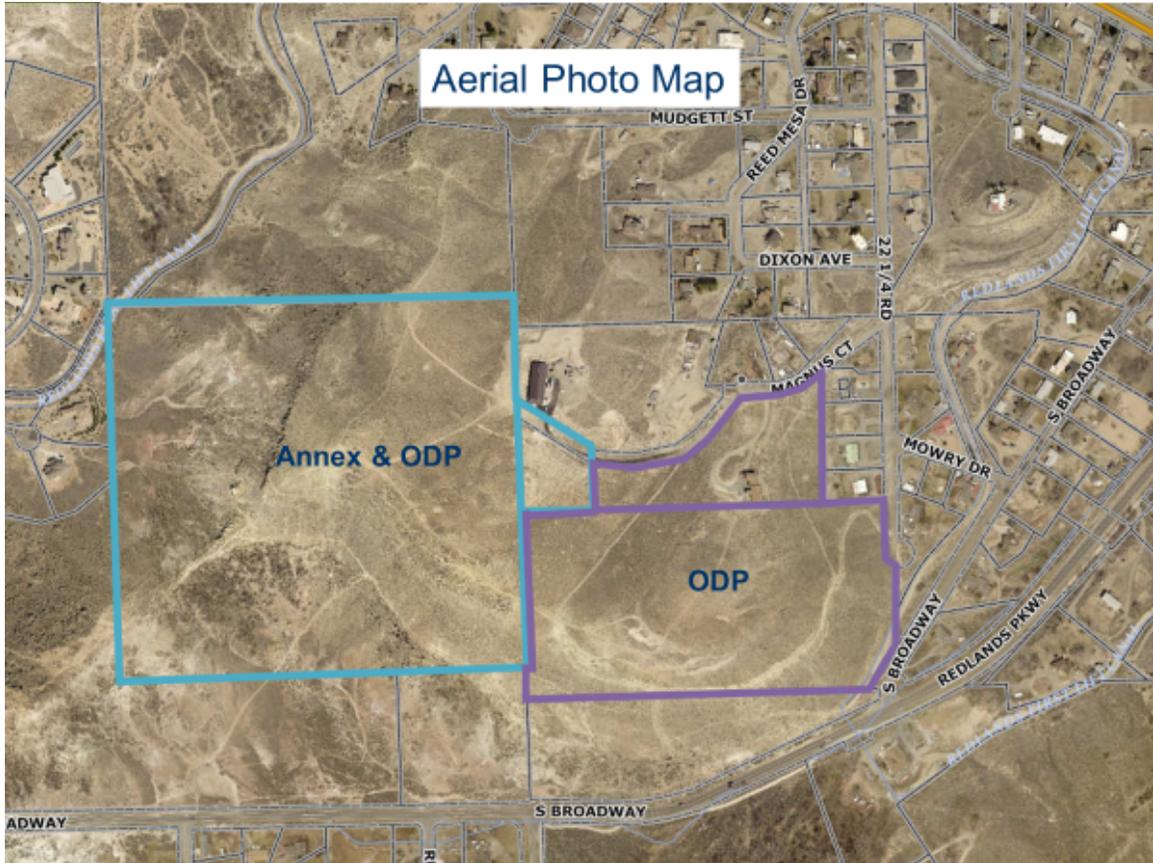


 Annexation  City Limits

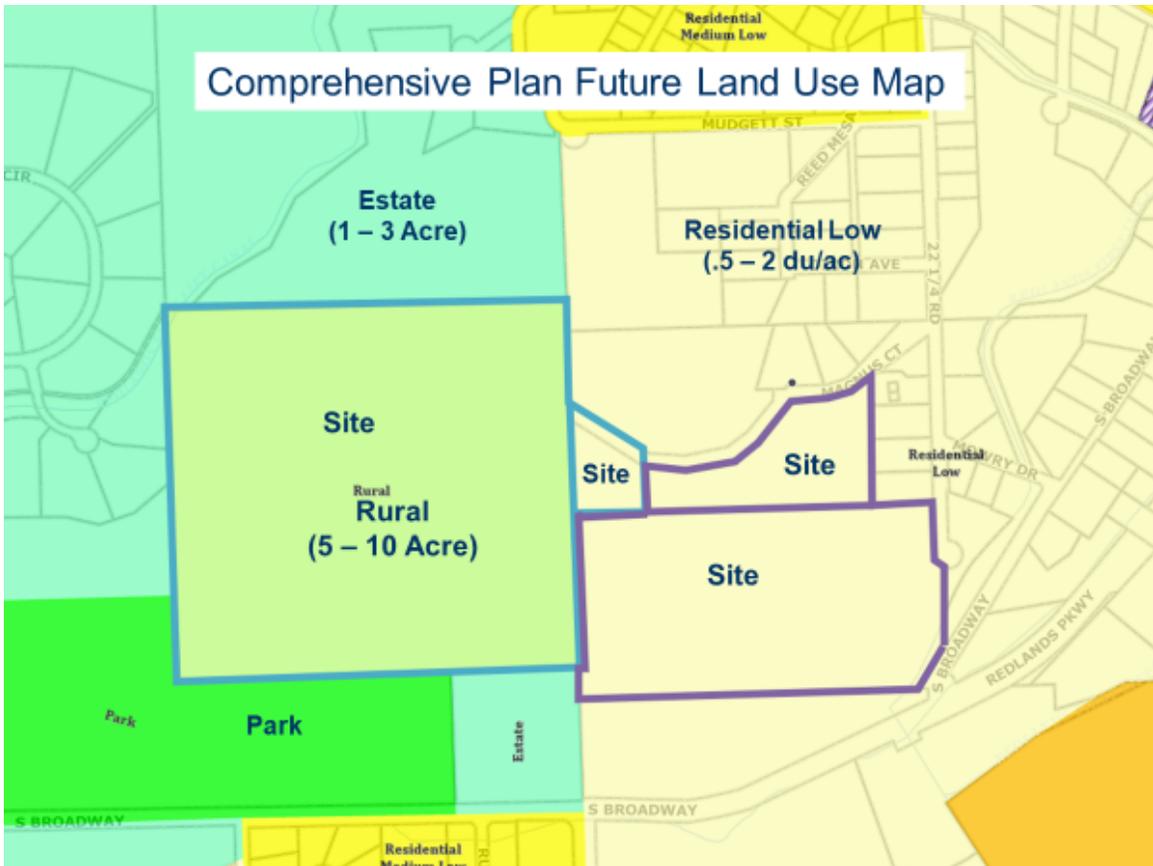
Date Created: 1/3/2020



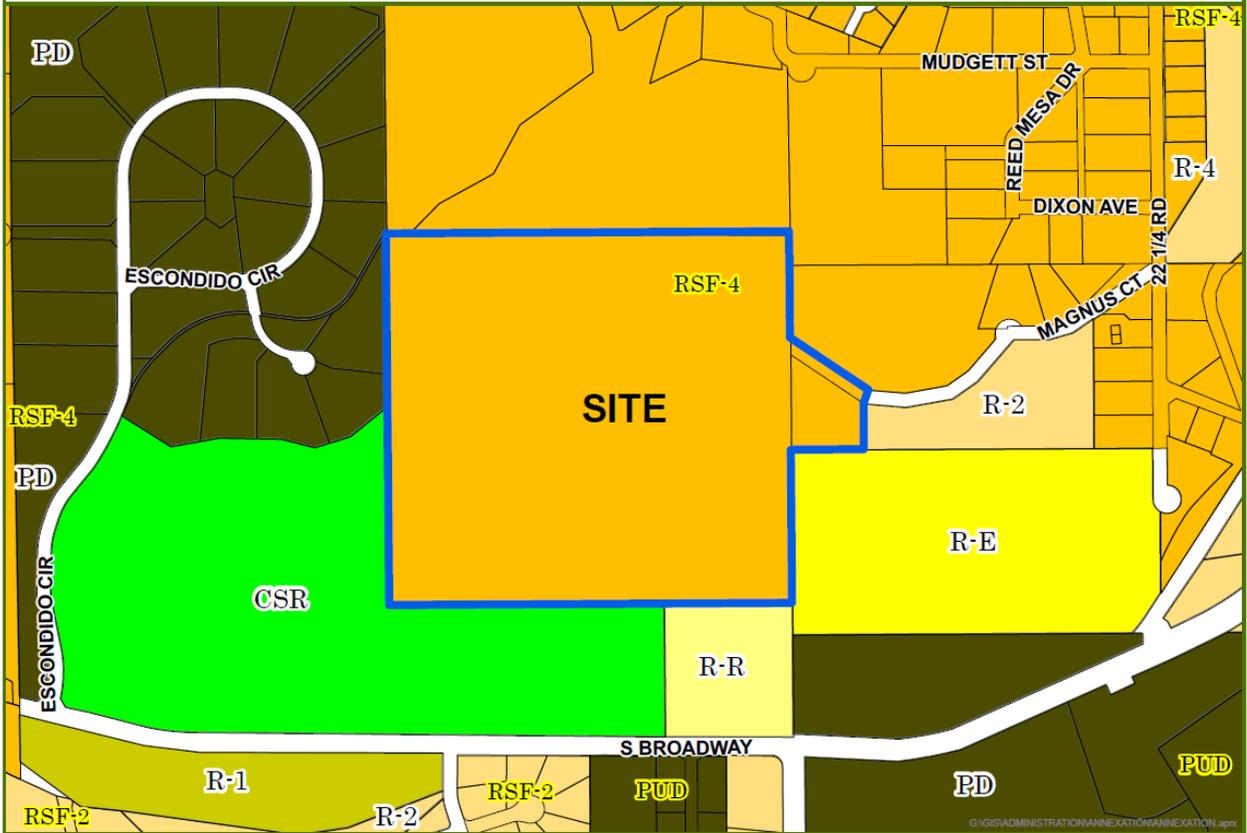
# Aerial Photo Map



# Comprehensive Plan Future Land Use Map



# MAGNUS COURT ANNEXATION - ZONING





View of Magnus Court at the intersection with 22 ¼ Road

## **MAGNUS COURT ANNEXATION SCHEDULE**

<b>February 19, 2020</b>	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
<b>February 25, 2020</b>	Planning Commission considers Zone of Annexation
<b>March 18, 2020</b>	Introduction of a Proposed Ordinance on Zoning by City Council
<b>April 1, 2020 Continued Until May 20, 2020</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>June 21, 2020</b>	Effective date of Annexation

### **ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2019-137	
<b>Location:</b>	West end of Magnus Court	
<b>Tax ID Numbers:</b>	2945-182-00-046 & 2947-261-00-003	
<b># of Parcels:</b>	2	
<b>Existing Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	45.543	
<b>Developable Acres Remaining:</b>	45.173	
<b>Right-of-way in Annexation:</b>	0.37	
<b>Previous County Zoning:</b>	RSF-4 (Residential Single Family – 4 du/ac)	
<b>Proposed City Zoning:</b>	PD (Planned Development)	
<b>Current Land Use:</b>	Vacant land	
<b>Future Land Use:</b>	Residential Low (.5 – 2 du/ac) & Rural	
<b>Values:</b>	<b>Assessed:</b>	\$123,980
	<b>Actual:</b>	\$427,500
<b>Address Ranges:</b>	2217 – 2221 Magnus Court	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation/Drainage:</b>	Redlands Water & Power Company
	<b>School:</b>	Fruita Monument HS / Redlands Middle / Broadway Elementary
	<b>Pest:</b>	Grand River Mosquito Control District

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION ACCEPTING A PETITION  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
MAKING CERTAIN FINDINGS,  
AND DETERMINING THAT PROPERTY KNOWN AS THE  
MAGNUS COURT ANNEXATION, LOCATED AT THE WEST END OF MAGNUS  
COURT IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19<sup>th</sup> day of February, 2020, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**MAGNUS COURT ANNEXATION**

A certain parcel of land lying in the North Half (N-1/2) of Government Lot 1 of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian and all of Government Lot 1 of Section 26, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado and being more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said Government Lot 1 of Section 26 and assuming the North line of said Government Lot 1 of Section 26 bears N 89°47'19" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°47'19" E, along the North line of said Government Lot 1, a distance of 1,435.80 feet to a point being the Northeast corner of said Government Lot 1; thence S 00°44'28" E, along the East line of said Government Lot 1, a distance of 119.82 feet, more or less, to a point being the Northwest corner of Government Lot 1 of said Section 18; thence S 00°19'18" E, along the West line of Government Lot 1 of said Section 18, a distance of 258.91 feet, more or less, to a point on the North right of way for Magnus Court, as same is recorded in Book 1378, Page 534, Public Records of Mesa County, Colorado; thence S 56°04'41" E, along the North right of way for said Magnus Court, a distance of 335.68 feet, more or less, to a point being the Northwest corner of Gummin Annexation, City of Grand Junction Ordinance No. 4034, as same is recorded in Book 4366, Page 382, Public Records of Mesa County, Colorado; thence S 19°22'30" W, along the West line of said Gummin Annexation, a distance of 51.66 feet; thence S 00°08'08" E, continuing along the West line of said Gummin Annexation, a distance of 163.40 feet to a point on the South line of the N-1/2 of said Government Lot 1 of Section 18; thence S 89°50'09" W, along said South line and the North line of the CR Nevada Annexation, City of Grand Junction Ordinance No. 3890, as same is recorded in Book 4160, Page 213, Public Records of Mesa County, Colorado, a distance of 259.55 feet to a point being on the East line of said Government Lot 1 of Section 26; thence S

00°19'18" E, along the East line of said Government Lot 1 of Section 26, a distance of 546.03 feet to a point being the Southeast corner of said Government Lot 1 of Section 26; thence S 89°47'00" W, along the South line of said Government Lot 1 of Section 26, a distance of 1,434.62 feet to a point being the Southwest corner of said Government Lot 1 of Section 26; thence N 00°24'33" W, along the West line of said Government Lot 1 of Section 26, a distance of 1,325.11 feet, more or less, to the Point of Beginning.

CONTAINING 45.543 Acres or 1,983,885 Square Feet, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the \_\_\_\_\_ day of \_\_\_\_\_, 2020; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**MAGNUS COURT ANNEXATION**

**APPROXIMATELY 45.543 ACRES LOCATED AT THE WEST END OF  
MAGNUS COURT**

**WHEREAS**, on the 19<sup>th</sup> day of February 2020, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 1<sup>st</sup> day of April 2020; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

That the property situate in Mesa County, Colorado, and described to wit:

**MAGNUS COURT ANNEXATION**

A certain parcel of land lying in the North Half (N-1/2) of Government Lot 1 of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian and all of Government Lot 1 of Section 26, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado and being more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said Government Lot 1 of Section 26 and assuming the North line of said Government Lot 1 of Section 26 bears N 89°47'19" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°47'19" E, along the North line of said Government Lot 1, a distance of 1,435.80 feet to a point being the Northeast corner of said Government Lot 1; thence S 00°44'28" E, along the East line of said Government Lot 1, a distance of 119.82 feet, more or less, to a point being the Northwest corner of Government Lot 1 of said Section 18; thence S 00°19'18" E, along the West line of Government Lot 1 of said Section 18, a distance of 258.91 feet, more or less, to a point on the North right of way for Magnus

Court, as same is recorded in Book 1378, Page 534, Public Records of Mesa County, Colorado; thence S 56°04'41" E, along the North right of way for said Magnus Court, a distance of 335.68 feet, more or less, to a point being the Northwest corner of Gummin Annexation, City of Grand Junction Ordinance No. 4034, as same is recorded in Book 4366, Page 382, Public Records of Mesa County, Colorado; thence S 19°22'30" W, along the West line of said Gummin Annexation, a distance of 51.66 feet; thence S 00°08'08" E, continuing along the West line of said Gummin Annexation, a distance of 163.40 feet to a point on the South line of the N-1/2 of said Government Lot 1 of Section 18; thence S 89°50'09" W, along said South line and the North line of the CR Nevada Annexation, City of Grand Junction Ordinance No. 3890, as same is recorded in Book 4160, Page 213, Public Records of Mesa County, Colorado, a distance of 259.55 feet to a point being on the East line of said Government Lot 1 of Section 26; thence S 00°19'18" E, along the East line of said Government Lot 1 of Section 26, a distance of 546.03 feet to a point being the Southeast corner of said Government Lot 1 of Section 26; thence S 89°47'00" W, along the South line of said Government Lot 1 of Section 26, a distance of 1,434.62 feet to a point being the Southwest corner of said Government Lot 1 of Section 26; thence N 00°24'33" W, along the West line of said Government Lot 1 of Section 26, a distance of 1,325.11 feet, more or less, to the Point of Beginning.

CONTAINING 45.543 Acres or 1,983,885 Square Feet, more or less, as described.

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 19<sup>th</sup> day of February, 2020 and ordered published in pamphlet form.

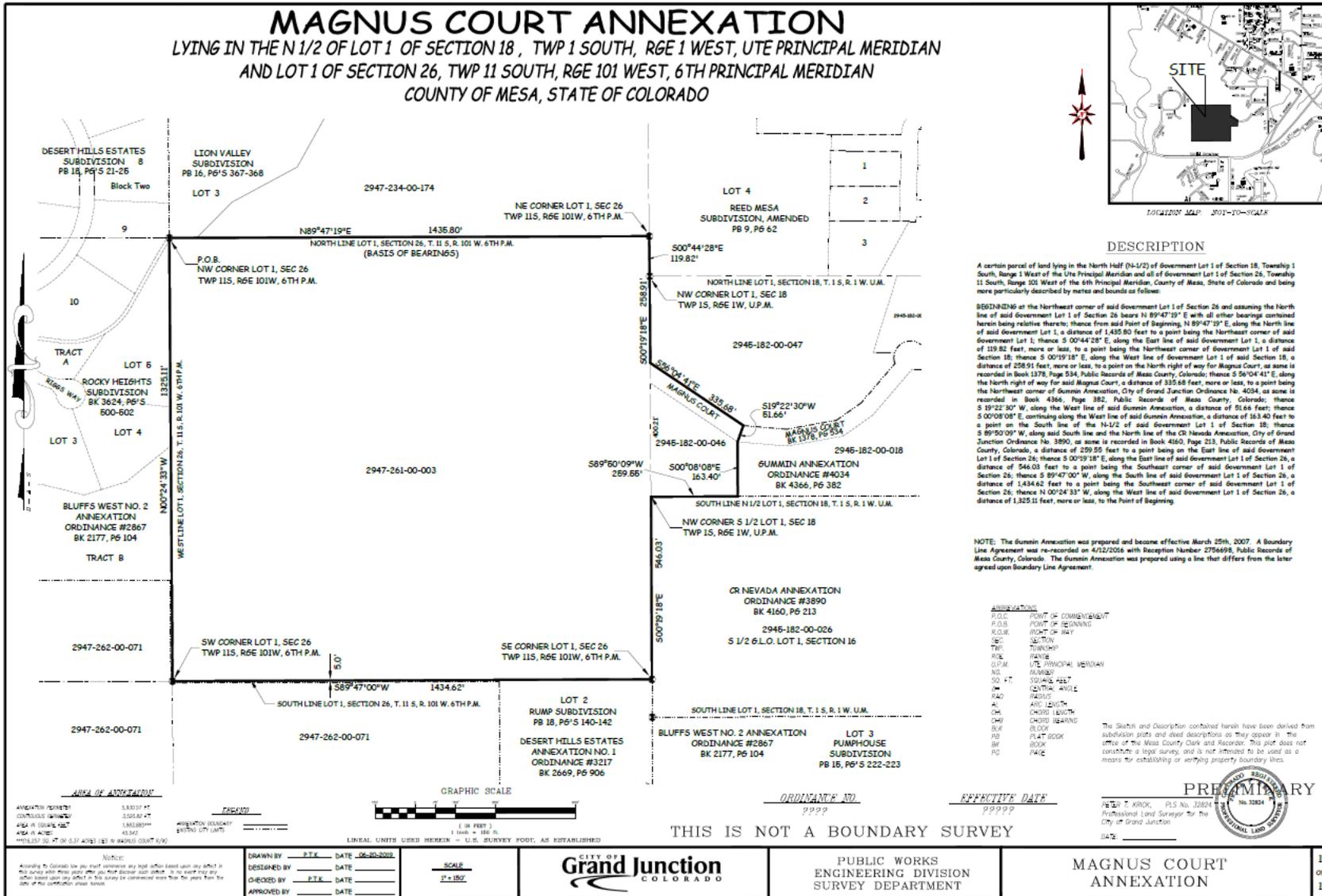
**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

Exhibit A





## Grand Junction City Council

### Regular Session

Item #4.a.

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**Meeting Date:** May 20, 2020

**Presented By:** Ken Sherbenou, Parks and Recreation Director

**Department:** Parks and Recreation

**Submitted By:** Ken Sherbenou

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### **Information**

#### **SUBJECT:**

National Junior College Athletic Association (NJCAA), the Grand Junction Baseball Committee and City of Grand Junction Junior College World Series Contract Extension 2020-2044

#### **RECOMMENDATION:**

Staff recommends approval of the 25 year contract extension for the Junior College World Series Location Agreement between the Grand Junction Baseball Committee, the National Junior College Athletic Association and the City of Grand Junction.

#### **EXECUTIVE SUMMARY:**

Partnership between the Grand Junction Baseball Committee, the National Junior College Athletic Association (NJCAA) and the City of Grand Junction has resulted in the Junior College (JUCCO) World Series being played in the City of Grand Junction for the past 63 years. Cancellation of this year's tournament is not only a major disappointment for the community that looks forward to this signature event, but it is also a significant economic blow. However, 2020's tournament is only one year. We are planning for many more successful tournaments in the years ahead. After lengthy negotiations, the parties have agreed to a 25 year contract extension. If approved by Council, we will be able to announce this news in the one year that we have not been able to hold the tournament.

#### **BACKGROUND OR DETAILED INFORMATION:**

The NJCAA is an association of community college and junior college athletic departments throughout the United States that is divided into divisions and regions.

There are currently twenty-four (24) separate regions across forty-five (45) states and that competes in twenty-five (25) intercollegiate sports, one of which is Junior College baseball.

The Grand Junction Baseball Committee, in close partnership with the City of Grand Junction, has successfully hosted, organized, provided, directed and conducted the National Junior College Baseball World Series in Grand Junction, Colorado for over 60 years. After negotiations, the NJCAA desires to engage, secure and contract for the Tournament to be held at Sam Suplizio Field, located at 1315 North Avenue, Grand Junction, Colorado 81501, upon the terms specified in the attached agreement.

These terms include the Committee paying NJCAA \$115,000 per year for the first 10 years (through 2029), \$120,000 per year for the next five years (through 2034), \$130,000 for the next five years (through 2039) and \$135,000 for the last five years period of the contract term (through 2044).

The tournament will consist of a ten team double elimination tournament over Memorial Day weekend. The City, working closely with the Grand Junction Baseball Committee, will host the tournament including providing Sam Suplizio Field for the duration of the agreement along with public, safety and maintenance staff to operate the facility.

Overall annual attendance at JUCO is over 120,000 for the week of the tournament. The week-long event provides positive impacts to local hotels, restaurants, businesses and tourism in general. The economic impact of this Grand Junction signature event is significant.

#### **FISCAL IMPACT:**

The positive economic impact of hosting the JUCO World Series is vast and provides significant community benefits, many of which are difficult to quantify. From a fiscal perspective, it is estimated that nearly \$1,000,000 of revenue comes into the Grand Junction area during the JUCO week. The activity generated for Grand Junction businesses is robust, especially for restaurants, hotels, and retailers.

The direct costs to host the tournament from the Parks and Recreation department are estimated at \$53,662 in 2019. This includes \$18,175 in supply cost and \$35,487 in labor costs (both full time staff and seasonal staff).

Given these numbers, the JUCO tournament constitutes a home run for return on investment.

#### **SUGGESTED MOTION:**

I move to approve the contract extension between the Grand Junction Baseball

Committee, the National Junior College Athletic Association and the City of Grand Junction to enable 25 more years of the Junior College World Series in Grand Junction.

**Attachments**

None



## Grand Junction City Council

### Regular Session

Item #4.b.

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**Meeting Date:** May 20, 2020

**Presented By:** Trent Prall, Public Works Director, Jay Valentine, General Services Director

**Department:** Public Works - Streets

**Submitted By:** Eric Mocko, Project Engineer

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### Information

#### **SUBJECT:**

Contract for 2020 CDBG - Safe Routes to Schools Project

#### **RECOMMENDATION:**

Authorize the City Purchasing Division to enter into a Contract with M.A. Concrete Construction, Inc. of Grand Junction, CO for the 2020 CDBG - Safe Routes to Schools Projects in the amount of \$363,603.75.

#### **EXECUTIVE SUMMARY:**

This construction contract includes the 2020 CDBG Grant funded - Safe Routes to Schools project. This contract with M.A. Concrete Construction, Inc., if approved, will include the construction of sidewalk along Lorey Dr., sidewalk along B Rd., sidewalk along Pinyon Ave., bulb-outs on Grand Ave., a crosswalk at B 1/2 Rd., and ADA ramps at City Hall, the Old County Courthouse, and Tope Elementary.

#### **BACKGROUND OR DETAILED INFORMATION:**

This project will include the construction of sidewalk along the north/east side of Lorey Drive from West Lake Park to Lilac Ln., sidewalk along the north side of Pinyon Ave. between 13th St. and 15th St., sidewalk along the north side of B Rd. between Mesa View Elementary and Winter Hawk Dr., a crosswalk at B 1/2 Rd. and 27 1/2 Rd., bulb-outs at the intersections of 9th St. and 10th St. at Grand Ave., and ADA ramps at City Hall, the Old County Courthouse, and Tope Elementary.

These projects will provide for safe access for students and other pedestrians to

several local schools.

This contract includes 55 linear feet of storm line, 6 linear feet of chase drain, 1 storm inlet, 1,032 square yards of asphalt milling, the adjustment of 6 storm drain inlet lids, 42 cubic yards of inorganic mulch, 717 square yards of hot mix asphalt placement, 954 linear feet of curb and gutter, 56 square yards of sidewalk, 1164 square yards of monolithic curb, gutter, and sidewalk, 333 square yards of concrete driveway, 287 square yards of concrete corner fillets, 186 square yards of concrete curb ramp, 84 square yards of concrete pavement, and 130 linear feet of shallow trench drain construction

A formal Invitation for bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Six companies submitted formal bids, which were found to be responsive and responsible in the following amounts.

<b>Firm</b>	<b>Location</b>	<b>Bid Amount</b>
M.A. Concrete Construction, Inc.	Grand Junction, CO	\$363,603.75
Oldcastle SW Group, Inc. dba United Companies	Grand Junction, CO	\$367,969.00
Agave Construction, Inc.	Grand Junction, CO	\$400,000.00
CW Construction	Grand Junction, CO	\$448,632.00
Western Gravel Constructors, LLC	Montrose, CO	\$452,656.00
All Concrete Solutions	Grand Junction, CO	\$455,532.70

This project is scheduled to begin in early June with an expected final completion date of the beginning of August.

**FISCAL IMPACT:**

In 2019, there was \$134,940 in CDBG budgeted for Grand Ave crossing at 9th and 10th and Pinyon sidewalk from 13th to 15th. Originally bid last fall, the bids came in high and the decision was made to combine the projects into CDBG work proposed for 2020 to gain economies of scale.

The carryforward of the 2019 projects was approved on May 6, 2020 in the 2020 Supplemental Appropriation. A total of \$368,940 CDBG funds are now in the approved budget to cover the anticipated costs as well as testing requirements.

**SUGGESTED MOTION:**

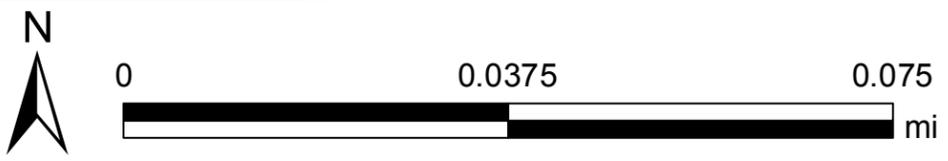
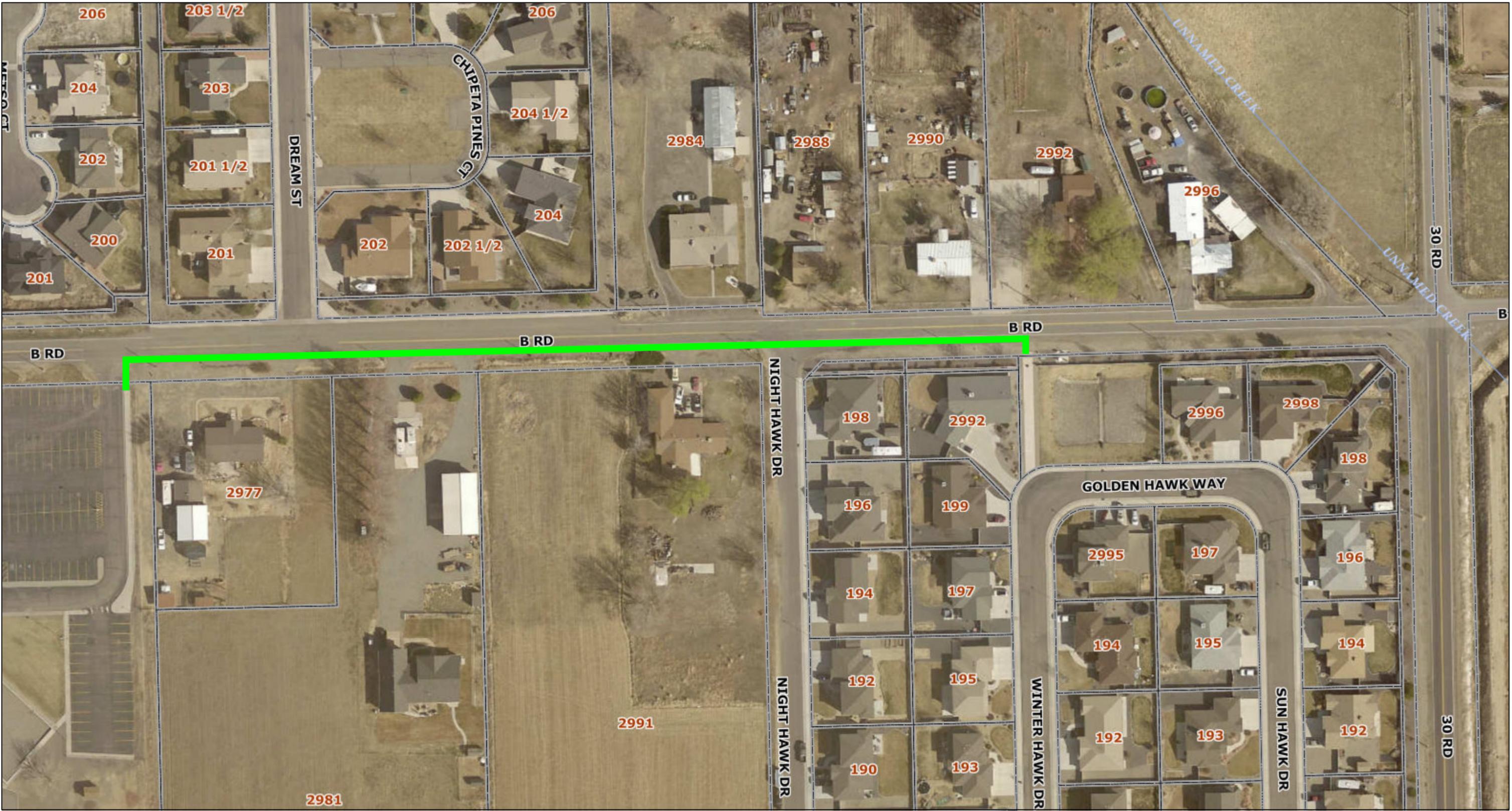
I move to authorize the City Purchasing Division to enter into a contract with M.A.

Concrete Construction, Inc. of Grand Junction, CO for the 2020 CDBG Safe Routes to Schools Projects in the amount of \$363,603.75.

**Attachments**

1. 2020 CDBG Safe Routes to Schools - Work Areas

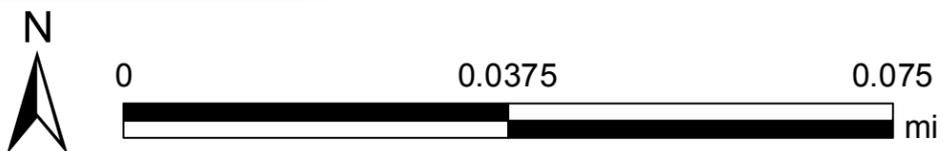
# B Road Sidewalk Area



Date: 4/29/2020

1 inch = 94 feet

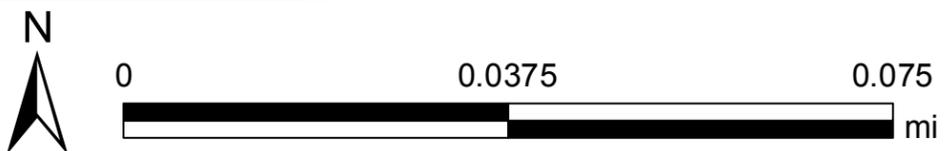
# B 1/2 Rd and 27 1/2 Rd Crosswalk Area



Date: 4/29/2020

1 inch = 94 feet

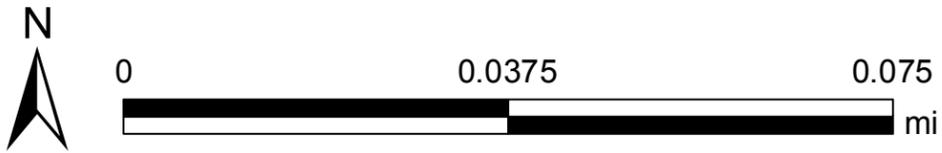
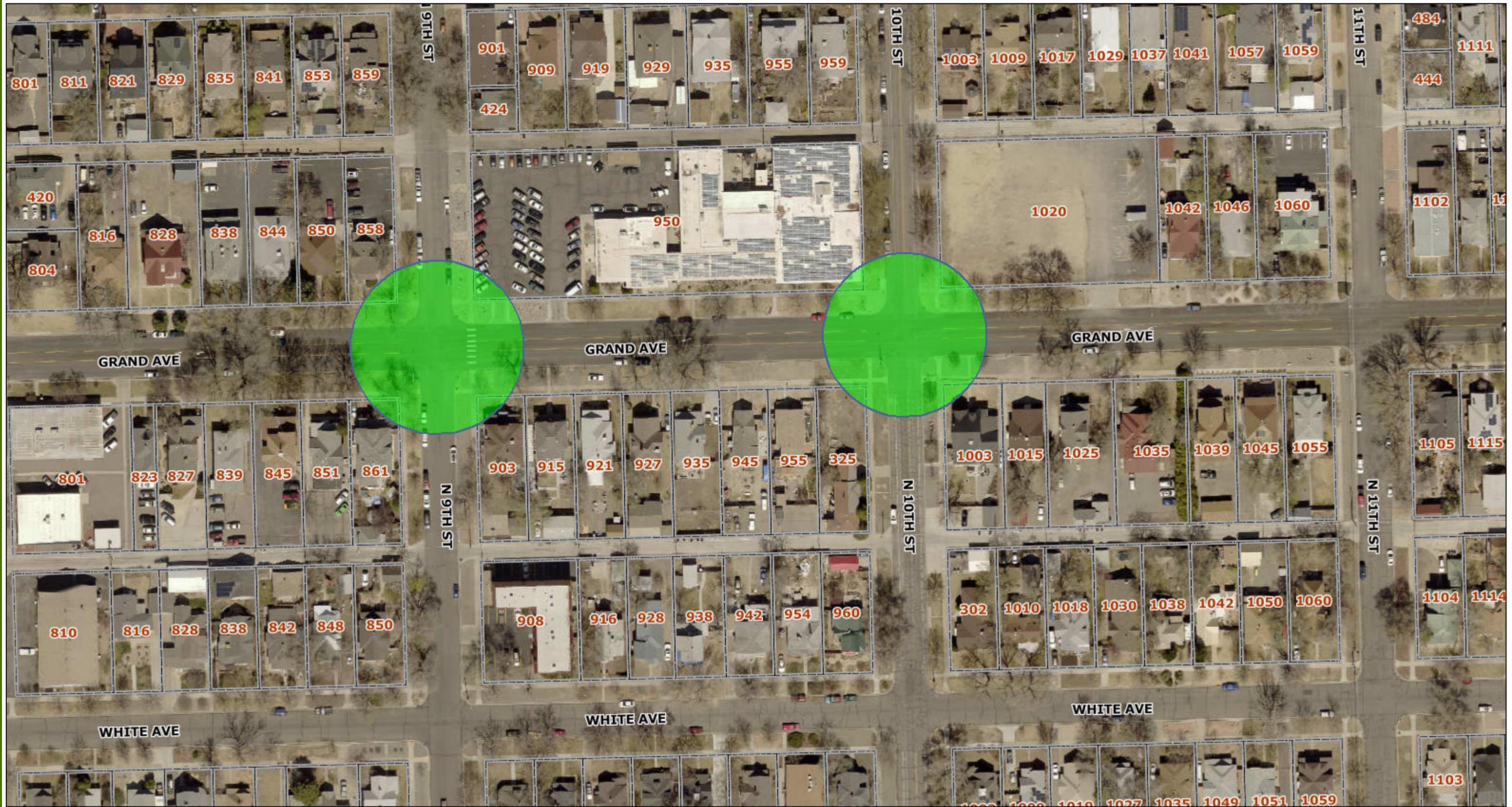
# ADA Ramp Areas - City Hall/Old County Court House



Date: 4/29/2020

1 inch = 94 feet

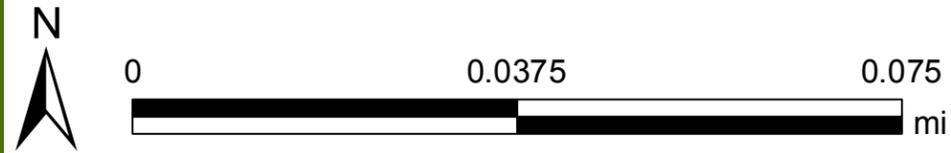
# Grand Avenue Bulb Out Areas



Date: 4/29/2020

1 inch = 94 feet

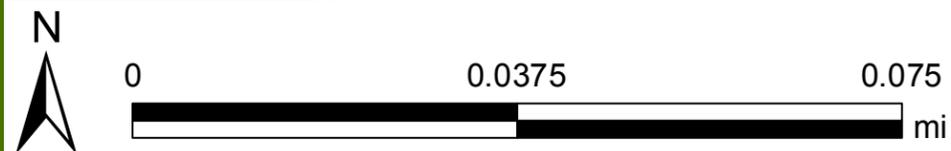
# Lorey Drive Sidewalk Area



Date: 4/29/2020

1 inch = 94 feet

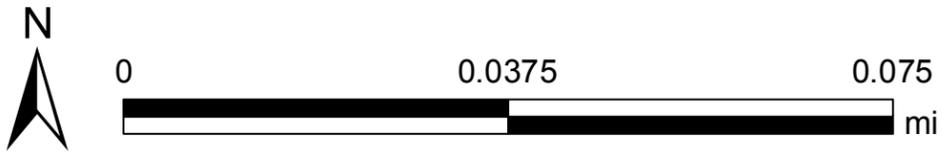
# Pinyon Avenue Sidewalk Area



Date: 4/29/2020

1 inch = 94 feet

# ADA Ramp Area - Tope Elementary



Date: 4/29/2020

1 inch = 94 feet



## Grand Junction City Council

### Regular Session

Item #5.a.

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**Meeting Date:** May 20, 2020

**Presented By:** Wanda Winkelmann, City Clerk

**Department:** City Clerk

**Submitted By:** Wanda Winkelmann

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### **Information**

#### **SUBJECT:**

A Resolution Assigning City Councilmembers to Various Boards, Commissions, and Authorities

#### **RECOMMENDATION:**

Staff recommends adoption of the resolution.

#### **EXECUTIVE SUMMARY:**

Annually, the City Council reviews and determines who on the City Council will represent the City Council on various boards, committees, commissions, authorities, and organizations.

#### **BACKGROUND OR DETAILED INFORMATION:**

The City Council assigns its members to serve on a variety of Council appointed boards, committees, commissions, and authorities as well as a number of outside organizations. Assignments were discussed at the May 18, 2020 City Council Work Session and this resolution formalizes that discussion.

#### **FISCAL IMPACT:**

N/A

#### **SUGGESTED MOTION:**

I move to adopt Resolution No. 25-20, a resolution appointing and assigning City Councilmembers to represent the City on various boards, committees, commissions, authorities, and organizations.

## **Attachments**

1. Resolution - Council Assignments

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. 25-20**

**A RESOLUTION APPOINTING AND ASSIGNING  
CITY COUNCILMEMBERS TO REPRESENT THE CITY  
ON VARIOUS BOARDS, COMMITTEES, COMMISSIONS, AUTHORITIES, AND  
ORGANIZATIONS**

**Recitals:**

Through various boards, committees, commissions and organizations the citizens of the City have a longstanding tradition of service to the community. The City Council by and through its creation of many of those boards and its participation there on and there with is no exception. The City is regularly and genuinely benefitted by the service performed by its boards, committees, commissions and organizations.

In order to continue that service, the City Council annually or at convenient intervals designates certain Council members to serve on various boards, committees and commissions.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION COLORADO THAT:**

Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED AND ADOPTED THIS 20 day of May, 2020.

---

Mayor and President of the City Council

ATTEST:

---

City Clerk

## CITY COUNCIL FORMAL ASSIGNMENT WORKSHEET 2020/2021

### External Agencies

Board/Organization	Meeting Day/Time/Place	2019/2020 Assignments/Number of Years Served	2020/2021 Assignments
Avalon Theatre Committee*	Third Thursday at 8:00 a.m.	N/A	N/A
Associated Governments of Northwest Colorado (AGNC)	3rd Wednesday of each month @ 9:00 am different municipalities	Kraig Andrews – 1 Year	Kraig Andrews
Business Incubator Center	1 <sup>st</sup> Wednesday of each month @ 7:30 am, 2591 Legacy Way	Phyllis Norris – 1 Year	Phyllis Norris
Colorado Municipal League Legislative Liaison	CML Office	Kraig Andrews – ~1 Year	Kraig Andrews
Colorado Water Congress	Meets 3-4 times a year in Denver	Anna Stout – 1 Year	Anna Stout
Downtown Development Authority/Downtown BID	2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays @ 7:30 am @ DDA Offices, 437 Colorado, BID board meets monthly 2 <sup>nd</sup> Thursday	Anna Stout – 1 Year	Anna Stout
Grand Junction Economic Partnership	3rd Wednesday of every month @ 7:30 am @ GJEP offices, 122 N. 6 <sup>th</sup> Street	Duke Wortmann – 1 Year	Duke Wortmann
Grand Junction Housing Authority	4 <sup>th</sup> Monday @ 5:00 pm @ GJHA Offices at 8 Foresight Circle	Rick Taggart – 1 Year	Rick Taggart
Grand Junction Regional Airport Authority	Usually 3 <sup>rd</sup> Tuesday @ 5:15 pm @ the Airport Terminal Building (workshops held the 1 <sup>st</sup> Tuesday)	Chuck McDaniel – 1 Year	Chuck McDaniel
Grand Valley Regional Transportation Committee (GVRTC)	4 <sup>th</sup> Monday every other month @ 3:00 pm @ GVT Offices, 525 S. 6 <sup>th</sup> St., 2 <sup>nd</sup> Floor	Phyllis Norris – 1 Year	Phyllis Norris

<b>Board/Organization</b>	<b>Meeting Day/Time/Place</b>	<b>2019/2020 Assignments/Number of Years Served</b>	<b>2020/2021 Assignments</b>
Homeless Coalition	Meets on the 3 <sup>rd</sup> Thursday of the month at 10 a.m. at St. Mary's Hospital, 5 <sup>th</sup> Floor, Saccomanno Room 3	Chuck McDaniel – 1 Year Phyllis Norris – 1 Year	Chuck McDaniel Phyllis Norris
Horizon Drive Association Bus. Improvement District	3 <sup>rd</sup> Wednesday of each month at 10:30 a.m.	N/A	Chuck McDaniel
Las Colonias Development Corporation	Meets as needed and scheduled	Phyllis Norris – 2 years	Phyllis Norris
Mesa County Separator Project Board (PDR)	Quarterly @ Mesa Land Trust, 1006 Main Street	Mayoral Assignment	Mayoral Assignment
One Riverfront	3 <sup>rd</sup> Tuesday of every other even month @ 5:30 p.m. in Training Room A, Old Courthouse	Rick Taggart – 1 Year	Rick Taggart

### Internal Boards

\* = No Council representative required or assigned - City Council either makes or ratifies appointments - may or may not interview dependent on the particular board.

<b>Board Name</b>	<b>Meeting Day/Time/Place</b>	<b>2019/2020 Assignments/Number of Years Served</b>	<b>2020/2021 Assignments</b>
Commission on Arts and Culture*	4 <sup>th</sup> Wednesday of each month at 4:00 p.m.	Anna Stout – 1 Year	Anna Stout
Forestry Board	First Thursday of each month at 8:30 a.m.	N/A	Duke Wortmann Chuck McDaniel
Historic Preservation Board*	1 <sup>st</sup> Tuesday of each month at 4:00 p.m.	N/A	N/A
Parks Improvement Advisory Board (PIAB)	Quarterly, 1 <sup>st</sup> Tuesday @ noon @ various locations (usually Hospitality Suite)	Phillip Pe'a – 1 Year Alternate: Duke Wortmann – 3 Years	Phillip Pe'a Alternate: Duke Wortmann
<b>Board Name</b>	<b>Meeting</b>	<b>2019/2020</b>	<b>2020/2021</b>

	<b>Day/Time/Place</b>	<b>Assignments/Number of Years Served</b>	<b>Assignments</b>
Parks & Recreation Advisory Committee	1 <sup>st</sup> Thursday @ noon @ various locations (usually at Parks Administration Offices)	Phillip Pe'a – 1 Year	Phillip Pe'a
Persigo Board (All City and County Elected)	Annually and as needed	All	All
Planning Commission*	2 <sup>nd</sup> and 4 <sup>th</sup> Tuesday at 6:00 p.m.	N/A	N/A
Property Committee	Meets as needed and scheduled	Chuck McDaniel – 1 Year Phyllis Norris – 2 years	Chuck McDaniel Phyllis Norris
Riverview Technology Corporation	Annual meeting in January	Phyllis Norris – 1 Year	Phyllis Norris
Urban Trails Committee*	2 <sup>nd</sup> Wednesday of each month at 5:30 p.m.	N/A	N/A
Visit Grand Junction*	2 <sup>nd</sup> Tuesday of each month at 3:00 p.m.	N/A	Phil Pe'a
Zoning Code Board of Appeals*	As needed	N/A	N/A



**Grand Junction City Council**

**Regular Session**

**Item #5.b.**

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**Meeting Date:** May 20, 2020  
**Presented By:** Senta Costello, Planner  
**Department:** Community Development  
**Submitted By:** Senta Costello, Associate Planner

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**Information**

**SUBJECT:**

A Resolution for the Issuance of a Revocable Permit to the Grand Junction Housing Authority to Install a Free-Standing Monument Sign within the N 15th Street Right-of-Way Adjacent to 3032 N 15th Street

**RECOMMENDATION:**

Staff recommends approval of the request.

**EXECUTIVE SUMMARY:**

The Grand Junction Housing Authority is requesting a Revocable Permit to allow the installation of a monument style free-standing sign within the N 15th Street right-of-way adjacent 3032 N 15th Street. The proposed sign will replace the existing free-standing signs currently located on the property. The new sign would not impact safety and would provide better wayfinding to the site. The purpose of a revocable permit is to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.

**BACKGROUND OR DETAILED INFORMATION:**

**BACKGROUND**

Nellie Bechtel Apartments was developed in 1983. The site consists of 13 – 8-unit apartment buildings on 4.75 acres in an R-24 (Residential 24+ du/ac) zoned district and is operated by the Grand Junction Housing Authority for affordable senior housing.

The site has been undergoing improvements in the last few years which are still in progress. The request for the new free-standing sign is intended to complement those

improvements and provide better wayfinding for visitors to the site as the current sign is located internal to the site, blocked from view by the street frontage landscaping and can easily be missed when driving along North 15th Street.

The proposed location for the new sign would be located within the right of way for 15th street. The location has been reviewed by City development engineer and no issue with safety or site distance has been identified. Further, due to the existing mature landscaping on the site a new location on the property that provides for easy visibility is not practicable.

The purpose of a revocable permit is to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public. Further, the Code provides no structure, fence, sign or other permanent object shall be constructed, maintained, or erected, or a public right-of-way used, without a revocable permit. The Code also provides that the Director shall make a recommendation to City Council and the City Council shall approve, conditionally approve, or deny all applications for a revocable permit except for those requested for landscaping and/or irrigation in a public right-of-way.

## **ANALYSIS**

Per Section 21.02.180 (c) of the Grand Junction Zoning and Development Code, requests for a revocable permit must demonstrate compliance with all of the following criteria:

a. There will be benefits derived by the community or area by granting the proposed revocable permit.

The granting of this permit will allow for better wayfinding for visitors to the property by bringing an identifying element within view of North 15th Street traffic. The apartment complex of 104 units generates significant traffic volume and with poor visibility to existing signage due to mature landscaping and an internal site location, placement of signage at the proposed location will help reduce the likelihood of possible traffic incidents from lack of signal usage, immediate turning and/or stops, etc due at the driveway to the site.

Therefore, staff finds this criterion has been met.

b. There is a community need for the private development use proposed for the City property.

Nellie Bechtel Apartments provides needed affordable housing for the senior population in the community. Helping maintain and enhance the visibility of the site will aide visitors of the residents in finding the property.

Therefore, staff finds this criterion has been met.

c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The existing N 15th Street Right of Way is suitable for an encroachment of a monument style free-standing sign. The encroachment of the proposed sign into the Right of Way does not interfere with any anticipated future City improvements and does not create a site distance problem. The granting of the Revocable Permit does not inhibit the City or other utility companies from maintaining their required infrastructure, if necessary.

Therefore, staff finds this criterion has been met.

d. The proposed use shall be compatible with the adjacent land uses.

All adjacent properties are zoned for a mix of residential uses including single family, duplex style cottages, assisted living and townhomes. The existing apartments on the subject property are “allowed” land uses within the PD (Planned Development) residential zone district. The proposed encroachment is compatible with adjacent land uses as it meets, and apart from it being located within City right-of-way, all of the standards set forth under Section 21.06.040(e).

Therefore, staff finds this criterion has been met.

e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

The encroachment of the proposed sign into the N 15th Street right-of-way can help access and traffic circulation from N 15th Street by making the property easier to locate, does not create a site distance concern and is similar in character to other residential identification signage in the area.

No adverse comments concerning the proposed Revocable Permit were received from the utility review agencies during the staff review process.

Therefore, staff finds this criterion has been met.

f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The proposed use, which is existing, conforms to all City standards, codes and regulations. The proposal also conforms to the Comprehensive Plan, in particular the following goals:

Goal 6: Land-use decisions will encourage preservation of existing buildings and their appropriate reuse.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air and freight movement while protecting air, water, and natural resources.

Allowing the encroachment will allow the continued upgrading of the site to better facilitate wayfinding for individuals.

Therefore, staff finds this criterion has been met.

g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, Chapter Two of the Zoning and Development Code and the SSID Manual.

The application complies with all submittal requirements for a Revocable Permit.

Therefore, staff finds this criterion has been met.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Grand Junction Housing Authority Revocable Permit, RVP-2019-732, for the property located at 3032 N 15th Street, the following findings of fact have been made:

1. The request has demonstrated compliance with Section 21.02.180(c) of the Grand Junction Zoning and Development Code.

Therefore, Staff recommends approval of the request.

### **FISCAL IMPACT:**

This action does not have a direct fiscal impact to the City.

### **SUGGESTED MOTION:**

I move to adopt Resolution No. 26-20, a resolution concerning the issuance of a revocable permit to Grand Junction Housing Authority to allow for encroachment of a monument style free-standing sign within the public right-of-way

adjacent to 3032 N 15th Street.

**Attachments**

1. Exhibit A - Legal Description
2. Exhibit B - Site Plan for Signage
3. Maps
4. Nellie Bechtel Rev Permit & Agmt
5. Draft Resolution - Nellie Bechtel RVP

# EXHIBIT A

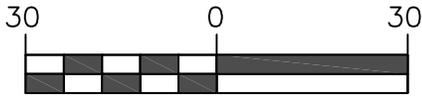
A tract of land situated in the Southeast Quarter of the Southwest Quarter of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 Nellie Bechtel Gardens as recorded at Reception Number 1588745 of the Mesa County Clerk and Recorder's Office from whence the Northwest corner of said Lot 1 bears  $N0^{\circ}05'26''E$ ; thence  $N0^{\circ}05'26''E$  along the West line of said Lot 1 and the East Right of Way for N 15th Street as recorded at Reception Number 1366942 of the Mesa County Clerk and Recorder's Office a distance of 111.44 feet to the Point of Beginning; thence  $N89^{\circ}54'34''W$  a distance of 10.00 feet; thence  $N0^{\circ}05'26''E$  a distance of 10.00 feet; thence  $S89^{\circ}54'34''E$  a distance of 10.00 feet; thence  $S0^{\circ}05'26''W$  a distance of 10.00 feet to the Point of Beginning

# EXHIBIT B



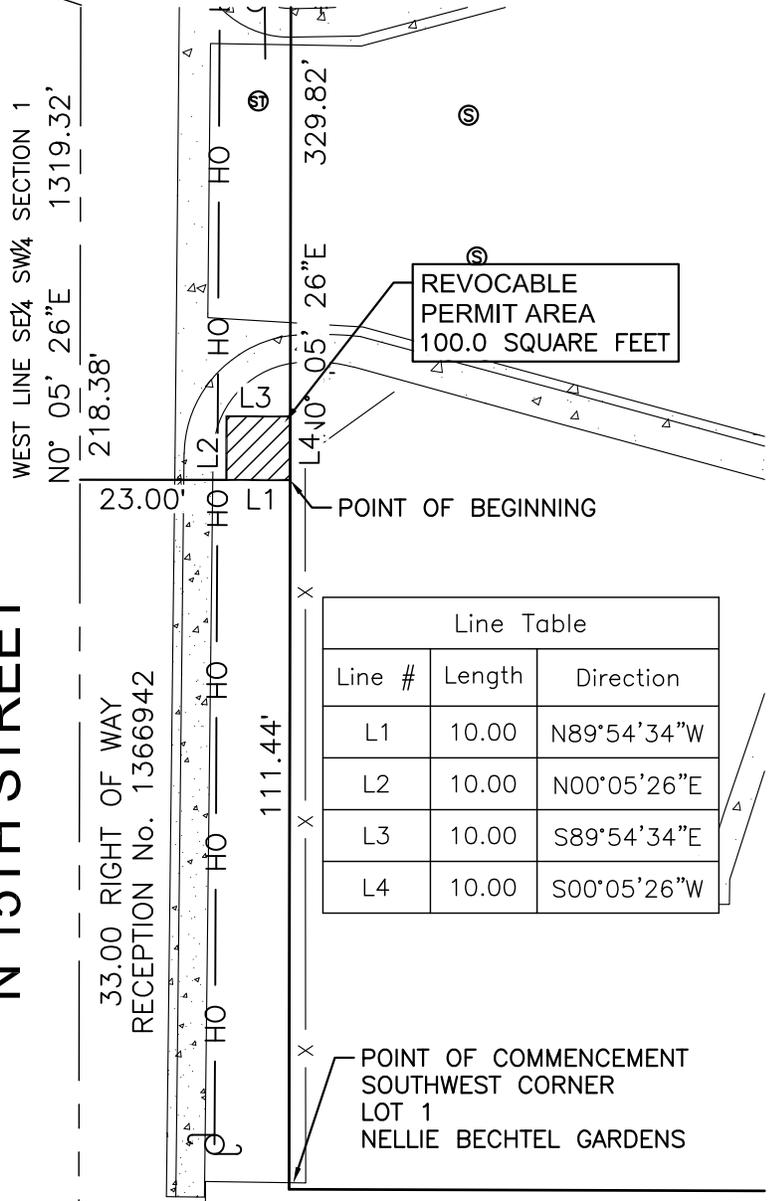
GRAPHIC SCALE:  
1"=30'



LINEAR UNITS ARE U.S. SURVEY FEET

SW 1/4 CORNER  
SECTION 1, T1S,  
R1W, UTE  
MCSM No. 1012-2

N 15TH STREET



## Legal Description Sketch

Nellie Bechtel Gardens Subdivision  
Revocable Permit – N 15th Street

In the Southwest Quarter Section 1,  
Township 1 South, Range 1 West of the Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado

## POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

3032 N 15<sup>th</sup> Street

Revocable Permit – Sign

Site Location and Maps



# General Location



# Zoning



# Future Land Use (Comprehensive Plan)

# Site Detail

Existing Sign

Existing Sign

Proposed Sign





# Site Pictometry

## REVOCABLE PERMIT

### Recitals.

A. 2H Mechanical LLC – Ricky Houtris, hereinafter referred to as the Petitioner, represents it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

BEG SELY COR LOT 6 VALLEY WEST FIL NO 2 N 33DEG21' E 230FT N 56DEG39' W 335FT S 33DEG21' W 230FT S 56DEG39' E 335FT TO BEG

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a 6' tall metal fence within the following described public right-of-way as identified on Exhibit B:

A strip of land situate in the SW 1/4 NE 1/4 of Section 36, Township 1 North, Range 2 West of the Ute Meridian, also being a portion of Lot 6, Valley West Subdivision, Filing No. Two as recorded under Reception No. 1192076, City of Grand Junction, Mesa County, Colorado, being describes as follows:

Commencing at the southwest corner of a parcel of land recorded under Reception No. 2820670 of said Mesa County;  
thence N33°27'16"E a distance of 84.31 feet along the westerly right-of-way of Valley Court to the point of beginning;  
thence N33°27'16"E a distance of 145.69 feet along said right-of-way;  
thence S56°32'44"E a distance of 5.78 feet;  
thence S33°27'48"W a distance of 219.15 feet;  
thence N57°10'26"W a distance of 5.76 feet to the point of beginning.

Containing approximately 840 square feet.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2020-120 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of

care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

7. Permittee shall obtain all applicable Planning Clearance's from City Planning and Mesa County Building Department.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

The City of Grand Junction,  
a Colorado home rule municipality

Attest:

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City Clerk

---

City Manager

Acceptance by the Petitioner:

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2H Mechanical LLC  
Ricky Houtris



**RESOLUTION NO. \_\_-20**

**A RESOLUTION CONCERNING  
THE ISSUANCE OF A REVOCABLE PERMIT TO GRAND JUNCTION HOUSING  
AUTHORITY TO ALLOW FOR ENCROACHMENT OF A MONUMENT STYLE FREE-  
STANDING SIGN WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 3032 N  
15<sup>TH</sup> STREET**

**Recitals.**

A. Grand Junction Housing Authority – Jody Kole, hereinafter referred to as the Petitioner, represents she is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 1 NELLIE BECHTEL GARDENS SEC 1 1S 1W INC VAC ROW AS DESC IN B-4810 P-294 RECP NO 2479396 MESA CO RECDS - 4.75AC

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for installation of a monument style free-standing sign, subject to the terms of the permit, within the limits of the following described public alley right-of-way, to wit (refer to Exhibit B for graphical representation):

A tract of land situated in the Southeast Quarter of the Southwest Quarter of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 Nellie Bechtel Gardens as recorded at Reception Number 1588745 of the Mesa County Clerk and Recorder's Office from whence the Northwest corner of said Lot 1 bears N0°05'26"E; thence N0°05'26"E along the West line of said Lot 1 and the East Right of Way for N 15th Street as recorded at Reception Number 1366942 of the Mesa County Clerk and Recorder's Office a distance of 111.44 feet to the Point of Beginning; thence N89°54'34"W a distance of 10.00 feet; thence N0°05'26"E a distance of 10.00 feet; thence S89°54'34"E a distance of 10.00 feet; thence S0°05'26"W a distance of 10.00 feet to the Point of Beginning

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2019-732 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and

within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of the City Council



## Grand Junction City Council

### Regular Session

Item #5.c.

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**Meeting Date:** May 20, 2020

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

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### **Information**

#### **SUBJECT:**

A Resolution Vacating a Publicly Dedicated 30-Foot Wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as Granted to the City of Grand Junction within the Original Tract C, Pear Park North Subdivision

#### **RECOMMENDATION:**

The Planning Commission heard this item at their April 28, 2020 meeting and recommended approval (6 - 0).

#### **EXECUTIVE SUMMARY:**

The Applicants, McKee Homes and Construction LLC along with nine (9) other property owners are requesting the vacation of a publicly dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 & Tract F, Pear Park North Subdivision Filing 3 as conveyed to the City of Grand Junction within the original Tract C, Pear Park North Subdivision plat recorded in 2016, Reception # 2774903. This Drainage Easement was granted to the City of Grand Junction for the inspection, installation, operation and maintenance and repair of drainage facilities, specifically for the benefit of Grand Valley Drainage District's, Beswick Drain located along the north property line of the subdivision.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The existing 30-foot wide Drainage Easement over Tract C was conveyed in 2016 to the City of Grand Junction within the Dedication language on the subdivision plat for Pear Park North Subdivision (Reception # 2774903). This Drainage Easement was

granted to the City of Grand Junction for the inspection, installation, operation and maintenance and repair of drainage facilities, specifically for the benefit of Grand Valley Drainage District's, Beswick Drain located along the north property line of the subdivision. However, the Grand Valley Drainage District (GVDD), which operates and maintains the Beswick Drain, was also granted a drainage easement by separate document over the same 30-foot wide area creating overlap of the dedicated drainage easement to both the City and GVDD. In 2017, the Beswick Drain was piped by GVDD, thereby reducing the need for a 30-foot-wide drainage/maintenance easement, etc.

In 2018, Filing 3, Pear Park North Subdivision was recorded (Reception # 2859073) and re-subdivided Tract C from the previous 30 foot width in all but for the area behind Lots 11 and 12 of the original Pear Park North subdivision, to 17 feet and was renamed as Tract F.

Grand Valley Drainage District (GVDD) filed and recorded a separate 17-foot-wide Drainage Easement (Reception # 2840505) in 2018, specifically for their needs for maintaining and servicing the Beswick Drain (Tract F, Pear Park North Subdivision Filing 3). Because GVDD is responsible for maintenance, access and servicing of the Beswick Drain, the City of Grand Junction retains no interest in the publicly dedicated drainage easement. The benefit for the existing property owners with the proposed vacation request would be to remove an encumbrance from the existing platted Lots 1 through 11 and Tract F, Pear Park North Filing 3 and would give the property owners an additional 13 feet of the original 30-foot wide easement to incorporate into their lot area. Permanent structures cannot be placed within an easement. Tract F, Pear Park North Subdivision Filing 3 contains the remaining 17 feet which would remain under GVDD's drainage easement.

This existing drainage easement does not contain any utility infrastructure.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was not required for an easement vacation and no utility companies voiced opposition to the proposed vacation request as part of the Vacation application (City file # VAC-2020-99).

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject area was posted with an application sign on March 2, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on April 17, 2020. Notice of the Planning Commission public hearing was published April 21, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

The criteria for review is set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

The request to vacate an existing public drainage easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan or other adopted plans and policies of the City. Vacation of this easement will have no impact on public facilities or services provided to the general public since GVDD has recorded a new 17-foot wide Drainage Easement in 2018 (Reception #2840505) specifically for their needs for maintaining and servicing the Beswick Drain.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy C: The City will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

Goal 5 / Policy A: In making land use and development decisions, the City will balance the needs of the community.

Therefore, staff has found this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

This request is to vacate an existing 30-foot wide publicly dedicated drainage easement. As such, no parcels will be landlocked as a result of the proposed vacation request. Therefore, staff has found this criterion has been met.

(3) Access to any parcel shall be not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

This vacation request does not impact access to any parcel and as such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services;

Grand Valley Drainage District (GVDD), previously recorded a 17-foot wide drainage easement in 2018 (Reception #2840505) to specifically address their needs for the continued maintenance, access and servicing of the Beswick Drain. No comments concerning the proposed vacation request were received from the utility review agencies or the effected property owners indicating issue or adverse impacts related to this request or the quality of services provided to the properties.

Staff therefore finds this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

Grand Valley Drainage District (GVDD), previously recorded a 17-foot wide drainage easement in 2018 (Reception #2840505) to specifically address their needs for the continued maintenance, access and servicing to the Beswick Drain. Neither staff nor utility providers have identified that this request to vacate 30 feet of the publicly dedicated drainage easement will inhibit the provision of adequate public facilities and services.

Staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will not change as a result of the proposed vacation request. There are currently no maintenance requirements for the City. Existing property owners will largely be the beneficiaries of this vacation by providing the owners with an additional 13-feet of property that could be utilized; Permanent structures cannot be located over an easement.

As such, Staff finds that this criterion has been met.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Pear Park North and Pear Park North Filing 3 Subdivision Vacation of a publicly dedicated 30-foot wide Drainage Easement, VAC-2020-99, Located within Lots 1 through 11 & Tract F, Pear Park North Subdivision Filing 3, the following findings of fact have been made:

The request conforms with Section 21.02.100 (c) of the Zoning & Development Code.

Therefore, Planning Commission recommends approval of the requested vacation.

### **FISCAL IMPACT:**

This request does not have any direct fiscal impact.

**SUGGESTED MOTION:**

I move to adopt Resolution No. 27-20, a resolution vacating a 30' wide Drainage Easement located within Tract C, Pear Park North located north of Bighorn Avenue.

**Attachments**

1. Site Location, Aerial Photo & Zoning Maps
2. Pear Park North & Pear Park North Filing 3 Subdivision Plats
3. Affidavit of Correction - Pear Park North Filing 3 - Drainage Easement Reception #
4. GVDD Easement - Reception # 2840505
5. Development Application Dated February 18 2020
6. Planning Commission Minutes - 2020 - April 28 - Draft
7. Vacation Resolution



Site Location Map

Site - Vacation Area

Pear Park North Subdivision

# Aerial Photo Map

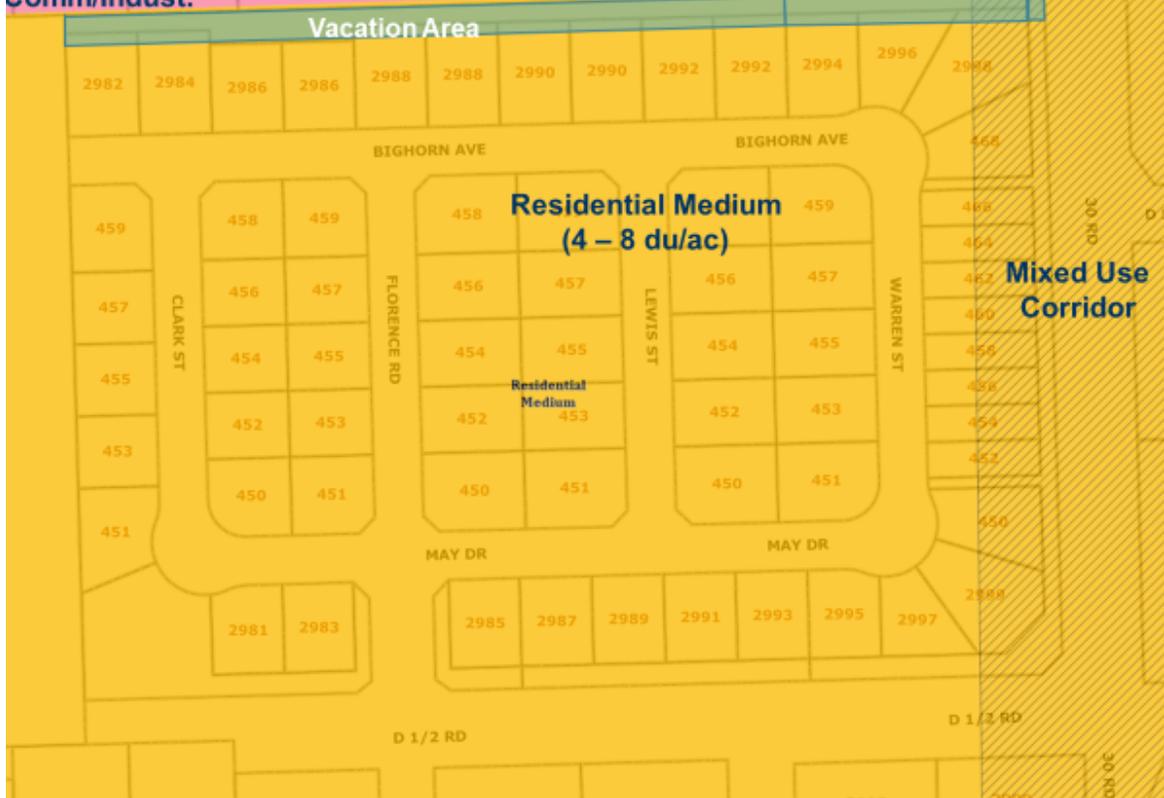
Beswick Drain

Vacation Area



# Comprehensive Plan Future Land Use Map

Comm/Indust.



County I-2

# Existing Zoning Map



# PEAR PARK NORTH SUBDIVISION FILING 3

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



GRAPHIC SCALE:  
 1"=50'



**LEGEND:**

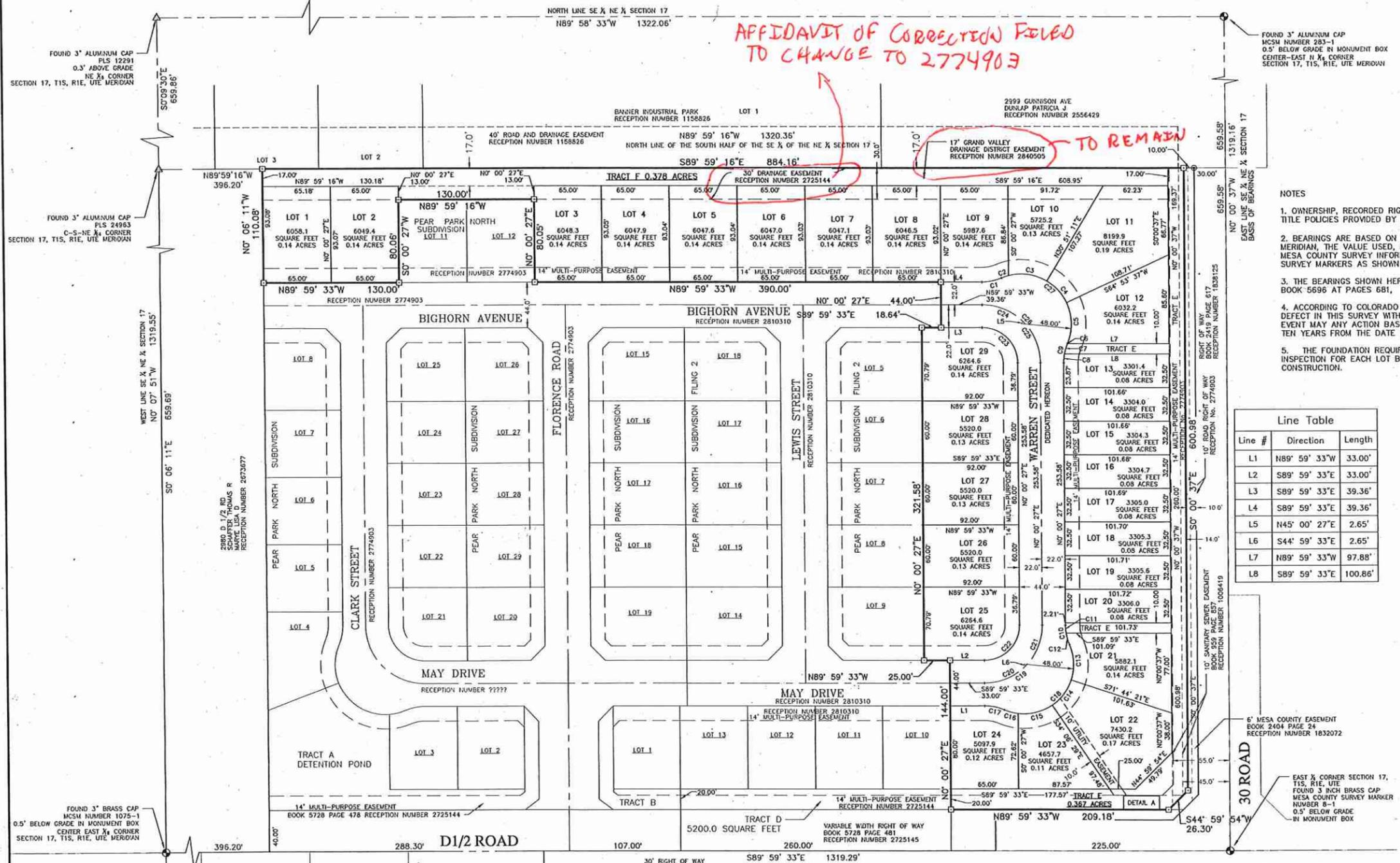
- FOUND MESA COUNTY SURVEY MARKER AS DESCRIBED
- FOUND FOUND SURVEY MARKER AS DESCRIBED
- FOUND 1.5" ALUMINUM CAP ON NO. 5 REBAR PLS 24963
- FOUND 2" ALUMINUM CAP ON NO. 5 REBAR PLS 37904

**NOTES**

1. OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING CURRENT TITLE POLICIES PROVIDED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT No.: GJF65027478.
2. BEARINGS ARE BASED ON THE EAST LINE OF THE SE ¼ NE ¼ OF SECTION 17, T1S, R1E, UTE MERIDIAN, THE VALUE USED, N 0°03'37"W WAS CALCULATED USING THE PUBLISHED DATA FROM THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. FOUND IN PLACE WERE MESA COUNTY SURVEY MARKERS AS SHOWN HEREON.
3. THE BEARINGS SHOWN HEREON REPRESENT THE LEGAL DESCRIPTIONS FROM DEED RECORDED IN BOOK 5696 AT PAGES 681, ROTATED TO THE MESA COUNTY LOCAL COORDINATE SYSTEM.
4. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
5. THE FOUNDATION REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE BASED ON AN OPEN HOLE INSPECTION FOR EACH LOT BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.

*AFFIDAVIT OF CORRECTION FILED TO CHANGE TO 2774903*

*TO REMAIN*

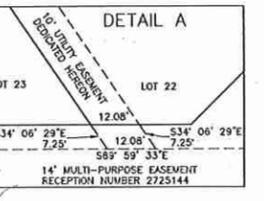


**Line Table**

Line #	Direction	Length
L1	N89° 59' 33"W	33.00'
L2	S89° 59' 33"E	33.00'
L3	S89° 59' 33"E	39.36'
L4	S89° 59' 33"E	39.36'
L5	N45° 00' 27"E	2.65'
L6	S44° 59' 33"E	2.65'
L7	N89° 59' 33"W	97.88'
L8	S89° 59' 33"E	100.86'

**Curve Table**

Curve #	Radius	Length	Delta	CHORD LENGTH	CHORD BEARING
C1	48.00'	19.38'	023° 08' 14"	19.25'	S78° 26' 20"W
C2	48.00'	7.17'	008° 33' 48"	7.17'	S71° 09' 07"W
C3	48.00'	38.06'	045° 26' 00"	37.07'	S81° 50' 58"E
C4	48.00'	28.48'	033° 59' 41"	28.06'	N42° 06' 14"W
C5	48.00'	40.42'	048° 15' 03"	39.24'	N00° 58' 51"W
C6	48.00'	0.25'	000° 17' 48"	0.25'	N22° 59' 46"E
C7	48.00'	10.46'	012° 28' 49"	10.43'	S16° 36' 27"W
C8	48.00'	8.68'	010° 21' 36"	8.67'	N05° 11' 15"E
C9	48.00'	19.38'	023° 08' 14"	19.25'	S11° 34' 34"W
C10	48.00'	19.38'	023° 08' 14"	19.25'	S11° 33' 40"E
C11	48.00'	7.82'	009° 20' 16"	7.81'	S04° 39' 41"E
C12	48.00'	11.56'	013° 47' 58"	11.53'	S16° 13' 48"E
C13	48.00'	34.89'	041° 38' 32"	34.12'	S02° 18' 31"E
C14	48.00'	31.02'	037° 01' 19"	30.48'	S37° 01' 25"W
C15	48.00'	34.62'	041° 19' 08"	33.87'	S76° 11' 39"W
C16	48.00'	13.65'	016° 17' 27"	13.60'	N75° 00' 03"W
C17	48.00'	19.38'	023° 08' 14"	19.25'	N78° 25' 26"W
C18	48.00'	114.16'	136° 16' 27"	89.10'	N45° 00' 27"E
C19	56.00'	87.96'	090° 00' 00"	79.20'	N45° 00' 27"E
C20	56.00'	43.98'	045° 00' 00"	42.86'	N67° 30' 27"E
C21	56.00'	43.98'	045° 00' 00"	42.86'	N22° 30' 27"E
C22	34.00'	53.41'	090° 00' 00"	48.08'	N45° 00' 27"E
C23	34.00'	53.41'	090° 00' 00"	48.08'	N45° 59' 33"W
C24	56.00'	43.98'	045° 00' 00"	42.86'	N67° 29' 33"W
C25	56.00'	43.98'	045° 00' 00"	42.86'	N22° 29' 33"W
C26	56.00'	87.96'	090° 00' 00"	79.20'	N44° 59' 33"W
C27	48.00'	114.16'	136° 16' 27"	89.10'	N44° 59' 33"W



**PEAR PARK NORTH SUBDIVISION**  
 SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 GRAND JUNCTION, MESA COUNTY, COLORADO

DATE: 9/5/18 JOB #: 2015006 FIELD WORK: SL-SH  
 DRAWING NAME: PEAR PARK 3 DRAWN BY: PC

**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S. 3194 MESA AVE. #B  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

KNOW ALL MEN BY THESE PRESENTS: That, Grand Junction Real Estate Investments LLC is the owner of that real property located in the Southwest Quarter of the Northwest Quarter of Section 17, Township 1 South, Range 1 East, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado ownership of which demonstrated in Book 5696 at Page 681 of the Mesa County Clerk and Recorder's Office and being more particularly described as follows:

**LEGAL DESCRIPTION:**

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN; EXCEPT THE WEST 6 ACRES THEREOF; AND EXCEPT A TRACT OF LAND CONVEYED TO MESA COUNTY STATE OF COLORADO BY WARRANTY DEED RECORDED MARCH 23, 1998 IN BOOK 2419 AT PAGE 617; AND EXCEPT A TRACT OF LAND CONVEYED TO THE CITY OF GRAND JUNCTION, MESA COUNTY STATE OF COLORADO BY WARRANTY DEED RECORDED MAY 27, 2015 IN BOOK 5728 AT PAGE 481;

COUNTY OF MESA, STATE OF COLORADO.

Said parcel contains 12.71 acres.

Said Owners have by these presents laid out, platted and subdivided the above described real property, and designated the same as PEAR PARK NORTH SUBDIVISION, in the City of Grand Junction, County of Mesa, State of Colorado, and does hereby offer the following dedication and grants

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.

All Multipurpose Easements shown hereon are dedicated to the City of Grand Junction as perpetual easements for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

Tracts A and C are dedicated to the City of Grand Junction as Drainage Easements as perpetual Easements for the inspection, installation, operation, maintenance, and repair of detention and drainage facilities and appurtenants thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The Owners of the lots platted hereon are not relieved of their responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.

All Easements and Tracts include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easement.

Owners state that all lienholders appear hereon.

IN WITNESS WHEREOF, said owner has caused his name to be hereunto subscribed this 19<sup>th</sup> day of September, A.D. 2016.

by: Steve C. Voytilla  
 Steve C. Voytilla, Manager  
 Grand Junction Real Estate Investments, LLC

**NOTARY PUBLIC CERTIFICATION**

STATE OF COLORADO :  
 COUNTY OF MESA :  
 :SS

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September A.D. 2016.

by Steve C. Voytilla, Manager  
 Grand Junction Real Estate Investments, LLC

Witness my hand and official seal  
 My Commission Expires 11/09/2017

Kathleen A. Bowen  
 Notary Public



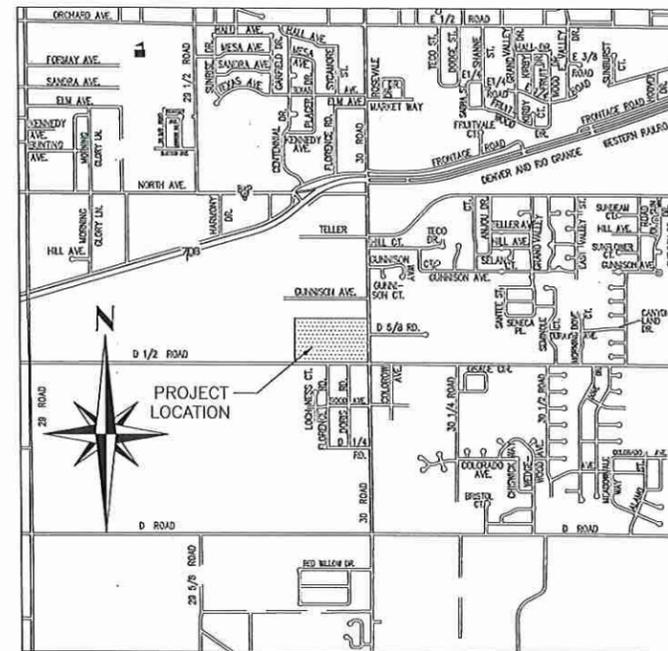
**FOR CITY USE ONLY**

Associated Recorded Documents	Reception Number	Type
	<u>2774904</u>	<u>QUIT CLAIM DEED TRACT A,B,C</u>
	<u>2774905</u>	<u>REVOCABLE PERMIT</u>
	<u>2774906</u>	<u>DECLARATION OF COVENANTS</u>

LAND USE SUMMARY		
LOTS	3.42 ACRES	27%
TRACTS	1.04 ACRES	08%
LOT A - FUTURE DEVELOPMENT	6.54 ACRES	52%
DEDICATED RIGHT OF WAY	1.71 ACRES	13%
TOTAL	12.71 ACRES	100%

**PEAR PARK NORTH SUBDIVISION**

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN  
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



VICINITY MAP: NOT TO SCALE

**NOTES**

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING CURRENT TITLE POLICIES PROVIDED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT No: GJF65028079.
- BEARINGS ARE BASED ON THE EAST LINE OF THE SE ¼ NE ¼ OF SECTION 17, T1S, R1E, UTE MERIDIAN, THE VALUE USED, N 0°00'37"W WAS CALCULATED USING THE PUBLISHED DATA FROM THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. FOUND IN PLACE WERE MESA COUNTY SURVEY MARKERS AS SHOWN HEREON.
- THE BEARINGS SHOWN HEREON REPRESENT THE LEGAL DESCRIPTIONS FROM DEED RECORDED IN BOOK 5696 AT PAGES 681, ROTATED TO THE MESA COUNTY LOCAL COORDINATE SYSTEM.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THE FOUNDATION REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE BASED ON A OPEN HOLE INSPECTION FOR EACH LOT BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.

**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO :  
 COUNTY OF MESA :  
 :SS

This plat was accepted for filing in the office of the Clerk and Recorder of Mesa County, Colorado, at 9:59 o'clock A.m., on this 22<sup>nd</sup> day of September 2016 and

was recorded at Reception No. 2774903

Drawer No. B3-59, and Fees \$20.00 + \$1.00

Sheila Beiner  
 Clerk and Recorder

Bandy E. Mas  
 Deputy

**CITY APPROVAL**

This plat of Pear Park North Subdivision, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, is hereby approved and dedications accepted this 20 day of September 2016

Paul W. Click  
 City Manager

Pauline Morris  
 Mayor

**TITLE CERTIFICATION**

STATE OF COLORADO :  
 COUNTY OF MESA :  
 :SS

WE, LAND TITLE GUARANTEE COMPANY, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY VESTED TO GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON AND THAT THERE ARE NO OTHER ENCUMBRANCES OF RECORD; THAT ALL EASEMENTS, RESERVATIONS AND RIGHTS OF WAY OF RECORD ARE SHOWN HEREON.

DATE: September 16, 2016 by: Sarah A. Caspary Lic. TRS 674  
 NAME AND TITLE: Sarah A. Caspary  
 LAND TITLE GUARANTEE COMPANY

**SURVEYOR'S CERTIFICATION:**

**ABBREVIATIONS:**

- N NORTH
- S SOUTH
- E EAST
- W WEST
- T TOWNSHIP
- R RANGE
- MCSM MESA COUNTY SURVEY MARKER
- ROW RIGHT OF WAY
- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- GPS GLOBAL POSITIONING SYSTEM
- ID IDENTIFICATION

I, Patrick W. Click, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Final Plat of the PEAR PARK NORTH SUBDIVISION, as laid out, plotted, dedicated and shown hereon, that such Final Plat was made from an accurate survey of said property by me and under my supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a warranty or warranty, either expressed or implied.



PATRICK W. CLICK  
 COLORADO REGISTERED LAND SURVEYOR PLS #37904

9-20-2016

**PEAR PARK NORTH SUBDIVISION**

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN  
 GRAND JUNCTION, MESA COUNTY, COLORADO

DATE: 9/13/16 JOB #: 2015006 FIELD WORK: SL-SH  
 DRAWING NAME: PEAR PARK NORTH SUB DRAWN BY: PC

**POLARIS SURVEYING**

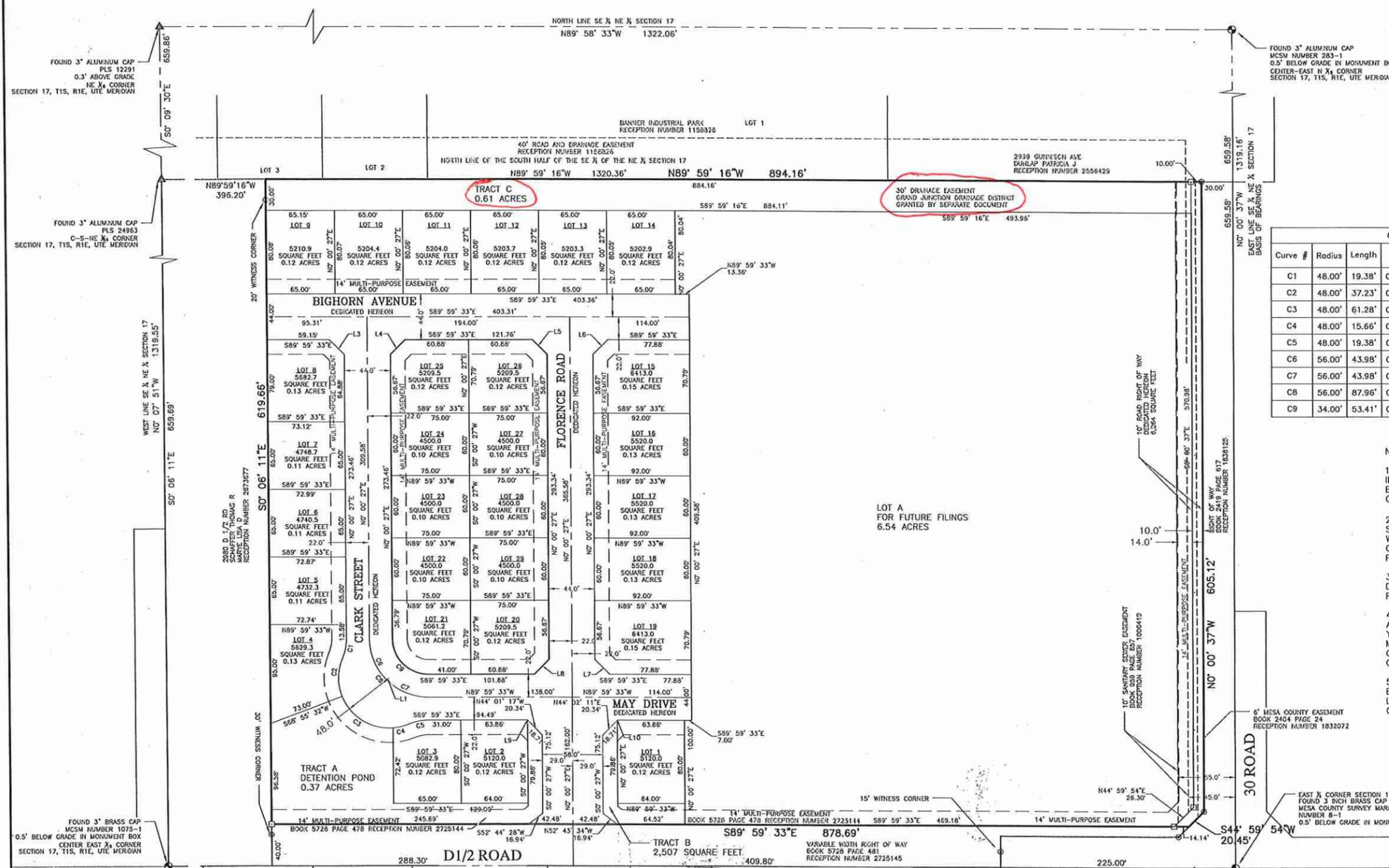
PATRICK W. CLICK P.L.S. 3194 MESA AVE. #8  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

# PEAR PARK NORTH SUBDIVISION

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



**LEGEND:**  
 FOUND MESA COUNTY SURVEY MARKER AS DESCRIBED   
 FOUND FOUND SURVEY MARKER AS DESCRIBED   
 FOUND 1.5" ALUMINUM CAP ON No. 5 REBAR PLS 24963   
 SET 2" ALUMINUM CAP ON No. 5 REBAR PLS 37904



**Curve Table**

Curve #	Radius	Length	Delta	CHORD LENGTH	CHORD BEARING
C1	48.00'	19.38'	023° 08' 14"	19.25'	S11° 34' 34"W
C2	48.00'	37.23'	044° 26' 26"	36.30'	S00° 55' 27"W
C3	48.00'	61.28'	073° 08' 36"	57.20'	S57° 52' 03"E
C4	48.00'	15.66'	018° 41' 25"	15.59'	N76° 12' 56"E
C5	48.00'	19.38'	023° 08' 14"	19.25'	N78° 26' 20"E
C6	56.00'	43.98'	045° 00' 00"	42.86'	S22° 29' 33"E
C7	56.00'	43.98'	045° 00' 00"	42.86'	S67° 29' 33"E
C8	56.00'	87.96'	090° 00' 00"	79.20'	N44° 59' 33"W
C9	34.00'	53.41'	090° 00' 00"	48.08'	N44° 59' 33"W

**Line Table**

Line #	Direction	Length
L1	S45° 00' 27"W	2.65'
L3	S44° 59' 33"E	19.97'
L4	N45° 00' 27"E	19.97'
L5	S44° 59' 33"E	19.97'
L6	N45° 00' 27"E	19.97'
L7	N44° 59' 33"W	19.97'
L8	S45° 00' 27"W	19.97'
L9	S44° 01' 17"E	0.20'
L10	N44° 02' 11"E	0.20'

- NOTES**
1. OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING CURRENT TITLE POLICIES PROVIDED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT No: GJF65027478.
  2. BEARINGS ARE BASED ON THE EAST LINE OF THE SE ¼ NE ¼ OF SECTION 17, T1S, R1E, UTE MERIDIAN. THE VALUE USED, N 0°00'37"W WAS CALCULATED USING THE PUBLISHED DATA FROM THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. FOUND IN PLACE WERE MESA COUNTY SURVEY MARKERS AS SHOWN HEREON.
  3. THE BEARINGS SHOWN HEREON REPRESENT THE LEGAL DESCRIPTIONS FROM DEED RECORDED IN BOOK 5696 AT PAGES 681, ROTATED TO THE MESA COUNTY LOCAL COORDINATE SYSTEM.
  4. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
  5. THE FOUNDATION REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE BASED ON AN OPEN HOLE INSPECTION FOR EACH LOT BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.



**PEAR PARK NORTH SUBDIVISION**  
 SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 GRAND JUNCTION, MESA COUNTY, COLORADO

DATE: 9/13/16 JOB #: 2015006 FIELD WORK: SL-SH  
 DRAWING NAME: PEAR PARK SUB DRAWN BY: PC

**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S. 3194 MESA AVE. #B  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

STATE OF COLORADO )  
 ) ss  
COUNTY OF MESA )

**AFFIDAVIT OF CORRECTION**

Patrick W. Click, of lawful age, being first duly sworn, upon oath deposes and say:  
That he is a registered Professional Land Surveyor in the State of Colorado and prepared  
the Plat of Pear Park North Subdivision Filing 3, as recorded at Reception Number  
2859073 of the Mesa County Clerk and Recorder's Office.

**AFFIANT FURTHER STATES THAT:**

The Reception Number for the recording information of the 30' Drainage Easement along  
the North property line on Page 2 is listed as 2725144.

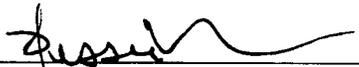
- Said Reception Number is hereby corrected to read 2774903



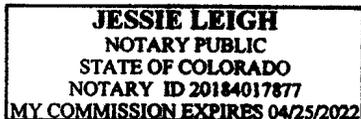
Patrick W. Click PLS

STATE OF COLORADO )  
 ) ss  
COUNTY OF MESA )

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2019  
My commission expires 01/23/2022



Notary Public



2 PAGE DOCUMENT

EASEMENT AGREEMENT

THIS EASEMENT, made and entered into this 4<sup>th</sup> day of May, 2018, by and between **GRAND VALLEY DRAINAGE DISTRICT**, hereinafter referred to as "District", whose address is 722 23 Road, Grand Junction, Colorado, and **GRAND JUNCTION REAL ESTATE INVESTMENTS LLC**, hereinafter referred to as "Owner" whose address for the purpose of this agreement is PO Box 3467, Grand Junction, Colorado 81502.

WITNESSETH:

WHEREAS, the Owner desires to grant an easement for surface and subsurface drainage facilities known as a part of the **BESWICK DRAIN** across the premises as more particularly described in EXHIBIT "A", and

WHEREAS, it is to the mutual benefit of both parties to enter into this easement agreement. IT IS THEREFORE AGREED AS FOLLOWS:

1. Owner hereby grants unto the District, a perpetual easement through, over and across the Owner's premises for the cleaning, maintenance, replacement, adjustment or deepening of said facilities; together with the right to trim or remove interfering trees and brush.
2. Owner further grants to the District reasonable right of ingress and egress to accomplish the above, including the right to bring the necessary equipment upon the premises to accomplish same.
3. District agrees to maintain in a workmanlike manner said drain facilities.
4. Owner agrees to operate their premises in such a manner as not to damage said drain facilities. Any such damage so caused by the Owner shall be the Owner's sole responsibility to repair subject to District standards, supervision and acceptance.
5. Any act or omission of the Owner that causes said upkeep or maintenance to be increased over and above that which would normally be expected, the Owner shall be responsible for the cost of any additional upkeep or maintenance.
6. Owner shall have the use of such easement except for any use which conflicts with the purpose for which this easement is granted. Owner shall not build, or construct, nor permit to be built or constructed, any building or other improvement over or across said easement, except that District shall cooperate with Owner in widening and reconfiguring access across the easement in accordance with reasonable District requirements. Fencing across the easement must have a twenty (20) foot gate across the easement to allow equipment passage without interference.
7. Owner agrees to indemnify and save the District harmless from any and all claims asserted by third parties which are alleged to have occurred on Owner's property and which are alleged to have occurred as a result of the acts or failure(s) to act of the Owner. Further, Owner waives any right of claim as against the District for injuries or damages to Owner arising out of the District's reasonable operation and maintenance activities on Owner's land, except that such waiver does not apply in the event of the District's, or its officers and/or employee's gross negligence or willful wrong doing. Owner does not agree to indemnify to save the District harmless from the asserted claims of third parties which are asserted to have been caused by the acts or failure(s) to act of the District.

**2 PAGE DOCUMENT**

- 8. This easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the respective parties.
- 9. The recitals are a part of this agreement.

IN WITNESS WHEREOF, the parties have affixed their signatures, the day and year above mentioned.

**EXHIBIT "A"**

I, the undersigned Owner, its heirs, assigns and successors hereby grant to the District an Easement, which includes a reasonable right of ingress and egress seventeen (17) feet in width for maintenance of a piped drain line over and across a part of the SE1/4 NE1/4 of Section 17, Township 1 South, Range 1 East, of the Ute Meridian, County of Mesa, State of Colorado, said easement lying seventeen (17) feet south of the following described line;

Commencing at the SE Corner of the SE1/4 NE1/4 of said Section 17;  
Thence N00°00'37"W along the east line of the SE1/4 NE1/4 of said Section 17 a distance of 659.58 feet;  
Thence N89°59'16"W along the north line of the S1/2 SE1/4 NE1/4 of said Section 17 a distance of 40.00 feet to a point on the west right-of-way line of 30 Road and also the **TRUE POINT OF BEGINNING**;

Thence continuing N89°59'16"W along said north line a distance of 884.16 feet to the termination of said Easement.

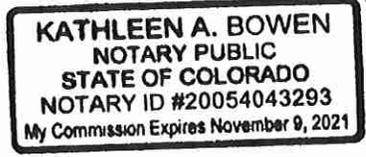
Dated this 4<sup>th</sup> day of May, 2018.

[Signature]  
(Representative) GJ Real Estate Investments LLC

State of Colorado )  
                                  )ss  
County of Mesa     )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May, 2018  
by Steve Voytilla (Representative-GJ Real Estate Investments LLC)

My Commission Expires: 11/09/21 11/09/21 Kathleen A. Bowen  
Notary Public



ACCEPTED BY GRAND VALLEY DRAINAGE DISTRICT

ATTEST: [Signature]  
District Clerk

[Signature]  
District Manager



# Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Drainage Easement Vacation

Please fill in blanks below **only** for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation: \_\_\_\_\_ Existing Zoning: \_\_\_\_\_

Proposed Land Use Designation: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

### Property Information

Site Location: North of Bighorn Avenue Site Acreage: 0.14

Site Tax No(s): See Attached Site Zoning: R-8

Project Description:

### Property Owner Information

Name: See Attached

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Business Phone #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Fax #: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Phone #: \_\_\_\_\_

### Applicant Information

Name: Steve Voytilla

Street Address: PO Box 3467

City/State/Zip: Grand Junction, CO 81502

Business Phone #: 970-234-2000

E-Mail: steve5515@aol.com

Fax #: \_\_\_\_\_

Contact Person: Steve Voytilla

Contact Phone #: 970-234-2000

### Representative Information

Name: Tom Logue

Street Address: 537 Fruitwood Drive

City/State/Zip: Grand Junction, CO 81504

Business Phone #: 970-434-8215

E-Mail: talldc@msn.com

Fax #: 970-434-0676

Contact Person: Tom Logue

Contact Phone #: (m)970-260-2911

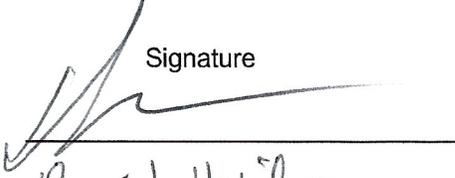
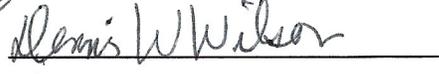
### NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application:  Date: January 27, 2020

Signature of Legal Property Owner: See Attached Date: \_\_\_\_\_

**DRAINAGE EASEMENT VACATION**  
**Pear Park North Subdivision, Filing No. Three**

Lot No.	Address	Tax Parcel Number	Signature	Date
1	2982 Bighorn Avenue	2943-171- 61-001		2/3/2020
2	2984 Bighorn Avenue	2943-171- 61-002		2/3/2020
4	2988 B Bighorn Avenue	2943-171- 61-004		2-3-2020
6	2990 B Bighorn Avenue	2943-171- 61-006		1-29-2020
8	2992 B Bighorn Avenue	2943-171- 61-008		1-29-20
10	2996 Bighorn Avenue	2943-171- 61-010		1/29/2020
11	2998 Bighorn Avenue	2943-171- 61-011		1/29/2020



State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to DWAYNE OLSON AND MICHELLE OLSON, Grantee(s), whose street address is 2982 BIGHORN AVE, GRAND JUNCTION, CO 81504 County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

*as joint tenants*

**LOTS 1, FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as **GRAND JUNCTION, CO 81504**

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

Mary K. Baughman  
MARY K. BAUGHMAN

Dennis W. Wilson  
DENNIS W. WILSON

Roberta L. Wilson  
ROBERTA L. WILSON

Daniel Mckee  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

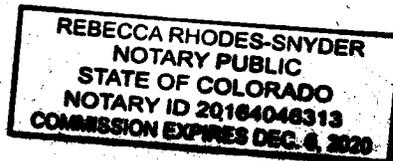
Eric J. Erickson  
ERIC J. ERICKSON

Kathryn E. Erickson  
KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of 5/10/19 ~~June 15th, 2017~~  
by ~~STEVE C. VOYTILLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

Rebecca Rhodes-Snyder  
Notary Public  
My Commission expires December 16, 2020





State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to DENNIS W. WILSON AND ROBERTA L. WILSON as joint tenants Grantee(s), whose street address is 2984 BIGHORN AVE, #A, GRAND JUNCTION, CO 81504 County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 2, FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

  
MARY K. BAUGHMAN

  
DWAYNE OLSON

  
MICHELLE OLSON

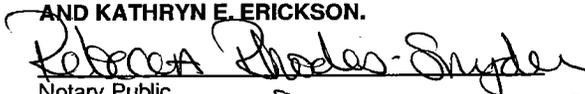
  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

  
ERIC J. ERICKSON

  
KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of 5-10-19 ~~June 15th, 2017~~  
by ~~STEVE C. VOYTLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

  
Notary Public  
My Commission expires December 6, 2020

REBECCA RHODES-SNYDER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164046313  
COMMISSION EXPIRES DEC. 6, 2020



State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**  
(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to ERIC J. ERICKSON AND KATHRYN E. ERICKSON as joint tenants Grantee(s), whose street address is 2988 BIGHORN AVE #B, GRAND JUNCTION, CO 81504 County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 4, FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as **GRAND JUNCTION, CO 81504**

with all its appurtenances.

When recorded return to:

**2982 BIGHORN AVE, GRAND JUNCTION, CO 81504**



SIGNATURE PAGE ATTACHMENT EXHIBIT

Mary K Baughman  
MARY K. BAUGHMAN

Dwayne Olson  
DWAYNE OLSON

Michelle Olson  
MICHELLE OLSON

Dennis W Wilson  
DENNIS W. WILSON

Roberta L Wilson  
ROBERTA L. WILSON

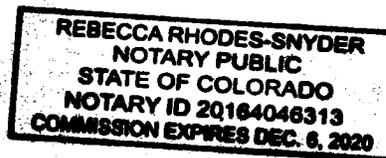
Daniel Mckee  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

State of CO )  
 )ss  
County of MESA )

5-10-19

The foregoing instrument was acknowledged before me on this day of ~~June 15th, 2017~~  
by ~~STEVE C. VOYTILLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

Rebecca Rhodes-Snyder  
Notary Public  
My Commission expires December 6, 2020





State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC Grantee(s), whose street address is P.O. BOX 3467 GRAND JUNCTION, CO County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 5-7, 9-29 FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

**\*\*NOTE: This deed is being recorded to transfer any interest the Grantors may have had at the time of recording of the plat at reception no. 2859073.**

also known by street and number as VARIOUS, GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

*Mary K. Baughman*  
MARY K. BAUGHMAN

DWAYNE OLSON

*Michelle Olson*  
MICHELLE OLSON

*Dennis W. Wilson*  
DENNIS W. WILSON

*Roberta L. Wilson*  
ROBERTA L. WILSON

*Daniel McKee*  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

*Eric J. Erickson*  
ERIC J. ERICKSON

*Kathryn E. Erickson*

KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of June 15th, 2017  
by ~~STEVE C. VOYTLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

5-10-19

*Rebecca Rhodes-Snyder*  
Notary Public  
My Commission expires December 6, 2020

REBECCA RHODES-SNYDER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164046313  
COMMISSION EXPIRES DEC. 6, 2020













State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC Grantee(s), whose street address is P.O. BOX 3467 GRAND JUNCTION, CO County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 5-7, 9-29 FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

**\*\*NOTE: This deed is being recorded to transfer any interest the Grantors may have had at the time of recording of the plat at reception no. 2859073.**

also known by street and number as VARIOUS, GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

*Mary K. Baughman*  
MARY K. BAUGHMAN

DWAYNE OLSON

*Michelle Olson*  
MICHELLE OLSON

*Dennis W. Wilson*  
DENNIS W. WILSON

*Roberta L. Wilson*  
ROBERTA L. WILSON

*Daniel McKee*  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

*Eric J. Erickson*  
ERIC J. ERICKSON

*Kathryn E. Erickson*

KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of June 15th, 2017 <sup>5-10-19</sup>  
by ~~STEVE C. VOYTLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

*Rebecca Rhodes-Snyder*  
Notary Public  
My Commission expires December 6, 2020

REBECCA RHODES-SNYDER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164046313  
COMMISSION EXPIRES DEC. 6, 2020

GENERAL PROJECT REPORT FOR:

EASEMENT VACATION APPLICATION

PEAR PARK NORTH SUBDIVISION

GRAND JUNCTION, COLORADO

February, 2020

PREPARED FOR:  
GRAND JUNCTION  
REAL ESTATE, LLC.  
1100 NORTH AVENUE  
GRAND JUNCTION, CO 81501

**PART A  
REQUEST**

	PAGE
LOCATION MAP	1
REQUEST	1
LAND USE ZONING	2
LAND USE ZONING MAP	2
SURROUNDING LAND USE	3

**PART B  
EVALUATION OF THE REQUEST**

	PAGE
VACATION APPROVAL CRITERIA	4 & 5



**THOMAS A. LOGUE** LAND DEVELOPMENT CONSULTANT  
537 FRUITWOOD DRIVE • GRAND JUNCTION • COLORADO • 81504 • 970-434-8215

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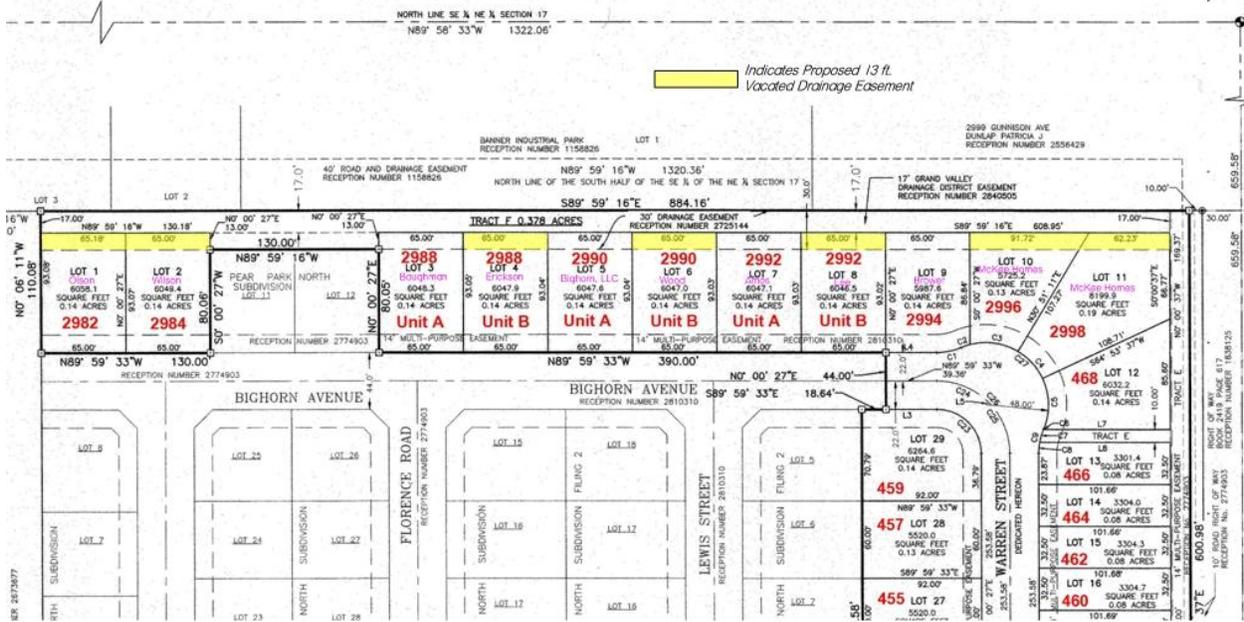
REQUEST - This application is a request to vacate 6,227 square feet of a 13 foot wide Drainage Easement at seven locations along the north line of the Pear Park North Subdivision.

In May, 2015 a 30 foot wide drainage easement was granted to the City of Grand Junction, by deed, for the Beswick Drain Ditch. In 2017 the open ditch was piped, thereby reducing the need for a 30 foot wide maintenance easement. In May, 2018 a 17 foot wide Drainage Easement was granted to the Grand Valley Drainage District by deed.

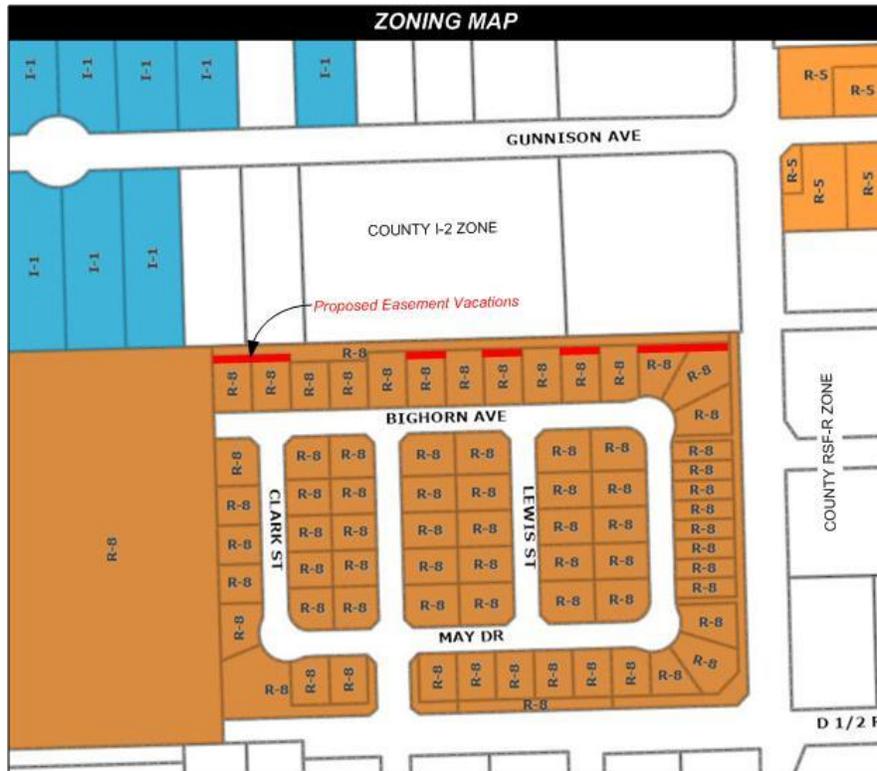
Drawings contained herein, illustrates the relationship of the proposed vacation to the current land ownership and the existing land uses adjoining the proposed Drainage Easement vacations.

# PEAR PARK NORTH SUBDIVISION FILING 3

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



LAND USE ZONING - An examination of the Grand Junction Zoning Map reveals that the property adjacent to the vacated areas is zoned: R-5, (Residential Single Family, having a maximum density of: 5 dwelling units per acre). Land north of the request is zoned I-1 (Light Industrial) by the City of Grand Junction and I-2 (Industrial) by Mesa County.



SURROUNDING LAND USE – The surrounding land uses in the vicinity of the proposed Drainage Easement vacations are considered to be “medium” intensity. The area is dominated by single family dwelling on modest sized subdivided lots intermixed with single family dwelling on small acreage parcels. Existing industrial land uses are located north of the requested vacated areas. The following Surrounding Land Use Map portrays the properties owned by CMU and land uses in the vicinity of the requested vacated alley and street:



Evaluation of the **Vacation Request** is accomplished by using the six approval criteria for “Vacations of Rights-of-Way or Easements” in section 21.02.100 of the *Grand Junction Municipal Code*. The following response to each of the criteria illustrates compliance:

The vacation of the right-of-way or easement shall conform to the following:

*Criteria 1: The Growth Plan, major street plan and other adopted plans and policies of the City;*

RESPONSE: The proposed Easement Vacation request is not known to be in conflict with any adopted City plans and policies.

*Criteria 2: No parcel shall be landlocked as a result of the vacation;*

RESPONSE: No parcels of land be landlocked as a result of the proposed vacations.

*Criteria 3: Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;*

RESPONSE: Access for maintenance to the existing drainage system will not be restricted as a result of the requested vacation.

*Criteria 4: There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility service);*

RESPONSE: Since adequate existing maintenance easements are in place, the quality of services provide will not be reduced.

*Criteria 5: The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06;*

RESPONSE: Access to the existing facilities and services will not be limited as a result of the proposed vacations.

*Criteria 6: The proposal shall provide benefits to the City such as reduced maintenance requirement, improved traffic circulation, etc.*

RESPONSE: The existing easement is for the benefit of the Grand Valley Drainage District. The requested easement vacations will not reduce the ability of the district to perform their maintenance activities. Vacation of the easements will eliminate non conformance in those areas where the existing dwelling improvements encroach into the easement.

LOT 3  
BANNER INDUSTRIAL PARK  
RECEPTION NUMBER 1158826

LOT 2  
BANNER INDUSTRIAL PARK  
RECEPTION NUMBER 1158826

LOT 1  
BANNER INDUSTRIAL PARK  
RECEPTION NUMBER 1158826

2999 GUNNISON AVE.  
DUNLAP, PATRICEA J.  
RECEPTION NUMBER 2556529

BESWICK DRAINAGE DITCH

BESWICK DRAINAGE DITCH

40' ROAD AND DRAINAGE EASEMENT  
RECEPTION NUMBER 1158826

Proposed 13 ft. Drainage Easement Vacation  
(typ.)

Exist. 17 ft. Drainage Easement

30 ROAD

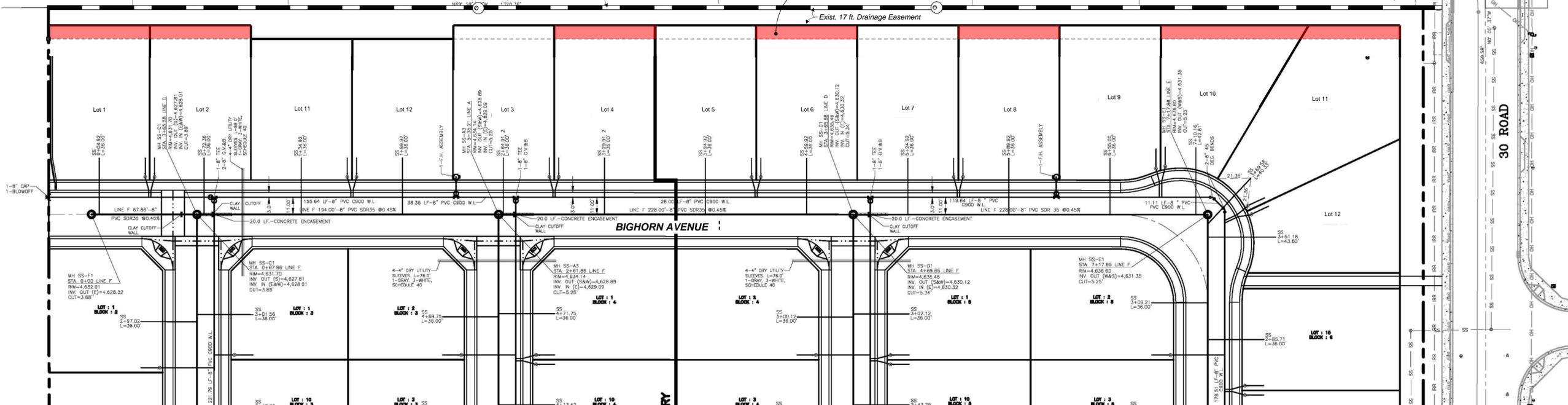
BIGHORN AVENUE

CLARK STREET

FLORENCE ROAD

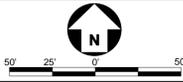
LEWIS STREET

WARREN STREET



Date	REVISIONS	Description

Date: February, 2020  
 Scale: 1 in. = 50 ft.  
 Contour Interval:  



Prepared By:  
**THOMAS A. LOGUE**  
 LAND DEVELOPMENT CONSULTANT  
 537 FRUITWOOD DRIVE, GRAND JUNCTION, COLORADO 81504  
 TALLDC@MSN.COM • (970)434-8215 • (970)260-2911

Prepared For:  
 GRAND JUNCTION REAL ESTATE, LLC  
 STEVE VOYTILLA  
 PO BOX 3467, GRAND JUNCTION, CO 81502

**EASEMENT VACATION REQUEST**  
 PEAR PARK NORTH SUBDIVISION  
 GRAND JUNCTION, COLORADO

**COMPOSITE PLAN**

SHEET  
**1**  
 OF 1 SHEETS

# EXHIBIT A

## Legal Description

### Lot 1 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 1 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 847 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 2 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 2 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 845 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 4 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 4 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 845 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 6 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 6 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 845 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 8 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 8 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 844 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 11 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 11 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 859 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 10 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 10 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

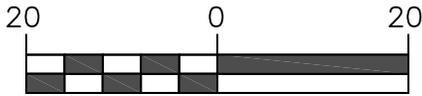
Said tract of land contains 1,141 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

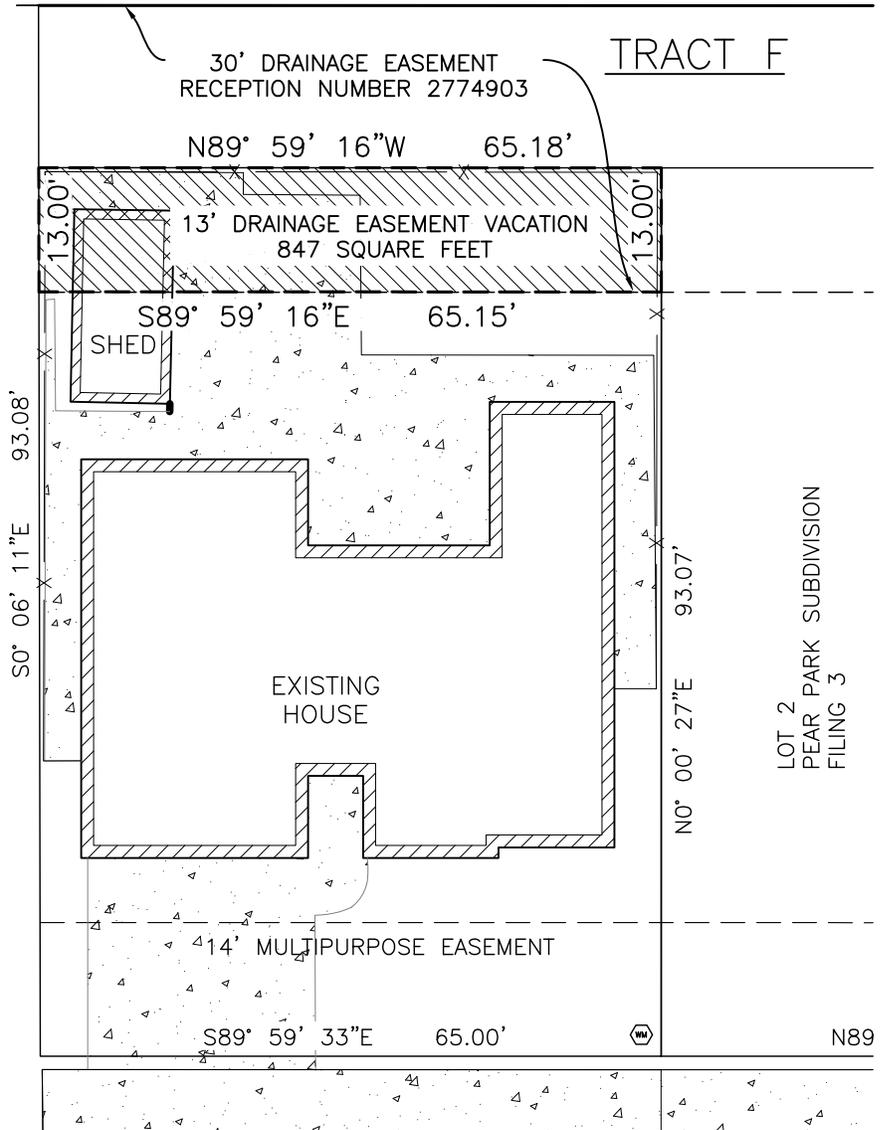
# Exhibit B



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET



## BIGHORN AVENUE

RECEPTION NUMBER 2774903

LOT 1  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2982 BIGHORN AVENUE

### LEGAL DESCRIPTION SKETCH

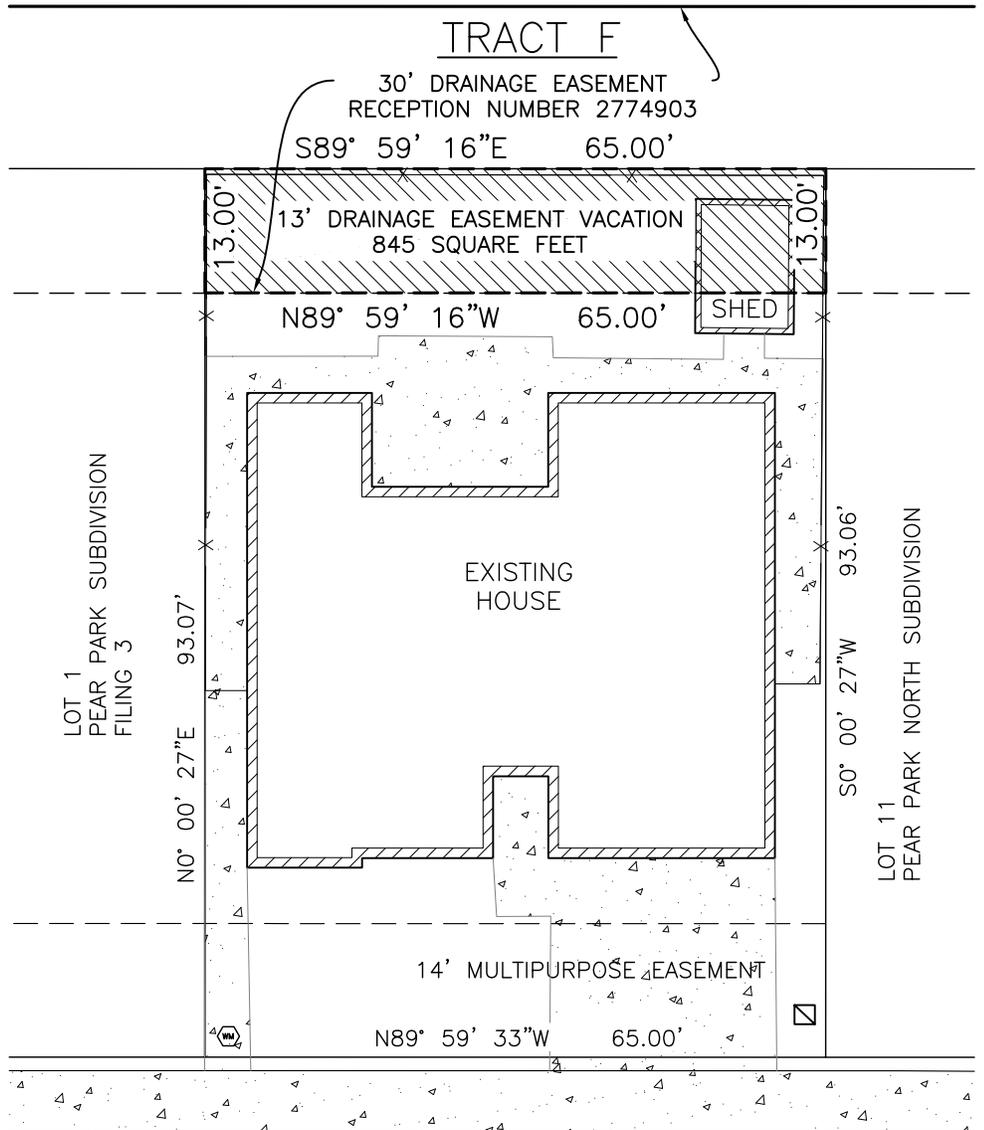
SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

### *POLARIS SURVEYING*

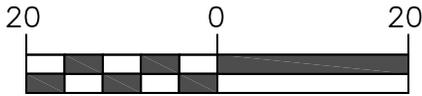
PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

# Exhibit B



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET

## BIGHORN AVENUE

RECEPTION NUMBER 2774903

LOT 2  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2984 BIGHORN AVENUE

### LEGAL DESCRIPTION SKETCH

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

**POLARIS SURVEYING**

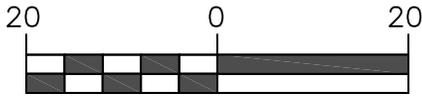
PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

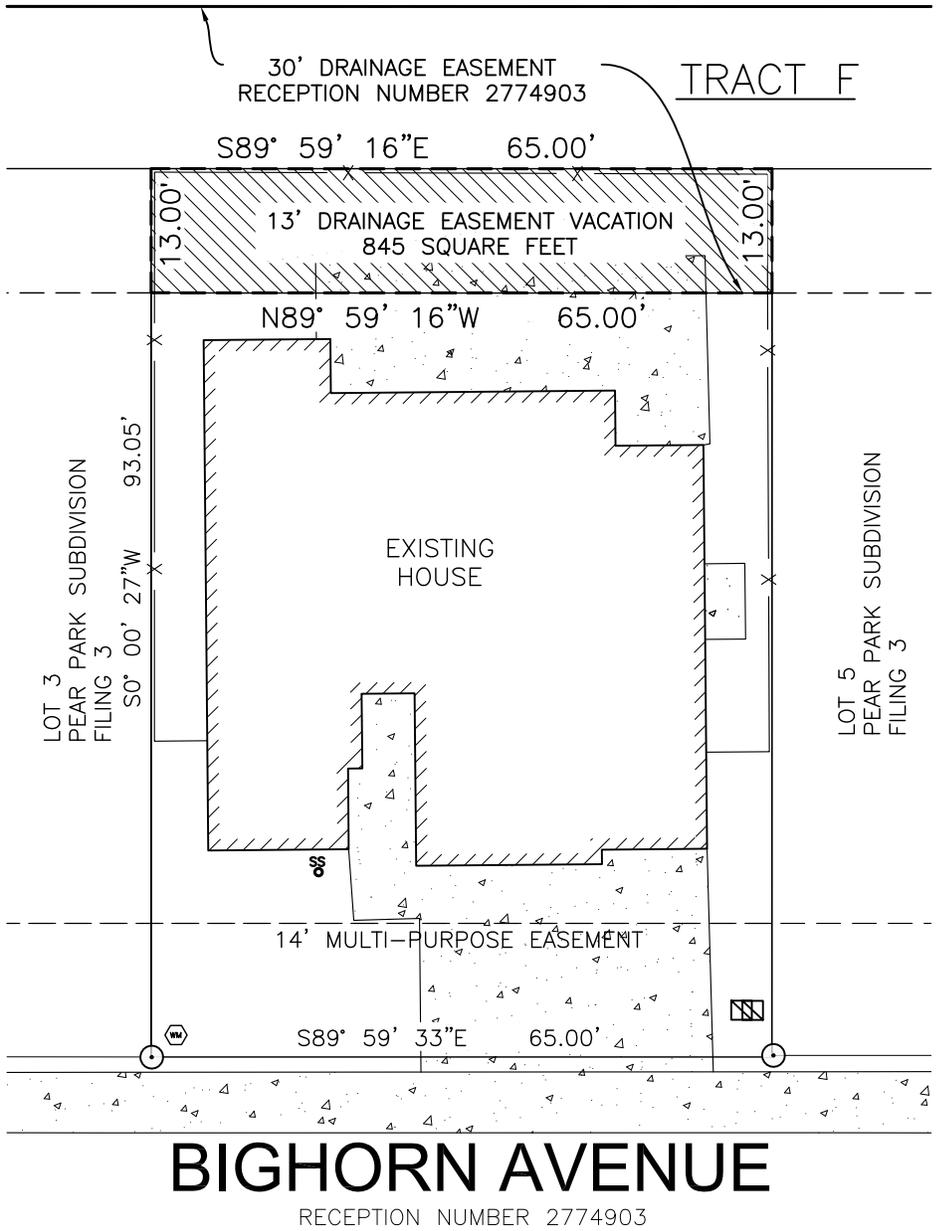
# Exhibit B



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET



LOT 4  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2988 BIGHORN AVENUE No. B

## LEGAL DESCRIPTION SKETCH

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

**POLARIS SURVEYING**

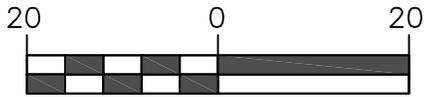
PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

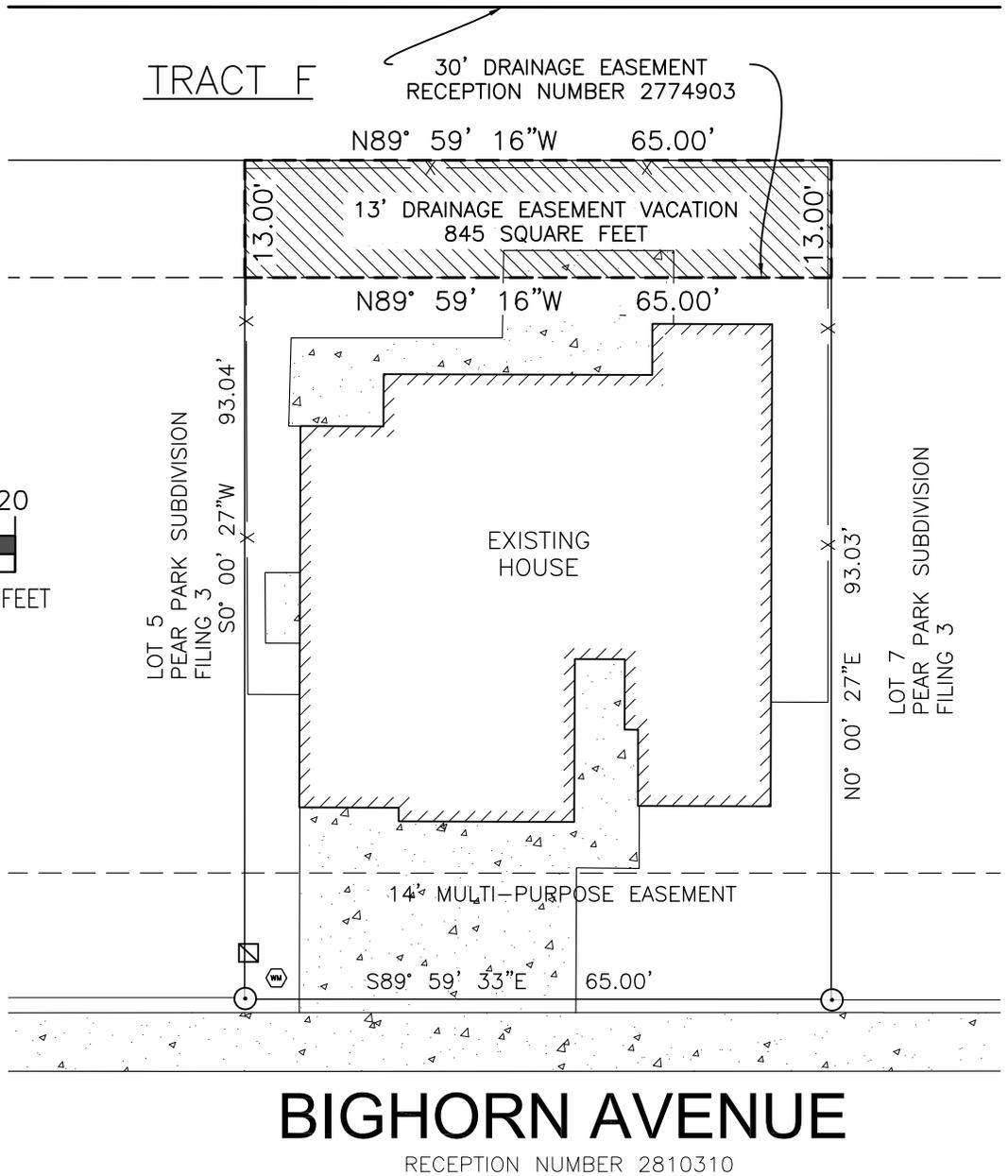
**Exhibit B**



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET



**LEGAL DESCRIPTION SKETCH**

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN COUNTY OF MESA, STATE OF COLORADO.

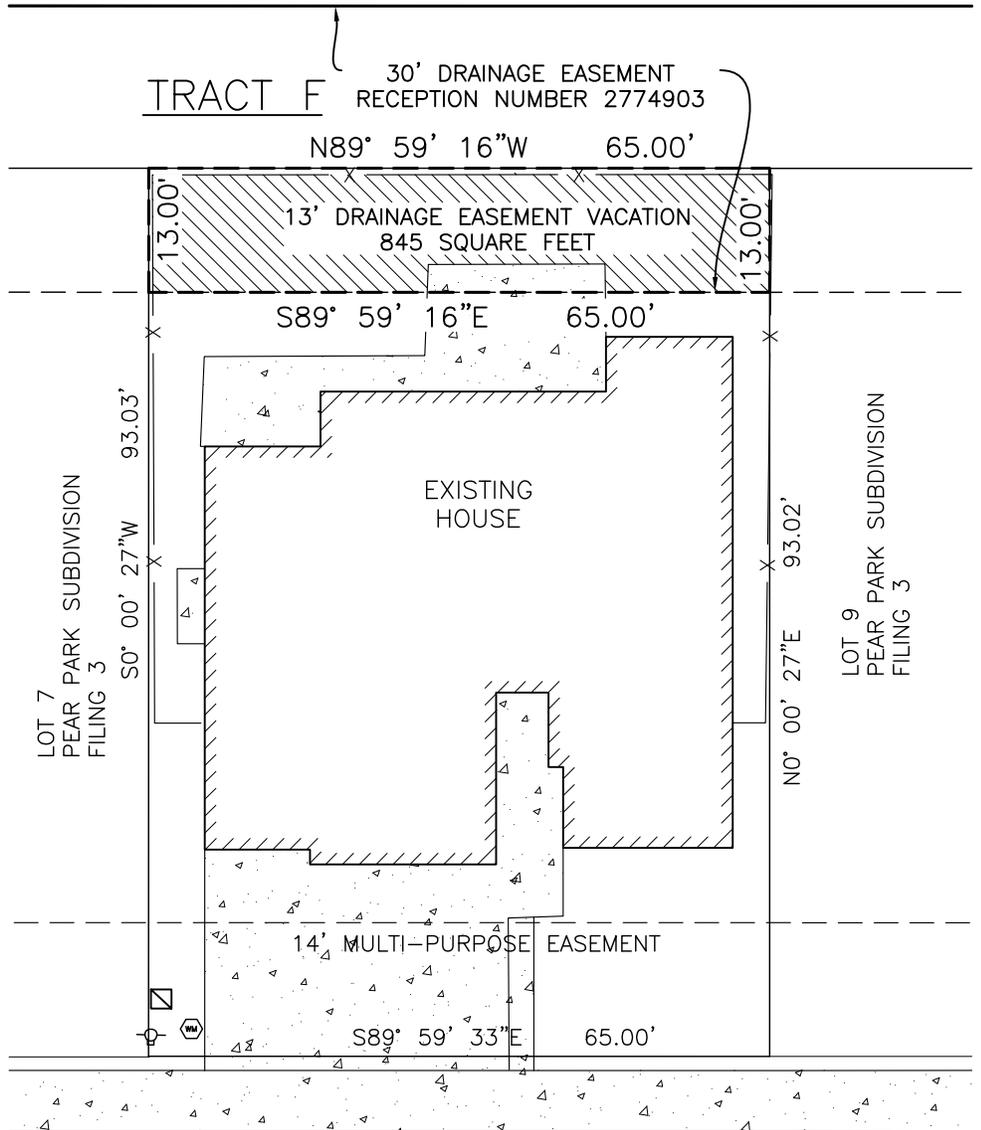
LOT 6  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2990 BIGHORN AVENUE No. B

***POLARIS SURVEYING***

PATRICK W. CLICK P.L.S.

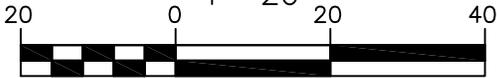
3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

# Exhibit B



GRAPHIC SCALE:

1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET

## BIGHORN AVENUE

RECEPTION NUMBER 2810310

LOT 8  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2992 BIGHORN AVENUE No. B

### LEGAL DESCRIPTION SKETCH

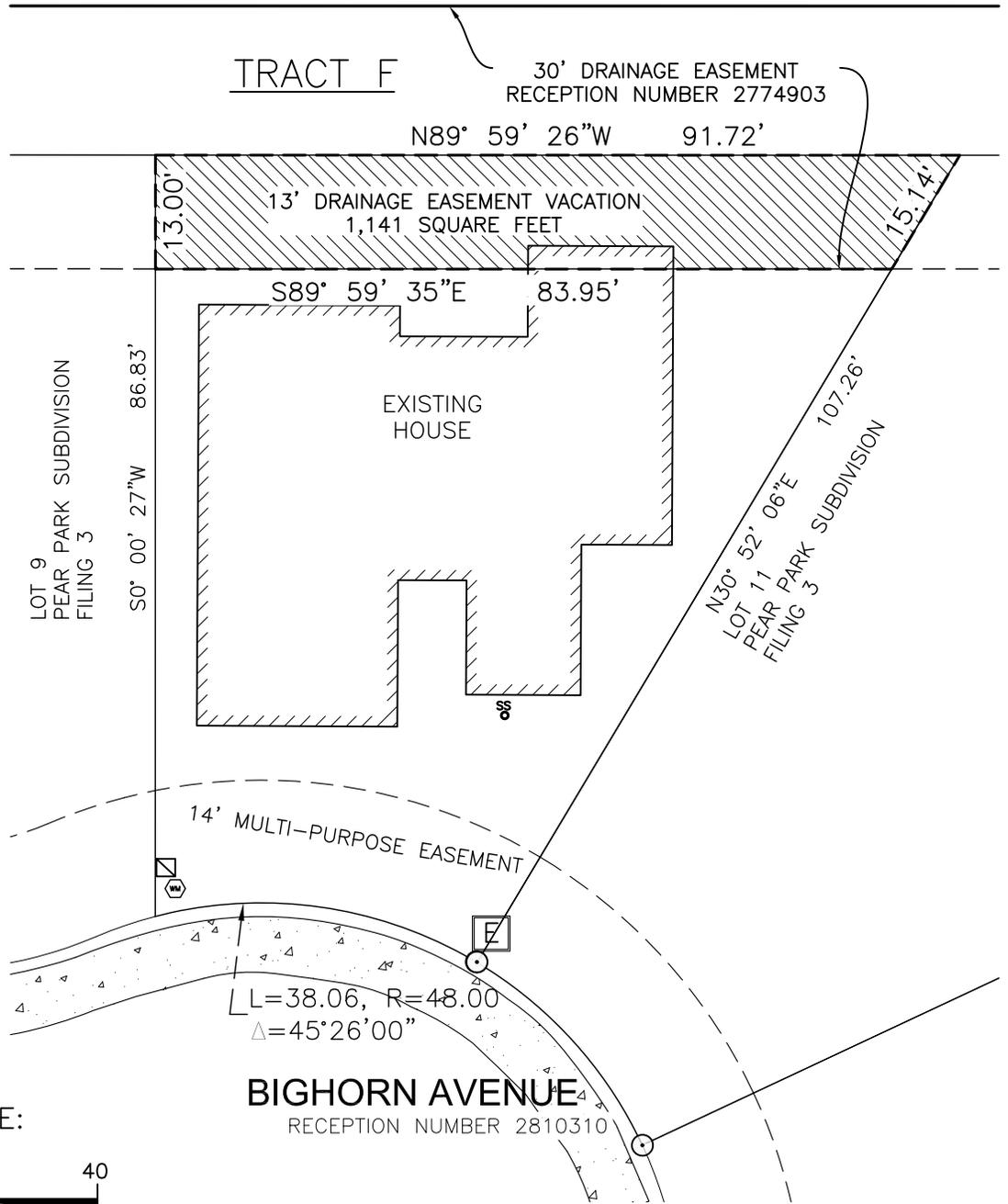
SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.

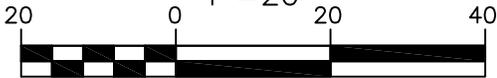
3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

**Exhibit B**



GRAPHIC SCALE:

1"=20'



LINEAR UNITS ARE U.S. SURVEY FEET

**LEGAL DESCRIPTION SKETCH**

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

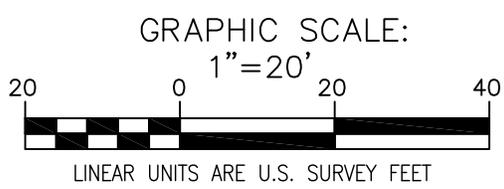
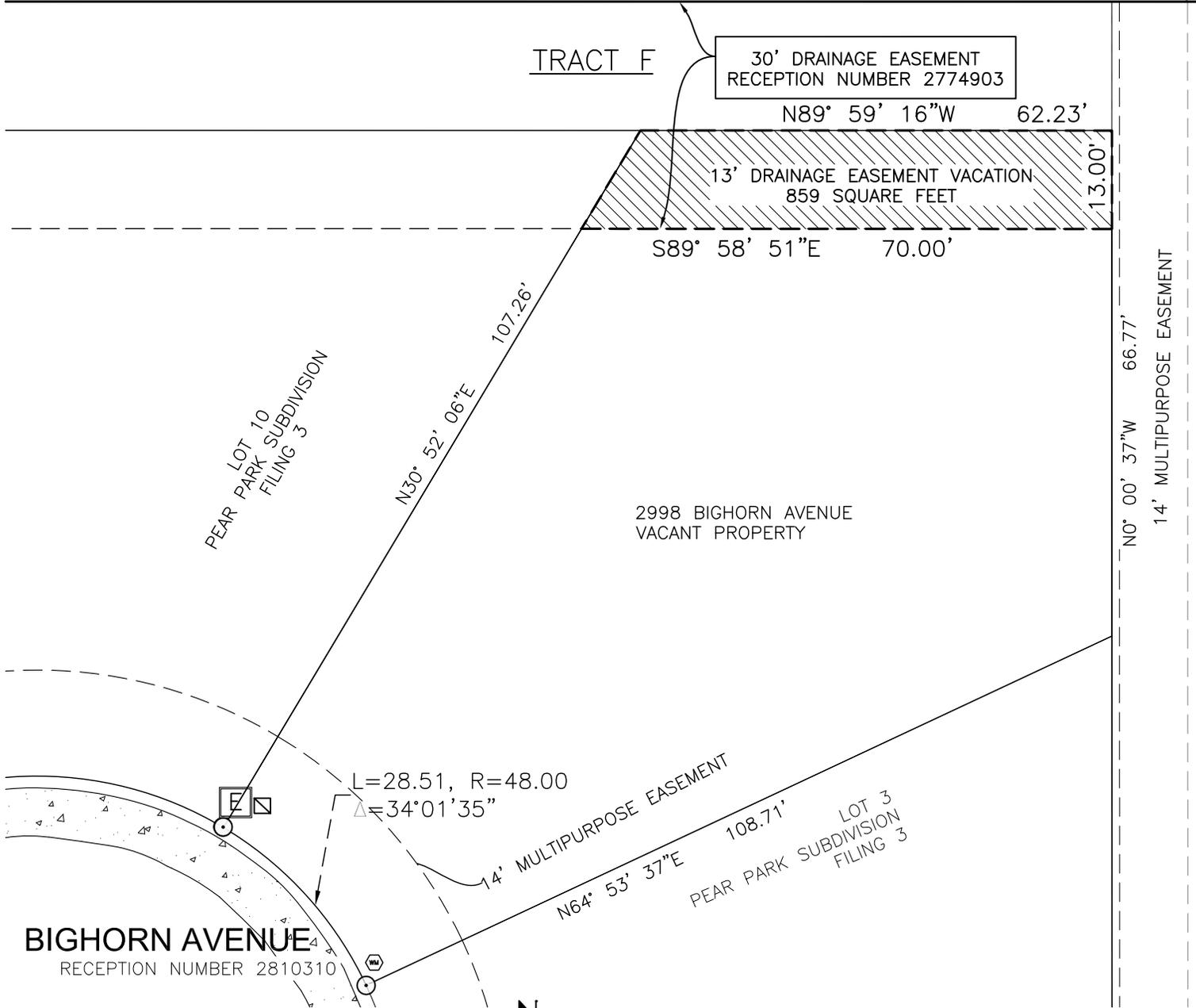
LOT 10  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2996 BIGHORN AVENUE

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

**Exhibit B**



LOT 11  
PEAR PARK SUBDIVISION  
FILING 3  
DRAINAGE EASEMENT VACATION  
2998 BIGHORN AVENUE

**LEGAL DESCRIPTION SKETCH**

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN COUNTY OF MESA, STATE OF COLORADO.

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504

# City of Grand Junction Review Comments

**Date:** March 19, 2020      **Comment Round No.** 1      **Page No.** 1 of 4  
**Project Name:** Pear Park North Subdivision, Ease Vac      **File No:** VAC-2020-99  
**Project Location:** 2996 Bighorn Avenue, etc.

Check appropriate  if comments were mailed, emailed, and/or picked up.

**Property Owner(s):** McKee Homes & Construction LLC – Attn: Dan McKee  
 **Mailing Address:** 3314 Music Lane, Grand Junction, CO 81506  
 **Email:** [dnamckee@aol.com](mailto:dnamckee@aol.com)      **Telephone:** (970) 361-7416  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Representative(s):** Tom Logue  
 **Mailing Address:** 537 Fruitwood Drive, Grand Junction, CO 81504  
 **Email:** [talldc@msn.com](mailto:talldc@msn.com)      **Telephone:** (970) 434-8215  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Developer(s):** Grand Junction Real Estate Investments LLC – Attn: Steve Voytilla  
 **Mailing Address:** P. O. Box 3467, Grand Junction, CO 81502  
 **Email:** [Steve5515@aol.com](mailto:Steve5515@aol.com)      **Telephone:** (970) 234-2000  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

## CITY CONTACTS

**Project Manager:** Scott D. Peterson, Senior Planner  
**Email:** [scottp@jcity.org](mailto:scottp@jcity.org)      **Telephone:** (970) 244-1447  
**Dev. Engineer:** Rick Dorris  
**Email:** [rickdo@jcity.org](mailto:rickdo@jcity.org)      **Telephone:** (970) 256-4034

# City of Grand Junction REQUIREMENTS (with appropriate Code citations)

## CITY PLANNING

1. Proposal is for vacation of an existing 30' wide Drainage Easement located within Lots 1 through 11, Pear Park North Subdivision, Filing 3, Lots 11 and 12, Pear Park North Subdivision and Tract F, Pear Park North Subdivision, Filing 3. Applicant's request is to vacate 13' of this 30' wide Drainage Easement located within seven (7) of the 13 lots. This 30' wide Drainage Easement was dedicated for the benefit of the City of Grand Junction as part of Tract C on the original Pear Park North Subdivision plat. Existing zoning for the subdivision is R-8 (Residential – 8 du/ac) and the Comprehensive Plan Future Land Use Map designates the property as Residential Medium (4 – 8 du/ac).

**Applicant's Response:**

**Document Reference:**

2. Vacation Request:

FYI. After review of this request, it was determined by City Staff in order to officially clean-up this drainage easement for the benefit of the applicant and all affected property owners, the City will process the request moving forward to vacate the City's interest in the entire 30' of this Drainage Easement, not just the 13' on the seven (7) lots that the applicant requested. City Staff Report for the upcoming Planning Commission and City Council meetings will reflect this change.

Applicant's Response:

Document Reference:

3. Public Hearing Schedule:

FYI. The Planning Commission and City Council have cancelled all upcoming meetings for the near future due to the Coronavirus outbreak, therefore City Project Manager will process this application for the next available meeting when the Commission and Council resume their public hearing schedule again. City Project Manager will notify applicant and representative of any further changes when more information becomes available.

Code Reference: Section 21.02.100 of the Zoning & Development Code.

Applicant's Response:

Document Reference:

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**CITY DEVELOPMENT ENGINEER**

1. The entire easement along this corridor should be vacated, not just on certain lots.
2. No other engineering concerns.

Applicant's Response:

Document Reference:

---

**INTERIM CITY SURVEYOR – Jodie Grein – [jodie@rcegj.com](mailto:jodie@rcegj.com) (970) 243-8311**

Exhibits:

1. Add "NORTH" to the legal descriptions in the lower right hand corner of the exhibits.
2. Add "NORTH" to the lot labels.

Applicant's Response:

Document Reference:

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**CITY FIRE DEPARTMENT – Matt Sewalson – [mattse@gjcity.org](mailto:mattse@gjcity.org) (970) 549-5855**

Grand Junction Fire Department's Fire Prevention Bureau has no comments.

Applicant's Response:

Document Reference:

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**CITY ADDRESSING – Pat Dunlap – [patd@gjcity.org](mailto:patd@gjcity.org) (970) 256-4030**

No comments.

Applicant's Response:

Document Reference:

# OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

**Review Agency:** Mesa County Building Department

**Contact Name:** Darrell Bay

**Email / Telephone Number:** [Darrell.bay@mesacounty.us](mailto:Darrell.bay@mesacounty.us) (970) 244-1651

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MCBD has no objections to this project.

**Applicant's Response:**

**Review Agency:** Xcel Energy

**Contact Name:** Brenda Boes

**Email / Telephone Number:** [Brenda.k.boes@xcelenergy.com](mailto:Brenda.k.boes@xcelenergy.com) (970) 244-2698

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Xcel has no objections as no utilities are effected.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

**Applicant's Response:**

**Review Agency:** Ute Water Conservancy District

**Contact Name:** Jim Daugherty

**Email / Telephone Number:** [jdaugherty@utewater.org](mailto:jdaugherty@utewater.org) (970) 242-7491

---

- No objection to VAC.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**Applicant's Response:**

**Review Agency:** Grand Valley Drainage District

**Contact Name:** Tim Ryan

**Email / Telephone Number:** [tim.admin@gvdd.org](mailto:tim.admin@gvdd.org) (970) 242-4343

---

GVDD's existing easement; Rec# 2840505 shall remain as granted. Any vacation would not include this easement.

**Applicant's Response:**

# REVIEW AGENCIES

(Responding with “No Comment” or have not responded as of the due date)

**The following Review Agencies have responded with “No Comment.”**

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1. N/A.

**The following Review Agencies have not responded as of the comment due date.**

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1. Century Link
2. Spectrum Communications
3. Grand Valley Irrigation Company

The Petitioner is required to submit electronic responses, labeled as “**Response to Comments**” for the following agencies:

1. **City Planning**
2. **Interim City Surveyor**

Date due: **June 19, 2020**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**

---

**Applicant’s Signature**

---

**Date**

**GRAND JUNCTION PLANNING COMMISSION**  
**April 28, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Andrew Teske, Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

The Planning Commission reviewed the meeting minutes from the April 14, 2020 meeting.

Commissioner Wade moved to approve the minutes as presented. Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried unanimously 6-0.

**2. Pear Park North Drainage Easement Vacation File # VAC-2020-99**

Consider a request by the Applicants, McKee Homes and Construction LLC, et al Owners, to Vacate a Publicly Dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as granted to the City of Grand Junction within the original Tract C, Pear Park North Subdivision.

### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Commissioner Teske asked a question regarding the area of the vacation.

Commissioner Reece asked a question regarding Grand Valley Drainage District.

### **Applicant's Presentation**

The Applicant, Tom Logue, McKee Homes and Construction LLC, et al Owners, was present and made a comment regarding the request.

### **Public Comment**

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:15 p.m. on April 28, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Madam Chairman, on the Pear Park North and Pear Park North Filing 3 Subdivision Vacation of a publicly dedicated 30-foot wide Drainage Easement, Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3, City file number VAC-2020-99, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES

Commissioner Teske YES

Commissioner Wade YES

Chairman Reece YES

The motion carried 6-0.

3. **Riverfront at Dos Rios Rights-of-Way and Easement Vacations File # VAC-2020-176**

Consider a request by the City of Grand Junction to Vacate Seven Portions of Public Right-of-Way and a Public Sewer Easement within the proposed Riverfront at Dos Rios Development.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

None.

**Public Hearing**

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:23 p.m. on April 28, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Susuras made the following motion, “Madam Chairman, on the request to vacate seven segments and pieces of public right-of-way and a sewer easement within the proposed Riverfront at Dos Rios development, City file number VAC-2020-176, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.”

Commissioner Teske seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES

Commissioner Teske YES

Commissioner Wade YES

Chairman Reece YES

The motion carried 7-0.

#### **4. Zoning Code Amendment – Roosters Prohibition on Small Properties**

##### **File # ZCA-2020-123**

Consider a Request by the City of Grand Junction to Amend the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters.

##### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

##### **Questions for Staff**

Commissioner Susuras asked for clarification on roosters versus hens.

Commissioner Gatseos made a comment regarding the request.

##### **Public Hearing**

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

Erin Chapman made a comment in favor of the request via GJSpeaks.

The public hearing was closed at 6:33 p.m. on April 28, 2020.

##### **Discussion**

Commissioner Wade made a comment regarding the request.

##### **Motion and Vote**

Commissioner Scissors made the following motion, “Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2020-123. I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Teske seconded the motion. Chairman Reece called a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried 6-0.

**5. Other Business**

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None.

**6. Adjournment**

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Commissioner Wade motioned to adjourn the meeting. Commissioner Scissors seconded the motion. The meeting adjourned at 6:45 p.m.

DRAFT

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING A 30' WIDE DRAINAGE EASEMENT  
LOCATED WITHIN  
TRACT C, PEAR PARK NORTH**

**LOCATED NORTH OF BIGHORN AVENUE**

**RECITALS:**

A vacation of a publicly dedicated 30' wide Drainage Easement has been requested by the property owners, McKee Homes and Construction LLC, et al, which is no longer necessary. This Drainage Easement was granted to the City of Grand Junction on the subdivision plat for Pear Park North for the inspection, installation, operation and maintenance and repair of drainage facilities, specifically for the benefit of Grand Valley Drainage District's, Beswick Drain located along the north property line of the subdivision. However, the Grand Valley Drainage District (GVDD), which operates and maintains the Beswick Drain, was also granted a drainage easement by separate document over the same 30' wide area and therefore, the City's, publicly dedicated drainage easement overlapped. In 2017, the Beswick Drain was piped by GVDD, thereby reducing the need for a 30' wide drainage/maintenance easement, etc.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a public 30' wide Drainage Easement is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described publicly dedicated Drainage Easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.

Public Drainage Easement to be vacated:

A 30-foot-wide Drainage Easement as identified within Tract C, Pear Park North subdivision as described at Reception Number 2774903 of the Mesa County Records.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk



## Grand Junction City Council

### Regular Session

Item #6.a.

---

**Meeting Date:** May 20, 2020

**Presented By:** Greg Caton, City Manager

**Department:** Grand Junction Regional Airport

**Submitted By:** Gregory LeBlanc

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### **Information**

#### **SUBJECT:**

Grant Offer for CARES Act at the Grand Junction Regional Airport

#### **RECOMMENDATION:**

Approve/deny the grant offer for CARES Act 3-08-0027-064-2020 and authorize execution of the grant offer and co-sponsorship agreement.

#### **EXECUTIVE SUMMARY:**

The Grand Junction Regional Airport Authority (Authority) has submitted to the FAA a Coronavirus Aid, Relief, and Economic Security Act (CARES Act or "the Act") Airports Grants Application (herein called the "Grant") dated April 24, 2020, for a grant of Federal funds at or associated with the Grand Junction Regional Airport. This Grant is provided in accordance with the CARES Act, as described below, to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grants amounts to specific airports are derived by legislative formula.

#### **BACKGROUND OR DETAILED INFORMATION:**

The Grand Junction Regional Airport Authority (Authority) has submitted to the FAA a Coronavirus Aid, Relief, and Economic Security Act (CARES Act or "the Act") Airports Grants Application (herein called the "Grant") dated April 24, 2020, for a grant of Federal funds at or associated with the Grand Junction Regional Airport. This Grant is provided in accordance with the CARES Act, as described below, to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished

airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grants amounts to specific airports are derived by legislative formula.

The purpose of this Grant is to maintain safe and efficient airport operations. Funds provided under this Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments. CARES Act Airport Grants may be used to reimburse airport operational and maintenance expenses directly related to Grand Junction Regional Airport incurred no earlier than January 20, 2020. CARES Act Airport Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after April 14, 2020. Funds provided under the Grant will be governed by the same principles that govern "airport revenue." New airport development projects may not be funded with this Grant, unless and until the Grant Agreement is amended or superseded by a subsequent agreement that addresses and authorizes the use of funds for the airport development project.

The maximum obligation of the United States payable under this Offer is \$5,679,740.

**FISCAL IMPACT:**

No direct fiscal impact to the City resulting from this action.

**SUGGESTED MOTION:**

I move to approve the grant offer for CARES Act 3-08-0027-064-2020 and authorize execution of the grant offer and co-sponsorship agreement.

**Attachments**

1. GJT-NMG-3-08-0027-064-2020-Grant Agreement - unsigned



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Northwest Mountain Region  
Colorado · Idaho · Montana · Oregon ·  
Utah Washington · Wyoming

Denver Airports District Office  
26805 E. 68th Ave., Suite 224  
Denver, CO 80249

Mr. Scott McInnis, Chair  
Mesa County Board of Commissioners  
544 Rood Avenue  
Grand Junction, Colorado 81501

Mr. Greg Caton, Manager  
City of Grand Junction  
250 North Fifth Street  
Grand Junction, Colorado 81501

Mr. Thomas Benton, Chair  
Grand Junction Regional Airport Authority  
800 Eagle Drive  
Grand Junction, Colorado 81506

Dear Commissioner McInnis, Mr. Caton, and Mr. Benton:

Please find the following electronic CARES Act Grant Offer, Grant No. 3-08-0027-064-2020 for the Grand Junction Regional Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, **no later than May 29, 2020**, in order for the grant to be valid.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached

Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for any purpose for which airport revenues may be lawfully used. CARES grant recipients should follow the FAA's Policy and Procedures Concerning the Use of Airport Revenues ("Revenue Use Policy"), 64 Federal Register 7696 (64 FR 7696), as amended by 78 Federal Register 55330 (78 FR 55330). The Revenue Use Policy defines permitted uses of airport revenue. In addition to the detailed guidance in the Revenue Use Policy, the CARES Act states the funds may not be used for any purpose not related to the airport.

With each payment request you are required to upload directly to Delphi:

- An invoice summary, even if you only paid a single invoice and
- The documentation in support of each invoice covered in the payment request.

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and
- A narrative report.

The narrative report will summarize the expenses covered by the CARES Act funds and state that all expenses were in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenues and incurred after January 20, 2020.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once you have drawn down all funds and uploaded the required documents to Delphi, notify Kristin Brownson by email ([Kristin.Brownson@faa.gov](mailto:Kristin.Brownson@faa.gov)) that the grant is administratively and financially closed. We are readily available to assist you and your designated representative with the requirements stated herein. If you have additional questions, please contact Kristin at (303) 342-1279. We sincerely value your cooperation in these efforts.



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## CARES ACT AIRPORT GRANT AGREEMENT

### PART I – OFFER

Federal Award Offer Date	<hr/>	
Airport/Planning Area	<u>Grand Junction Regional Airport</u>	
CARES Grant Number	<u>3-08-0027-064-2020</u>	<u>[Contract No. DOT-FA20NM-K1054]</u>
Unique Entity Identifier	<u>156135394</u>	

TO: County of Mesa, Colorado, City of Grand Junction, Colorado, and the Grand Junction Regional Airport Authority  
(herein called the “Sponsor”) (For Co-Sponsors, list all Co-Sponsor names. The word “Sponsor” in this Grant Agreement also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the “FAA”)

**WHEREAS**, the Sponsor has submitted to the FAA a Coronavirus Aid, Relief, and Economic Security Act (CARES Act or “the Act”) Airports Grants Application (herein called the “Grant”) dated April 24, 2020, for a grant of Federal funds at or associated with the Grand Junction Regional Airport, which is included as part of this Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA’s Grant offer;

**WHEREAS**, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the Grant Application for the Grand Junction Regional Airport (herein called the “Grant”) consisting of the following:

This Grant is provided in accordance with the CARES Act, as described below, to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grants amounts to specific airports are derived by legislative formula.

The purpose of this Grant is to maintain safe and efficient airport operations. Funds provided under this Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport’s operational and maintenance expenses or debt service payments. CARES Act Airport Grants may be used to reimburse airport operational and maintenance expenses directly related to Grand Junction Regional Airport incurred no earlier than January 20, 2020. CARES Act Airport Grants also may be used to reimburse a Sponsor’s payment of debt service where such payments occur on or after April 14, 2020. Funds provided under the Grant will be governed by the

same principles that govern “airport revenue.” New airport development projects may not be funded with this Grant, unless and until the Grant Agreement is amended or superseded by a subsequent agreement that addresses and authorizes the use of funds for the airport development project.

**NOW THEREFORE**, in accordance with the applicable provisions of the CARES Act, Public Law Number 116-136, the representations contained in the Grant Application, and in consideration of, (a) the Sponsor’s acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.**

**Assistance Listings Number (Formerly CFDA Number): 20.106**

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

### **CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$5,679,740.
2. **Period of Performance.** The period of performance shall commence on the date the Sponsor formally accepts this agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.

3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CARES Act.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.
5. **Final Federal Share of Costs.** The United States’ share of allowable Grant costs is 100%.
6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this Grant Agreement, the CARES Act, and the regulations, policies, standards and procedures of the Secretary of Transportation (“Secretary”). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before May 29, 2020, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this Grant Agreement, the CARES Act or other provision of applicable law. For the purposes of this Grant Agreement, the term “Federal funds” means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this Grant Agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier** Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
14. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any expense which funds are provided under this Grant. The Sponsor will include a provision implementing applicable Buy American statutory and regulatory requirements in all contracts related to this Grant Agreement.
15. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse’s Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.
16. **Suspension or Debarment.** When entering into a “covered transaction” as defined by 2 CFR § 180.200, the Sponsor must:
  - A. Verify the non-federal entity is eligible to participate in this Federal program by:
    1. Checking the excluded parties list system (EPLS) as maintained within the System for Award

- Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
2. Collecting a certification statement from the non-federal entity attesting the entity is not excluded or disqualified from participating; or
  3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.
- B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
- C. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debar a contractor, person, or entity.

**17. Ban on Texting While Driving.**

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this Grant or subgrant.
  2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
    - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
    - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

**18. Employee Protection from Reprisal.**

- A. Prohibition of Reprisals –
1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
    - a. Gross mismanagement of a Federal grant;
    - b. Gross waste of Federal funds;
    - c. An abuse of authority relating to implementation or use of Federal funds;
    - d. A substantial and specific danger to public health or safety; or
    - e. A violation of law, rule, or regulation related to a Federal grant.
  2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
    - a. A member of Congress or a representative of a committee of Congress;

- b. An Inspector General;
  - c. The Government Accountability Office;
  - d. A Federal office or employee responsible for oversight of a grant program;
  - e. A court or grand jury;
  - f. A management office of the grantee or subgrantee; or
  - g. A Federal or State regulatory enforcement agency.
3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
  4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
  5. Required Actions of the Inspector General – Actions, limitations, and exceptions of the Inspector General’s office are established under 41 U.S.C. § 4712(b).
  6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).
- 19. Co-Sponsor.** Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained herein and that the word "Sponsor" as used in the application and other assurances is deemed to include all co-sponsors.
- 20. Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this Grant Agreement.

### **SPECIAL CONDITIONS**

1. **ARFF and SRE Equipment and Vehicles.** The Sponsor agrees that it will:
  - A. House and maintain the equipment in a state of operational readiness on and for the airport;
  - B. Provide the necessary staffing and training to maintain and operate the vehicle and equipment;
  - C. Restrict the vehicle to on-airport use only;
  - D. Restrict the vehicle to the use for which it was intended; and
  - E. Amend the Airport Emergency Plan and/or Snow and Ice Control Plan to reflect the acquisition of a vehicle and equipment.
2. **Equipment or Vehicle Replacement.** The Sponsor agrees that it will treat the proceeds from the trade-in or sale of equipment being replaced with these funds as airport revenue.
3. **Off-Airport Storage of ARFF Vehicle.** The Sponsor agrees that it will:
  - A. House and maintain the vehicle in a state of operational readiness for the airport;
  - B. Provide the necessary staffing and training to maintain and operate the vehicle;
  - C. Restrict the vehicle to airport use only;

- D. Amend the Airport Emergency Plan to reflect the acquisition of the vehicle;
  - E. Within 60 days, execute an agreement with local government including the above provisions and a provision that violation of said agreement could require repayment of Grant funding; and
  - F. Submit a copy of the executed agreement to the FAA.
4. **Equipment Acquisition.** The Sponsor agrees that it will maintain Sponsor-owned and -operated equipment and use for purposes directly related to the airport.
5. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
6. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
- A. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
  - B. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
  - C. The utilities must serve a purpose directly related to the Airport.

The Sponsor's acceptance of this Offer and ratification and adoption of the Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the CARES Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Grant and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

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*(Signature)*

**John P. Bauer**

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*(Typed Name)*

**Manager, Denver Airports District Office**

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*(Title of FAA Official)*

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated \_\_\_\_\_

\_\_\_\_\_  
**COUNTY OF MESA, COLORADO**

*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CARES Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated \_\_\_\_\_

By: \_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated \_\_\_\_\_

**CITY OF GRAND JUNCTION, COLORADO**

\_\_\_\_\_  
*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

### **CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CARES Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated \_\_\_\_\_

By: \_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated \_\_\_\_\_

**GRAND JUNCTION REGIONAL  
AIRPORT AUTHORITY**

\_\_\_\_\_  
*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CARES Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated \_\_\_\_\_

By: \_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

## CARES ACT ASSURANCES

### AIRPORT SPONSORS

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#### A. General.

1. These assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act or “the Act”), Public Law Number, Public Law 116-136. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this Grant offer by the sponsor, these assurances are incorporated into and become part of this Grant Agreement.

#### B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

#### FEDERAL LEGISLATION

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- a. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- b. Hatch Act – 5 U.S.C. 1501, et seq.
- c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.
- d. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).
- e. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.
- f. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- g. Clean Air Act, P.L. 90-148, as amended.
- h. Coastal Zone Management Act, P.L. 93-205, as amended.
- i. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.
- j. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
- k. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- l. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- m. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- n. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- o. American Indian Religious Freedom Act, P.L. 95-341, as amended.

- p. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.
- q. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.
- r. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.
- s. Copeland Anti-kickback Act - 18 U.S.C. 874.1.
- t. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.
- u. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- v. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.
- w. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- x. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

## **EXECUTIVE ORDERS**

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- a. Executive Order 11246 - Equal Employment Opportunity
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 - Environmental Justice
- g. Executive Order 13788 - Buy American and Hire American
- h. Executive Order 13858 - Strengthening Buy-American Preferences for Infrastructure Projects

## **FEDERAL REGULATIONS**

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- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- c. 2 CFR Part 1200 - Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 - Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 - Procedures for predetermination of wage rates.
- g. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.

- h. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).
- i. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements).
- j. 49 CFR Part 20 - New restrictions on lobbying.
- k. 49 CFR Part 21 - Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Program .49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- m. 49 CFR Part 28 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- n. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- o. 49 CFR Part 32 - Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- p. 49 CFR Part 37 - Transportation Services for Individuals with Disabilities (ADA).
- q. 49 CFR Part 41 - Seismic safety of Federal and Federally assisted or regulated new building construction.

## **SPECIFIC ASSURANCES**

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Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

### **1. Purpose Directly Related to the Airport**

It certifies that the reimbursement sought is for a purpose directly related to the airport.

### **2. Responsibility and Authority of the Sponsor.**

#### **a. Public Agency Sponsor:**

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

#### **b. Private Sponsor:**

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in

connection with this application; and to provide such additional information as may be required.

**3. Good Title.**

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

**4. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

**5. Accounting System, Audit, and Record Keeping Requirements.**

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**6. Exclusive Rights.**

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

**7. Airport Revenues.**

This Grant shall be available for any purpose for which airport revenues may lawfully be used. CARES Act Grant funds provided under this Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums.

**8. Reports and Inspections.**

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

**9. Civil Rights.**

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
  1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
  2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a

facility, the assurance extends to the entire facility and facilities operated in connection therewith.

3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

d. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

- a. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
  - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
- e. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
  - f. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

#### **10. Foreign Market Restrictions.**

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

#### **11. Acquisition Thresholds.**

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.



## Grand Junction City Council

### Regular Session

Item #7.a.i.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

A Resolution 1) Amending the 2019 Program Year Action Plan as a Part of the Grand Junction Five-Year Consolidated Plan for the Community Development Block Grant (CDBG) Program to Include CDBG-CV funds Received via the CARES Act and Allocate the Funds to Additional Activities; and 2) Amending the CDBG Citizen Participation Plan to Include Flexibilities Allowed by the Department of Housing and Urban Development (HUD)

#### **RECOMMENDATION:**

City Council will review and discuss requests for CDBG-CV funds at a work session on May 18, 2020.

#### **EXECUTIVE SUMMARY:**

City Council will consider an amendment to the 2019 Action Plan to include \$275,976 CDBG-CV funds and consider to which activities and programs the funds will be allocated as new projects within the 2019 Plan related to COVID-19 recovery efforts. In addition, City Council will consider an amendment to the CDBG Citizen Participation Plan to include flexibility allowed by HUD for expedited allocation and use of the CDBG-CV funds.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **Background**

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The U.S. Department of Housing and Urban Development (HUD) notified the City of Grand

Junction on April 2, 2020 of its special allocation of CDBG funds to be used to address impacts of COVID-19. The funds, in the amount of \$275,976, known as CDBG-CV may be expended immediately upon amendment to the City of Grand Junction's 2019 Annual Action Plan (AAP) that was adopted in June 2019. Funds may be allocated to typical CDBG-eligible activities, provided they are in response to COVID-19 impacts in the areas of buildings and improvements, economic development, public services and planning and technical assistance.

In addition, HUD has provided the following guidance for the allocation and expenditure of CDBG-CV funds.

- The typical 15% cap on services expenditure has been suspended by HUD
- Intended to be gap funding – must not supplant other funds received and ensure no duplication of benefits
- Must amend 2019 CDBG AAP and apply for funds – HUD will expedite contract
- CDBG-CV can be used to reimburse expenditures made prior to execution of contract
- Must be expended by September 2022

#### **CDBG 2019 Annual Action Plan Amendment**

The 2019 CDBG Annual Action Plan (2019 AAP) allocated the City of Grand Junction's 2019 CDBG funds in the amount of \$461,255 to 17 activities that presently are either completed or underway. In April 2020, the City received notice from the Department of Housing and Urban Development (HUD) that it was awarded supplemental CDBG funds in the amount of \$275,976 through the Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants). Consequently, the City is proposing to amend its 2019 AAP in order to incorporate the CDBG-CV funds in the 2019 AAP overall budget and allocate the CDBG-CV funds to additional activities within the 2019 Program Year.

On May 18, 2020 City Council met in a workshop to discuss the funding requests and recommended funding for the activities listed in Attachment 1.

#### **CDBG Citizen Participation Plan Amendment**

Simultaneously, the City of Grand Junction will amend its adopted CDBG Citizen Participation Plan per HUD guidance in the 1) Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19, commonly referred to as the "Mega-Waiver" issued March 31, 2020; and 2) CARES Act flexibility for CDBG Funds Used to Support Coronavirus

Response and Plan Amendment Waiver issued April 9, 2020.

Due to COVID-19, CDBG program flexibilities and amendments to plans are requested to establish expedited procedures to draft, propose, or amend consolidated and annual action plans and citizen participation plans. As outlined in the CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response dated April 9, 2020 the following amendments to the City of Grand Junction Citizen Participation Plan: 1) the 30-day minimum required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments; and 2) the minimum 5-day public comment period on amendments to the City of Grand Junction Citizen Participation Plan may run concurrent with the 5-day minimum notice for substantial amendments referenced above.

The complete narrative of the amendment to the CDBG Citizen Participation Plan is included as Attachment 2.

**FISCAL IMPACT:**

The City will receive \$275,976 in CDBG-CV funds via the CARES Act to be allocated to new activities within an amended 2019 CDBG Action Plan. The appropriation of the additional funding was approved May 6, 2020 in the Supplemental Appropriation.

**SUGGESTED MOTION:**

I move to (adopt/deny) Resolution No. 28-20, a resolution amending the 2019 Program Year Action Plan as a part of the Grand Junction Five-year Consolidated Plan for the Community Development Block Grant (CDBG) Program and amending the CDBG Citizen Participation Plan pertaining to CDBG-CV funds.

**Attachments**

1. CDBG-CV Applications Worksheet
2. Amendment to Citizen Participation Plan COVID
3. 2019 Action Plan Resolution

COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 FUNDS (CDBG-CV)						Total	
		CDBG-CV FUNDING ALLOCATION	\$275,976				
	AGENCY	PROJECT NAME	REQUEST	MIN REQUEST	TOTAL BUDGET	NOTES	CITY COUNCIL RECOMMENDATION
1	Counseling and Education Center	Safer at CEC	\$7,463	\$3,000	\$9,700	During the pandemic all mental health services are being provided through teletherapy. For initial appointments, or for young children, meeting in person will assist with establishing better rapport before transitioning to teletherapy. To re-access the business environment, certain environmental changes and protocols need to be installed for everyone's safety. CDBG-CV Funds will be used for supplies, devices and environmental alterations that previously CEC did not need for base operations.	\$7,463
2	Center for Independence	COVID Cross-Contamination Upgrades and Support for Food Sufficiency	\$4,405	\$2,840	\$5,405	CFI is partnering with Grand Valley Peace and Justice to create space in its commercial kitchen for food and basic material distribution to the homeless and persons experiencing food insecurity. CFI is upgrading exterior and interior furnishings with appropriate metal and plastic cleanable furniture in these areas where GV Peace and Justice conducts homeless case management and outreach. CFI will also add vinyl panels for privacy and security in exterior areas that have been gathering places for homeless overnight camping on the weekends. CDBG-CV funds would be used for the furnishings and fencing improvements and to purchase a new refrigerator for perishable foods. Furnishings are generally ineligible CDBG expenditures. Fence, Gate and Refrigerator = \$2,435	\$ -
3	CMU Foundation	Maverick Relief Fund	\$25,000	\$10,000	\$150,000	Impacts from COVID-19 are jeopardizing the education of CMU students due to financial strain and hardship and other impacts that are beyond students' abilities to continue their education. Many seek assistance from CMU because they or members of their families have lost employment making it difficult to pay critical expenses such as rent, groceries, childcare and healthcare costs. CDBG-CV funds would be used to help offset these costs.	\$ -
4	Community Food Bank	Equipment Request	\$45,000	\$20,000	\$117,900	The Community Food Bank provides much needed food to residents during this time of need. The bank has maintained a drive-up and walk-up distribution operation every M/T/Th afternoon and launched a new food box delivery program in collaboration with local partners to serve homebound and vulnerable community members experiencing hunger. The Bank is currently serving 100 households through drive-up and 250 households through delivery so up to 300-350 households a week are receiving food each week. For reference, in 2019, the Bank served 588 households for the entire month. CDBG-CV funds will be used to purchase a hydraulic pallet lift, walk-in cooler and walk-in freezer. The Food Bank indicates approximately 70% of the clients live within the City limits so CDBG-CV can fund 70% of total project cost.	\$45,000

5	EUREKA! McConnell Science Museum	Emergency COVID STEAM Childcare and Education	\$10,000	\$7,500	\$20,000	EUREKA! Is one of the largest youth-serving organizations on the Western Slope and has most recently expanded to provide Emergency COVID STEAM Childcare Camps. These programs are in compliance with CDPHE and Mesa County Health Department guidelines. When parents were contacted the programs filled overnight and a second classroom filled in 2 days. EUREKA! has the ability and space to provide additional childcare and educational support and charge \$20/child per day which is less than the usual \$35/day fee. CDBG funds would allow all low-income and moderate income children to attend for free via scholarships and provide additional staff support such as training courses and certifications to grow the program. Camps would continue into the summer.	\$7,500
6	Grand Junction Housing Authority	GJHA Client Assistance	\$150,000	\$125,000	\$170,000	COVID-19's economic impact disproportionately affects our community's most vulnerable. For households who receive a HUD subsidy, swift changes to household income calculations allow for increased rental assistance. However, 215 GJHA households do not have a HUD subsidy. For some, Federal relief will help, but many will continue to face difficulties paying rent and utilities. The moratorium on evictions for non-payment of rent only helps keep these families in their homes now and does not help them with past-due rent amounts in the future. Given the uncertainty of the length of COVID's impacts, economic hardship may last for months, if not longer. CDBG-CV funds would be used to help GJHA households avoid potential homelessness by keeping rent current and utilities from being disconnected. The estimated funding anticipates between 50-75 households needing assistance, based on actual rent not paid in April and May 2020.	\$ 123,653
7	Grand Valley Catholic Outreach	COVID-19 Financial Aid	\$25,000	\$15,000	\$25,000	CDBG funds would be used for utility payments (not covered by EOC) and food for those impacted by COVID-19. Funds traditionally allocated for these channels cannot meet the increased demand for these newly unemployed people. GVCO has secured funding for rental assistance and some for food that was rapidly utilized. The utility funds will be disbursed under the same strict guidelines that are applied to all categories of financial aid. The food will be distributed in Emergency Food boxes that can be requested once monthly.	\$ 25,000
8	Hilltop Community Resources Inc.	Hilltop COVID Relief	\$35,000	\$20,000	\$75,000	Hilltop is requesting CDBG-CV funds to sustain essential services to the vulnerable population they serve in Grand Junction. The CDBG-CV funds would assist in providing additional immediate relief to those individuals and families most susceptible during this time, keep residential clients and staff safe and healthy, and link families to necessary services. 1) Provide families and those leaving the domestic violence safehouse with rental assistance, security deposit, and utility assistance. 2) Staffing – staff time to coordinate services, evaluate client requests, and assist with community referrals and resources. 3) Provide families with direct emergency assistance (gas/food gift cards, diapers, bus pass, school supplies)	\$ 35,000

9	Karis, Inc. on behalf of Mesa County Homeless Services Providers COVID-19 Response Team	COVID-19 Quarantine Housing for Homeless Individuals	\$100,000	\$10,000	\$282,174	The community COVID-19 Response Team will utilize CDBG-CV funds to provide temporary housing, services and food for high risk individuals, allowing them to quarantine safely through payment of hotel costs. The Team estimates that 21 individuals in homeless camps will need these services for 40 weeks, through the flu season. The project will build on Karis' partnerships with two hotels (Ramada and Travel Lodge) in Grand Junction who are already providing rooms to homeless individuals at a low cost.	\$ -
10	Marillac Clinic, Inc.	Clinic COVID -19 Safety Improvements	\$7,425	\$7,425	\$7,625	In response to Colorado's COVID-19 outbreak, Governor Jared Polis issued a directive to cease all oral health services throughout the State with the exception of dental emergency procedures. Based on Colorado's metrics, effective 4/27/20 the governor announced permission to restart elective dental procedures contingent on 13 requirements to prevent the spread of COVID-19 including "viable methods to eliminate, reduce, or contain aerosol production during dental care". CDBG-CV funds would be used to purchase 15 ultra-violet lamps for air sanitation, to remove harmful aerolized substances from dental operatories and sterilization room. Since 40% of patients reside within the City limits, only 40% of the total budget may be funded by CDBG.	\$7,425
11	Riverside Educational Center	Emergency Services	\$25,000	\$1	\$25,000	Through COVID-19, REC continues to support students academically, socially and emotionally. REC tutors and staff are utilizing online platforms to ensure academic progress, assess mental health, identify increasing family needs due to economic instability and offer friendship, support and trust. 76% of REC families qualify for the free/reduced lunch program and were already struggling before COVID-19. REC has implemented food delivery for its families, through individual donors REC has been able to provide support for utility bills, medical bill co-pays, and rent assistance and funds have been exhausted. CDBG-CV funds will be utilized for identified emergency household situations including food, utility bills, rent assistance, other non-food grocery items and to help with internet access.	\$14,935
12	STRiVE	Basic Needs Assistance for IDD Clients Experiencing Job Loss/Reduction	\$10,000	\$1	\$86,750	CDBG-CV funds would be used to assist individuals who are employed through STRiVE's Vocational Services program. 93 clients are experiencing layoff or significant reduction in employment hours and 34 more are expected as a direct result of COVID-19; all of which rely on employment income to supplement their basic needs. STRiVE is providing temporary financial assistance with rent, utilities and grocery purchase which is averaging \$250 per individual per month. The requested funds will assist 40 individuals for one month while STRiVE assists clients transitioning back to their previous jobs or finding alternative employment.	\$ 10,000
<b>TOTAL REQUESTS</b>			<b>\$444,293</b>	<b>\$220,767</b>			<b>\$ 275,976</b>

\$0

## **City of Grand Junction COVID-19 Citizen Participation Plan Amendment**

Due to COVID-19, Community Development Block Grant (CDBG) program flexibilities and amendments to plans are requested. These flexibilities and amendments establish expedited procedures to draft, propose, or amend consolidated plans (including annual action plans) and citizen participation plans. The minimum 5-day public comment period cited below for substantial amendments may run concurrently with a minimum 5-day public comment period on amendments to the City of Grand Junction Citizen Participation Plan as outlined in “CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response” dated April 9, 2020.

Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA, or ESG funds.

The 30-day minimum required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. This waiver is in effect until the Mesa County Department of Health and Human Services publishes notice that social distancing measures are no longer required.

As noted above, the regulations at 24 CFR 91.105 set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The City of Grand Junction’s Citizen Participation Plan states how reasonable notice and opportunity to comment are provided.

HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD has waived 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.401 as specified below to allow the City of Grand Junction to determine what constitutes reasonable notice and opportunity to comment given the circumstances related to COVID-19. The City of Grand Junction may use alternative methods for public participation and will allow for reasonable notification and access for citizens. This authority is in effect until Mesa County Department of Health and Human Services publishes notice that social distancing measures are no longer required.

The City of Grand Junction may implement a virtual public hearing process in order to comply with social distancing requirements. Citizens will receive reasonable notice of these meetings through local media and online posting. The City of Grand Junction will provide the virtual public meeting through an online platform, as well as timely response to any comments received by email or in writing received within 4 hours of the meeting time.

**RESOLUTION NO. \_\_**

**A RESOLUTION AMENDING THE 2019 PROGRAM YEAR ACTION PLAN AS A PART OF THE GRAND JUNCTION FIVE-YEAR CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AMENDING THE CDBG CITIZEN PARTICIPATION PLAN PERTAINING TO CDBG-CV FUNDS**

RECITALS.

WHEREAS, the City of Grand Junction was designated as an Entitlement Community by the U.S. Department of Housing and Urban Development (HUD) in 1996;

WHEREAS, this designation entitles Grand Junction to receive a special allocation of CDBG funds via the CARES Act to address community impacts of COVID-19 known as CDBG-CV;

WHEREAS, to be eligible for CDBG-CV funding, the City of Grand Junction must submit an amendment to its 2019 Program Year Action Plan to be adopted as part of the City's Five-Year Consolidated Plan to include funding in the amount of \$275,976 and allocated to various activities which will address community impacts of COVID-19;

WHEREAS, the primary objective of the City's Consolidated Plan and CDBG Program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;

WHEREAS, the purpose of the CDBG-CV funds are to address these same needs but in specific relevance to the Community's response and recovery from COVID-19 impacts; and

WHEREAS, the planning process in developing the amendment to the 2019 Program Year Action Plan included an amended Citizen Participation Plan per HUD guidance issued in March and April 2020, including public notice and a public hearing.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO that the Amended CDBG 2019 Program Year Annual Action Plan, as a part of the Five-Year Consolidated Plan and amendments to the CDBG Citizen Participation Plan are hereby adopted.

Adopted this 20<sup>th</sup> day of May, 2020.

ATTEST:

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City Clerk

President of City Council



## Grand Junction City Council

### Regular Session

Item #7.b.i.

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**Meeting Date:** May 20, 2020

**Presented By:** Greg Caton, City Manager, John Shaver, City Attorney

**Department:** City Manager's Office

**Submitted By:** Greg Caton, City Manager

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### **Information**

#### **SUBJECT:**

An Ordinance to Make a Supplemental Appropriation of \$300,000 from the City General Fund Reserve to Support the #GJStrong Fund in the City of Grand Junction, Colorado - **Continued from May 6, 2020**

#### **RECOMMENDATION:**

Staff recommends that City Council discuss the supplemental appropriation ordinance and determine if approval is appropriate.

#### **EXECUTIVE SUMMARY:**

The purpose of this item is to adopt an ordinance allocating \$300,000 to the #GJStrong Fund. Adopting this ordinance will also provide an additional \$300,000 to the Western Colorado Community Foundation for expenditure related to providing basic needs of food and shelter.

#### **BACKGROUND OR DETAILED INFORMATION:**

On March 10, 2020, Governor Polis issued an Executive Order declaring a State of Emergency in response to the novel coronavirus of 2019 (COVID-19) pandemic

On March 13, 2020 President Trump declared a national emergency in response to the COVID-19 pandemic.

On March 23, 2020 the Grand Junction City Council declared a local emergency due to the health and economic impacts of the COVID-19 pandemic.

Pursuant to the local declaration of emergency, and by and with this Ordinance, the City is authorized to assist persons impacted by complying with the Federal, State or local public health official's imposition or recommendation of social distancing, self-quarantine, business closures and other measures related to COVID-19 that have direct and indirect impacts on business and economic conditions.

The temporary assistance afforded by this ordinance also provides additional funding to the #GJStrong Fund in the City's budget for expenditure for the expenses directly and indirectly related to providing basic needs of food and shelter, in collaboration with the Western Colorado Community Foundation ("WCCF") in the City of Grand Junction.

**FISCAL IMPACT:**

This supplemental appropriation adds \$300,000 to the General Fund 2020 budget to fund expenditure directly and indirectly related to providing the basic needs of food and shelter in collaboration with the Western Colorado Community Foundation ("WCCF") in the City of Grand Junction.

The 2020 financial impact for the City of Grand Junction from the COVID-19 pandemic has been analyzed by estimating the net impact to the General Fund Reserve based on reduced revenues due to the economic crisis and corresponding reduction in expenses based on spending measures implemented by the City organization. The impact is based on current information and is calculated using minimums and maximums to anticipate a range of potential impact as follows. Note that this analysis does not include expenses funded separately by the First Responder Tax.

**REVENUES:** The potential reduction of General Fund revenues was calculated using a range of minimum and maximum assumptions based on revenue type. Sales and use taxes which are the majority revenue source for the General Fund were estimated at a minimum of a 10% reduction to a maximum of 25%. For comparison, during the last recession sales and use tax revenues dropped by the most significant amount in a 30 year period falling by 21% over a two year period. Using a 25% reduction also equates to losing an entire quarter of revenues. In total the estimate for revenue reduction ranges from \$6.5 million to \$15.7 million.

**EXPENSES:** Over a month ago, the City Manager instituted slowing of spending as well as budget reductions in order to prepare for an expected revenue reduction. The potential spending savings for General Fund expenses was also calculated using minimum and maximum assumptions which resulted in an estimate for expense savings ranging from \$4.2 million to \$6.8 million.

**NET IMPACT TO GENERAL FUND RESERVE BALANCE:** Combining the estimated range of revenue reductions with the estimated expense savings results in a net impact or use of General Fund Reserve between \$2.3 million and \$8.9 million.

GENERAL FUND RESERVE: The General Fund Reserve at 12/31/2019 (pre-audit) is projected to be \$29.2 million and based on the 2020 Adopted Budget would increase to \$29.4 million. The General Fund Reserve Policy sets a minimum reserve at 20% of operating expenses and authorizes the City Council to use funds above the minimum for the purposes described here fore establishing a business stabilization and recovery fund. The minimum reserve based on the adopted budget was \$15.2 million. However based on the maximum expense reductions described above, the 20% reserve calculation is \$14 million. Therefore based on this analysis there is sufficient funds available to fund \$300,000 for the purposes described previously. On May 6th Council also authorized \$540,000 to fund the City's Business Stabilization and Recovery Fund as well as \$87,000 to support Homeward Bound Homeless Shelter so that funding is also included in the calculation below.

Projected 12/31/2020 Fund Balance	\$ 29.40
Less Maximum Net Reduction Due to Pandemic Economic Impact	(8.90)
Less Disbursement for Support to the City's #GJStrong Fund Authorized April 6, 2020	(0.50)
Less Authorization of City's Business Stabilization and Recovery Fund on May 6, 2020	(0.54)
Less Authorization of Support to Homeward Bound Homeless Shelter on May 6, 2020	(0.087)
Less Potential Authorization of Additional Funding to the City's #GJStrong Fund	(0.30)
<b>Remaining Fund Balance</b>	<b>\$19.07</b>
<i>Minimum Reserve</i>	<b>\$14.00</b>

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4925, an ordinance to make a supplemental appropriation of \$300,000.00 from the City General Fund Reserve to support the #GJStrong Fund in the City of Grand Junction, Colorado on final passage and order final publication in pamphlet form.

## **Attachments**

1. ORD-COVID 2nd WCCF Supplemental Appropriation051220clean



46 Given the unprecedented impacts, some of which are known and some of which remain  
47 unknown, of the COVID-19 outbreak the adoption the City Council finds that this appropriation  
48 ordinance is necessary, proper and will further the general health, safety and welfare of the  
49 community.

50

51 This ordinance appropriates a certain sum of money for the purposes specifically and/or  
52 generally stated in the ordinance and the appropriation shall be used only for those purposes.

53

54 This supplemental appropriation provides for the disbursement of funds to the #GJSTRONG  
55 Fund. The Fund will add \$300,000.00 to the General Fund 100 of the City budget for  
56 emergency, temporary assistance with the basic needs of food and shelter. The appropriation  
57 shall be allocated such that \$300,000.00 may be allocated to the Western Colorado Community  
58 Foundation, in accordance with and pursuant to the existing New Fund Agreement by and  
59 between the City and the WCCF to provide emergency funding to alleviate some demands and  
60 assist local non-profits addressing new and emerging needs resulting from the COVID19  
61 pandemic and the sudden and dramatic escalation in demand for services.

62

63 The WCCF will provide funds only to qualified 501c3 nonprofit organizations providing basic  
64 needs of food and shelter that serve the Grand Junction community. The Fund may be used for  
65 general support or special needs related to the COVID19 pandemic - supplies, support to cover  
66 salaries to maintain adequate staffing for operations, *etc.*

67

68 If the WCCF administers the Fund, it will be compensated in a lump sum in the amount of  
69 \$2000.00 for its services. The City Manager is authorized to pay that sum for the services of  
70 WCCF.

71

72 This action is unprecedented; however, it is wholly consistent with the City's *Strategic Plan*.  
73 The adoption of this ordinance furthers the City's partnership with the community. As stated in  
74 the *Plan* the City

75 " ... views partnership in its broadest sense and not merely through the lens of delivering  
76 municipal services. Partnership with a common purpose is the key to success with public  
77 and private collaboration. Whether evaluating opportunities for shared services,  
78 partnering for economic development, or creating a shared vision for the future of our  
79 community, we recognize that our residents will be best served as we work together with  
80 other organizations to find solutions. We take every opportunity to celebrate past  
81 successful partnerships to build momentum for future collaboration."

82

83 The adoption of this ordinance is fiscally responsible. In this time of emergency, it would in fact  
84 be irresponsible to not adopt this ordinance. The approval of the ordinance will help to stabilize  
85 some people that may otherwise not be helped. According to City Council policy, City reserves  
86 are for a "rainy day"- the COVID-19 emergency necessitates expenditure of reserves so in the  
87 near and longer term future the community may recover faster and stronger than if the Fund is  
88 not expended. As stated in the *Plan*

89

90 "The foundation of effective local governance is trust. To continue to build the trust  
91 placed in us by our citizens, we must be responsible stewards of the resources entrusted  
to our care. Because of limited resources, we must be effective in prioritizing our

92 spending to focus on the things that citizens have identified as most important. As we  
93 establish plans and priorities, we do so with an eye to the future. It is not enough to  
94 merely find a way to fund a new project or amenity. We must also ensure that we are  
95 planning for long-term ongoing operations and maintenance with each item that we  
96 prioritize.”  
97

98 The adoption of this ordinance serves to communicate with and engage the community at a time  
99 and under circumstances of severe need. As stated in the *Plan* the City will act to “build trust  
100 and ensure we continue to focus limited resources on our community’s highest priorities.”  
101 Appropriating funds to the Economic Stimulus and Response Recovery Fund is a high, if not  
102 highest priority of the community.

103  
104 With the adoption of this ordinance the City Council is endeavoring to serve the people that  
105 make this community great. As stated in the *Plan*

106 “Grand Junction was founded by innovative leaders, ready to lead the way to a new  
107 future. Our city continues in that tradition of leadership today. We are not content to wait  
108 around for the future, but rather desire to actively shape it. Our City holds a key position  
109 in the region. We must be a driving force in issues of regional importance and play  
110 a leading role in the growth occurring on the Western Slope. We will do this by setting an  
111 example of how local government should operate – in our conduct, in our words, and in  
112 our ideas. The status quo will not satisfy us, nor will it work, as we continue to push  
113 ourselves outside of our comfort zone to be innovative leaders.”  
114

115 At its May 6, 2020 meeting the City Council considered the foregoing Recitals, the purposes of  
116 this Ordinance and the importance of it to the Community and determined that an appropriation  
117 in the sum of \$300,000 is necessary and proper given the current emergency. The Ordinance  
118 was further considered on second reading and a public hearing held by the City Council on May  
119 20, 2020.

120  
121 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
122 **GRAND JUNCTION, COLORADO:**

123  
124 That the following sum of money be appropriated from unappropriated fund balance and  
125 additional revenues, to the Fund, for the year ending December 31, 2020, from and expended by  
126 and through the General Fund for the purposes provided in the ordinance as follows:  
127

128  
129 Fund Name Fund # Appropriation  
130 General 100 \$300,000.00  
131

132 Severability.  
133

134 This Ordinance is necessary to protect the public health, safety and welfare of the residents of the  
135 City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding  
136 shall only invalidate that part or portion found to violate the law. All other provisions shall be  
137 deemed severed or severable and shall continue in full force and effect.

138 INTRODUCED on first reading on the \_\_\_ day of May 2020 and ordered published.

139

140 ADOPTED on second reading this \_\_\_ day of May 2020.

141

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\_\_\_\_\_  
Duke Wortmann  
President of the Council

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147

148 ATTEST:

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\_\_\_\_\_  
Wanda Winkelmann

152 City Clerk

DRAFT



**Grand Junction City Council**

**Regular Session**

**Item #7.b.ii.**

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**Meeting Date:** May 20, 2020

**Presented By:** John Shaver, City Attorney

**Department:** City Attorney

**Submitted By:** John Shaver

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**Information**

**SUBJECT:**

A. An **Emergency** Ordinance Regarding Neighborhood Meetings and Alternative Hearing Procedures for Land Use Applications

- **OR IF NOT APPROVED** -

B. Introduction of an Ordinance Regarding Neighborhood Meetings and Alternative Hearing Procedures for Land Use Applications and Set a Public Hearing for June 3, 2020

**RECOMMENDATION:**

Staff recommends adoption of the ordinance.

**EXECUTIVE SUMMARY:**

The purpose of this item is to amend the Zoning and Development Code to permit 1) neighborhood meetings to be conducted virtually and 2) alternative hearing procedures for quasi-judicial hearings.

**BACKGROUND OR DETAILED INFORMATION:**

Due to the incidence of COVID-19 in the general public, the designation of pandemic by the World Health Organization, the Declaration of a Disaster Emergency by Governor Polis on March 10, 2020, and a National Emergency by President Trump on March 13, 2020, together with the Public Health Orders (PHO's) issued by the Colorado Department of Public Health and Environment and Executive Orders (EO's) issued by Governor Polis, all of which established guidelines, policies and restrictions

necessary for the health and safety of the residents of Colorado, the City declared a Local Emergency (Declaration.) With that Declaration, certain City regulations have been temporarily implemented, amended and adjusted in order to respond to the emergency. Those temporary regulations included but were not limited to prescribing procedures for the conduct of City business and controlling the occupancy of certain premises. The City's Declaration expires May 6, 2020.

On April 26, 2020 Governor Polis issued Executive Order 2020-044 and the Colorado Department of Public Health and Environment issued Public Health Order 20-28 also known as the "Safer at Home Order" which among other things continues to limit social interactions (except as required to conduct Necessary Activities) and travel (except that deemed to be Essential Travel) all as defined by the EO's and PHO's. In addition, Executive Order 2020-44 prohibits public gatherings in both public spaces and private venues of ten (10) persons or more. Executive Order 2020-044 is effective to and through May 26, 2020.

The virus, and the various PHO's, EO's and other directives and recommendations issued in response to the virus have resulted in the need for the Declaration and attendant modification of City business processes and procedures, including the City Council and the Planning Commission adopting electronic participation policies that allow the City to conduct City business remotely, and the development and implementation of techniques for citizens to view meetings and otherwise comment on agenda topics; however, Council and Commission meetings are not the exclusive means of public participation in City processes. For purposes of land use applications, Neighborhood Meeting and public hearings provide important opportunities for citizen engagement, dissemination of information, public participation and transparency.

By and with this Emergency Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to provide that Neighborhood Meetings may temporarily be conducted virtually. Furthermore, the GJMC is amended to allow and provide that quasi-judicial hearings before the Planning Commission and City Council may be heard and decided in accordance with the Alternative Hearing Procedure adopted with this Ordinance. The Alternative Procedure provides a means for conducting electronic dissemination of information and for alternative means of participation in public meetings. The ordinance provides these modifications temporarily to July 7, 2020.

Also with this Emergency Ordinance, City Council will declare that a special emergency exists and that this ordinance is necessary to ensure the preservation of the peace and the public health, safety and welfare by effectuating the Council's publicly purposes and policies, which are consistent with and supportive of those of the State of Colorado.

**FISCAL IMPACT:**

There is no direct fiscal impact from this action.

**SUGGESTED MOTION:**

I move to (adopt/deny) Emergency Ordinance No. 4923, an emergency ordinance to amend the Grand Junction Municipal Code regarding Neighborhood Meetings and to allow for alternative hearing procedures for Land Use Applications in the City Of Grand Junction, Colorado on final passage and order final publication in full. - OR -

I move to introduce Ordinance No. 4923, an ordinance to amend the Grand Junction Municipal Code regarding Neighborhood Meetings and to allow for alternative hearing procedures for Land Use Applications in the City Of Grand Junction, Colorado and set a public hearing for June 3, 2020.

**Attachments**

1. ORD-Emergency Ordinance Zoning Dev Code051220
2. ORD-ZDC Amendment05120



46 Furthermore, the GJMC is amended to allow and provide that quasi-judicial hearings  
47 before the Planning Commission and City Council may be heard and decided in  
48 accordance with the *Alternative Hearing Procedure* adopted with this Ordinance. The  
49 *Alternative Procedure* provides a means for conducting electronic dissemination of  
50 information and for alternative means of participation in public meetings. The *Alternative*  
51 *Hearing Procedure* is attached and incorporated by this reference as if fully set forth.

52  
53 Both the Colorado Constitution and the Fourteenth Amendment to the United States  
54 Constitution prohibit the government from depriving any person of life, liberty, or  
55 property without due process of law. In *Sundance Hills Homeowners Association v*  
56 *Board of County Commissioners*, the Colorado Supreme Court held that for a land use  
57 hearing the governing body must provide notice that minimally specifies the time, place,  
58 and subject matter of the public hearing, as well as the nature of the proposal being  
59 considered. In addition, the Court held that the hearing must afford affected parties the  
60 opportunity to appear before the decision-making body and be heard. The City's  
61 *Alternative Hearing Procedure* is enacted and will be applied in a manner that the City  
62 reasonably considers to comport with principles of Due Process and fundamental  
63 fairness; however, the City cannot not assure an applicant that the Alternative  
64 Procedure and any decision made under the Alternative Procedure, may not be  
65 challenged and/or be found to violate Due Process/Constitutional rights.

66  
67 At the May 20, 2020 meeting the City Council considered this Ordinance and  
68 determined that amendment of the Code is necessary given the current emergency and  
69 the City Council deems it necessary to immediately modify the Code as follows.

70  
71 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
72 **GRAND JUNCTION, COLORADO:**

73  
74 Titles 21.02.080(e) and (j) (in relevant part) of the Grand Junction Municipal Code are  
75 amended as follows (deletions ~~struck through~~; additions underlined):

76  
77 21.02.080(e)(2) Meeting Time and Procedure Location. The applicant must provide for  
78 a physical or virtual meeting room and must conduct the meeting. Meetings must be  
79 held on a weekday evening that is not a holiday beginning between 5:30 p.m. and 8:00  
80 p.m. ~~in a location that is and be accessible to the affected neighborhood. The Director~~  
81 ~~may approve other times and locations.~~ The meeting date, time and format location  
82 must be approved by the Director no less than 14 days in advance of the meeting date.  
83 ~~To qualify, A required Neighborhood Meeting must be held not more than 180 days~~  
84 before the application is submitted.

85  
86 (3) Meeting Content and Conduct. ~~At the meeting~~ The applicant shall present a  
87 concept plan, describe project impacts, describe ways to mitigate impacts, and facilitate  
88 a discussion and answer questions during the meeting. The concept plan shall, at a  
89 minimum, delineate access to the site; internal circulation, the range of density of the  
90 entire property or the maximum intensity (square footage and stories for all buildings).  
91 The meeting shall be conducted so that participants attendees have an opportunity to

92 ask questions and provide comments. ~~City staff should gather information and explain~~  
93 ~~the rules and requirements.~~ City staff shall provide information regarding the project's  
94 compliance with the Comprehensive Plan and any applicable adopted plan or  
95 ordinance. Included with the application submittal, the applicant must give the Director a  
96 written list of names and addresses of those given notice, how notice was provided, and  
97 those participating in the meeting attending, along with a written summary of the  
98 meeting including any public comment received. Should the meeting be conducted  
99 virtually, the applicant shall record the meeting and access to the recording shall be  
100 provided to the City.

101

102 (4) Notice. The applicant shall provide written notice of the date, time, place if an in  
103 person meeting is conducted or the web location/host, together with any and all  
104 information required to access the meeting if conducted virtually and subject of the  
105 meeting to every owner and group in the neighborhood, as well as the City Public  
106 Works and Community Development Department. The notice must be approved by the  
107 Director no less than 14 days in advance of the meeting date and shall be, at a  
108 minimum delivered by U.S. mail. The notice must be made hand-delivered or  
109 postmarked no later than 10 calendar days prior to the meeting date.

110

111 (j)(5) Additional Rules. The body conducting the hearing may adopt its rules of  
112 procedure to limit the number of applications, ~~for development approval~~ to be  
113 considered per meeting, ~~and to limit the time for each presentation or speaker~~ or as  
114 provided by this ordinance temporarily hear and decide quasi-judicial hearings in  
115 accordance with the Alternative Hearing Procedure, which are adopted by this reference  
116 and incorporated as if fully set forth.

117 City Council hereby declares that a special emergency exists and that this ordinance is  
118 necessary to ensure the preservation of the peace and the public health, safety and  
119 welfare by effectuating the Council's publicly purposes and policies, which are  
120 consistent with and supportive of those of the State of Colorado.

121

122 This Ordinance, immediately on its final passage, shall be recorded in the City book of  
123 ordinances kept for that purpose, authenticated by the signatures of the Mayor and the  
124 City Clerk. The full text of the amending ordinance, in accordance with the Charter of  
125 the City of Grand Junction, is to be published in full within three days.

126

127 This Ordinance shall apply to the City of Grand Junction. This Ordinance shall take  
128 effect immediately upon passage and with the unanimous approval of City Council.

129

130 Severability.

131

132 This Ordinance is necessary to protect the public health, safety and welfare of the  
133 residents of the City. If any provision of this Ordinance is found to be unconstitutional or  
134 illegal, such finding shall only invalidate that part or portion found to violate the law. All  
135 other provisions shall be deemed severed or severable and shall continue in full force  
136 and effect.

137

138 All other provisions of Title 3 of the Grand Junction Municipal Code shall remain in full  
139 force and effect.

140

141 Sunset.

142

143 Without further action by the City Council, the terms and provisions of this ordinance  
144 shall expire on the 61<sup>st</sup> day after the effective date hereof without subsequent action by  
145 the City Council.

146

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149

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President of the Council

150

151

152 ATTEST:

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Wanda Winkelmann

156 City Clerk



46 Furthermore, the GJMC is amended to allow and provide that quasi-judicial hearings  
47 before the Planning Commission and City Council may be heard and decided in  
48 accordance with the *Alternative Hearing Procedure* adopted with this Ordinance. The  
49 *Alternative Procedure* provides a means for conducting electronic dissemination of  
50 information and for alternative means of participation in public meetings. The *Alternative*  
51 *Hearing Procedure* is attached and incorporated by this reference as if fully set forth.

52  
53 Both the Colorado Constitution and the Fourteenth Amendment to the United States  
54 Constitution prohibit the government from depriving any person of life, liberty, or  
55 property without due process of law. In *Sundance Hills Homeowners Association v*  
56 *Board of County Commissioners*, the Colorado Supreme Court held that for a land use  
57 hearing the governing body must provide notice that minimally specifies the time, place,  
58 and subject matter of the public hearing, as well as the nature of the proposal being  
59 considered. In addition, the Court held that the hearing must afford affected parties the  
60 opportunity to appear before the decision-making body and be heard. The City's  
61 *Alternative Hearing Procedure* is enacted and will be applied in a manner that the City  
62 reasonably considers to comport with principles of Due Process and fundamental  
63 fairness; however, the City cannot not assure an applicant that the Alternative  
64 Procedure and any decision made under the Alternative Procedure, may not be  
65 challenged and/or be found to violate Due Process/Constitutional rights.

66  
67 At the May 20, 2020 meeting the City Council considered this Ordinance and  
68 determined that amendment of the Code is necessary given the current emergency and  
69 the City Council deems it necessary to modify the Code as follows.

70  
71 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
72 **GRAND JUNCTION, COLORADO:**

73  
74 Titles 21.02.080(e) and (j) (in relevant part) of the Grand Junction Municipal Code are  
75 amended as follows (deletions ~~struck through~~; additions underlined):

76  
77 21.02.080(e)(2) Meeting Time and Procedure Location. The applicant must provide for  
78 a physical or virtual meeting room and must conduct the meeting. Meetings must be  
79 held on a weekday evening that is not a holiday beginning between 5:30 p.m. and 8:00  
80 p.m. ~~in a location that is and be accessible to the affected neighborhood. The Director~~  
81 ~~may approve other times and locations.~~ The meeting date, time and format location  
82 must be approved by the Director no less than 14 days in advance of the meeting date.  
83 ~~To qualify, A required Neighborhood Meeting~~ must be held not more than 180 days  
84 before the application is submitted.

85  
86 (3) Meeting Content and Conduct. ~~At the meeting~~ The applicant shall present a  
87 concept plan, describe project impacts, describe ways to mitigate impacts, and facilitate  
88 a discussion and answer questions during the meeting. The concept plan shall, at a  
89 minimum, delineate access to the site; internal circulation, the range of density of the  
90 entire property or the maximum intensity (square footage and stories for all buildings).  
91 The meeting shall be conducted so that participants attendees have an opportunity to

92 ask questions and provide comments. ~~City staff should gather information and explain~~  
93 ~~the rules and requirements.~~ City staff shall provide information regarding the project's  
94 compliance with the Comprehensive Plan and any applicable adopted plan or  
95 ordinance. Included with the application submittal, the applicant must give the Director a  
96 written list of names and addresses of those given notice, how notice was provided, and  
97 those participating in the meeting attending, along with a written summary of the  
98 meeting including any public comment received. Should the meeting be conducted  
99 virtually, the applicant shall record the meeting and access to the recording shall be  
100 provided to the City.

101

102 (4) Notice. The applicant shall provide written notice of the date, time, place if an in  
103 person meeting is conducted or the web location/host, together with any and all  
104 information required to access the meeting if conducted virtually and subject of the  
105 meeting to every owner and group in the neighborhood, as well as the City Public  
106 Works and Community Development Department. The notice must be approved by the  
107 Director no less than 14 days in advance of the meeting date and shall be, at a  
108 minimum delivered by U.S. mail. The notice must be made hand-delivered or  
109 postmarked no later than 10 calendar days prior to the meeting date.

110

111 (j)(5) Additional Rules. The body conducting the hearing may adopt its rules of  
112 procedure to limit the number of applications, ~~for development approval~~ to be  
113 considered per meeting, ~~and to limit the time for each presentation or speaker~~ or as  
114 provided by this ordinance temporarily hear and decide quasi-judicial hearings in  
115 accordance with the Alternative Hearing Procedure, which are adopted by this reference  
116 and incorporated as if fully set forth.

117 City Council hereby finds that this ordinance is necessary to ensure the preservation of  
118 the peace and the public health, safety and welfare by effectuating the Council's publicly  
119 purposes and policies, which are consistent with and supportive of those of the State of  
120 Colorado.

121

122 This Ordinance shall apply to the City of Grand Junction. This Ordinance shall take  
123 effect immediately upon passage and with the unanimous approval of City Council.

124

125 Severability.

126

127 This Ordinance is necessary to protect the public health, safety and welfare of the  
128 residents of the City. If any provision of this Ordinance is found to be unconstitutional or  
129 illegal, such finding shall only invalidate that part or portion found to violate the law. All  
130 other provisions shall be deemed severed or severable and shall continue in full force  
131 and effect.

132

133 All other provisions of Title 3 of the Grand Junction Municipal Code shall remain in full  
134 force and effect.

135

136

137 Sunset.

138

139 Without further action by the City Council, the terms and provisions of this ordinance  
140 shall expire on the 61<sup>st</sup> day after the effective date hereof without subsequent action by  
141 the City Council.

142

143 INTRODUCED on first reading on the 20th day of May 2020 and ordered published.

144

145 ADOPTED on second reading this \_\_\_\_ day of June 2020.

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\_\_\_\_\_  
Duke Wortmann  
President of the Council

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152 ATTEST:

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\_\_\_\_\_  
Wanda Winkelmann

156 City Clerk



## Grand Junction City Council

### Regular Session

Item #7.b.iii.

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**Meeting Date:** May 20, 2020

**Presented By:** Lance Gloss, Associate Planner

**Department:** Community Development

**Submitted By:** Lance Gloss, Associate Planner

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### **Information**

#### **SUBJECT:**

An Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters - [Staff Presentation](#)

#### **RECOMMENDATION:**

Planning Commission heard this request at its April 28, 2020 meeting and voted (6-0) to recommended approval.

#### **EXECUTIVE SUMMARY:**

Staff is proposing amendments to sections of the Grand Junction Municipal Code (Code) Title 21 Zoning and Development Code to prohibit the keeping of roosters on properties of less than five (5) acres. Roosters are currently treated in the same way as all chickens by the Code, and are allowed on all properties subject to limits on quantity based on the acreage of a given property, and subject to other regulations in the Title 21 Zoning and Development Code and the Title 6 Municipal Code pertaining to Animals. Recognizing that noise-related nuisance complaints associated with roosters consistently arise in the City, and that the Code as currently written does not allow for effective enforcement of nuisance regulations in relation to roosters, staff is proposing to prohibit the keeping of roosters other than on large properties, i.e. lots of 5 acres or greater, consistent with the standards of the Residential – Rural (R-R) zone district. The ordinance, as proposed, allows sufficient time for the owners of chickens to identify the sex of possible roosters among fledgling chickens before coming into violation, and provides an amortization period of three months for the current owners of roosters.

## **BACKGROUND OR DETAILED INFORMATION:**

### **BACKGROUND**

Recently the City has received multiple complaints regarding roosters kept in an Orchard Mesa neighborhood. The complainants have requested that the City consider regulation and Staff has drafted and offers for Council's consideration the attached ordinance in response to those concerns. Typically, Code Enforcement receives five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience. The current Code does not regulate roosters specifically but does regulate chickens broadly. The attached draft ordinance contemplates prohibiting roosters in certain zone districts and implementing regulations of the number, time, cooping and duration of noise.

Currently, the Code does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 21.04.030(a)(3) addresses the keeping of agricultural animals, including the number that are allowed with the keeping of fowl being allowed as proscribed by certain housing conditions. For example, all fowl, including roosters., must be confined by a cage, fence, or coop that is at least 20 feet from the principal structure of any adjoining property and not located within the front and side yard setbacks. These strategies may not always be effective in preventing noise-related nuisance. Per GJMC 8.16.010(a), Code Enforcement officers may make a "prima facie determination as to whether such noise constitutes a public nuisance," but this may be difficult if there is no noise to observe. That is often the case, as the noise of a crowing rooster is generally confined to only a few times during the day, or may simply not occur at the exact time at which Code Enforcement officers are present at a property. This has produced scenarios in which Code Enforcement officers may have received a legitimate complaint regarding roosters but were unable to act.

Staff therefore recommends a code amendment, consistent with the approaches taken by other municipalities, to improve the capacity of Code Enforcement officers to address nuisance generated by roosters. It is not atypical for a municipality to regulate roosters specifically. Other jurisdictions take a variety of positions on the keeping of fowl, particularly on how to address roosters. Those include: 1) overall prohibition of roosters; 2) prohibition of roosters in specific zoning districts with some "grandfathering" by date or pre-dating regulation for a number of months or years from the passage of an ordinance to a date by which a rooster(s) may no longer be lawfully kept; 3) allowing a certain number of roosters in certain districts (primarily agricultural districts); and 4) allowance of a certain number of roosters in certain districts with time, cooping and duration of noise restrictions.

As with any animal regulation, biological considerations specific to the animal involved also have a bearing upon the array of solutions available to the municipal government. A mature chicken, or *Gallus gallus domesticus*, is referred to as a rooster if male and as a hen if female. The sex of a chicken (hen or rooster) can generally be identified by eight weeks of age or earlier, depending on the method used to determine sex. Sex-specific characteristics continue to develop through the eighth month of a chicken's life cycle, with the roosters exhibiting fully developed spurs on their legs by eight months. The crowing behavior of roosters, which is the primary factor related to nuisance caused by roosters, begins in earnest at four to five months of age. At as early as three months of age, roosters can be observed "practicing" their crowing behavior, producing loud noises that sound more or less like the mature crow.

It is also possible, in a minority of cases, for a hen in a group of chickens without a rooster to engage in crowing behavior, and to exhibit other male sex-specific traits related to that hen's dominant position in the group. It is therefore possible that nuisance related to crowing could be generated by a hen, and that a prohibition on roosters on small properties would not necessarily eliminate the problem of chickens that crow. However, for the practical purposes of eliminating the vast majority of crowing-related noise nuisance, staff recommends that the ordinance be limited to roosters. This is because, while prohibiting "chickens that crow" would include the eventuality of a crowing hen, it would limit the capacity of Code Enforcement officers to address the presence of evidently mature roosters that can be reasonably assumed to crow. Therefore, the Ordinance proposed by staff to resolve this matter would prohibit roosters only, with roosters defined as male chickens aged three months or older.

Staff recognizes that enforcement of this regulation would largely be complaint-driven, and that Code Enforcement officers would not be expected to actively seek out properties that may be in violation for the keeping of roosters. Should a complaint arise, this ordinance would provide Code Enforcement with the tools required to stop an ongoing nuisance generated by a crowing rooster.

### **NOTIFICATION REQUIREMENTS**

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on March 17, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

### **RECOMMENDATION AND FINDINGS OF FACT**

The Planning Commission found that the proposed amendments to the Zoning and Development Code are useful in that they improve the capacity of Code Enforcement officers to address nuisances and ensure for the health, safety, and welfare of the general population.

### **FISCAL IMPACT:**

This land use action does not have any direct fiscal impact.

### **SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4926, an ordinance amending Section 21.04.030 of the Grand Junction Municipal Code pertaining to animal regulations by implementing restrictions on the keeping of roosters on final passage and order final publication in pamphlet form.

### **Attachments**

1. Public Comment - Roosters
2. Proposed Ordinance

## Lance Gloss

---

**From:** Erin and Tom Chapman <tchap4@msn.com>  
**Sent:** Saturday, April 25, 2020 11:20 PM  
**To:** Lance Gloss  
**Subject:** RE: Zoning Code Amendment - Roosters

**\*\* - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - \*\***

Hello Lance,

Yes, I would like to add a comment that I am in favor of amending the ordinance implementing restrictions on the keeping of roosters.

Thank you,  
Erin Chapman  
2539 Applewood Place, GJ 81506

Sent from [Mail](#) for Windows 10

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**From:** [Lance Gloss](#)  
**Sent:** Thursday, April 23, 2020 2:25 PM  
**To:** [tchap4@msn.com](mailto:tchap4@msn.com)  
**Subject:** RE: Zoning Code Amendment - Roosters

Hello Erin,

Thank you for inquiring about the Roosters proposal. I'm the planner presenting the proposal at the upcoming hearings. Just to clarify on the timing for each hearing, that proposal is on the Planning Commission agenda for April 28, and would go to Council for first reading on May 6 and final hearing on May 20. Planning Commission will hear the item before City Council does because this is a proposal to change the Zoning and Development section of the Municipal Code.

In terms of what the requested amendment is, I am attaching the current draft Ordinance for you to see exactly the scope and language being proposed.

A brief overview: You are right that roosters are currently allowed on all properties in City limits, regardless of the size of the property. The number of roosters one can keep is currently the same as the total number of fowl that can be kept, which is 15 per acre for any property, or a total of 6 on all properties less than a half acre in size. That ratio would continue to apply to all other fowl and small animals (e.g. rabbits), but roosters would have an additional regulation. If this Ordinance is approved, roosters would not be allowed on properties smaller than 5 acres, meaning that only the large, potentially agricultural properties would be allowed to keep roosters. For reference, the typical property in the Cortland Ave area is less than a quarter of an acre in size, and the church property at Cortland and 27 ½ is about 8 acres. This would go into effect on September 1, 2020 if passed.

Like most City Codes, this would be enforced on a complaint basis. Only if our Code Enforcement received a complaint about a rooster, they would enforce it based on this regulation (if passed). In the past our Code Enforcement officers

have received numerous rooster-related complaints and have had difficulties enforcing the noise ordinance for various reasons, not least of which that it can be hard to catch a rooster in the act of crowing.

Let me know if you have any questions, or if you have any comments that you would like to be added to the public record before this goes to hearing.

Best,  
Lance

**Lance Gloss**

Associate Planner  
City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81501  
(970) 244-1422

Due to the Governor's Stay at Home order, City Hall will be closed to the public until further notice. I will be available by email and phone during regular work hours.

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**From:** Erin and Tom Chapman <[tchap4@msn.com](mailto:tchap4@msn.com)>  
**Sent:** Wednesday, April 22, 2020 20:59  
**To:** comdev <[comdev@gjcity.org](mailto:comdev@gjcity.org)>  
**Subject:** Zoning Code Amendment

**\*\* - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - \*\***

Hello,

There is an item on the Council agenda for April 28, 2020 regarding:  
Zoning Code Amendment - Roosters Prohibition on Small Properties

Can you tell me what the requested amendment is? From what I can tell from current code, roosters are allowed for a half acre or less. Would it change the code to disallow roosters for this size property, or is it something else?

Thank you,  
Erin Chapman  
City Resident

Sent from [Mail](#) for Windows 10

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 21.04.030 OF THE GRAND JUNCTION  
CODE OF ORDINANCES PERTAINING TO ANIMAL REGULATIONS BY  
IMPLEMENTING RESTRICTIONS ON THE KEEPING OF ROOSTERS.**

**RECITALS:**

Each year, the Code Enforcement Division of the Grand Junction Police Department responds to multiple noise complaints from roosters. The complainants typically report roosters crowing during all hours of the day and night, which can be a significant nuisance and disruption for those experiencing crowing.

To address this issue of nuisance and disruption, as well as to promulgate regulations that may assist in roosters and their neighborhoods peacefully co-existing, the City hereby provides regulations allowing for roosters to reside on properties best suited for agricultural types of use and to allow for existing roosters to reside on other properties for a period extending to July 1, 2021.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION THAT:**

Chapter 21.04 Section 030 shall be revised as follows (additions are underlined and deletions marked with ~~strike through~~ notations):

(a) Animal Regulations.

(3) Agricultural Animals (see Definitions).

(i) The CSR, R-R, R-E, R-1 and R-2 districts shall not have more than one large agricultural animal per one-quarter acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl except roosters (e.g., chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this subsection.

(ii) In all other districts, a maximum of one-large agricultural animal (e.g., horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.

(iii) Roosters, of any breed, are prohibited in all districts except on properties of at least five acres. A rooster shall be defined as any adult male domestic chicken which is three months of age or older.

(iii) (iv) Agricultural animals shall be subject to the following provisions:

(A) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet from any residential structure on another property. For

the purposes of this section, the first in time shall be the first in right. Written permission, if the animal were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.

(B) No person shall keep, house, or shelter one or more pigs in any zone district other than R-R unless such person has obtained a conditional use permit in accordance with the provisions of GJMC 21.02.110.

(C) Small animals (e.g. chickens and rabbits) which are kept outside the residence, shall be confined by a fence, cage, or pen, or coop so as to be no closer than 20 feet from a principal residential structure on an adjoining property. A maximum of six adult animals shall be allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre. Roosters are allowed only on parcels of 5 or more acres.

(D) In the R-R zone district, the number of agricultural animals and small animals (including roosters) allowed under this subsection may be exceeded with a conditional use permit (see GJMC 21.02.110). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

(E) Property owners or residents currently maintaining roosters on property less than 5 acres in size shall be allowed to keep the existing rooster(s) until September 1, 2020.

**ALL OTHER PROVISIONS OF CHAPTER 21.04 SECTION 030 SHALL REMAIN IN FULL FORCE AND EFFECT.**

Introduced on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_ 2019 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
J. Merrick Taggart  
Mayor

\_\_\_\_\_  
Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #7.b.iv.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

An Ordinance Amending Title 21 of the Grand Junction Municipal Code to Modify and Clarify Provisions Governing the Planned Development (PD) Zone District - [Staff Presentation](#)

#### **RECOMMENDATION:**

Planning Commission heard this item at its April 14, 2020 meeting and voted (7-0) to recommend approval of the request.

#### **EXECUTIVE SUMMARY:**

The Community Development Director is proposing amendments to sections of the Grand Junction Municipal Code Title 21 Zoning and Development Code to modify and clarify provisions governing the Planned Development (PD) zone district. The amendments address deviation to standards allowed within a PD zone district and the schedule and validity of an approved Outline Development Plan (ODP).

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

In an effort to keep the Zoning and Development Code current and relevant, staff is proposing modifications to clarify provisions governing the Planned Development (PD) zone district and process. The Planning Commission discussed these topics at its December 19, 2019 and March 5, 2020 workshops and directed staff to proceed with the proposed changes.

Presently, there are two sections of the Code that address the process and regulations

for property that is or is proposed to be zoned Planned Development: Section 21.02.150 and Chapter 5 of Title 21. This is cause for confusion for both development applicants and staff in the interpretation of the regulations as there are some provisions in the two sections that are not consistent in their requirements. Further, the current PD standards provide limitation in a PD unique to the City that may have the effect of limiting desired flexibility as well as reasonable expectations for the development (especially larger ones) to be completed.

Upon completion and adoption of the 2020 Comprehensive Plan, Staff will recommend that Title 21 be amended in its entirety to conform with and implement the vision, goals and policies of the new Plan. However, in the meantime, there are three specific elements of the PD regulations that Staff recommends be addressed at this time that will alleviate the most pressing issues that have been encountered: 1) provide additional flexibility in deviations allowed within a PD zone district; 2) clarify the phasing schedule of the PD process; and 3) clarify what is to occur if there is a lapse of a PD zone.

### **Broaden Ability to Deviate from Other Bulk Standards**

Sections 21.05.010 and 21.05.020 speak to default standards established for a Planned Development (PD). The existing language in the Code is below. As stated, deviations from any of the default standards within Chapter 21.03 may be approved but the referenced section is only pertinent to bulk standards of an underlying zone district such as setbacks, lot size and lot dimensions. Staff believes that, in order to meet the purpose of the PD and achieve goals of the Comprehensive Plan, deviations to other sections of the Code may also be relevant to consider for deviations/flexibility desired in a proposed development. Other similar bulk standards can be found elsewhere in the Code. For example, in order to achieve some of the desired goals for density/intensity as well as provide open space and protect hillsides and/or steep slopes within a PD, deviations to other bulk standards can be considered.

#### **21.05.010 Purpose**

The planned development (PD) zone applies to mixed use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter 21.03 GJMC. Planned development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. The Director shall determine whether substantial community benefits will be derived.

#### **21.05.020 Default standards.**

The use, bulk, development, improvement and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter 21.03 GJMC. In a planned development context, those standards shall be referred to as default standards or default zone. The Director shall determine whether the character

of the proposed planned development is consistent with the default zone upon which the planned development is based. Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance. The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.

To allow for this flexibility in the ability to deviate from other bulk standards in the Code, staff is recommending clarification in both Section 21.05.010 and 21.05.020 to reference not just deviations from the default zone district bulk standards but to reference such standards otherwise contained in the Code. Staff is recommending that the Planning Commission have the ability to recommend that the City Council deviate from such standards, subject to the overall purpose and criteria for establishment of a PD.

### **Clarify Phasing Schedule**

The approval criteria for a PD zone and an Outline Development Plan as stated in Section 21.02.150(b) of the Code shown below includes language regarding the development schedule as well as a second subsection regarding validity. The two sections are redundant and neither of them specifically allow for a development schedule to be established contrary to that of the overall Zoning and Development Code which has a maximum time limit to complete a project within 10 years. As the City is considering larger developments, it is not unlikely that a schedule may be proposed for a PD that is beyond 10 years. Thus, staff is recommending that the Validity section be amended to add a qualification that, for a PD, a development schedule may be proposed that is not subject to other terms of validity found in the Code.

#### **(b) Outline Development Plan (ODP).**

##### **(4) Additional Application and Review Procedures.**

(i) **Simultaneous Review of Other Plans.** An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the preapplication conference.

(ii) **Density/Intensity.** Density/intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval.

(iii) **Validity.** The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.

(iv) **Required Subsequent Approvals.** Following approval of an ODP, a subsequent

final development plan approval shall be required before any development activity occurs.

### **Clarify Lapse of Plan and Rezone**

The existing Section 21.02.150 below addressing what is to occur if a Planned Development zoning and plan lapse is ambiguous and problematic in its interpretation. Staff is recommending new language in order to clarify this section of the Code.

(f) Lapse of Plan and Rezone. If a planned development, or any portion thereof, has not been completed in accordance with the approved development schedule, a “lapse” shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. If lapse occurs, the property shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Director shall record an appropriate legal notice. The Director may initiate, without owner consent, a zoning change on a lapsed PD to another zone district.

### **ANALYSIS**

In accordance with Section 21.02.140(c), a proposed Code amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

### **NOTIFICATION REQUIREMENTS**

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on April 7, 2020 in the Grand Junction Daily Sentinel.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the City of Grand Junction Zoning and Development Code amendment request, ZCA-2020-127, the following findings of fact have been made:

1) The amendments to the Zoning and Development Code are useful in that they modernize the Code, remove unnecessary regulations, and refine processes to provide regulations that assist in logical and orderly development.

Therefore, the Planning Commission recommends approval of the request.

### **FISCAL IMPACT:**

There is no direct fiscal impact related to this request.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4927, an ordinance to amend Title 21 of the Grand Junction Municipal Code to modify and clarify Planned Development (PD) Zone Regulations on final passage and order final publication in pamphlet form.

**Attachments**

1. Planning Commission Minutes - 2020 - April 14 - Draft
2. Public Comments Received
3. Proposed PD Amendments Ordinance

**GRAND JUNCTION PLANNING COMMISSION**  
**April 14, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00pm by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Keith Ehlers, Andrew Teske, Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

The Planning Commission reviewed the meeting minutes from the February 25, 2020 and the April 9, 2020 meeting.

Commissioner Wade moved to approve the minutes as written. Commissioner Susuras seconded the motion.

The motion carried unanimously 7-0.

**2. 27 ½ Road Right-of-Way Vacation**

**File # ZCA-2019-459**

Consider a request by Eddy at Grand JCT, LLC to Vacate a 25-foot-wide by 400 lineal foot Portion of the undeveloped 27 ½ Road Public Right-of-Way (ROW) abutting the eastern property line of the property located at approximately 347 27 ½ Road.

**Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org)

**Questions for Staff**

**Go back into the recording and get the questions that were discussed.**

### **Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the Zoom meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment.

The public hearing was closed at 6:31 p.m. on April 14, 2020.

### **Discussion**

Commissioner Ehlers asked for clarification regarding the pedestrian easements.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chair, on the request for right of way vacation for an approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, City file number VAC-2019-459, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions (the trail easement that presently extends across the right-of-way condition) as listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade Yes  
Chairman Reece Yes

The motion carried 7-0.

### **3. Pinnacle Ridge Extension Request SUB-2015-120; SUB-2017-273**

Consider a request by Two R & D LLC, to extend for two additional years the approved Preliminary Plan and Filing 2 Plat for the Pinnacle Ridge Subdivision located East of Mariposa Drive near W. Ridges Blvd.

### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Commissioner Ehlers asked for clarification regarding the extension being allowed via the Code.

Commissioner Wade asked for clarification regarding the two-year extension.

### **Applicant's Presentation**

The Applicant's representative, Robert Jones II, Vortex Engineering, was virtually present in the Zoom meeting. Mr. Jones did not supply a presentation but was available for questions.

### **Questions for Applicant**

Commissioner Wade asked a question regarding the applicant's intention to complete filings 1 and 2.

Commissioner Susuras asked a question regarding the reason for the cancellation of...?

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

One additional comment that was received at 5:59 p.m. was read into the record by Tamra Allen at 6:50 p.m.

The public hearing was closed at 6:54 p.m. on April 14, 2020.

### **Questions for Applicant**

None.

### **Questions for Staff**

None.

### **Discussion**

Commissioner Wade made a comment regarding the request.

Commissioner Gatseos made a comment in support of the request.

Commissioner Ehlers made a comment in support of the request.

Commissioner Susuras made a comment in support of the request.

### **Motion and Vote**

Commissioner Gatseos made the following motion, “Madam Chairman, on the Pinnacle Ridge Subdivision request to amend the expiration dates of the approved Preliminary Plan and Filing 2 recording date, City file numbers SUB-2015-120 and SUB-2017-273, I move that the Planning Commission approve the requested two year extension for the Preliminary Plan until April 19, 2022 and a two year extension for Filing 2 until December 11, 2022.”

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

#### **4. Augustine Blue Rezone File # RZN-2020-110**

Consider a Request by Kyle Berger and Mark Beckner to Rezone Three Properties of a Total of 10.86 acres Currently in R-1 (Residential - 1 du/ac), R-E (Residential - Estate), and R-R (Residential - Rural) Zone Districts to an R-2 (Residential - 2 du/ac) Zone District located at 2574 and 2576 Tahoe Drive and an Adjacent Unaddressed Property.

Commissioner Teske recused himself from this item.

### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Chairman Reece asked a question regarding access to the property.

Commissioner Wade asked a question regarding Rooted Gypsy.

### **Applicant's Presentation**

The Applicant, Mark Beckner, did not submit a presentation but was present and available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional comment was submitted.

The public hearing was closed at 7:17 p.m. on April 14, 2020.

### **Discussion**

Commissioner Gatseos asked a question regarding

Commissioner Ehlers asked a question regarding rezone vs. subdivision.

### **Motion and Vote**

Commissioner Scissors made the following motion, "Madam Chairman, on the Rezone request RZN-2019-585, I move that the Planning Commission forward a recommendation of approval for the rezone of three parcels at 2576 Tahoe Drive, 2574 Tahoe Drive, and an adjacent unaddressed parcel from a R-E (Residential – Estate), R-R (Residential – Rural), and R-1 (Residential – 1 du/ac) zone district to a R-2 (Residential, 2 du/ac) zone district, with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece called a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Scissors YES  
Susuras YES  
Wade YES  
Reece YES

The motion carried 6-0.

## **5. The Riverfront at Dos Rios Rezone to PD and ODP **File # PLD-2020-121****

Consider a request by the City of Grand Junction for a Rezone/Amendment to the Planned Development (PD) zone district and Outline Development Plan (ODP) for the Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue.

### **Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Commissioner Reece asked a question regarding the location's special relationship to the Railyard.

Commissioner Ehlers asked a question why these were not included in the original plan.

Commissioner Reece asked a question regarding access.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:29 p.m. on April 14, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chairman, on the Rezone and Amendment to Planned Development (PD) with a BP (Business Park) default zone district and an Outline Development Plan for a mixed use development known as the Riverfront at Dos Rios, file number PLD-2020-121, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**6. Goose Down Right-of-Way Vacation**

**File # VAC-2020-51**

Consider a request by Terry DeHerrera to Vacate an approximate 30-foot wide by 675-foot long portion of 29 5/8 Road abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road.

**Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Commissioner Scissors asked a question regarding item 4 in the analysis, especially as it pertains to the safety aspect and the public comments that were received.

**Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the Zoom meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:43 p.m. on April 14, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Gatseos made the following motion, "Madam Chairman, on the request to Vacate an approximate 675 lineal foot portion of 29 5/8 Road, located at 359 29 5/8 Road, City file number VAC-2020-51, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Ehlers seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES

Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**7. Zoning Code Amendment – Planned Developments File # ZCA-2020-121**

Consider a Request by the City of Grand Junction to Amend Title 21 of the Grand Junction Municipal Code to modify and clarify provisions governing the Planned Development (PD) Zone District.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

None.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:50 p.m. on April 14, 2020.

**Discussion**

Chairman Reece and Commissioners Ehlers and Scissors stated their support for the proposed amendments

**Motion and Vote**

Commissioner Scissors made the following motion, “Madam Chair, on the Zoning and Development Code Amendments, ZCA-2020-121, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**8. Zoning Code Amendment – B-1 Setback Reduction File # ZCA-2020-172**

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding setbacks in the B-1: Neighborhood Business Zone District.

**Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Chairman Reece stated that this is an item the Planning Commission has workshopped and reviewed for the past few weeks.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:56 p.m. on April 14, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Wade made the following motion, “Madam Chair, on the B-1 setback reduction, City file number ZCA-2020-172, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**9. Other Business**

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None.

**10. Adjournment**

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The meeting was adjourned at 8:00 p.m.

DRAFT

# Grand Junction Speaks

## Published Comments for April 14, 2020 Planning Commission Meeting

### Zoning Code Amendment - Planned Developments

Ted Ciavonne- user of Hillside Regulations since the beginning. I support the proposed changes to allow a PD Zone to modify the existing regulations.

Briefly, the current regulations state that up to 10% slopes your lot sizes can be anything you want; 10% to 20% the lot size must be a minimum of 100' wide and 10,000 SF (or 100' x'100' minimum); 20% to 30% the lot size must be 200' wide and 15,000 SF (or 200' x 75'). There are a number of weaknesses, or unintended outcomes from these existing Hillside Regulations. The three biggest are:

- Forcing Product Type. When a minimum lot size is 100' by 100', the home size is very likely at least 3000 SF (ground floor); few, if any will be putting a 1400 to 2000 SF home on a lot this size ... and so you end up with a demographic that can afford \$500,000 homes. There is very little diversity of product; product type is dictated by code.

- Strict Interpretation of Hillside. The current code is strict with regards to slope. A 30% slope, which is approximately a 3 to 1 slope, is considered too steep to build on ... yet it is flat enough for a riding lawnmower to traverse ... it is not that steep. In most mountainous areas you cannot find real estate that is under 30%, and so homes are constructed on much steeper terrain. I do not know if this helps to visualize, but 30% (3 to 1) is about 13.5 degrees, and a 100% slope, which is a 1 to 1 slope, is 45 degrees. Building does occur on 100% slopes in mountainous areas.

- Strict Enforcement of Slope. So any size of lot can be on a 10% slope ... but at 10.01% the lot size must be 100' wide and 10,000 SF; and I can have a 10,000 SF lot all the way up to 20% slope ... but at 20.01 the lot must be 200 feet wide and at least 15,000 SF; and I can have this 15,000 SF lot all the way up to 30 % slope ... but at 30.01 I am not allowed to build. There might be some logic in something that ratcheted up, but strict cut-offs like these defy logic.

- Lot Width. On 10% to 20% slopes the lot size must be a minimum of 100' wide and 10,000 SF (or 100' x'100' minimum); on 20% to 30% the lot size must be 200' wide and 15,000 SF (or 200' x 75') ... who is going to plan for a 75' deep lot? Take off probably 20' front and 15' rear setbacks and you have 40 remaining for house depth, but with 10' side setbacks it can be 180 ' long. Is this practical, or desirable? And on a hillside you have just constructed a drainage nightmare.

Summary - It is all about drainage, as it should be. If I can get a modest 1400 SF home on a 40' to 50' wide lot that is 90' to 100' long, and do so on a 40% slope ... this should be acceptable IF I can show that the drainage works. And now I can have mixtures in product types, products that respond to economics, and a diversity of purchasers within a community. Furthermore, I can take an expanse of undulating grades and increase the

efficiency by sensibly (and sensitively) leveling the terrain.

Please approve allowing PD's to modify the current Hillside Regulations.

04/13/2020 6:37 pm

**Ted Ciavonne**  
222 N. 7th Street  
Grand Junction, 81501

Consider this an amendment to my first long winded Comment that focused on Hillside Regulations, the additional proposed changes to reduce conflicts in the code between PD's and other regulations; the allowances of changes to bulk standards, the ability to increase a Phasing Schedule ...all are valid changes being requested.

I support these changes as well.

04/14/2020 4:46 pm

**Ted Ciavonne**  
222 N. 7th Street  
Grand Junction, 81501

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE TO MODIFY AND CLARIFY PLANNED DEVELOPMENT (PD) ZONE REGULATIONS**

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

Following adoption of the 2020 Comprehensive Plan, Staff will recommend that Title 21 be amended in its entirety to conform with and implement the vision, goals and policies of the new Plan. In the meantime, there are two elements of the PD regulations that the City Staff recommended the Planning Commission and City Council modify in order to alleviate clarity and applicability problems encountered by the development community in application submittals and the City staff in processing those applications. The amendments will: 1) define which elements of a planned development must conform with the City code and which can be established by the review and approval of a planned development and ; 2) establish how a development schedule/phasing for a planned development project is approved, modified after approved, and enforced and 3) clarify what occurs in the event of a lapse of a PD zone.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to the planned development zone standards and requirements implement the vision and goals of the Comprehensive Plan provided in this Ordinance are responsive to the community's desires, encourage orderly development of real property in the City and otherwise advance and protect the public health, safety and welfare of the City and its residents.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) BE AMENDED AS FOLLOWS (new text underlined, deleted text strikethrough):**

**21.05.010 Purpose.** (in relevant part)

The planned development (PD) zone applies to mixed use or unique single-use projects where design flexibility is desired and is not available through application of the

standards established in Chapter 21.03, Chapter 21.06 and Chapter 21.07 of the GJMC. Planned development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan will be achieved. The Director shall determine whether substantial community benefits can and will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to: ...

**21.05.020 Default standards.**

The use, bulk/dimensional standards, lot size and development, improvement and other standards for each planned development shall be derived from the underlying zoning of the project property. Zone specific standards are defined in Chapter 21.03, GJMC.

In a planned development context, the standards derived from the underlying zoning shall be referred to as *default standards* or *default zone*. The Director shall determine whether the character of the proposed planned development is consistent with the *default zone* upon which the planned development is based. ~~Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance.~~ Project specific development standards, including those that may deviate from the default zone, may be approved only as provided in this chapter and if approved shall be explicitly stated in the zoning/rezoning ordinance approving the proposed planned development project. Each standard of the default zone shall apply unless project specific standards are established by the PD zoning ordinance. The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.

**Section 21.02.150:**

**21.02.150 Planned development (PD).**

- (a) Purpose. The purpose is as provided in Section 21.05.010 of the Code.
- (1) Applicability. An outline development plan is required for any PD. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At ODP, zoning for the entire property or for each “pod” designated for development on the plan is established.

Through this process, the general pattern of development is established with a range of densities, an appropriate set of standards for the entire property or for each development pod/area to be developed, and an appropriate phasing or development schedule for the entire property or for each development pod/area to be developed will

be assigned to individual “pods” which will be the subject of future, more detailed planning.

(iii) Validity. The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval. The ODP/phasing schedule shall not be subject to any other validity section(s) of the Code.

### **Section 21.02.150.**

#### **(f) Lapse of Plan and Rezone.**

(i)      If a planned development, or any portion thereof, has not been completed in accordance with the approved development schedule, a “lapse” shall be deemed to have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void.

(ii)      If lapse occurs, then either (a) or (b) shall occur:

(a) Within 30 days of the lapse, the property owner may initiate a rezone by filing an application for rezone pursuant to §21.02.140. Should an application not be received within 30 days of the lapse, the Director shall provide written notice to the property owner of the intent to rezone the property. Mailed notice shall be sent to the address included in the development application and to the property owner available in the County Assessor’s record. The Director shall initiate the rezone without consent of the property owner if the property owner fails to submit an application for rezone within 45 days of mailed notice.

(b) Within 30 days of lapse, the property owner shall submit an application for an Outline Development Plan for the property pursuant to §21.01.150(b).

~~shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Director shall record an appropriate legal notice. The Director may initiate, without owner consent, a zoning change on a lapsed PD to another zone district.~~

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



## Grand Junction City Council

### Regular Session

Item #7.c.i.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

An Ordinance to Amending the Planned Development (PD) Zoning and Outline Development Plan (ODP) for Riverfront at Dos Rios, Located on the Northeast Bank of the Colorado River between Hale Avenue and near the 5th Street/Highway 50 Viaduct - [Staff Presentation](#)

#### **RECOMMENDATION:**

Planning Commission heard this request at its April 14, 2020 and voted (7-0) to recommend approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, the City of Grand Junction, requests approval of an amended Planned Development (PD) zoning ordinance and Outline Development Plan (ODP) to add approximately 8.4 acres of property to the Riverfront at Dos Rios Planned Development and add an access point off the Riverside Parkway. In April 2019, the City approved Ordinance 4898 including the ODP that established the uses, standards and general configuration of the proposed Riverfront at Dos Rios mixed use development on approximately 58.8 acres, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue. Since that time, the City has acquired adjacent properties. In addition, there is a remnant parcel on the east side of Riverside Parkway also owned by the City. The City is requesting inclusion of the properties in the PD and ODP. These properties are specifically located at 2600 Riverside Parkway; 603 Lawrence Avenue; 201, 205, 211 and 219 Hale Avenue; and 201 and 206 Lila Avenue.

#### **BACKGROUND OR DETAILED INFORMATION:**

## **BACKGROUND**

The City acquired the approximately 60-acre area now known as the Riverfront at Dos Rios from the Jarvis family in 1990. The property is located on the northeast bank of the Colorado River between the Highway 50/railroad bridge and the Riverside neighborhood. Since that time, the property has been cleared, the Riverfront Trail extended, and a backwater pond for endangered fish was created between the trail and River. The developable acreage was purchased with the intent of future redevelopment and the City has started constructing the infrastructure within the development.

The approved ODP is intended to create a riverfront commercial/mixed use center with one point of access to Riverside Parkway and two points of access onto Hale Avenue. Development pods are identified for specific types of uses, including approximately 17 acres for parks and open space, 9.8 acres for Light Industrial/Commercial, 10.5 acres of mixed use and 4.1 acres of mixed use/outdoor recreation. The property within the development, excluding the open space, has been offered for sale and one parcel has already transferred to a private party. There is also .9 acres of leasable space along the riverfront. The remainder of the 58.8 acres includes the public elements that were shown on the original ODP such as street rights-of-way and common parking areas.

The addition of the properties recently purchased by the City and the remnant property on the east side of the Riverside Parkway will add approximately 2.4 acres of Mixed-Use area (MU-6) and 6 acres of Light Industrial/Commercial area (an addition to LI/C-1 and new LI/C-6) to the development. All of the properties to be added to the PD/ODP are presently zoned I-O (Industrial Office).

The revised ODP also proposes elimination of the common parking area that was to be developed by the City. Instead, this approximately .5-acre area on the original ODP will be absorbed in area MU-3. This will give the developer more acreage for mixed uses and the flexibility to place off-street parking in other locations than as shown on the original ODP.

The ODP also defined the major street access points on Hale Avenue and the Riverside Parkway. The existing ODP shows one access from the Parkway which has already been constructed. In speaking with potential developers, it has been recommended that a second access on the Parkway be provided to better serve the overall development. Thus, the revised ODP proposes a second access road between the Hale Avenue and the existing access points.

In addition to the land use areas and street network, the approved ODP established specific performance standards that the development will be required to meet and conform with, as authorized by Section 21.02.150 (b) of the Zoning and Development Code. The standards were all included in the original PD zoning ordinance and are not proposed to be revised.

Section 21.02.150 of the Zoning and Development Code (Code) sets the purpose of a Planned Development (PD) to apply to mixed use or unique single use projects to provide design flexibility. The Code provides Planned Development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved.

### **Floodplain and Drainage:**

Much of the property is located within the regulated 100-year floodplain of the Colorado River and a small area directly adjacent to the riverbank is within the floodway. The City will retain ownership of the area within the Floodway to be used as open space and recreational area. Property within the 100-year floodplain will be developed in accordance with the Flood Hazard regulations found in section 21.07.010 of the Zoning and Development Code. Stormwater management will be provided as a part of the overall development of the project.

### **Establishment of Uses:**

The original ODP established four general categories of land use types including Light Industrial/Commercial (LI/C), Mixed Use (MU), Mixed Use/Outdoor Recreation (MU/OR) and Parks and Recreation (PR). The original PD zoning ordinance established the specific land uses allowed in each of the categories. The only proposed revision to the uses with the addition of these properties is to add the following to be allowed in the LI/C area on the east side of Riverside Parkway (Area LI/C 4 on the revised ODP):

- Research Testing and Lab Facilities – Indoors Including Marijuana Testing Facilities
- Mini Warehouse

### **Default Zone and Deviations:**

The default zone for the original and the amended ODP is BP (Business Park). No change is proposed to the default zone district for the PD/ODP.

### **Architectural Standards:**

Architectural standards were adopted with the original PD/ODP that require all structures within Riverfront at Dos Rios be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development. There are no changes to the standards proposed.

### **NOTIFICATION REQUIREMENTS**

As required by Section 21.02.080(e) of the Zoning and Development Code, a Neighborhood Meeting was held on March 9, 2020 for the proposed Amended PD/ODP. Ten people attended the meeting along with City Staff. Questions concerned clarification of new properties to be included in the ODP, the land uses and types of

housing proposed, the definition of a PD and the construction schedule for the infrastructure. There were no objections noted to the Dos Rios development plans.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the application submittal in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property and the subject property was posted with an application sign on March 9, 2020. The notice of this public hearing was published April 7, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

Pursuant to Section 21.02.150 (b) of the Grand Junction Zoning and Development Code, requests for an Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The property has a Future Land Use designation of Business Park Mixed Use (BPMU) and Park along the banks of the Colorado River. The BPMU designation allows for business, light industrial, employment-oriented areas with the allowance of multi-family development and the existing as well as proposed amendment to the PD and ODP best implement the intent of the mixed use for this unique property and proposed development. The land used proposed for the development is consistent with the land use designation in the types of uses proposed. Also, the area designated as Park will be preserved as open space. Therefore, the proposed amended ODP is consistent with the Future Land Use Map of the Comprehensive Plan.

The Grand Valley Circulation Plan identifies Riverside Parkway as a Principal Arterial. The limited access proposed is consistent with standards for access to an arterial. The Riverfront Trail, as identified on the Active Transportation Corridors map, will remain through the length of the property.

Further, the amendment to the PD/ODP request is consistent with the following goals and/or policies of the Comprehensive Plan by providing a mixed-use development conveniently located to services and the preservation of 27% of the site as open space.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the number of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air and freight movement while protecting air, water and natural resources.

Policy D: A trails master plan will identify trail corridors linking neighborhoods with the Colorado River, Downtown, Village Centers and Neighborhood Centers and other desired public attractions.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.

Policy B: Preserve areas of scenic and/or natural beauty and, where possible, include these areas in a permanent open space system.

As proposed, the application is in conformance with the Grand Junction Comprehensive Plan and Circulation Plan.

b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code as follows.

(1) Subsequent events have invalidated the original premises and findings; and/or

The City has approved a PD zone district and ODP for the Riverfront at Dos Rios property which surrounds the parcels proposed to be added to the development. The ODP envisions a mixed-use center with development pods identified for specific types of uses, including parks and open space, light industrial/commercial, mixed use/outdoor recreation and mixed use. The City is now proposing to rezone the additional properties that are presently zoned I-O (Industrial Office) to PD and include them in the ODP to better define the type and mix of uses for the various development pods and establish specific performance standards.

The adoption of the existing ODP for the mixed-use conceptual plan that included specific performance standards to establish a cohesive character for the Riverfront at Dos Rios is a subsequent event that has invalidated the original premises of the I-O zoning. Therefore, Staff finds this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The Riverfront at Dos Rios is a proposed extension of the Riverfront at Las Colonias development on to the east of 5th Street/Highway 50. The community investment in Las Colonias Park has resulted in the completion of the park facilities surrounding the Botanic Gardens and the amphitheater. Work is continuing to complete the Las Colonias Business Park that is transforming that area into a vibrant center of activity. The same is intended with the Dos Rios development. The PD/ODP that assigns a mixed-use category of land use along Hale Avenue will provide a better transition from this new type of development to the existing Riverside Neighborhood than the I-O zoning of these properties would otherwise provide. Staff finds that the character and/or condition of the riverfront area has changed such that this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Existing public and community facilities and services are available to the properties and are sufficient to serve the proposed mixed-use development. City Water is available to the property and will be extended into the site, as is sanitary sewer. The property can also be served by Xcel Energy electric and natural gas. The property is near the Downtown area, which provides many commercial services. In addition, the existing street network including the Riverside Parkway and Hale Avenue and enhancement of the riverfront trail through the development will provide adequate multimodal transportation infrastructure. Parks and open space exist in the vicinity and will be expanded and enhanced with the Riverfront at Dos Rios.

The public and community facilities are adequate to serve the type and scope of the mixed-use development; therefore, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The Riverfront at Dos Rios is an infill development project. The City is requesting an amendment to the plan to develop the property as a Planned Development (PD) to better define the types of uses allowed and to establish specific performance standards. Because PD is a zone category based on specific design and is applied on a case-by-case basis, staff finds this criterion is not applicable to this request, and, therefore has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from

the proposed amendment.

The proposed density and intensity are consistent with the Business Park Mixed Use land use category and the Planned Development allows for the further refinement of the type of desired and compatible uses within this area. The uses will address and capture the importance of the river front location as well as the proximity to the Riverside neighborhood that a I-O zone district would not. Should the development be constructed in full and/or in part, the City will derive benefit from the resulting development that addresses the site-specific assets of the area.

Further, the area will derive benefits from the zoning of PD (Planned Development) by providing more effective and efficient infrastructure, reducing traffic demands by providing the opportunity for live, work and play in one area and access to the Riverfront Trail system, providing 17 acres of open space that preserves and protects the banks of the Colorado River, and developing a bicycle playground as a recreational amenity.

Staff, therefore, finds this criterion has been met.

c) The planned development requirements of Section 21.05 of the Zoning and Development Code;

As per Section 21.05.040(f), Development Standards, exceptions may be allowed for setbacks in accordance with this section.

(1) Setback Standards. (i) Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that buildings can be safely designed and that the design is compatible with the lesser setbacks, (ii) reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space, (iii) reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural areas. For maximum flexibility in the design of this site, the approved ODP included a reduction in the setbacks to those consistent with the B-2 (Downtown Business) zone district, which is the type of development that is proposed in Dos Rios. No further change to the approved setbacks is proposed with this amendment and all of the proposed development is internal to the property and is not directly adjacent to any other private development.

(2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

Approximately 15.8 acres of open space will be provided, which is 27% of the area, exceeding the Code requirement for residential projects to provide 10% of the land

area in open space.

(3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

Fencing and/or screening will comply with Section 21.04.040(i) of the Code and standards approved with the original ODP that address materials, height and quality of fencing. The standards are not proposed to change with this amendment to the ODP.

(4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC 21.06.040.

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail. Specific standards were included in the approval of the ODP which are not proposed to change.

(5) Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.

Streets within Riverfront at Dos Rios shall be constructed, and access controlled as to allow and encourage on-street parking on both sides of the street that will provide approximately 280 spaces. In addition, it is anticipated that, as each site is developed, parking will be provided as applicable per the PD design standards. There will also be a number of uses within the development that will be able to share parking due to overlapping hours of operation and demand. Additional standards, including the modification to the code not requiring off-site parking, were included in the approval of the ODP are not proposed to change with this amendment.

(6) Street Development Standards. Streets, alleys and easements shall be designed and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.

The design and construction of streets, alleys and easements within the Dos Rios development will meet Code requirements.

d) The applicable corridor guidelines and other overlay districts (Section 21.02.150(b)(2)(iv)).

There are no corridor guidelines or overlay district that are applicable for this development.

e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development (Section 21.02.150(b)(2)(v)).

Existing public and community facilities and services are available to the property and are sufficient to serve the proposed mixed-use development. City Water is available to the property and will be extended into the site, as is sanitary sewer. The property can also be served by Xcel Energy electric and natural gas. The property is in close proximity to the Downtown area, which provides a number of commercial services.

f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed (Section 21.02.150(b)(2)(vi)).

The proposed project will have two access points onto Riverside Parkway, one at the existing Hale Avenue and one approximately 1,000 feet to the south on Dos Rios Drive. In addition, there will be two access points onto Hale Avenue at Lawrence Avenue and Rockaway Avenue. The proposed access points provide adequate circulation and meet or exceed all code provisions for connectivity.

g) Appropriate screening and buffering of adjacent property and uses shall be provided (Section 21.02.150(b)(2)(vii)).

No landscaping/screening buffer is required between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas which shall be screened from adjacent residential uses as follows:

- Service entrances, loading areas and dumpster areas shall be oriented in the rear or side yard only so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use.
- Where allowed as accessory to a primary land use or structure, outdoor storage shall be located on a site where least visible from a public right-of-way or Riverfront Trail.
- If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h). Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

h) An appropriate range of density for the entire property or for each development pod/area to be developed (Section 21.02.150(b)(2)(viii)).

The ODP proposes residential density of 12 units per acre as a minimum and no maximum density.

i) An appropriate set of “default” or minimum standards for the entire property or for

each development pod/area to be developed.

For maximum flexibility in the design of this site, the Applicant is requesting a reduction in the front yard setback from 15 feet to 0 feet-10 feet for principal structures and from 25 feet to 10 feet for accessory structures; a reduction in the rear yard setback from 10 feet to 0 feet for principal structures and from 25 feet to 5 feet for accessory structures; and a reduction in the side yard setback from 15 feet to 3 feet for accessory structures. The proposed reduced setbacks are similar to those allowed in the B-2 Downtown Business zone district, which is the type of development that is proposed. All of the proposed development is internal to the property and is not directly adjacent to any other private development. Staff has found these standards that exist for the adopted PD/ODP are appropriate for the amended PD/ODP and are not proposed to be changed with this amendment.

j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed (Section 21.02.150(b)(2)(x)).

Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n).

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the City of Grand Junction request to Amend the Planned Development (PD) Zoning and Outline Development Plan (ODP) for Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Hale Avenue and near the 5th Street/Highway 50 viaduct the following findings of fact have been made:

1. The request conforms with Section 21.02.150 (b) (2) of the Zoning and Development Code.

Therefore, the Planning Commission recommends approval of the request.

### **FISCAL IMPACT:**

There is no direct fiscal impact related to the request.

### **SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4928, an ordinance amending and replacing Ordinance 4849 to rezone to Planned Development (PD) and an Outline Development Plan (ODP) for the Riverfront at Dos Rios located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue on final passage and order final publication in pamphlet form.

### **Attachments**

1. Riverfront at Dos Rios Maps
2. Neighborhood Meeting Information
3. Public Comment Received
4. Planning Commission Minutes - 2020 - April 14 - Draft
5. Original Riverfront at Dos Rios PD Ordinance No. 4849 - 2019
6. Amended Dos Rios PD ODP Ordinance

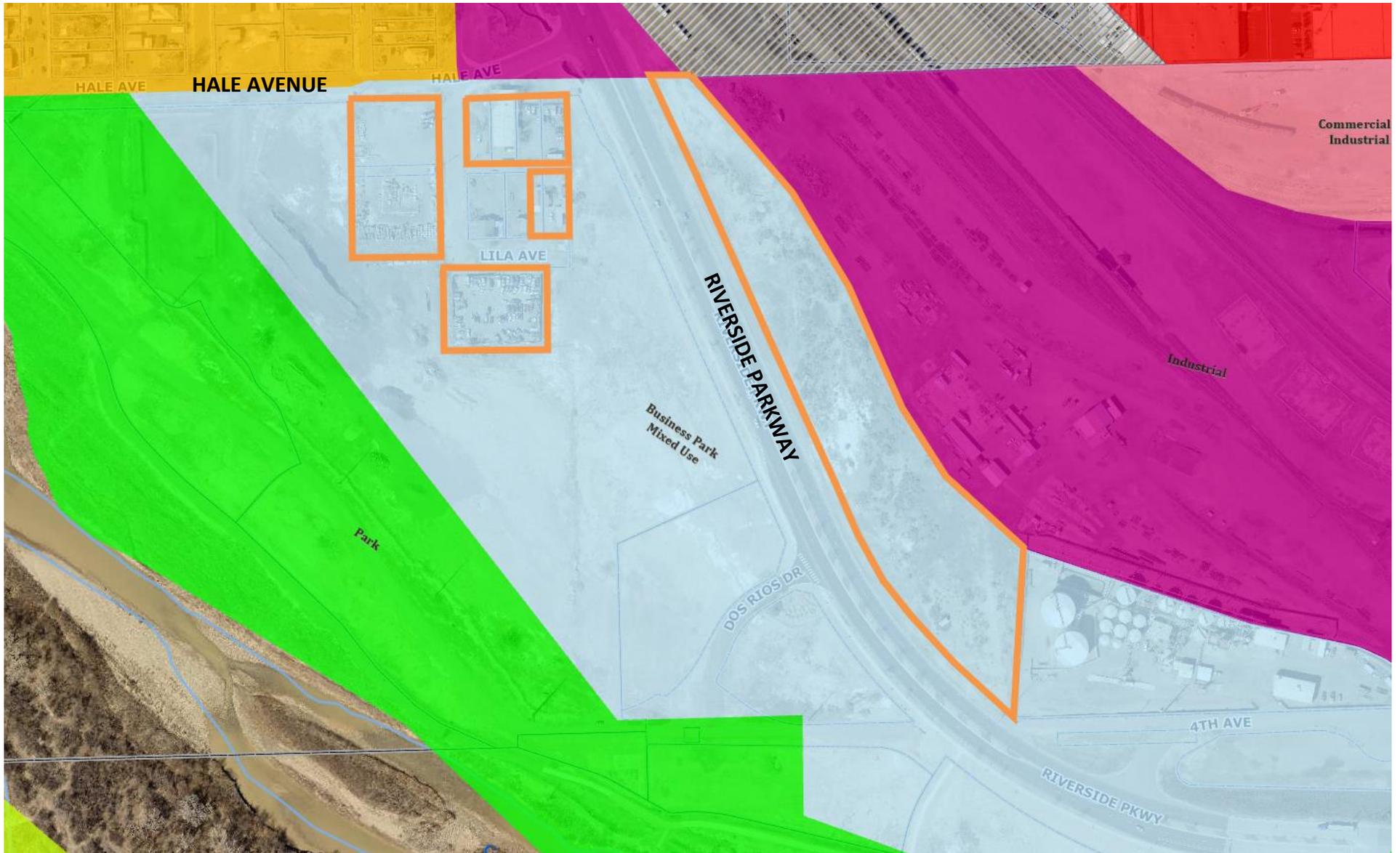
# RIVERFRONT AT DOS RIOS PD AMENDMENT

BLUE AREAS – PARCELS TO BE ADDED

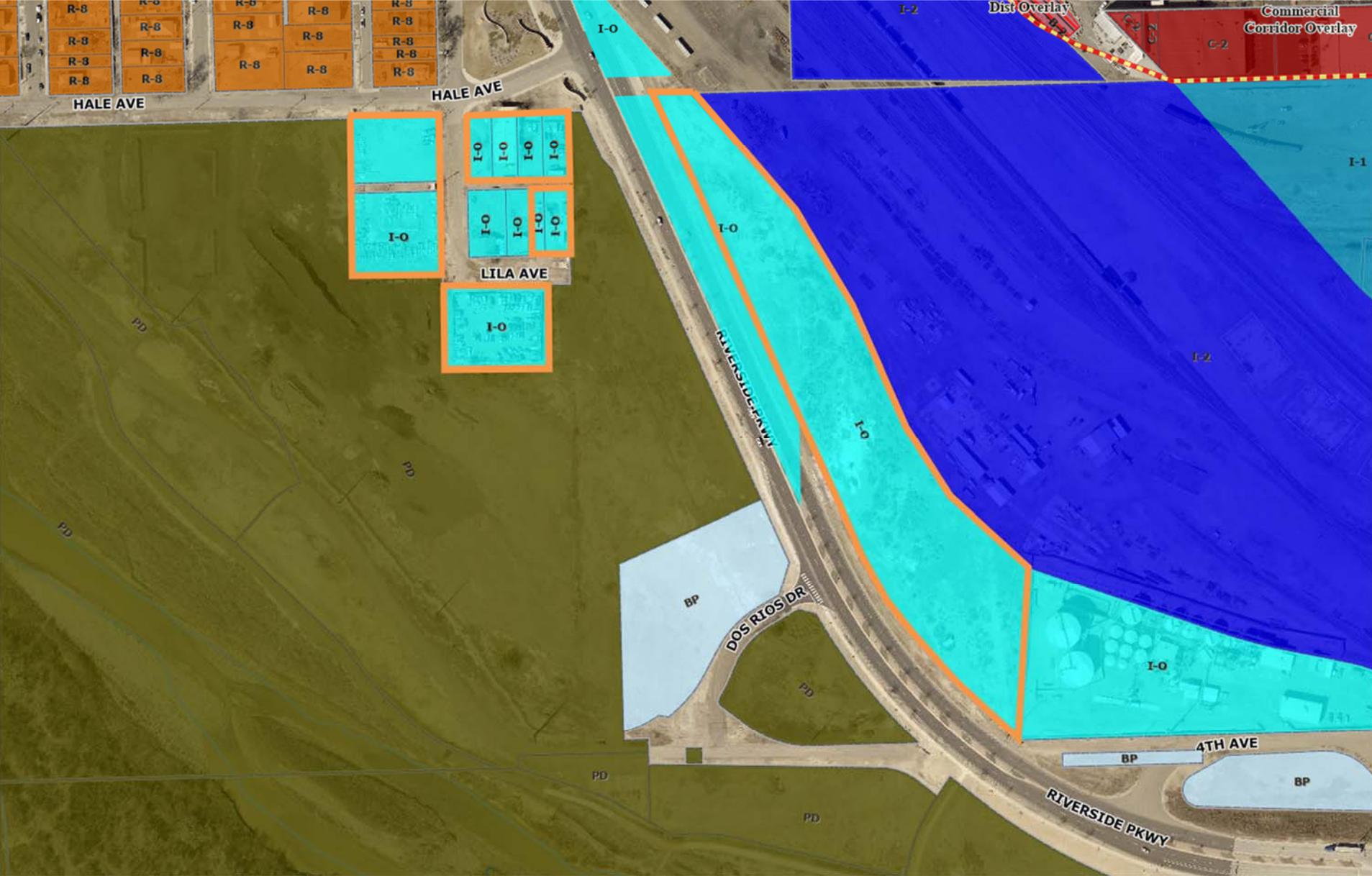
RED OUTLINE – EXISTING PD



# RIVERFRONT AT DOS RIOS – PARCELS TO BE ADDED TO PD/ODP – FUTURE LAND USE MAP



RIVERFRONT AT DOS RIOS – PARCELS TO BE ADDED TO PD/ODP – EXISTING ZONING MAP





Adjacent Property Owners  
VIA U.S. Mail

February 27, 2020

RE: Amendment to Riverfront at Dos Rios Planned Development (PD)

Dear Property Owner:

The City of Grand Junction would like to amend the previously approved Planned Development for the Riverfront at Dos Rios. The amendment includes adding approximately 3.3 acres of property to the PD and previously approved Outline Development Plan (ODP), including the properties at 603 Lawrence Avenue; 201, 205, 211 and 219 Hale Avenue; and 206 Lila Avenue. Consistent with the previously approved PD, the 3.3 acres would be allowed to be utilized for a mix of uses ranging from residential to light industrial.

A Neighborhood Meeting will be held at the Dual Immersion Academy in the Cafeteria, located at 552 West Main Street in the Riverside Neighborhood. The meeting is scheduled for Monday, March 9, 2020 from 6:00 to 7:00 pm.

The Neighborhood Meeting is held to allow the neighborhood an opportunity to review the proposed plan, answer questions and to provide information about the review and decision-making process. Representatives from the City of Grand Junction will be at the meeting to discuss the proposed amendment to this Planned Development and Outline Development Plan.

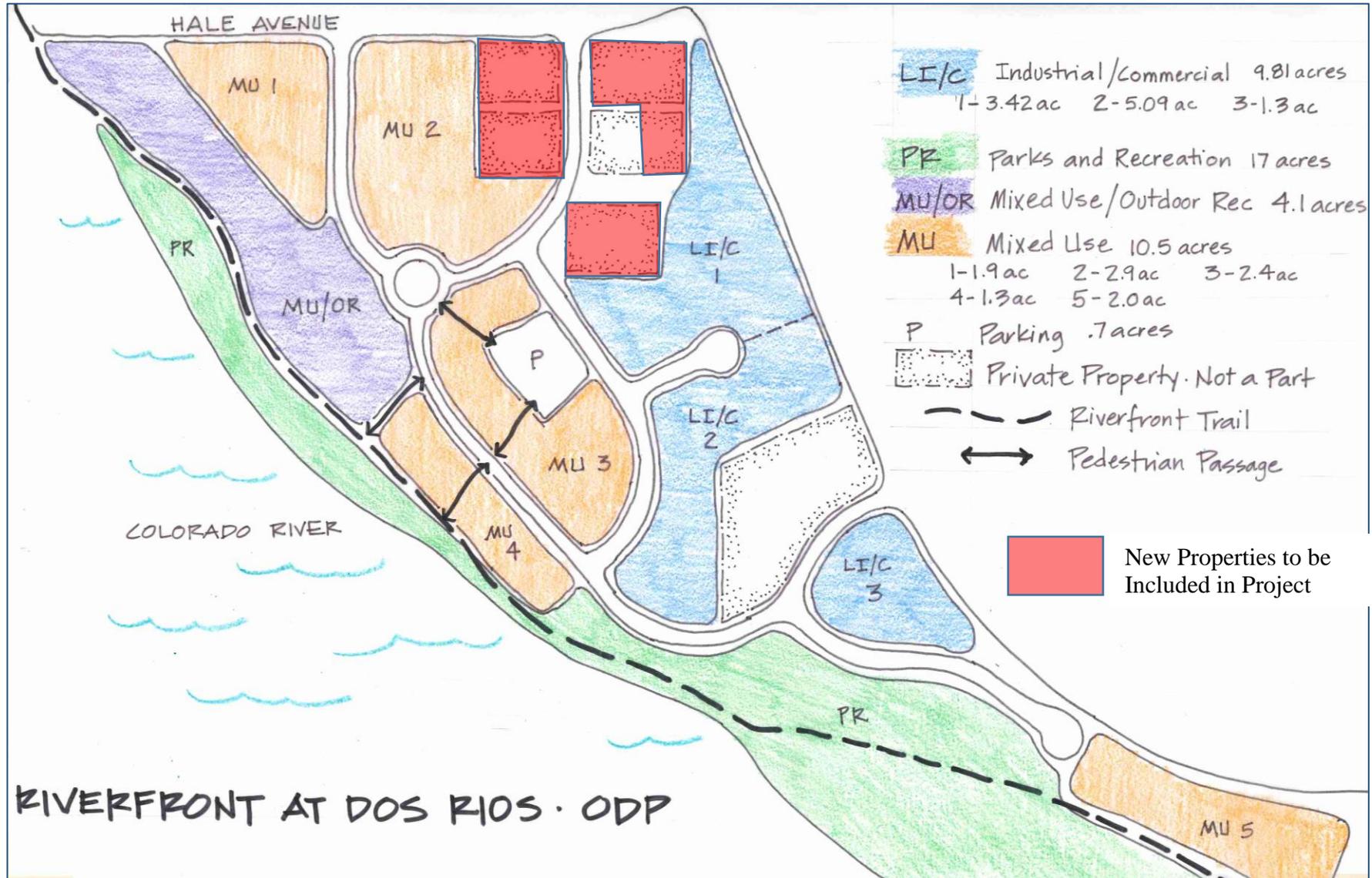
Please do not hesitate to contact me at 970-244-1491 or [kristena@gjcity.org](mailto:kristena@gjcity.org) if you have any questions about the Riverfront at Dos Rios project or the upcoming meeting.

Sincerely,

A handwritten signature in blue ink that reads "Kristen Ashbeck".

Kristen Ashbeck, AICP  
Principal Planner

RIVERFRONT AT DOS RIOS - EXISTING OUTLINE DEVELOPMENT PLAN





Community Development Department

# RIVERFRONT AT DOS RIOS PLANNED DEVELOPMENT AMENDMENT NEIGHBORHOOD MEETING 3/9/2020 – PLEASE SIGN IN

10

NAME	ADDRESS	PHONE	EMAIL
Eudora L Mary <sup>moffin</sup>	523 Rockaway Ave	970-243-4398	
CINDY ENOS-MARTINEZ	408-C WEST COLO AVE	970-270-6962	cindy.enosmartinez@yahoo.com
Reona Beltran	645 West Colo Ave	970-201-2614	reona71@gmail.com
Ana Beltran	324 Fairview Ave	(970) 270-3890	CincosLC@gmail.com
Alberto Ibarra / Andrea Robles	431 Rockaway Ave	(970) 433-3804	andreaarobles5051@gmail.com

Jen Taylor

Greg

Trent

Kris

**Riverfront at Dos Rios PD/ODP Amendment**  
**Neighborhood Meeting – March 9, 2020 6:00-7:00 pm**  
**Duel Immersion Academy Cafeteria**

City Staff in Attendance: Greg Caton, City Manager; Trent Prall, Public Works Director; Kristen Ashbeck, Principal Planner

There were 10 citizens in attendance. Topics of discussion and questions:

- Clarification of new properties to be included in the plan
- Definition of a Planned Development
- Clarification of land uses / type of housing
- Infrastructure construction schedule
- Cross section of Hale Avenue
- Bridge over Railroad ROW / Downtown connection
- Overview of Proposed El Jets Cantina and Sky Outpost
- Concerns with increase in property taxes within Riverside Neighborhood due to adjacent new development

Grand Junction Speaks  
Published Comments for April 14, 2020 Planning  
Commission Meeting  
The Riverfront as Dos Rios PD and ODP Amendment

You have my vote on this I look forward to see all the development that is going to happen in all that area improvement is always good.

04/14/2020 11:12 am

**Mary Morfin**  
523 Rockaway  
Grand Junction, 81501

**GRAND JUNCTION PLANNING COMMISSION**  
**April 14, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00pm by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Keith Ehlers, Andrew Teske, Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

The Planning Commission reviewed the meeting minutes from the February 25, 2020 and the April 9, 2020 meeting.

Commissioner Wade moved to approve the minutes as written. Commissioner Susuras seconded the motion.

The motion carried unanimously 7-0.

**2. 27 ½ Road Right-of-Way Vacation **File # ZCA-2019-459****

Consider a request by Eddy at Grand JCT, LLC to Vacate a 25-foot-wide by 400 lineal foot Portion of the undeveloped 27 ½ Road Public Right-of-Way (ROW) abutting the eastern property line of the property located at approximately 347 27 ½ Road.

**Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org)

**Questions for Staff**

**Go back into the recording and get the questions that were discussed.**

### **Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the Zoom meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment.

The public hearing was closed at 6:31 p.m. on April 14, 2020.

### **Discussion**

Commissioner Ehlers asked for clarification regarding the pedestrian easements.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chair, on the request for right of way vacation for an approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, City file number VAC-2019-459, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions (the trail easement that presently extends across the right-of-way condition) as listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade Yes  
Chairman Reece Yes

The motion carried 7-0.

### **3. Pinnacle Ridge Extension Request SUB-2015-120; SUB-2017-273**

Consider a request by Two R & D LLC, to extend for two additional years the approved Preliminary Plan and Filing 2 Plat for the Pinnacle Ridge Subdivision located East of Mariposa Drive near W. Ridges Blvd.

### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Commissioner Ehlers asked for clarification regarding the extension being allowed via the Code.

Commissioner Wade asked for clarification regarding the two-year extension.

### **Applicant's Presentation**

The Applicant's representative, Robert Jones II, Vortex Engineering, was virtually present in the Zoom meeting. Mr. Jones did not supply a presentation but was available for questions.

### **Questions for Applicant**

Commissioner Wade asked a question regarding the applicant's intention to complete filings 1 and 2.

Commissioner Susuras asked a question regarding the reason for the cancellation of...?

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

One additional comment that was received at 5:59 p.m. was read into the record by Tamra Allen at 6:50 p.m.

The public hearing was closed at 6:54 p.m. on April 14, 2020.

### **Questions for Applicant**

None.

### **Questions for Staff**

None.

### **Discussion**

Commissioner Wade made a comment regarding the request.

Commissioner Gatseos made a comment in support of the request.

Commissioner Ehlers made a comment in support of the request.

Commissioner Susuras made a comment in support of the request.

### **Motion and Vote**

Commissioner Gatseos made the following motion, “Madam Chairman, on the Pinnacle Ridge Subdivision request to amend the expiration dates of the approved Preliminary Plan and Filing 2 recording date, City file numbers SUB-2015-120 and SUB-2017-273, I move that the Planning Commission approve the requested two year extension for the Preliminary Plan until April 19, 2022 and a two year extension for Filing 2 until December 11, 2022.”

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

#### **4. Augustine Blue Rezone File # RZN-2020-110**

Consider a Request by Kyle Berger and Mark Beckner to Rezone Three Properties of a Total of 10.86 acres Currently in R-1 (Residential - 1 du/ac), R-E (Residential - Estate), and R-R (Residential - Rural) Zone Districts to an R-2 (Residential - 2 du/ac) Zone District located at 2574 and 2576 Tahoe Drive and an Adjacent Unaddressed Property.

Commissioner Teske recused himself from this item.

### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Chairman Reece asked a question regarding access to the property.

Commissioner Wade asked a question regarding Rooted Gypsy.

### **Applicant's Presentation**

The Applicant, Mark Beckner, did not submit a presentation but was present and available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional comment was submitted.

The public hearing was closed at 7:17 p.m. on April 14, 2020.

### **Discussion**

Commissioner Gatseos asked a question regarding

Commissioner Ehlers asked a question regarding rezone vs. subdivision.

### **Motion and Vote**

Commissioner Scissors made the following motion, "Madam Chairman, on the Rezone request RZN-2019-585, I move that the Planning Commission forward a recommendation of approval for the rezone of three parcels at 2576 Tahoe Drive, 2574 Tahoe Drive, and an adjacent unaddressed parcel from a R-E (Residential – Estate), R-R (Residential – Rural), and R-1 (Residential – 1 du/ac) zone district to a R-2 (Residential, 2 du/ac) zone district, with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece called a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Scissors YES  
Susuras YES  
Wade YES  
Reece YES

The motion carried 6-0.

## **5. The Riverfront at Dos Rios Rezone to PD and ODP **File # PLD-2020-121****

Consider a request by the City of Grand Junction for a Rezone/Amendment to the Planned Development (PD) zone district and Outline Development Plan (ODP) for the Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue.

### **Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Commissioner Reece asked a question regarding the location's special relationship to the Railyard.

Commissioner Ehlers asked a question why these were not included in the original plan.

Commissioner Reece asked a question regarding access.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:29 p.m. on April 14, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chairman, on the Rezone and Amendment to Planned Development (PD) with a BP (Business Park) default zone district and an Outline Development Plan for a mixed use development known as the Riverfront at Dos Rios, file number PLD-2020-121, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**6. Goose Down Right-of-Way Vacation**

**File # VAC-2020-51**

Consider a request by Terry DeHerrera to Vacate an approximate 30-foot wide by 675-foot long portion of 29 5/8 Road abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road.

**Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Commissioner Scissors asked a question regarding item 4 in the analysis, especially as it pertains to the safety aspect and the public comments that were received.

**Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the Zoom meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:43 p.m. on April 14, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Gatseos made the following motion, "Madam Chairman, on the request to Vacate an approximate 675 lineal foot portion of 29 5/8 Road, located at 359 29 5/8 Road, City file number VAC-2020-51, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Ehlers seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES

Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**7. Zoning Code Amendment – Planned Developments File # ZCA-2020-121**

Consider a Request by the City of Grand Junction to Amend Title 21 of the Grand Junction Municipal Code to modify and clarify provisions governing the Planned Development (PD) Zone District.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

None.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:50 p.m. on April 14, 2020.

**Discussion**

Chairman Reece and Commissioners Ehlers and Scissors stated their support for the proposed amendments

**Motion and Vote**

Commissioner Scissors made the following motion, “Madam Chair, on the Zoning and Development Code Amendments, ZCA-2020-121, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**8. Zoning Code Amendment – B-1 Setback Reduction File # ZCA-2020-172**

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding setbacks in the B-1: Neighborhood Business Zone District.

**Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Chairman Reece stated that this is an item the Planning Commission has workshopped and reviewed for the past few weeks.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org). Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No additional public comment was received.

The public hearing was closed at 7:56 p.m. on April 14, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Wade made the following motion, “Madam Chair, on the B-1 setback reduction, City file number ZCA-2020-172, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

**9. Other Business**

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None.

**10. Adjournment**

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The meeting was adjourned at 8:00 p.m.

DRAFT

**CITY OF GRAND JUNCTION, COLORADO  
ORDINANCE 4849**

**AN ORDINANCE APPROVING A REZONE TO PLANNED DEVELOPMENT (PD)  
AND AN OUTLINE DEVELOPMENT PLAN (ODP) FOR  
THE RIVERFRONT AT DOS RIOS**

**LOCATED ON THE NORTHEAST BANK OF THE COLORADO RIVER  
BETWEEN HIGHWAY 50 AND HALE AVENUE**

Recitals:

The requested Planned Development (PD) zoning and Outline Development Plan (ODP) will establish the uses, standards and general configuration of the proposed Riverfront at Dos Rios mixed use development on approximately 56.8 acres located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue. The request for the rezone and ODP have been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning of Business Park (BP), land uses and design standards and guidelines for the ODP for the Riverfront at Dos Rios.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed ODP and determined that the ODP satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed ODP has achieved "long-term community benefits" by effective infrastructure design; providing for ongoing and enhanced recreational opportunities; protection and/or preservation of natural resources, habitat areas and natural features; and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

A. This Ordinance applies to the following described properties and depicted in Exhibit A:

ALL of Lots 3, 4, 5, 6, 7 and that portion of Lot 9 lying East of the East edge of water for the Colorado River, Jarvis Subdivision Filing One, as same is recorded with Reception Number 2790938, TOGETHER WITH, Lot 13 of Jarvis Subdivision Filing Three, as same is recorded with Reception Number 2834555, all in the Public Records of Mesa County, Colorado, including all public rights of way within said Jarvis Subdivisions Filings One and Three.

CONTAINING 56.8 Acres, more or less, as described.

B. The Riverfront at Dos Rios Outline Development Plan (Exhibit B) is approved with the Findings of Fact and Conclusions listed in the Staff Report, including attachments and exhibits.

C. Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n).

D. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the BP Zoning District.

E. The default zone shall be BP with the following deviations to the dimensional standards. Additions/revisions noted in **red type**.

<b>Primary Uses</b>			
Employment, Light Manufacturing, Multifamily, <b>Retail</b> , Commercial Services			
<b>Lot</b>			
Area (min. acres)	± <b>No Minimum except .5 in LI/C</b>		
Width (min. ft.)	400 <b>25</b>		
Frontage (min. ft.)	n/a		
<b>Setback</b>	<b>Principal</b>		<b>Accessory</b>
Front (min. ft.)	45 <b>0-10*</b>		25 <b>10</b>
Side (min. ft.)	0		15 <b>3</b>
Side-abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10 <b>0</b>		25 <b>5</b>
<b>Bulk</b>			
Lot Coverage (max.)	n/a		
Height (max. ft.)	65 <b>except 40 feet in Mixed Use Area 4</b>		
Density (min.)	8 <b>12</b> units/acre		
Density (max.)	24 units/acre <b>No Max</b>		
Building Size (max. sf)	n/a		

\* Refer to the Architectural standards

F. The allowed land uses shall be assigned by areas as depicted on the Outline Development Plan (ODP) and summarized in the table below. Uses will be as defined

and shall be consistent with GJMC Codes and Standards as amended. A = Allowed; C = Conditional Use; Blank = Not Allowed

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
<b>ALLOWED LAND USE</b>				
Business Residence	A	A	A	
Multifamily	A			
Single Family Attached *	A			
Home Occupation	A	A	A	
Small Group Living Facility	A			
Large Group Living Facility	A			
Unlimited Group Living Facility	A			
Rooming/Boarding House	A			
Colleges and Universities	A	A		
Vocational, Technical and Trade Schools	A	A		
Community Activity Building	A	A	A	A
All Other Community Service	A	A	A	A
Museums, Art Galleries, Opera Houses, Libraries	A	A		
General Day Care	A	A		
Medical and Dental Clinics	A	A		
Counseling Centers (Nonresident)	A	A		
All Other Hospital/Clinic	C	A		
Physical and Mental Rehabilitation (Resident)	C			
Parks, Lakes, Reservoirs, Other Open Space	A	A	A	A
Religious Assembly	A	A	A	
Boarding Schools	A			
Elementary Schools	A			

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
<b>ALLOWED LAND USE</b>				
Secondary Schools	A			
Utility Service Facilities (Underground)	A	A	A	A
All Other Utility, Basic	A	A	A	A
Transmission Lines (Above Ground)	A	A	A	A
Transmission Lines (Underground)	A	A	A	A
All Other Utility Treatment, Production or Service Facility	C	C	C	C
<b>Entertainment Event, Major</b>				
Indoor Facilities	A	C		
Outdoor Facilities	C	C	C	C
Hotels and Motels	A	A	A	
Short-Term Rentals	A	A	A	
General Offices	A	A		
<b>Recreation and Entertainment, Outdoor</b>				
Campgrounds and Camps (nonprimitive)	A		A	
Resort Cabins and Lodges	A		A	
Amusement Park, Miniature Golf			A	
Campgrounds, Primitive				A
Swimming Pools, Community			A	
All Other Outdoor Recreation			A	A
<b>Recreation and Entertainment, Indoor</b>				
Health Club	A	A	A	
Movie Theater, Skating Rink, Arcade	A			
All Other Indoor Recreation	A			
Alcohol Sales, Retail	A			
Bar/Nightclub	A	A	A	
Animal Care/ Boarding/Sales, Indoor	A	A		

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
<b>ALLOWED LAND USE</b>				
Animal Care/ Boarding/Sales, Outdoor		A		
Food Service, Restaurant (Including Alcohol Sales)	A	A	A	
Farmers' Market	A	A	A	
General Retail Sales, Indoor Operations, Display and Storage	A	A	A	
Produce Stands	A	A	A	
Personal Services	A	A		
All Other Retail Sales and Services	A	A	A	
<b>Manufacturing Indoor Operations and Storage</b>				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
<b>Manufacturing Indoor Operations and Outdoor Storage</b>				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
<b>Telecommunications Facilities</b>				
Facilities on Wireless Master Plan Priority Site in Accordance with Wireless Master Plan Site-Specific Requirements	A	A	A	A
Temporary PWSF (e.g. COW)	A	A	A	A
Co-Location	A	A	A	A
Tower Replacement	A	A	A	A
Dual Purpose Facility	A	A	A	A
DAS and Small Cell Facilities	A	A	A	A
Base Station with Concealed Attached Antennas	A	A	A	A

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
Base Station with Non-Concealed Attached Antennas	C	C	C	C
Tower, Concealed	C	C	C	C
Bus/Commuter Stops	A	A	A	A

\* **Single Family Attached.** A one-family dwelling **attached** to one or more other one-family dwelling by common walls and located entirely on its own lot.

**G. DESIGN GUIDELINES AND STANDARDS FOR THE DOS RIOS PLANNED DEVELOPMENT**

**1. SITE DEVELOPMENT**

**A. Access**

In order to maximize the on-street parking available for residents, employees and customers of all properties within the development, site access to the public streets shall be minimized and shared to the greatest extent feasible.

**B. Parking**

Streets within Riverfront at Dos Rios shall be constructed and access controlled so as to allow and encourage on-street parking on both sides of the street. There will also be a common public parking lot located near the center of the development. Combined, there will be approximately 350 common parking spaces available for residents, employees, and customers of all properties within the development to utilize. In addition, it is anticipated that a number of uses within the development will be able to share parking due to overlapping hours of operation and demand.

1. Off-street parking for uses developed with the Riverfront at Dos Rios shall be minimized as much as feasible.

Mixed Use Areas 3 and 4: No Parking Requirement

All Other Areas: Provide 1 off-street parking space per residential unit and provide 25 percent of off-street parking as required by GJMC Section 21.06.050(c) for all other uses. An alternative parking plan may be provided

under 21.06.050(e)(e).

2. Off-street parking for multifamily or mixed use development shall not be located in the front yard setback. Parking shall be in the rear or side yards or that area which is less visible from public street rights-of-way or the Riverfront Trail.
3. Develop pedestrian links between the on-street sidewalk and building entrances and between parking areas and rear or side entrances or public access points.

### **C. Landscaping**

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail.

1. Street Frontage Landscaping. Within all land use areas, the owner shall provide and maintain a minimum 10-foot wide street frontage landscape area adjacent to the public right-of-way except no street frontage landscaping is required when the setback for a building is 10 feet or less.
2. Parking Lot Landscaping. Perimeter and interior landscaping of parking lots is required per GJMC Section 21.06.040(c).
3. All other areas on any site not used for building, storage, parking, walks, access roads, loading areas and other outdoor hardscape areas, including adjacent undeveloped right-of-way shall be suitably graded and drained, and planted and maintained with mulch, groundcover, flowers, trees and/or shrubs.
4. Landscaping/Screening Buffer. No landscaping/screening buffer is required between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas which shall be screened from adjacent residential uses.
5. Plant Material and Design. Xeric landscaping principles will be implemented. Vegetation must be suitable for the climate and soils of the Grand Valley. The Director may allow the use of any plant if sufficient information is provided to show suitability. Noxious weeds are not allowed. Size of plants at planting shall meet requirements of GJMC Section 21.06.040(b)(5).

### **D. Service Entrances, Loading and Dumpster Areas**

1. Service entrances, loading areas and dumpster areas shall be oriented in the rear or side yard only so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use.
2. Operation of loading areas shall not interfere with traffic circulation such as drive aisles, pedestrian areas and public streets unless outside of regular business hours.

3. Shared loading areas are encouraged among tenants of a building or with neighboring buildings.

#### **E. Outdoor Storage and Display**

1. Where allowed as accessory to a primary land use or structure, outdoor storage shall be located on a site where least visible from a public right-of-way or Riverfront Trail.

2. If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h). Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

3. Display area for portable retail merchandise (items that can be taken inside at the close of business) is allowed, provided it meets the requirements of GJMC Section 21.04.040(h)(3).

4. Location of permanent outdoor display areas shall be established with site plan approval.

#### **F. Fencing**

1. All fencing shall be made of either wood, vinyl, wrought iron or masonry wall materials. No chain link or wire fencing of any kind is allowed with the following exceptions: a) All development within the Light Industrial/Commercial areas; and b) a wire grid other than chain link may be set within a wooden or masonry frame in all areas.

2. Fencing on an individual site for purposes of enclosing a site is strongly discouraged however, it may be allowed for specific reasons such as public safety, protection of equipment and materials or for liquor license compliance. Fencing may be used to enclose an outdoor space (e.g. dining/patio) and shall be no taller than 42 inches (3.5 feet). If feasible, provide an opening in these enclosures if adjacent to the Riverfront Trail.

3. The maximum height of any fence in the Light Industrial/Commercial areas of the Riverfront at Dos Rios is 8 feet. Maximum height of all other fencing in the development is 6 feet unless an outdoor space enclosure as above.

4. Fences shall be kept in good repair and condition at all times. Maintenance of fencing shall be the responsibility of the property owner on the site upon which the fencing is located.

#### **G. Lighting**

1. All new land uses, structures, building additions, parking areas or other outdoor areas within the Riverfront at Dos Rios development shall meet the following lighting standards.

- a. No outdoor lights shall be mounted more than 35 feet above the ground. Lighting located near buildings and adjacent to sidewalks shall not exceed 12 feet in height.
  - b. All outdoor lights shall use full cutoff light fixtures except for pedestrian lighting under 3 feet in height (e.g. pathway lighting).
  - c. Outdoor lighting for mixed use and industrial areas are encouraged to be used only during business hours. Light fixtures on timers and/or sensor-activated lights are encouraged to minimize overall lighting on a site and within the development.
  - d. Architectural lighting shall not be used to draw attention to or advertise buildings or properties. Architectural lighting may be used to highlight specific architectural, artistic or pedestrian features with the intent of providing accent and interest or to help identify entryways.
2. A lighting plan shall be submitted for all parking lots that contain 30 spaces or more.
    - a. The lighting plan shall detail the location and specifications of all lighting to be provided on site. An ISO foot candle diagram shall also be provided to indicate the level and extent of proposed lighting.
    - b. Where nonresidential uses abut residential uses, the Director may require a lighting plan for lots that contain fewer than 30 parking spaces.
    - c. Lighting intensity shall meet the requirements of GJMC Section 21.06.080.

## **H. Signs**

1. Flush wall signs, projecting signs and monument signs shall be the only sign types allowed within the Riverfront at Dos Rios except roof-mounted signs may be allowed within the Mixed Use/Outdoor Recreation areas.
2. Monument signs shall be located no closer than 2 feet from the front property line.
3. Total sign area shall not exceed 25 square feet per street frontage in the Mixed Use Areas 1, 2 and 3 all Parks and Recreation areas. The maximum size for any sign in these areas is 25 square feet. An additional sign of up to 25 square feet in size may be placed on the Riverfront Trail side of properties within Mixed Use Area 4.
4. Total sign area shall not exceed 100 square feet per street frontage in the Mixed Use Outdoor Recreation and Light Industrial/Commercial areas. The maximum size for any sign in these areas is 50 square feet.
5. In all land use areas, the sign allowance for one street frontage may be transferred to a side of a building that has no street frontage but cannot be transferred to another street frontage.

6. In all land use areas, monument signs shall not exceed 8 feet in height.
7. Sign lighting, if desired, must only illuminate the sign face and shall not produce glare. Individual letters used in the sign may be internally illuminated, but full backlit, cabinet signs are not allowed. In the Mixed Use area, signs are encouraged to only be lighted during business hours.
8. Off-premise advertising signs, digital signs, digital display signs, and electronic signs of any type are not permitted within Riverfront at Dos Rios.
9. All proposed signage should be depicted on the site plan and approved concurrent with the site plan.

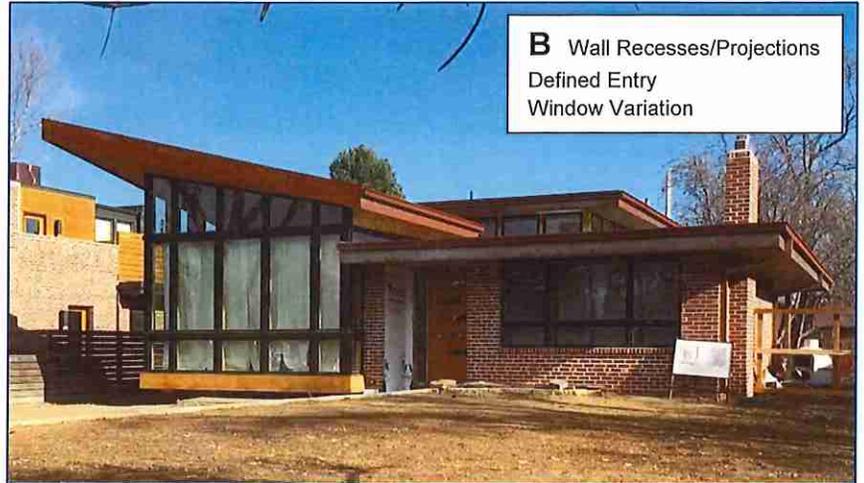
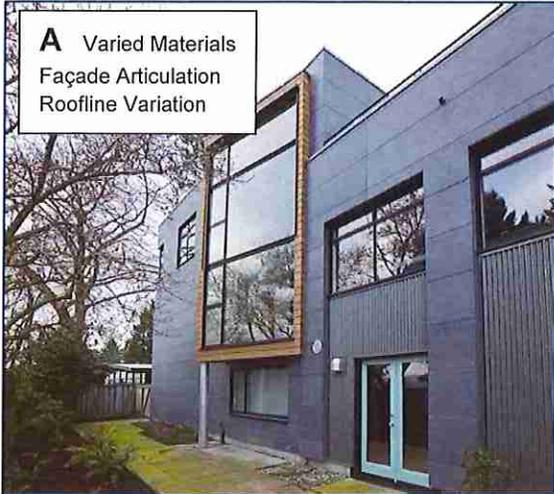
## **2. ARCHITECTURAL STANDARDS**

It is the intent of the following provisions that all structures shall be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development.

- A. All buildings shall be designed to include at least four of the following elements to create the desired overall character of the development, increase visual interest and create continuity of mass and scale. Refer to examples A and B below.
  1. Variation of materials, texture or surface relief on exterior facades to break up large building forms and walls.
  2. Façade articulation/modulation such as recessed and projecting elements or defined, smaller bays.
  3. Roofline variation, vertically or horizontally, that adds visual interest such as overhang/eaves, multiple planes, raised cornice parapets over doors or bays and peaked roof forms.
  4. Wall recesses or projections that break up scale and massing.
  5. Defined entry: façade feature that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or materials.
  6. Window sizes and shapes which break up the façade and provide visual variety and a pedestrian character.
  7. Extension of building space to outdoor pedestrian space that is integrated with the overall building design.
  8. Other architectural details that provide visual interest such as:
    - use of accent colors
    - awnings or porticoes

- other variations in materials, details, surface relief and texture.

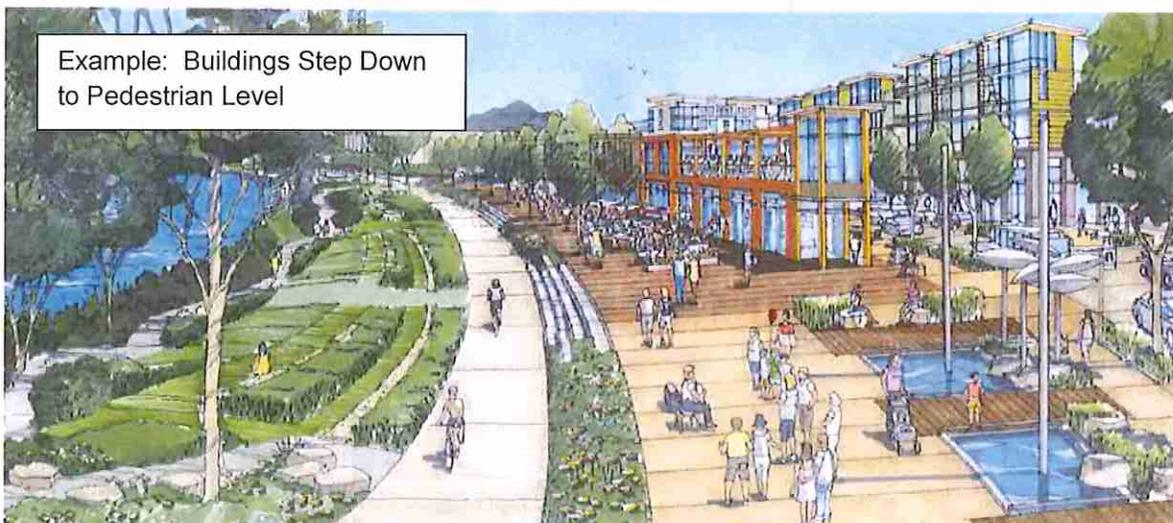
9. Building(s) on the site utilize renewable energy sources or passive solar.

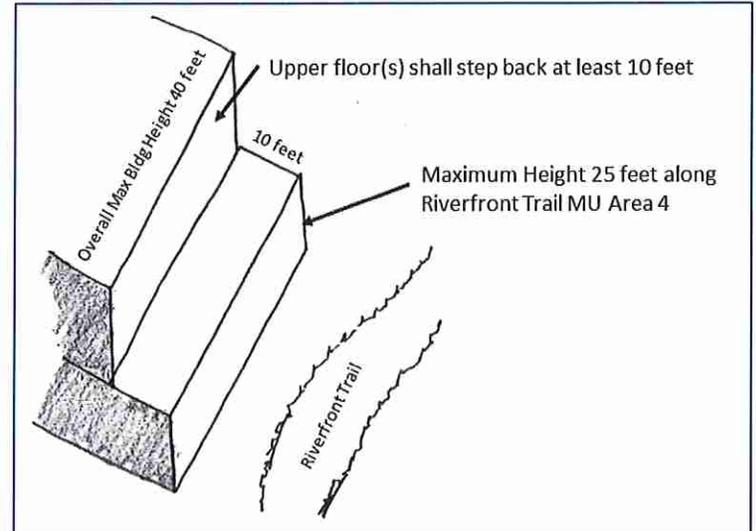
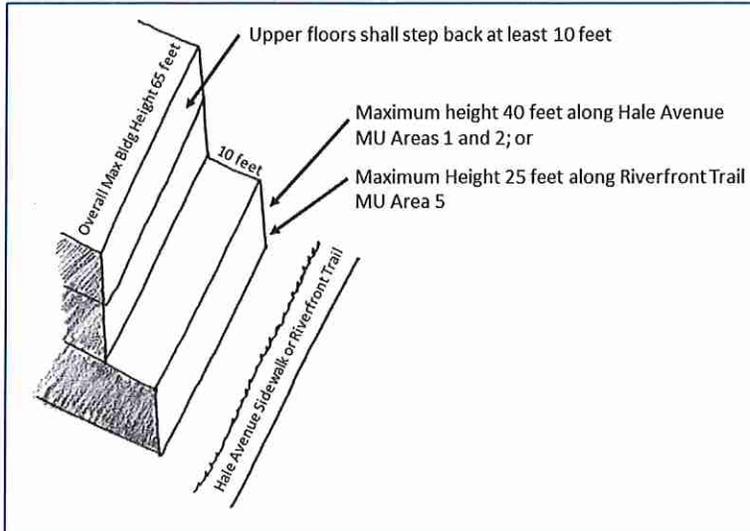


B. Buildings along Hale Avenue in Mixed Use Areas 1 and 2 shall be set back a minimum of 10 feet from the right-of-way.

C. Buildings and structures along the Riverfront Trail (Mixed Use/Outdoor Recreation and Mixed Use Areas 4 and 5) shall be set back a minimum of 10 feet from the property line.

D. Scale and massing of buildings or portions of buildings along Hale Avenue and the Riverfront Trail shall be of pedestrian scale. Buildings in these area shall step down such that the façade facing Hale Avenue is no taller than 40 feet and no taller than 25 feet if facing the Riverfront Trail. Minimum depth of the step back shall be 10 feet.





E. Exterior building materials shall be durable, well maintained and of a high quality.

F. Colors, materials, finishes and building forms for all buildings shall be coordinated in a consistent and harmonious manner on all visible elevations, facades and sides of the building.

G. All roof-mounted mechanical equipment, roof structures, and the like shall be shielded or screened from view from the public rights-of-way and the Riverfront Trail. Materials used for shielding or screening shall be harmonious with the materials and colors used in roof.

H. For all commercial buildings or buildings that have commercial uses on the first floor, glass/transparent material shall be used at a building entrance or on exterior walls, where appropriate, to invite public interaction on a pedestrian level and provide enhanced natural lighting.

I. Buildings in the Mixed Use areas, shall provide an entrance providing both ingress and egress, operable during normal business hours, on the street-facing facade. Additional entrances off another street, pedestrian area or internal parking area are permitted.

J. Buildings in Mixed Use Area 4 that have frontage on both a public street and the Riverfront Trail, shall provide entrances on both facades.

Introduced for first reading on this 3<sup>rd</sup> day of April, 2019 and ordered published in pamphlet form.

PASSED and ADOPTED this 17<sup>th</sup> day of April, 2019 and ordered published in pamphlet form.

ATTEST:

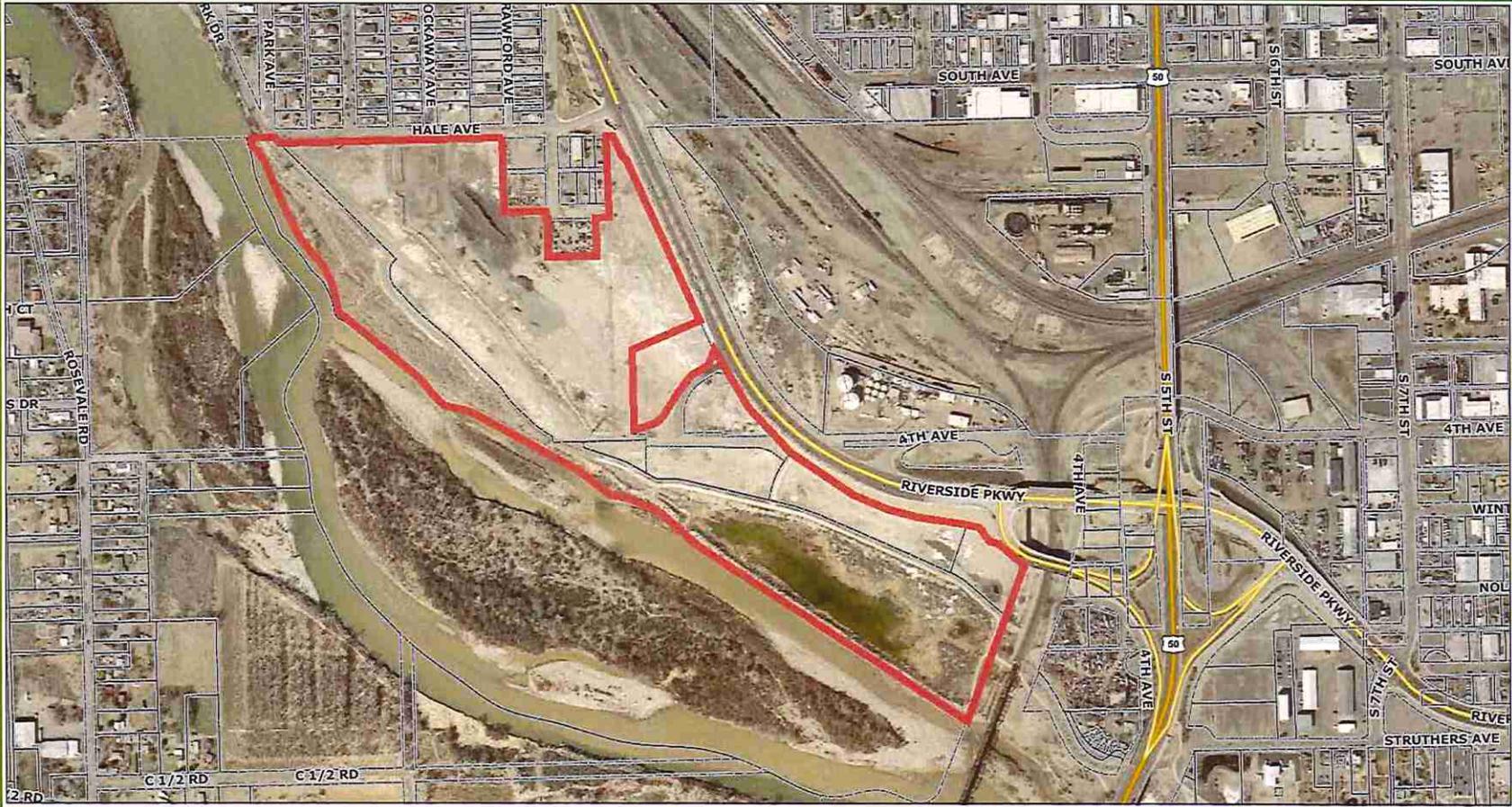
  
\_\_\_\_\_  
President of City Council

  
\_\_\_\_\_  
City Clerk



EXHIBIT A

**Dos Rios PD Boundary**

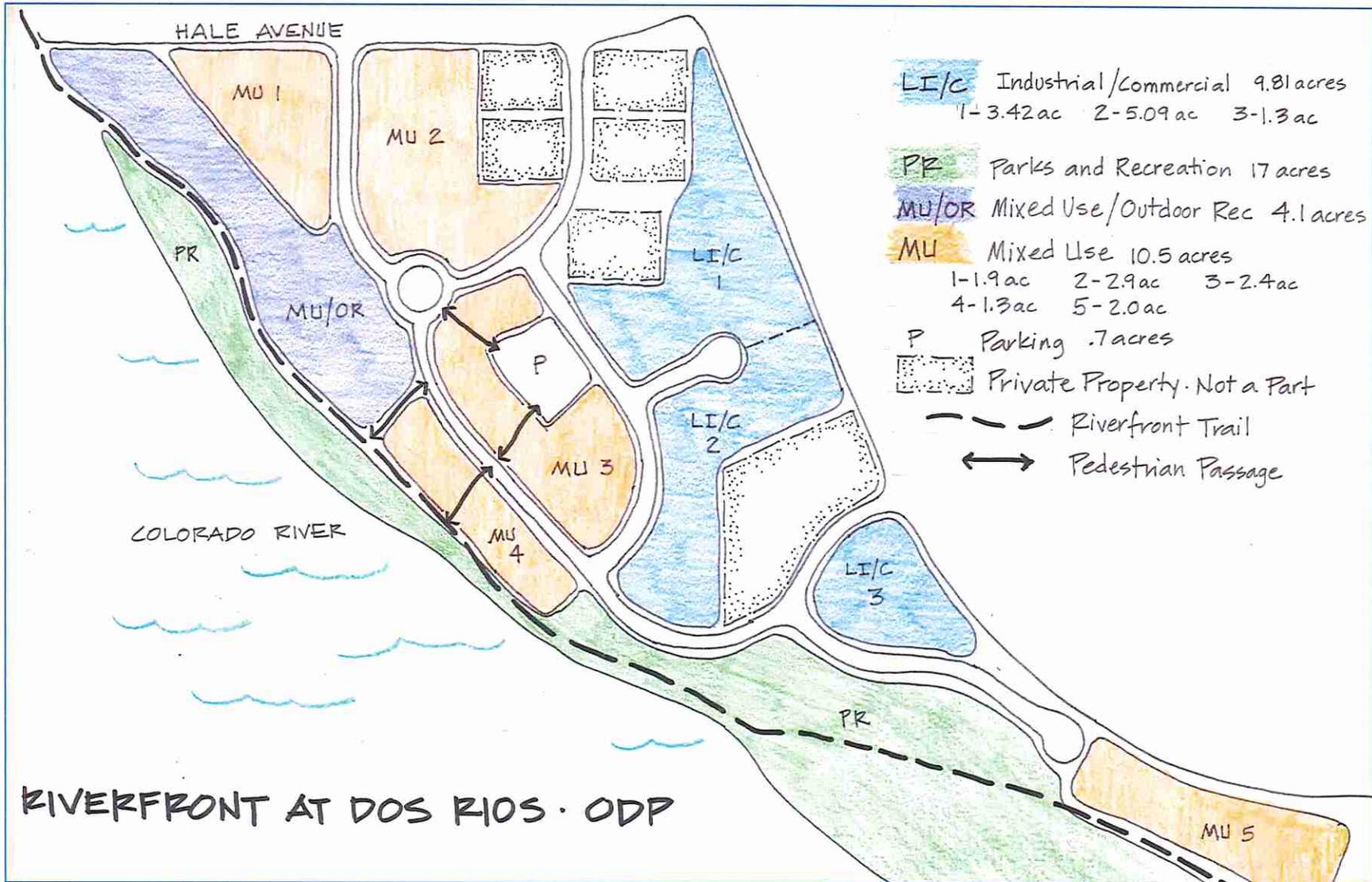


Date: 3/27/2019

1 inch = 376 feet



# EXHIBIT B



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4849 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 3<sup>rd</sup> day of April, 2019 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 17<sup>th</sup> day of April, 2019, at which Ordinance No. 4849 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 19<sup>th</sup> day of April, 2019.

  
Deputy City Clerk

Published: April 5, 2019  
Published: April 19, 2019  
Effective: May 19, 2019

**CITY OF GRAND JUNCTION, COLORADO  
ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING AND REPLACING ORDINANCE 4849  
TO REZONE TO PLANNED DEVELOPMENT (PD)  
AND AN OUTLINE DEVELOPMENT PLAN (ODP) FOR  
THE RIVERFRONT AT DOS RIOS**

**LOCATED ON THE NORTHEAST BANK OF THE COLORADO RIVER  
BETWEEN HIGHWAY 50 AND HALE AVENUE**

Recitals:

The requested amended Planned Development (PD) zoning and Outline Development Plan (ODP) will rezone and add properties recently acquired by the City to the area known as The Riverfront at Dos Rios development. The request for the rezone and amendment to the PD and ODP have been submitted in accordance with the Zoning and Development Code (Code).

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amendment and determined that the proposed amended PD and ODP satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed ODP has achieved "long-term community benefits" by effective infrastructure design; providing for ongoing and enhanced recreational opportunities; protection and/or preservation of natural resources, habitat areas and natural features; and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS DESCRIBED BELOW ARE ZONED FROM INDUSTRIAL OFFICE (I-O) TO PLANNED DEVELOPMENT (PD), FOLLOWING THE SAME DEFAULT ZONE AND STANDARDS ESTABLISHED IN ORDINANCE 4849 EXCEPT AS NOTED BELOW:

A. This Ordinance applies to the following described properties as included in the Amended Development Boundary depicted in Exhibit A and the Amended ODP depicted in Exhibit B:

ALL of Lots 3, 4, 5, 6, 7 and that portion of Lot 9 lying East of the East edge of water for the Colorado River, Jarvis Subdivision Filing One, as same is recorded with Reception Number 2790938, TOGETHER WITH, Lot 13 of Jarvis Subdivision Filing Three, as same is recorded with Reception Number 2834555, all in the Public Records of Mesa County, Colorado, including all public rights of way within said Jarvis Subdivisions Filings One and Three. CONTAINING 56.8 Acres, more or less, as described; and

260000 Riverside Parkway: Lot 1 Jarvis Subdivision Filing 1 located within Sections 15, 22 and 23 Township 1 South, Range 1 West UM recorded 2/21/2017 at Reception Number 2790938 Mesa County Records Containing 5.53 Acres; and

603 Lawrence Avenue: The East 175 feet of Lot A in Block 2 of O’Boyle’s Subdivision and Lots 21, 22, 23, 24, 25, 26, and 27 in Block 2 O’Boyle’s Subdivision; together with that portion of the north half of vacated Lila Avenue adjoining said lots on the South, as vacated by City of Grand Junction Colorado Ordinance 4767 recorded January 3, 2018 under reception number 2826306 of the Mesa County Records, all in County of Mesa, State of Colorado; and

201, 205, 211 and 219 Hale Avenue: Lots 1 through 6, inclusive in Block 1 of O’Boyle’s Subdivision and commencing at the Northeast Corner of Section 22, Township 1 South, Range 1 West of the Ute Meridian, 495 feet West and 30 feet South for the Point of Beginning, thence East 50 feet, thence South 130 feet, thence West 50 feet, thence North 130 feet to the point of beginning; and 201 Lila Avenue: Lots 1 through 8 in Block 3 of O’Boyle’s Subdivision, County of Mesa, State of Colorado; and

206 Lila Avenue: Lot 7 Block 1 of O’Boyle’s Subdivision, County of Mesa, State of Colorado.

B. The Riverfront at Dos Rios Outline Development Plan (Exhibit B) is approved with the Findings of Fact and Conclusions listed in the Staff Report, including attachments and exhibits.

C. Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n).

D. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the BP Zoning District.

E. The default zone shall be BP with the following deviations to the dimensional standards. Additions/revisions noted in red type.

<b>Primary Uses</b>			
Employment, Light Manufacturing, Multifamily, Retail, Commercial Services			
<b>Lot</b>			
Area (min. acres)	No Minimum except .5 in LI/C		
Width (min. ft.)	25		
Frontage (min. ft.)	n/a		
<b>Setback</b>			
	<b>Principal</b>		<b>Accessory</b>
Front (min. ft.)	0-10*		10
Side (min. ft.)	0		3

Rear (min. ft.)	0		5
<b>Bulk</b>			
Lot Coverage (max.)	n/a		
Height (max. ft.)	65 except 40 feet in Mixed Use Area 4		
Density (min.)	12 units/acre		
Density (max.)	No Max		
Building Size (max. sf)	n/a		

\* Refer to the Architectural standards

F. The allowed land uses shall be assigned by areas as depicted on the Outline Development Plan (ODP) and summarized in the table below. Uses will be as defined and shall be consistent with GJMC Codes and Standards as amended. A = Allowed; C = Conditional Use; Blank = Not Allowed

<b>ALLOWED LAND USE</b>	<b>Mixed Use</b>	<b>Light Industrial/Commercial</b>	<b>Mixed Use Outdoor Recreation</b>	<b>Parks and Recreation</b>
Business Residence	A	A	A	
Multifamily	A			
Single Family Attached *	A			
Home Occupation	A	A	A	
Small Group Living Facility	A			
Large Group Living Facility	A			
Unlimited Group Living Facility	A			
Rooming/Boarding House	A			
Colleges and Universities	A	A		
Vocational, Technical and Trade Schools	A	A		
Community Activity Building	A	A	A	A

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
<b>ALLOWED LAND USE</b>				
All Other Community Service	A	A	A	A
Museums, Art Galleries, Opera Houses, Libraries	A	A		
General Day Care	A	A		
Medical and Dental Clinics	A	A		
Counseling Centers (Nonresident)	A	A		
All Other Hospital/Clinic	C	A		
Physical and Mental Rehabilitation (Resident)	C			
Parks, Lakes, Reservoirs, Other Open Space	A	A	A	A
Religious Assembly	A	A	A	
Boarding Schools	A			
Elementary Schools	A			
Secondary Schools	A			
Utility Service Facilities (Underground)	A	A	A	A
All Other Utility, Basic	A	A	A	A
Transmission Lines (Above Ground)	A	A	A	A
Transmission Lines (Underground)	A	A	A	A
All Other Utility Treatment, Production or Service Facility	C	C	C	C
<b>Entertainment Event, Major</b>				
Indoor Facilities	A	C		
Outdoor Facilities	C	C	C	C
Hotels and Motels	A	A	A	
Short-Term Rentals	A	A	A	
General Offices	A	A		
<b>Recreation and Entertainment, Outdoor</b>				

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
<b>ALLOWED LAND USE</b>				
Campgrounds and Camps (nonprimitive)	A		A	
Resort Cabins and Lodges	A		A	
Amusement Park, Miniature Golf			A	
Campgrounds, Primitive				A
Swimming Pools, Community			A	
All Other Outdoor Recreation			A	A
<b>Recreation and Entertainment, Indoor</b>				
Health Club	A	A	A	
Movie Theater, Skating Rink, Arcade	A			
All Other Indoor Recreation	A			
Alcohol Sales, Retail	A			
Bar/Nightclub	A	A	A	
Animal Care/ Boarding/Sales, Indoor	A	A		
Animal Care/ Boarding/Sales, Outdoor		A		
Food Service, Restaurant (Including Alcohol Sales)	A	A	A	
Farmers' Market	A	A	A	
General Retail Sales, Indoor Operations, Display and Storage	A	A	A	
Produce Stands	A	A	A	
Personal Services	A	A		
All Other Retail Sales and Services	A	A	A	
<b>Manufacturing Indoor Operations and Storage</b>				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
<b>Manufacturing Indoor Operations and Outdoor Storage</b>				
Assembly		A		

<b>ALLOWED LAND USE</b>	<b>Mixed Use</b>	<b>Light Industrial/Commercial</b>	<b>Mixed Use Outdoor Recreation</b>	<b>Parks and Recreation</b>
Food Products		A		
Manufacturing/Processing		A		
<b>Self-Service Storage</b>				
Mini-Warehouse		A**		
<b>Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials</b>				
Research, Testing and Laboratory Facilities – Indoors (includes Marijuana Testing Facilities)		A**		
<b>Telecommunications Facilities</b>				
Facilities on Wireless Master Plan Priority Site in Accordance with Wireless Master Plan Site-Specific Requirements	A	A	A	A
Temporary PWSF (e.g. COW)	A	A	A	A
Co-Location	A	A	A	A
Tower Replacement	A	A	A	A
Dual Purpose Facility	A	A	A	A
DAS and Small Cell Facilities	A	A	A	A
Base Station with Concealed Attached Antennas	A	A	A	A
Base Station with Non-Concealed Attached Antennas	C	C	C	C
Tower, Concealed	C	C	C	C
Bus/Commuter Stops	A	A	A	A

\* **Single Family Attached.** A one-family dwelling **attached** to one or more other one-family dwelling by common walls and located entirely on its own lot.

\*\* Only allowed in LI/C East of Riverside Parkway

## G. DESIGN GUIDELINES AND STANDARDS FOR THE DOS RIOS PLANNED DEVELOPMENT

## **1. SITE DEVELOPMENT**

### **A. Access**

In order to maximize the on-street parking available for residents, employees and customers of all properties within the development, site access to the public streets shall be minimized and shared to the greatest extent feasible.

### **B. Parking**

Streets within Riverfront at Dos Rios shall be constructed and access controlled so as to allow and encourage on-street parking on both sides of the street. There will also be a common public parking lot located near the center of the development. Combined, there will be approximately 350 common parking spaces available for residents, employees, and customers of all properties within the development to utilize. In addition, it is anticipated that a number of uses within the development will be able to share parking due to overlapping hours of operation and demand.

1. Off-street parking for uses developed with the Riverfront at Dos Rios shall be minimized as much as feasible.

Mixed Use Areas 3 and 4: No Parking Requirement

All Other Areas: Provide 1 off-street parking space per residential unit and provide 25 percent of off-street parking as required by GJMC Section 21.06.050(c) for all other uses. An alternative parking plan may be provided under 21.06.050(e).

2. Off-street parking for multifamily or mixed use development shall not be located in the front yard setback. Parking shall be in the rear or side yards or that area which is less visible from public street rights-of-way or the Riverfront Trail.
3. Develop pedestrian links between the on-street sidewalk and building entrances and between parking areas and rear or side entrances or public access points.

### **C. Landscaping**

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail.

1. Street Frontage Landscaping. Within all land use areas, the owner shall provide and maintain a minimum 10-foot wide street frontage landscape area adjacent to the public right-of-way except no street frontage landscaping is required when the setback for a building is 10 feet or less.
2. Parking Lot Landscaping. Perimeter and interior landscaping of parking lots is

required per GJMC Section 21.06.040(c).

3. All other areas on any site not used for building, storage, parking, walks, access roads, loading areas and other outdoor hardscape areas, including adjacent undeveloped right-of-way shall be suitably graded and drained, and planted and maintained with mulch, groundcover, flowers, trees and/or shrubs.

4. Landscaping/Screening Buffer. No landscaping/screening buffer is required between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas which shall be screened from adjacent residential uses.

5. Plant Material and Design. Xeric landscaping principles will be implemented. Vegetation must be suitable for the climate and soils of the Grand Valley. The Director may allow the use of any plant if sufficient information is provided to show suitability. Noxious weeds are not allowed. Size of plants at planting shall meet requirements of GJMC Section 21.06.040(b)(5).

#### **D. Service Entrances, Loading and Dumpster Areas**

1. Service entrances, loading areas and dumpster areas shall be oriented in the rear or side yard only so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use.

2. Operation of loading areas shall not interfere with traffic circulation such as drive aisles, pedestrian areas and public streets unless outside of regular business hours.

3. Shared loading areas are encouraged among tenants of a building or with neighboring buildings.

#### **E. Outdoor Storage and Display**

1. Where allowed as accessory to a primary land use or structure, outdoor storage shall be located on a site where least visible from a public right-of-way or Riverfront Trail.

2. If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h). Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

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1. All fencing shall be made of either wood, vinyl, wrought iron or masonry wall materials. No chain link or wire fencing of any kind is allowed with the following exceptions: a) All development within the Light Industrial/Commercial areas; and b) a wire grid other than chain link may be set within a wooden or masonry frame in all areas.
2. Fencing on an individual site for purposes of enclosing a site is strongly discouraged however, it may be allowed for specific reasons such as public safety, protection of equipment and materials or for liquor license compliance. Fencing may be used to enclose an outdoor space (e.g. dining/patio) and shall be no taller than 42 inches (3.5 feet). If feasible, provide an opening in these enclosures if adjacent to the Riverfront Trail.
3. The maximum height of any fence in the Light Industrial/Commercial areas of the Riverfront at Dos Rios is 8 feet. Maximum height of all other fencing in the development is 6 feet unless an outdoor space enclosure as above.
4. Fences shall be kept in good repair and condition at all times. Maintenance of fencing shall be the responsibility of the property owner on the site upon which the fencing is located.

#### **G. Lighting**

1. All new land uses, structures, building additions, parking areas or other outdoor areas within the Riverfront at Dos Rios development shall meet the following lighting standards.
  - a. No outdoor lights shall be mounted more than 35 feet above the ground. Lighting located near buildings and adjacent to sidewalks shall not exceed 12 feet in height.
  - b. All outdoor lights shall use full cutoff light fixtures except for pedestrian lighting under 3 feet in height (e.g. pathway lighting).
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2. Monument signs shall be located no closer than 2 feet from the front property line.

3. Total sign area shall not exceed 25 square feet per street frontage in the Mixed Use Areas 1, 2 and 3 all Parks and Recreation areas. The maximum size for any sign in these areas is 25 square feet. An additional sign of up to 25 square feet in size may be placed on the Riverfront Trail side of properties within Mixed Use Area 4.

4. Total sign area shall not exceed 100 square feet per street frontage in the Mixed Use Outdoor Recreation and Light Industrial/Commercial areas. The maximum size for any sign in these areas is 50 square feet.

5. In all land use areas, the sign allowance for one street frontage may be transferred to a side of a building that has no street frontage but cannot be transferred to another street frontage.

6. In all land use areas, monument signs shall not exceed 8 feet in height.

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## **2. ARCHITECTURAL STANDARDS**

It is the intent of the following provisions that all structures shall be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development.

A. All buildings shall be designed to include at least four of the following elements to create the desired overall character of the development, increase visual interest and create continuity of mass and scale. Refer to examples A and B below.

1. Variation of materials, texture or surface relief on exterior facades to break up large building forms and walls.
2. Façade articulation/modulation such as recessed and projecting elements or defined, smaller bays.
3. Roofline variation, vertically or horizontally, that adds visual interest such as overhang/eaves, multiple planes, raised cornice parapets over doors or bays and peaked roof forms.
4. Wall recesses or projections that break up scale and massing.
5. Defined entry: façade feature that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or materials.
6. Window sizes and shapes which break up the façade and provide visual variety and a pedestrian character.
7. Extension of building space to outdoor pedestrian space that is integrated with the overall building design.
8. Other architectural details that provide visual interest such as:
  - use of accent colors
  - awnings or porticoes
  - other variations in materials, details, surface relief and texture.
9. Building(s) on the site utilize renewable energy sources or passive solar.

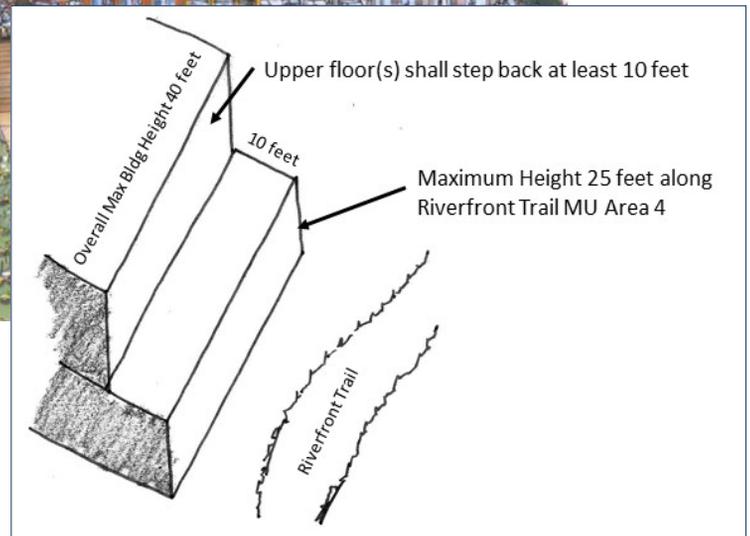
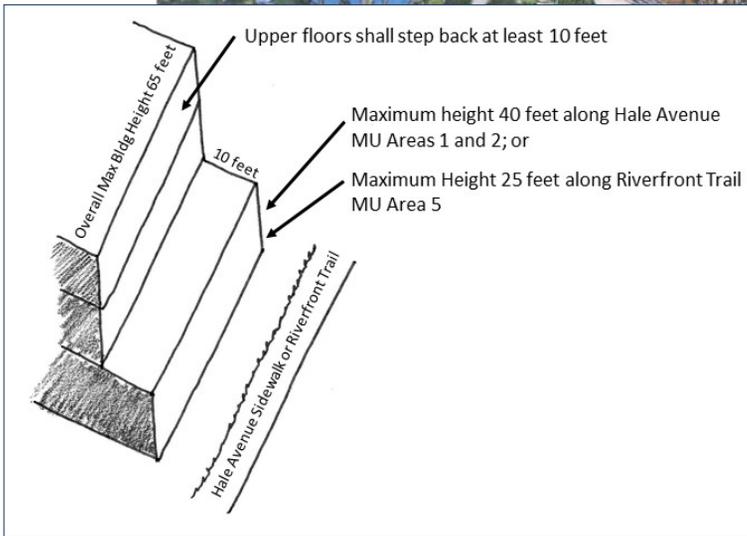


B. Buildings along Hale Avenue in Mixed Use Areas 1 and 2 shall be set back a minimum of 10 feet from the right-of-way.

C. Buildings and structures along the Riverfront Trail (Mixed Use/Outdoor Recreation and Mixed Use Areas 4 and 5) shall be set back a minimum of 10 feet from the property line.

D. Scale and massing of buildings or portions of buildings along Hale Avenue and the Riverfront Trail shall be of pedestrian scale. Buildings in these area shall step down such that the façade facing Hale Avenue is no taller than 40 feet and no taller than 25 feet if facing the Riverfront Trail. Minimum depth of the step back shall be 10 feet.

Example: Buildings Step Down to Pedestrian Level



E. Exterior building materials shall be durable, well maintained and of a high quality.

F. Colors, materials, finishes and building forms for all buildings shall be coordinated in a consistent and harmonious manner on all visible elevations, facades and sides of the building.

G. All roof-mounted mechanical equipment, roof structures, and the like shall be shielded or screened from view from the public rights-of-way and the Riverfront Trail. Materials used for shielding or screening shall be harmonious with the materials and colors used in roof.

H. For all commercial buildings or buildings that have commercial uses on the first floor, glass/transparent material shall be used at a building entrance or on exterior walls, where appropriate, to invite public interaction on a pedestrian level and provide enhanced natural lighting.

I. Buildings in the Mixed Use areas, shall provide an entrance providing both ingress and egress, operable during normal business hours, on the street-facing facade. Additional entrances off another street, pedestrian area or internal parking area are permitted.

J. Buildings in Mixed Use Area 4 that have frontage on both a public street and the Riverfront Trail, shall provide entrances on both facades.

Introduced for first reading on this \_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

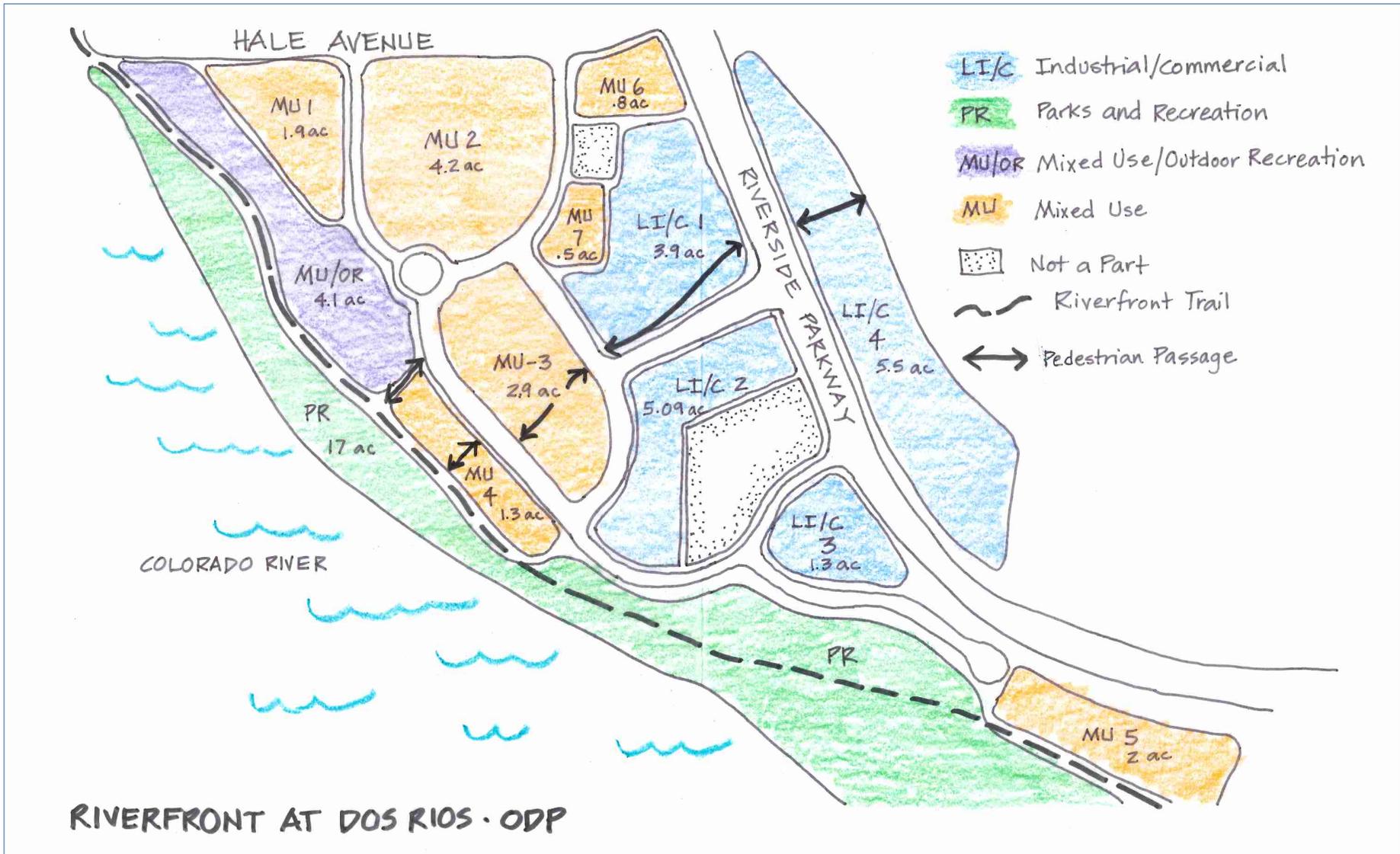
**EXHIBIT A**

BLUE AREAS – New Parcels

RED OUTLINE – Original ODP Boundary



# EXHIBIT B





## Grand Junction City Council

### Regular Session

Item #7.c.ii.

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**Meeting Date:** May 20, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

An Ordinance to Vacate Seven Portions of Public Right-of-Way and a Resolution to Vacate a Public Sanitary Sewer Easement within the Proposed Riverfront at Dos Rios Development - [Staff Presentation](#)

#### **RECOMMENDATION:**

The Planning Commission heard this item at its April 28, 2020 meeting and voted (6-0) to recommend conditional approval of this request.

#### **EXECUTIVE SUMMARY:**

The Applicant, the City of Grand Junction, is requesting 1) vacation of seven portions of public right-of-way that were previously platted or are adjacent to properties recently acquired by the City; and 2) vacation of a public sanitary sewer easement in order to facilitate development of the Riverfront at Dos Rios planned development.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The City is in the process of developing the Riverfront as Dos Rios planned development south of the Riverside Neighborhood from Hale Avenue to the 5th Street/Highway 50 viaduct on the northeast bank of the Colorado River. An Outline Development Plan (ODP) was adopted by City Council in April 2019 consisting of a mix of uses including residential, commercial, light industrial, outdoor recreation and open space. Over the past several years, the City has platted this property in anticipation of the development as well as to sell properties within the site. To date, two properties have been transferred to private property owners.

The rights-of-way within the site have been platted to serve the intended development. However, as detailed engineering plans have been drawn in order to construct the interior streets, some portions of the previously platted rights-of-way have been identified as no longer needed or that they do not fit with the current proposed street alignments.

In addition, the City has continued to acquire property in the northeast corner of the proposed development. In this area, there are streets that were platted (O'Boyles Subdivision – 1908) to serve these parcels that are no longer needed to provide access. The new streets within the planned development will provide access as these parcels are absorbed into the ODP and a new subdivision plat is recorded. There are two parcels (636 and 636-1/2 Lawrence Street) that have not yet been acquired by the City. Thus, the street and alley access to these properties are not a part of the current vacation request.

The sewer easement to be vacated was granted to the City in 1972 from the private property owner at the time, William Jarvis. The easement was used for the sewer line alignment until it was replaced in 1995 as part of the environmental clean-up of the southern part of the Riverfront at Dos Rios site. There is no longer a sewer line in the easement and the easement is now under the backwater pond on the site that was constructed by the City in the early 2000s for the United States Fish and Wildlife department. Thus, there is no longer use of or need for this easement.

### **NOTIFICATION REQUIREMENTS**

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 14, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on April 17, 2020. The notice of the Planning Commission public hearing was published on April 21, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

The criteria for review of vacation requests are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City.

The vacation of these portions of right-of-way will no longer be needed once the new

interior streets within the Riverfront at Dos Rios development are constructed with construction to begin summer 2020 and a new subdivision plat is recorded. None of these streets are depicted on the Circulation Plan since they are all to be local streets to serve the proposed development. The new street network will adequately serve the proposed mix of land uses. Since the sewer easement is neither used currently nor needed in the future, its vacation is inconsequential.

Further, the vacation requests are consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A. City and County land use decisions will be consistent with the Future Land Use Map.

Goal 5 / Policy B. Encourage mixed-use development and identification of locations for increased density.

Goal 7 / Policy A. In making land use and development decisions, the City and County will balance the needs of the community.

Thus, staff has found the requests to vacate existing public rights-of-way and a sewer easement do not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and finds this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

The request to vacate these rights-of-way and the sewer easement will not render any properties landlocked. The new street network to be constructed will provide adequate access to all properties within the Riverfront at Dos Rios development once a new subdivision plat is recorded. The in holdings of two private properties within Dos Rios will still gain access from the existing rights-of-way for Lawrence Street and an east-west alley north of the properties that are not a part of this vacation request. Therefore, staff has found this criterion has been met.

(3) Access to any parcel shall be not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

The vacation of the portions of right-of-way and the sewer easement will not physically impact access to any parcel. As such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any

parcel of land shall not be reduced (e.g., police/fire protection and utility services);

Access, as exists today, will continue to be provided to the non-City owned properties within the Riverfront at Dos Rios site. No comments were received from utilities service providers other than the City of Grand Junction that these vacation requests would create any adverse impacts or that facilities or services would be diminished. City Utilities and Public Works identified that there is an existing 10-inch public (City) water line in the segments of Lila Avenue and Lawrence Street requested to be vacated and a sewer line in the eastern end of the alley proposed to be vacated. Thus, these portions of right-of-way may be vacated but the areas need to be retained as utility easement. Staff finds this criterion has been met subject to the easements being retained.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

As stated in criterion 4 above, there were no comments from utilities service providers other than the City of Grand Junction that these vacations would inhibit the provision of adequate public facilities and services to any property. There is an existing City water line within the Lila Avenue and Lawrence Street and a sewer line in the eastern end of the alley right-of-way to be vacated so these areas must be retained as public utility easement. Provided this occurs, water and sewer service to properties in the vicinity of this area of the Riverfront at Dos Rios development will not be inhibited. Therefore, staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will not change as a result of the requests as the vacations will not impact the maintenance of the new interior streets to be constructed within the Riverfront at Dos Rios development. The anticipated benefits of the vacation requests are the ability for the Applicant to develop the property with street and utility infrastructure that is constructed to City standards as well as the construction and alignment of streets consistent with the City's adopted Circulation Plan. As such, Staff finds that this criterion has been met.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the City of Grand Junction vacation request, VAC-2020-176, for the Riverfront at Dos Rios development located along the northeast bank of the Colorado River between Hale Avenue and the 5th Street/Highway 50 viaduct,

Therefore, Planning Commission recommends approval of the request with the following findings of fact and conditions:

1. The request conforms with Section 21.02.100 (c) of the of the Zoning and Development Code.
2. Condition 1: The segments of vacated Lila Avenue (Parcels 4 and 5) and Lawrence Street (north-south portion of Parcel 1) and the eastern end of the alleyway (Parcels 2 and 3) be retained as public utility easement for the benefit of the City of Grand Junction. (Refer to the Right-of-Way Overall exhibit in Maps attachment).
3. Condition 2: The vacations shall not become effective until a new subdivision plat for the Riverfront at Dos Rios development is approved and recorded.

**FISCAL IMPACT:**

There is no direct fiscal impact related to this request.

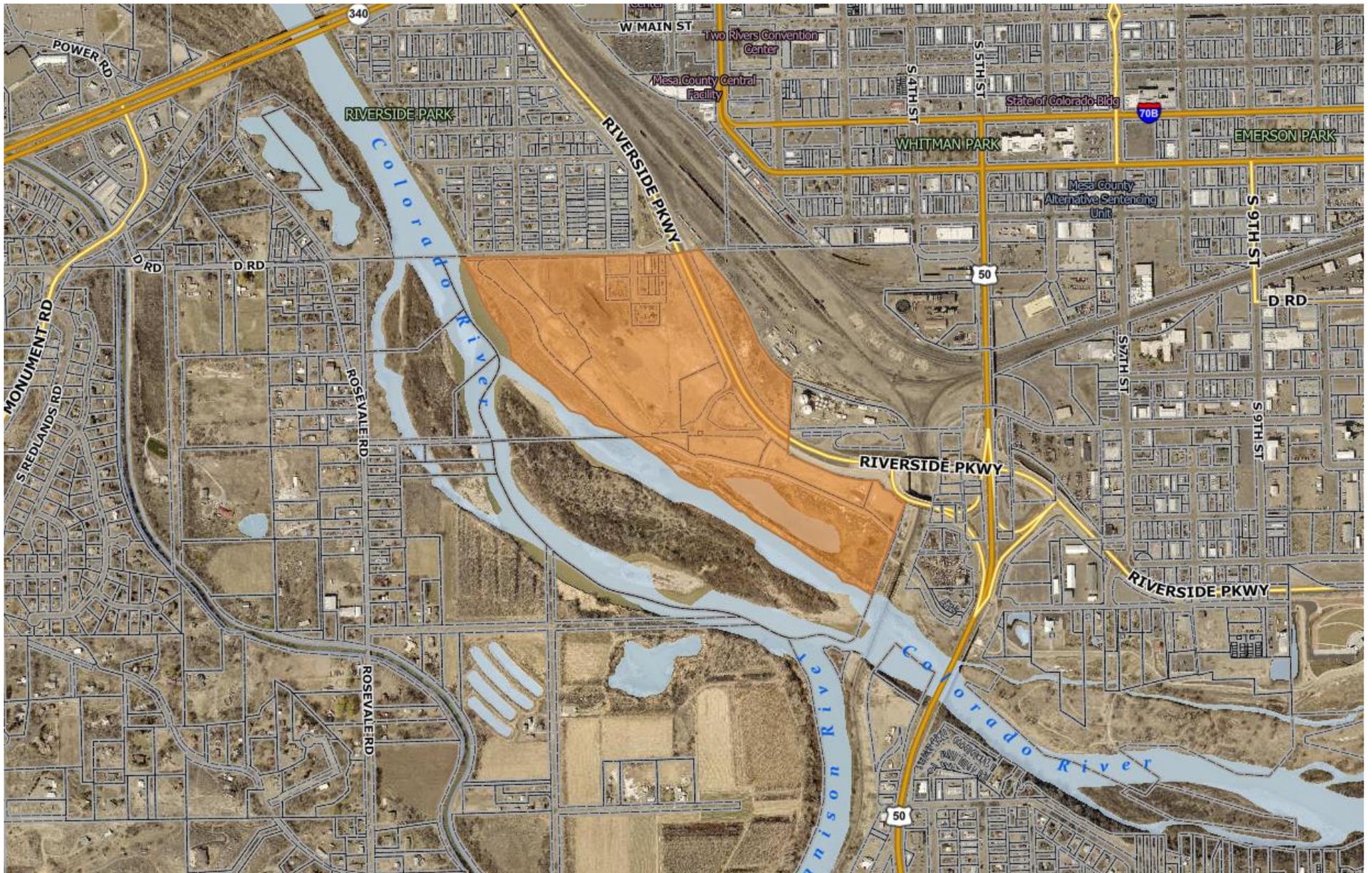
**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4929, an ordinance vacating previously platted public rights-of-way within the Riverfront at Dos Rios Development located along the northeast bank of the Colorado River between Hale Avenue and near the 5th Street/Highway 50 Viaduct on final passage and order final publication in pamphlet form and Resolution No. 29-20, a resolution vacating public easement within the Riverfront at Dos Rios Development located along the northeast bank of the Colorado River between Hale Avenue and the 5th Street/Highway 50 Viaduct.

**Attachments**

1. Location and Site Maps
2. Planning Commission Minutes - 2020 - April 28 - Draft
3. Dos Rios Easement Vacation Resolution
4. Dos Rios Vacations Ordinance

# RIVERFRONT AT DOS RIOS SITE LOCATION MAP



**RIVERFRONT AT DOS RIOS ROW VACATIONS (Gray Circles) EASEMENT VACATION (Dashed Green Line)**



**RIVERFRONT AT DOS RIOS EASEMENT VACATION (Dashed Green Line) EXISTING SEWER (Green Solid)**



**GRAND JUNCTION PLANNING COMMISSION**  
**April 28, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Andrew Teske, Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

The Planning Commission reviewed the meeting minutes from the April 14, 2020 meeting.

Commissioner Wade moved to approve the minutes as presented. Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried unanimously 6-0.

**2. Pear Park North Drainage Easement Vacation File # VAC-2020-99**

Consider a request by the Applicants, McKee Homes and Construction LLC, et al Owners, to Vacate a Publicly Dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as granted to the City of Grand Junction within the original Tract C, Pear Park North Subdivision.

### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Commissioner Teske asked a question regarding the area of the vacation.

Commissioner Reece asked a question regarding Grand Valley Drainage District.

### **Applicant's Presentation**

The Applicant, McKee Homes and Construction LLC, et al Owners, was present and made a comment regarding the request.

### **Public Comment**

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:15 p.m. on April 28, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Madam Chairman, on the Pear Park North and Pear Park North Filing 3 Subdivision Vacation of a publicly dedicated 30-foot wide Drainage Easement, Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3, City file number VAC-2020-99, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES

Commissioner Teske YES

Commissioner Wade YES

Chairman Reece YES

The motion carried 6-0.

**3. Riverfront at Dos Rios Rights-of-Way and Easement Vacations File # VAC-2020-176**

Consider a request by the City of Grand Junction to Vacate Seven Portions of Public Right-of-Way and a Public Sewer Easement within the proposed Riverfront at Dos Rios Development.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

None.

**Public Hearing**

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:23 p.m. on April 28, 2020.

**Discussion**

None.

**Motion and Vote**

Commissioner Susuras made the following motion, “Madam Chairman, on the request to vacate seven segments and pieces of public right-of-way and a sewer easement within the proposed Riverfront at Dos Rios development, City file number VAC-2020-176, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.”

Commissioner Teske seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES

Commissioner Teske YES

Commissioner Wade YES

Chairman Reece YES

The motion carried 7-0.

#### **4. Zoning Code Amendment – Roosters Prohibition on Small Properties**

##### **File # ZCA-2020-123**

Consider a Request by the City of Grand Junction to Amend the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters.

##### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

##### **Questions for Staff**

Commissioner Susuras asked for clarification on roosters versus hens.

Commissioner Gatseos made a comment regarding the request.

##### **Public Hearing**

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

Aaron Chapman made a comment in favor of the request.

The public hearing was closed at 6:33 p.m. on April 28, 2020.

##### **Discussion**

Commissioner Wade made a comment regarding the request.

##### **Motion and Vote**

Commissioner Scissors made the following motion, “Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2020-123. I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Teske seconded the motion. Chairman Reece called a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried 6-0.

**5. Other Business**

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None.

**6. Adjournment**

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The meeting was adjourned at 6:45 p.m.  
Wade motioned to adjourn. Scissors seconded.

DRAFT

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING PUBLIC EASEMENT WITHIN THE RIVERFRONT AT  
DOS RIOS DEVELOPMENT LOCATED ALONG THE NORTHEAST BANK OF  
THE COLORADO RIVER BETWEEN HALE AVENUE  
AND THE 5<sup>th</sup> STREET/HIGHWAY 50 VIADUCT**

RECITALS:

A vacation of a publicly dedicated Sewer Easement by the property owner, the City of Grand Junction in anticipation of future mixed use development.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a public Sewer Easement is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described public Easement as depicted on Exhibit A is hereby vacated:

A Permanent Sanitary Sewer Easement and Right-of-Way located in the SE1/4 NE1/4 of Section 22 and the SW1/4 NW1/4 of Section 23, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado, as described at Reception Number 1021843 of the Mesa County Property Records, more particularly Described as follows.

A Permanent Sanitary Sewer Easement and Right-of-Way twenty (20) feet in width, ten (10) feet on each side of centerlines described as follows:

Beginning at a point on the east line of the NE1/4 SE1/4 NE1/4 of Section 22 T1S, R1W, 230 feet south of the NE Corner of said NE1/4 SE1/4 NE1/4; thence northwesterly 522.6 feet, more or less, to a point on the north line of said NE1/4 SE1/4 NE1/4, which point is 469.3 feet, more or less, west of the NE Corner of said NE1/4 SE1/4 NE1/4 and except that portion which lies within the north 232 feet of the East 70 feet of said NE1/4 SE1/4 NE1/4.

ALSO:

Beginning at a point on the east line of the SE1/4 NE1/4 of Section 22 T1S, R1W, 230 feet south of the NE Corner of said SE1/4 NE1/4; thence northwesterly 77.6 feet, more or less, to a point 196.6 feet, more or less, south of the north line of said SE1/4 NE1/4.

ALSO:

Referring to the intersection of the north line of the SW1/4 NW1/4 of Section 23 T1S, R1W, and the West right-of-way line of the Denver and Rio Grande Western Railroad; thence S7°47'E, 369 feet, more or less, to a point on said right-of-way line; thence S15°02'W, 501.5 feet, more or less, to a point on said right-of-way line, said point being the point of beginning of description; thence northwesterly 1,339.6 feet, more or less, to a point on the west line of said SW1/4 NW1/4, which point is 230 feet South of the NW Corner of said SW1/4 NW1/4.

Containing approximately 0.826 Acres.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

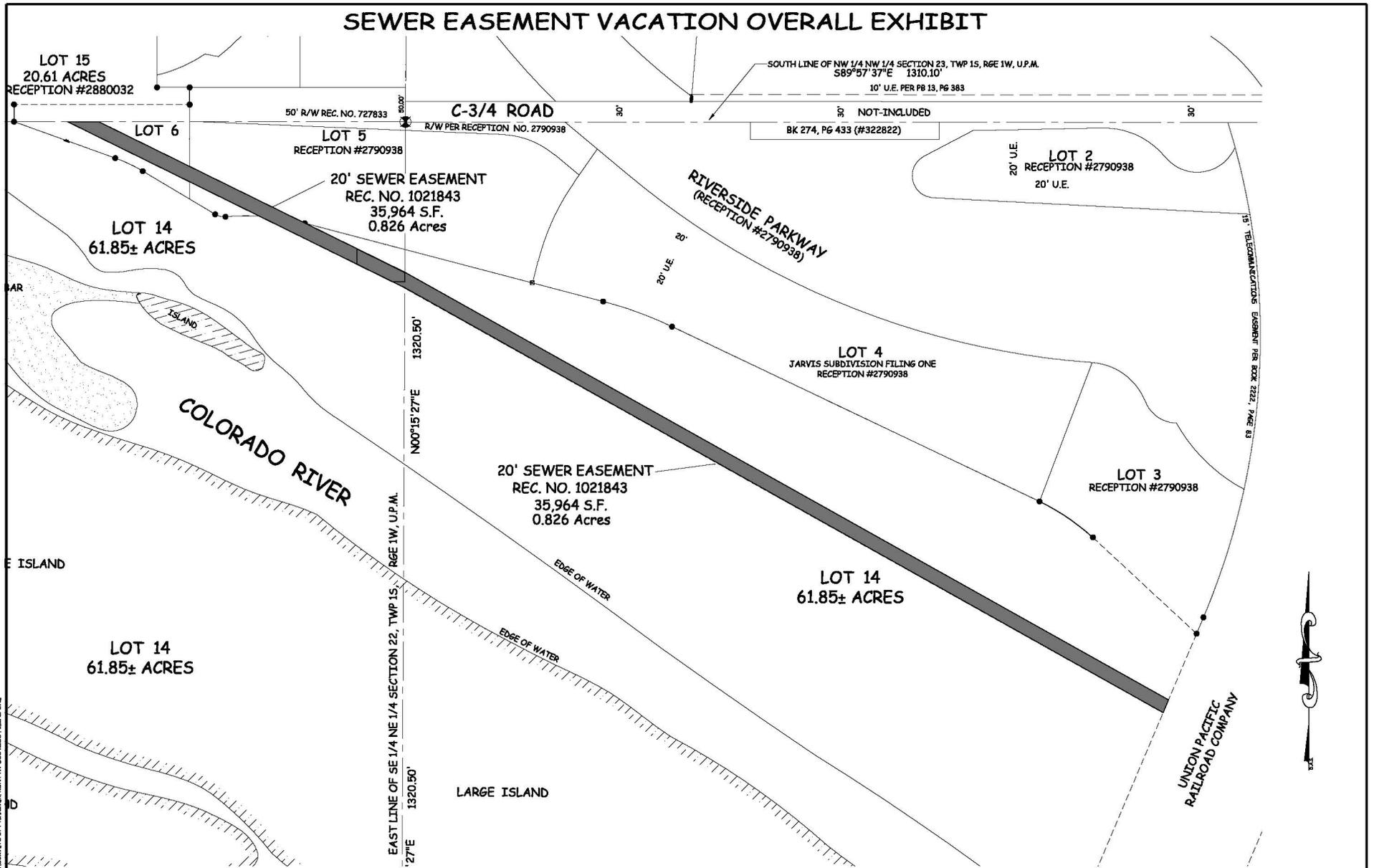
ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

# EXHIBIT A

## SEWER EASEMENT VACATION OVERALL EXHIBIT



ALL CAD/VETERAN SURVEYS BY FIELD SURVEYOR AT DGS BDOZ FILING ONE

DRAWN BY JLG DATE: 3/26/2020  
 CHECKED BY JAM DATE:  
 APPROVED BY DATE:

SCALE  
 1" = 100'



PUBLIC WORKS  
 ENGINEERING DIVISION  
 SURVEY DEPARTMENT

**OVERALL VACATION EXHIBIT**  
 NE 1/4 SEC 22 & W 1/2 SEC 23  
 TWP 15, RGE 1W, U.P.M.

SHEET NO. 1  
 OF 1

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING PREVIOUSLY-PLATTED PUBLIC RIGHTS-OF-WAY  
WITHIN THE RIVERFRONT AT DOS RIOS DEVELOPMENT LOCATED ALONG THE  
NORTHEAST BANK OF THE COLORADO RIVER BETWEEN HALE AVENUE  
AND NEAR THE 5<sup>th</sup> STREET/HIGHWAY 50 VIADUCT**

Recitals:

The City is in the process of developing the Riverfront at Dos Rios planned development south of the Riverside Neighborhood from Hale Avenue to near the 5<sup>th</sup> Street/Highway 50 viaduct on the northeast bank of the Colorado River. An Outline Development Plan (ODP) was adopted by City Council in April 2019 consisting of a mix of uses including residential, commercial, light industrial, outdoor recreation and open space. Over the past several years, the City has platted this property in anticipation of the development as well as to sell properties within the site. To date, two properties have been transferred to private property owners.

The rights-of-way within the site have been platted to serve the intended development. However, as detailed engineering plans have been drawn in order to construct the interior streets, some portions of the previously platted rights-of-way have been identified as no longer needed or that they do not fit with the current proposed street alignments.

In addition, the City has continued to acquire property in the northeast corner of the proposed development. In this area, there are streets that were platted (O'Boyles Subdivision – 1908) to serve these parcels that are no longer needed to provide access. The new streets within the planned development will provide access as these parcels are absorbed into the ODP. There are two parcels (636 and 636-1/2 Lawrence Street) that have not yet been acquired by the City. Thus, the street and alley access to these properties are not a part of the current vacation request.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate portions of public rights-of-way is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code subject to the following conditions:

Condition 1: The portions of right-of-way for Lila Avenue (Parcels 4 and 5) and Lawrence Street (north-south portion of Parcel 1) and the eastern end of the alleyway (Parcels 2 and 3) requested to be vacated shall be retained as public utility easement. Refer to Exhibit E.

Condition 2: The vacations shall not be effective until a new subdivision plat for the Riverfront at Dos Rios is recorded.

### **Parcel 1**

A Portion of the Alley right-of-way and Lawrence Street right-of-way located in O'Boyle's Sub-Division Reception No. 61369, in the NE1/4, NE1/4 of Section 22, Township 1 South, Range 1 West, of the Ute Principal Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at the Southwest Corner of the East 175 feet of Lot A, Block 2 of said Subdivision, whence the Southeast Corner of Lot A, Block 2 Bears S 89°56'44" E, with all bearings being relative thereto, thence the following courses and distances;

1. Along the southerly line of Lot A, S 89°56'44" E a distance of 174.80 feet, to the Southeast Corner of said lot;
2. Along the easterly line said lot, N 00°13'53" E, a distance of 110.00 feet;
3. Leaving said easterly line of Lot A, S 89°56'52" E, a distance of 2.15 feet;
4. S 00°13'53" W, a distance of 56.39 feet;
5. Along the arc of a 1,767.00 foot radius curve to the right, for a distance of 73.67 feet, with a chord which bears S 01°25'33" W, a distance of 73.66 feet, having an interior angle of 02°23'19;
6. S 89°56'44" E, a distance of 54.38 feet, to the Northwest Corner of Lot 12 Block 1 of said subdivision;
7. Along westerly line of said Lot 12, Block 1, S 00°09'53" W a distance of 129.98 feet, to the southeast Corner of said lot;
8. N 89°56'44" W, a distance of 54.95 feet, to the southeast corner of Lot 21, Block 2 of said subdivision;
9. N 00°08'36" E, a distance of 129.98 feet, to the Northeast Corner of said Lot 21;
10. Leaving said Northeast Corner of Lot 21, along the northerly line of Lots 21, through 27, N 89°56'44" W a distance of 174.80 feet;
11. N 00°13'53" E, a distance of 20.00 feet, to the Point of Beginning.

Containing approximately 10,884 square feet. (Exhibit "A")

**Parcel 2**

All that portion of the 20.0 Foot wide Alley within Block 1 of O'Boyle's Sub-Division, as same is recorded at Reception Number 61369, Public Records of Mesa County, Colorado lying East of the East line of Lot 8 Block 1 of said O'Boyle's Sub-Division; Containing approximately 500 square feet. (Exhibit "B")

**Parcel 3**

All that certain 20 foot alley right-of-way, as same is recorded in Book 511 at Page 81 Public Records of Mesa County, Colorado.  
Containing approximately 1,004 square feet. (Exhibit "B")

**Parcel 4**

All that portion of the 60.0 Foot wide right-of-way for Lila Avenue lying within the OBoyle's Sub-Division, as same is recorded at Reception Number 61369, Public Records of Mesa County, Colorado lying East of the East line of Block 2 and South of the south line of Block1 of said O'Boyle's Sub-Division;  
Containing approximately 12,294 square feet. (Exhibit "B")

**Parcel 5**

All that certain 60 foot right-of-way for Lila Ave, as same is recorded in Book 505 at Page 570 Public Records of Mesa County, Colorado.  
Containing approximately 3.006 square feet. (Exhibit "B")

**Parcel 6**

Right-Of-Way Vacation, located in the NE1/4, NE1/4 of Section 22, Township 1 South, Range 1 West, of the Ute Principal Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at the Southwest Corner of Right-Of-Way described at Reception No. 727833, from whence the N1/16 Corner of Section 22 Bears S 89°57'26" E, a distance of 314.35 feet, with all bearings being relative thereto, thence the following courses and distances;

1. N 01°37'36" E a distance of 5.90 feet;
2. Along the arc of a 279.00 foot radius curve to the left, for a distance of 61.57 feet, with a chord which bears N 63°20'09" E, a distance of 61.44 feet, having an interior angle of 12°38'36";
3. Along the arc of a 36.00 foot radius curve to the right, for a distance of 44.81 feet, with a chord which bears S 87°19'50" E, a distance of 41.97 feet, having an interior angle of 71°18'37";
4. S 51°40'32" E a distance of 52.65 feet,
5. Along the arc of a 297.50 foot radius curve to the left, for a distance of 6.93 feet, with a chord which bears S 52°20'33" E, a distance of 6.93 feet, having an interior angle of

01°20'03", to the southerly right-of-way of the additional right-of-way, described on the plat of Jarvis Subdivision Filing One, Reception Number 2790938;

6. Along said southerly right-of-way, N 87°36'50" W a distance of 128.59 feet;

7. Continuing on said southerly right-of-way, N 89°57'28" W a distance of 15.31 feet, to the Point of Beginning;

Containing approximately 3,522 square feet. (Exhibit "C")

**Parcel 7**

All that portion of the 20.0 Foot wide Alley within Block 3 of O'Boyle's Sub-Division, as same is recorded at Reception Number 61369, Public Records of Mesa County, Colorado lying South of the South line of Lots 1 through 8 Block 3 of said O'Boyle's Sub-Division;

Containing approximately 3,998 square feet. (Exhibit "D")

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PREVIOUSLY-DESCRIBED DEDICATED RIGHTS-OF-WAY ARE HEREBY VACATED SUBJECT TO THE LISTED CONDITION.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

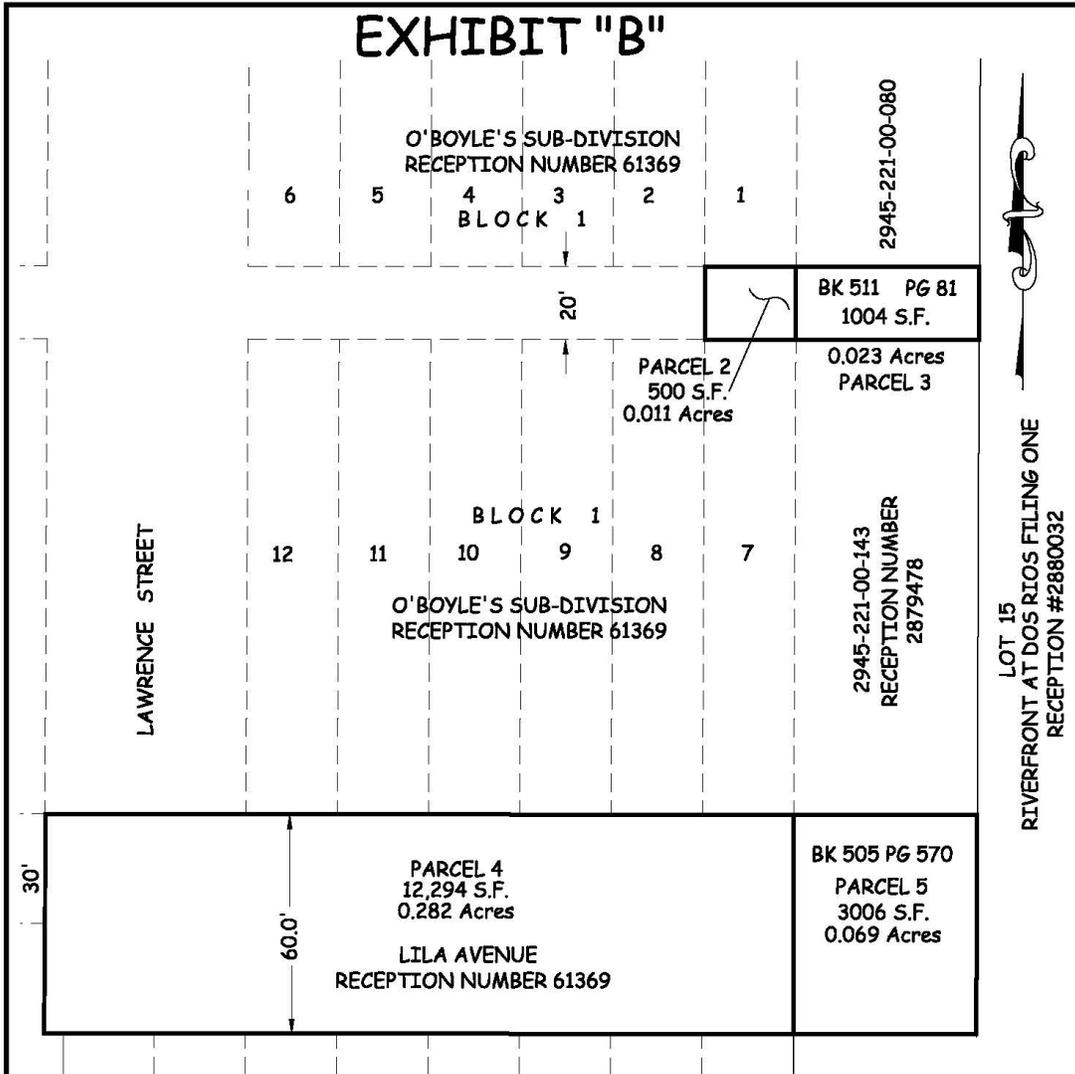
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

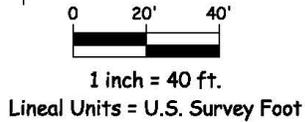


# EXHIBIT "B"



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

ABBREVIATIONS  
 SEC. SECTION  
 TWP. TOWNSHIP  
 RGE. RANGE

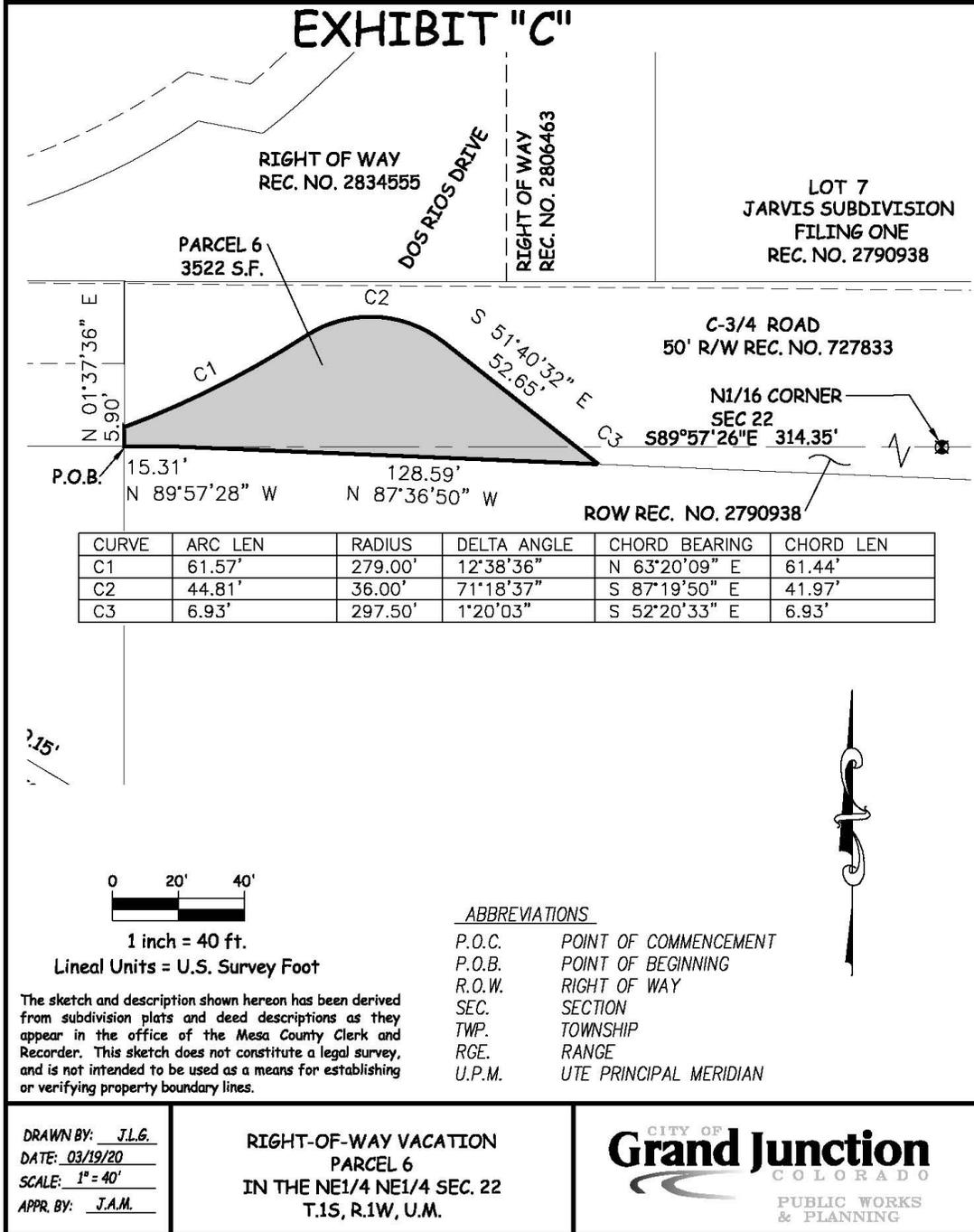


DRAWN BY: J.L.G.  
 DATE: 03/19/20  
 SCALE: 1" = 40'  
 APPR. BY: J.A.M.

**RIGHT-OF-WAY VACATION**  
**PARCELS 2-5**  
**T.1S, R.1W, U.M.**

CITY OF  
**Grand Junction**  
 COLORADO  
 PUBLIC WORKS  
 & PLANNING

# EXHIBIT "C"

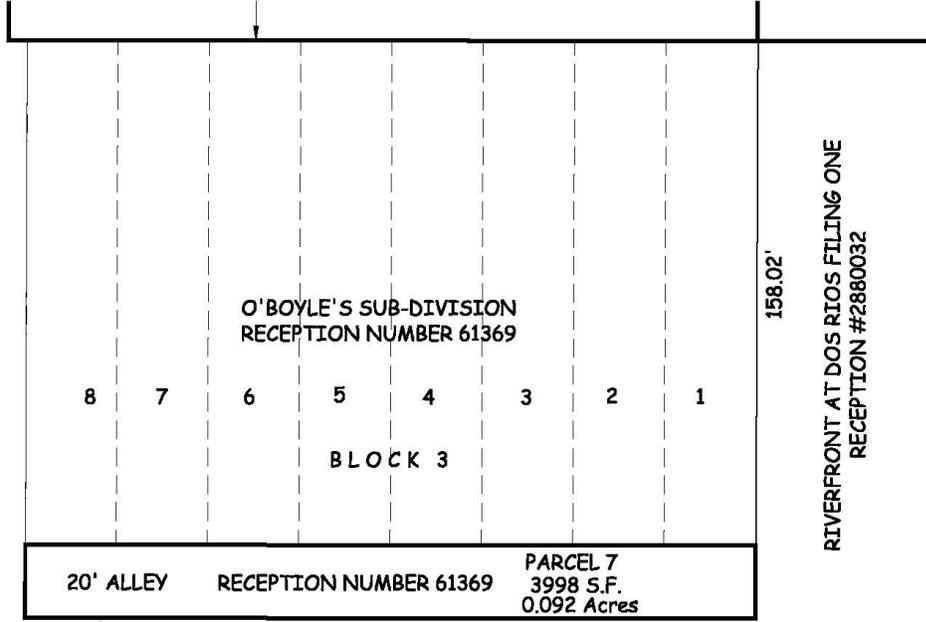


DRAWN BY: J.L.G.  
DATE: 03/19/20  
SCALE: 1" = 40'  
APPR. BY: J.A.M.

RIGHT-OF-WAY VACATION  
PARCEL 6  
IN THE NE1/4 NE1/4 SEC. 22  
T.1S, R.1W, U.M.

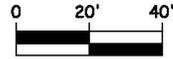
CITY OF  
**Grand Junction**  
COLORADO  
PUBLIC WORKS  
& PLANNING

# EXHIBIT "D"



SOUTH LINE OF O'BOYLE'S SUB-DIVISION

LOT 15  
RIVERFRONT AT DOS RIOS FILING ONE  
RECEPTION #2880032



1 inch = 40 ft.  
Lineal Units = U.S. Survey Foot

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

ABBREVIATIONS

SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE

DRAWN BY: J.L.G.  
DATE: 03/19/20  
SCALE: 1" = 40'  
APPR BY: J.A.M.

RIGHT-OF-WAY VACATION  
PARCEL 7  
T.1S, R.1W, U.M.

CITY OF  
**Grand Junction**  
COLORADO  
PUBLIC WORKS  
& PLANNING





## Grand Junction City Council

### Regular Session

Item #7.c.iii.

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**Meeting Date:** May 20, 2020

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

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### **Information**

#### **SUBJECT:**

An Ordinance to Vacate an Approximate 30-Foot Wide by 675-Foot Long Portion of 29 5/8 Road Abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road - [Staff Presentation](#)

#### **RECOMMENDATION:**

The Planning Commission heard this item at their April 14, 2020 meeting and recommended approval (7-0).

#### **EXECUTIVE SUMMARY:**

The Applicant, Terry DeHerrera, is requesting the vacation of an approximate 30-foot wide by 675-foot-long portion of public right-of-way of 29 5/8 Road (0.525-acres) in anticipation of future residential subdivision development for the proposed Goose Downs Subdivision to be located at 359 29 5/8 Road. The request to vacate is consistent with the City's Comprehensive Plan and Circulation Plan.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The existing right-of-way for 29 5/8 Road width is 60 feet and was conveyed in 2001 by Reception No. 1988158 within Mesa County jurisdiction. With this application, the Applicant is requesting to vacate 30 feet of the 60 feet width for the stretch of 29 5/8 Road starting at the intersection of C 3/4 Road moving in a southeastern direction to the point where 29 5/8 Road becomes aligned in a north/south direction; a point approximately 675 lineal feet southeast of the intersection of C 3/4 Road. This area of right-of-way contains no existing utility infrastructure and the road surface is presently

gravel. Since the Applicant is requesting to vacate only half of the right-of-way, access for the adjacent properties at 374 29 5/8 Road and the remainder of the five properties located at the end of 29 5/8 Road which now utilize this right-of-way, would still be maintained with the remaining 30 foot wide right-of-way. In addition, should the proposed subdivision for Goose Downs be developed, access to the existing five lots could also be through the new subdivision whereby they could connect to 29 ½ Road and then onto D Road. In the longer term, if/when the adjacent property located at 374 29 5/8 Road would annex and develop into a subdivision, the City would require that the remaining 30 foot wide portion of the 29 5/8 Road right-of-way (that is not included with the Applicant's request) be vacated and street improvements be constructed at that time including asphalt street section, curb, gutter, sidewalk; These improvements would be for the north/south and east/west portions of 29 5/8 Road and C ¾ Road (see attached maps).

The subject property was annexed into the City limits in 2008 and zoned R-4 (Residential – 4 du/ac) at that time. New rights-of-way for the proposed subdivision would be dedicated as necessary on the plat or by separate instrument.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed Vacation of Right-of-Way and Preliminary Subdivision Plan was held on October 15, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant, Applicant's Representative and City staff were in attendance along with nine area residents. Comments received regarding the two proposals centered around future access for their properties and the proposed development impacts to the neighborhood.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on January 31, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on April 3, 2020. The notice of the Planning Commission public hearing was published on April 7, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

The criteria for review is set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City;

The vacation of this portion of right-of-way will narrow the currently 60 feet right of way

in this area to 30 feet in width. Consistent with City standards, local residential street classifications should provide 44 feet of right-of-way, however, this contemplates a road that is fully constructed to City standards and includes improvements such as curb, gutter, sidewalk and width for on-street parking. A typical drive lane for a residential street is 10 feet wide, or 20 feet in total. This right of way width reduction will not impact the ability of residents to utilize the existing gravel surfaced road or access adjacent properties. Staff or other referral agencies have not identified any other impact on public facilities or services provided to the general public.

Should the proposed Goose Downs Subdivision occur in the future, new internal rights-of-way would be required to be granted to the City as part of the subdivision process which would provide new access points to 29 ½ Road. Consistent with the adopted Circulation Plan, other future development in this area would require the construction of the north/south section of 29 5/8 Road to form a T-intersection with C ¾ Road and would be designed to replace the portion of 29 5/8 Road that exists in the southeastern alignment.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A. City and County land use decisions will be consistent with the Future Land Use Map.

Goal 5 / Policy C. Increasing the capacity of housing developers to meet housing demand.

Goal 7 / Policy A. In making land use and development decisions, the City and County will balance the needs of the community.

Therefore, staff has found the request to vacate existing public rights-of-way does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

This request is to vacate 30 feet of a 60 feet wide portion of an existing dedicated right-of-way. As such, no parcels will be landlocked as a result of the proposed vacation request. The adjacent residential properties which utilize this portion of 29 5/8 Road will have continued access to the remaining 30 feet of right-of-way for access to their properties and/or until such a time as the future Goose Downs Subdivision would be developed, access could then be through the subdivision which provides access to 29 ½ Road. Therefore, staff has found this criterion has been met.

(3) Access to any parcel shall be not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

The portion of right-of-way requested to be vacated would not physically impact access to any parcel. As such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services;

Access, as exists today, will continue to be provided to adjacent properties. No comments were received from utilities or other service providers that this vacation request would create any adverse impacts or that facilities or services would be diminished, therefore staff has found that this criterion to be met.

Staff therefore finds this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

City Engineering staff has identified that retaining 30 feet of right of way is adequate to maintain the existing service and access to this area. Therefore, neither staff nor utility providers have identified that this partial right-of-way vacation request will inhibit the provision of adequate public facilities and services, therefore staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will not change as a result of the proposed vacation as the vacation will not impact the maintenance of the existing gravel surface of this section of 29 5/8 Road. The anticipated benefit of the vacation request is the ability for the Applicant to develop the property with road infrastructure that is constructed to City standards as well as the construction and alignment of roads consistent with the City's adopted Circulation Plan. As such, Staff finds that this criterion has been met.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the request to vacate a portion of 29 5/8 Road, City file number VAC-2020-51, for the property located at 359 29 5/8 Road, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 (c) of the of the Zoning and Development Code.

Therefore, the Planning Commission recommends approval of the request.

**FISCAL IMPACT:**

Average value of property and right-of-way can range broadly. The City received an MAI Appraisal from a project within the general area in 2019 that provided a value of approximately \$30,970 per acre or \$0.71 per square foot. This request includes vacating approximately 22,876 square feet of right-of-way which would result in a value of approximately \$16,241.25. This estimation of value is for informational purposes only. No compensation is being requested for this vacation.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4930, an ordinance vacating a portion of the 29 5/8 Road right-of-way as identified within Reception Number 1988158 located adjacent to 359 29 5/8 Road on final passage and order final publication in pamphlet form.

**Attachments**

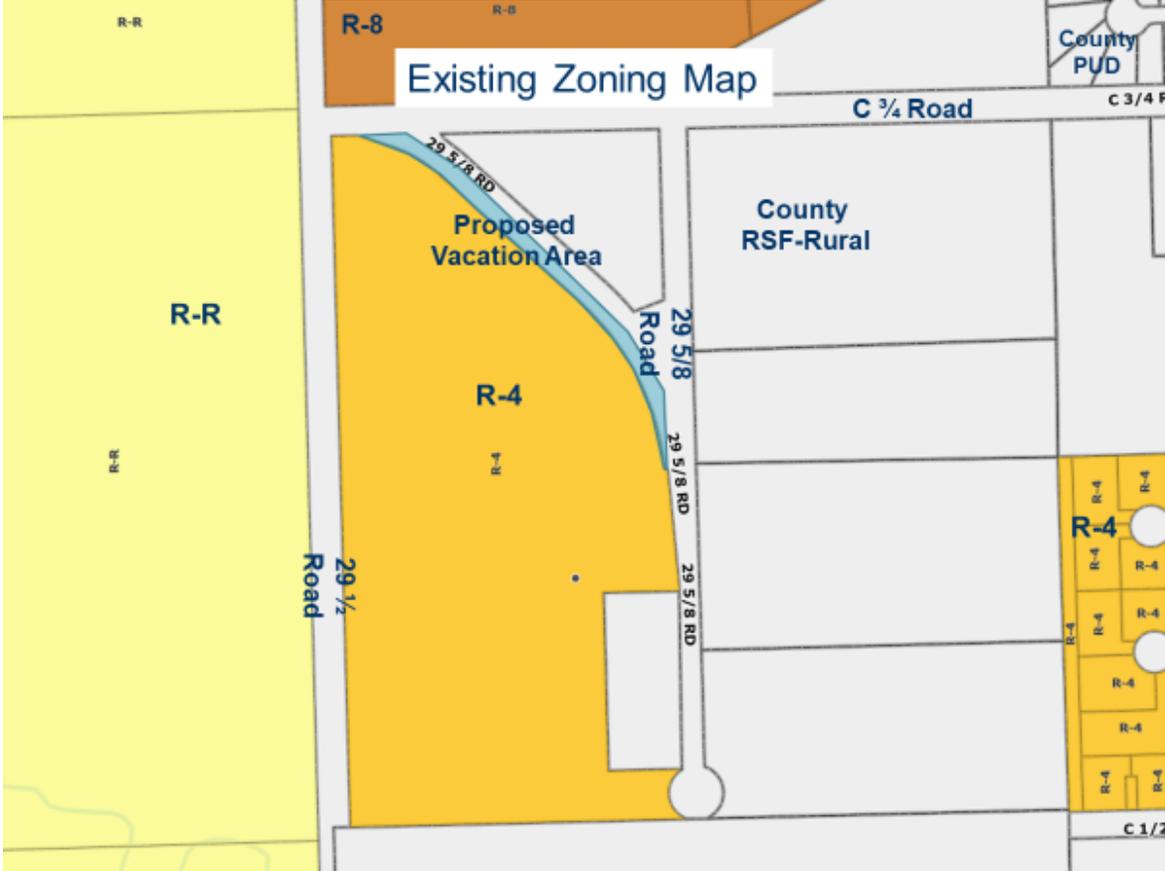
1. Site Location, Aerial & Zoning Maps, etc.
2. Planning Commission Minutes - 2020 - April 14 - Draft
3. Neighborhood Meeting Notes & Sign-In Sheet
4. Submittal Application Dated January 27, 2020
5. Public Correspondence Received - Goose Downs ROW Vacation
6. Vacation Ordinance



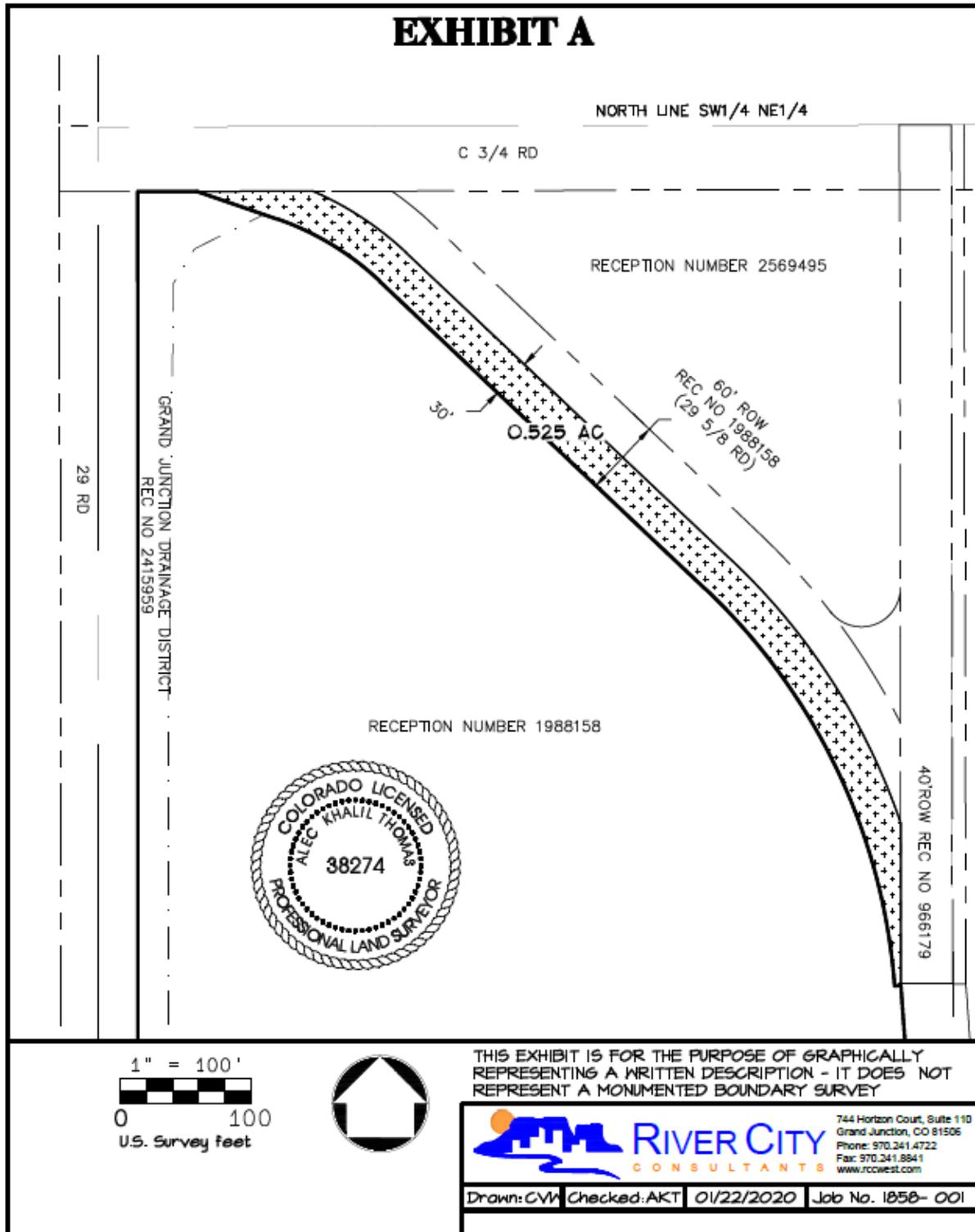


# Comprehensive Plan Future Land Use Map





Proposed Vacation Area:



**Google Street View Located at the Intersection of 29 1/2 Road and 29 5/8 Road looking Southeast**



**GRAND JUNCTION PLANNING COMMISSION**  
**April 14, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Keith Ehlers, Andrew Teske, Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

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The Planning Commission reviewed the meeting minutes from the February 25, 2020 and the April 9, 2020 meeting.

Commissioner Wade moved to approve the minutes as presented. Commissioner Susuras seconded the motion.

The motion carried unanimously 7-0.

**2. 27 ½ Road Right-of-Way Vacation **File # ZCA-2019-459****

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Consider a request by Eddy at Grand JCT, LLC to Vacate a 25-foot-wide by 400 lineal foot Portion of the undeveloped 27 ½ Road Public Right-of-Way (ROW) abutting the eastern property line of the property located at approximately 347 27 ½ Road.

**Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org)

**Questions for Staff**

There was discussion regarding access to the Colorado River and pedestrian and utility easements.

### **Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:31 p.m. on April 14, 2020.

### **Discussion**

Commissioner Ehlers asked for clarification regarding the pedestrian easements.

Ms. Jamie Beard suggested adding a second condition that with the vacation of the right-of-way, a pedestrian access easement is retained comparable to the pedestrian access easement that already exists on the abutting properties and comparable in size and location

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chair, on the request for right of way vacation for an approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, City file number VAC-2019-459, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried 7-0.

**3. Pinnacle Ridge Extension Request**

**SUB-2015-120; SUB-2017-273**

Consider a request by Two R & D LLC, to extend for two additional years the approved Preliminary Plan and Filing 2 Plat for the Pinnacle Ridge Subdivision located East of Mariposa Drive near W. Ridges Blvd.

**Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

There was discussion regarding the extension process as described in the Code and the timeline for this general type of request/project.

**Applicant's Presentation**

The Applicant's representative, Robert Jones II, Vortex Engineering, was virtually present in the meeting. Mr. Jones did not supply a presentation but was available for questions.

**Questions for Applicant**

Commissioner Wade asked a question regarding the applicant's intention to complete filings 1 and 2. Mr. Jones responded.

Commissioner Susuras asked a question regarding the reason for the projects being put on hold and if it has to do with the economic insecurity the pandemic has caused. Mr. Jones responded.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Mark Gardner, Mary Orn, and Bradley Brian. One additional comment that was received by Richard Wihera at 5:59 p.m. and was read into the record by Tamra Allen at 6:50 p.m.

Mr. Jones responded to the public comment that was received.

The public hearing was closed at 6:54 p.m. on April 14, 2020.

**Questions for Applicant**

None.

### Questions for Staff

None.

### Discussion

Commissioner Wade made a comment regarding the request.

Commissioners Gatseos made a comment regarding the request and asked Ms. Beard about a clause asking the developer report back in 12 months. Ms. Beard responded.

Commissioners Ehlers, Scissors and Susuras made comments in support of the request.

Ms. Allen clarified that the Planning Commission is the final decision maker on this item and it is not a recommendation to City Council.

### Motion and Vote

Commissioner Gatseos made the following motion, "Madam Chairman, on the Pinnacle Ridge Subdivision request to amend the expiration dates of the approved Preliminary Plan and Filing 2 recording date, City file numbers SUB-2015-120 and SUB-2017-273, I move that the Planning Commission approve the requested two year extension for the Preliminary Plan until April 19, 2022 and a two year extension for Filing 2 until December 11, 2022."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

#### 4. Augustine Blue Rezone

**File # RZN-2020-110**

Consider a Request by Kyle Berger and Mark Beckner to Rezone Three Properties of a Total of 10.86 acres Currently in R-1 (Residential - 1 du/ac), R-E (Residential - Estate), and R-R (Residential - Rural) Zone Districts to an R-2 (Residential - 2 du/ac) Zone District located at 2574 and 2576 Tahoe Drive and an Adjacent Unaddressed Property.

Commissioner Teske recused himself from this item.

### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Chairman Reece asked a question regarding access to the property.

Commissioner Wade asked a question regarding the business Rooted Gypsy.

### **Applicant's Presentation**

The Applicant, Mark Beckner, did not submit a presentation but was present and available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Sandra Adcox. No additional comment was submitted.

The public hearing was closed at 7:17 p.m. on April 14, 2020.

### **Discussion**

Commissioner Gatseos asked a question regarding the rezone criteria that have been met.

Commissioner Ehlers asked a question regarding the rezone application versus the subdivision application. Commissioner Ehlers made a comment on the administrative subdivision process.

### **Motion and Vote**

Commissioner Scissors made the following motion, "Madam Chairman, on the Rezone request RZN-2019-585, I move that the Planning Commission forward a recommendation of approval for the rezone of three parcels at 2576 Tahoe Drive, 2574 Tahoe Drive, and an adjacent unaddressed parcel from a R-E (Residential – Estate), R-R (Residential – Rural), and R-1 (Residential – 1 du/ac) zone district to a R-2 (Residential, 2 du/ac) zone district, with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece called a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried 6-0.

**5. The Riverfront at Dos Rios Rezone to PD and ODP File # PLD-2020-121**

Consider a request by the City of Grand Junction for a Rezone/Amendment to the Planned Development (PD) zone district and Outline Development Plan (ODP) for the Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Commissioner Reece asked a question regarding the location's relationship to the railyard.

Commissioner Ehlers asked a question regarding the original plan.

Commissioner Reece asked a question regarding access.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Mary Morfin. No additional public comment was received.

The public hearing was closed at 7:29 p.m. on April 14, 2020.

**Discussion**

None.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chairman, on the Rezone and Amendment to Planned Development (PD) with a BP (Business Park) default zone district and an Outline Development Plan for a mixed use development known as the Riverfront at Dos Rios, file number PLD-2020-121, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

### **6. Goose Down Right-of-Way Vacation File # VAC-2020-51**

Consider a request by Terry DeHerrera to Vacate an approximate 30-foot wide by 675-foot long portion of 29 5/8 Road abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road.

#### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

#### **Questions for Staff**

Commissioner Scissors asked a question regarding Item 4 in the Analysis, especially as it pertains to the safety aspect and the public comments that were received.

Chairman Reece asked a question regarding the 30-foot right-of-way and the plans for it in the future.

Commissioner Gatseos asked a question about the access to 29 1/2 Road.

#### **Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Mark Gardner, Ed Gardner, Bruce Queen, and Brianne Leota. No additional public comment was received.

The public hearing was closed at 7:43 p.m. on April 14, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Gatseos made the following motion, “Madam Chairman, on the request to Vacate an approximate 675 lineal foot portion of 29 5/8 Road, located at 359 29 5/8 Road, City file number VAC-2020-51, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Ehlers seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

## **7. Zoning Code Amendment – Planned Developments **File # ZCA-2020-121****

Consider a Request by the City of Grand Junction to Amend Title 21 of the Grand Junction Municipal Code to modify and clarify provisions governing the Planned Development (PD) Zone District.

### **Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

## Questions for Staff

None.

## Public Comment

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received by Ted Ciavonne.

The public hearing was closed at 7:50 p.m. on April 14, 2020.

## Discussion

Chairman Reece and Commissioners Ehlers and Scissors stated their support for the proposed amendments

## Motion and Vote

Commissioner Scissors made the following motion, "Madam Chair, on the Zoning and Development Code Amendments, ZCA-2020-121, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

## 8. Zoning Code Amendment – B-1 Setback Reduction File # ZCA-2020-172

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding setbacks in the B-1: Neighborhood Business Zone District.

## Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Chairman Reece stated that this is an item the Planning Commission has workshopped and reviewed for the past few weeks.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 7:56 p.m. on April 14, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chair, on the B-1 setback reduction, City file number ZCA-2020-172, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

## **9. Other Business**

None.

## **10. Adjournment**

The meeting was adjourned at 8:00 p.m.

GOOSE DOWNS NEIGHBORHOOD MEETING  
October 15, 2019 @ 5:30pm  
NOTES

A Neighborhood Meeting was held on October 15, 2019 regarding a Right of Way Vacation and Preliminary/Final Subdivision.

In Attendance:

Representatives: Terry DeHerrera (Owner)

Ted Ciavonne & Mallory Reams (Ciavonne, Roberts & Associates Inc.)

Scott Peterson (City of Grand Junction)

About 9 Neighbors attended the meeting and had the following comments and concerns:

- So we will have to navigate through this neighborhood in order to get to our homes? – Yes. At least until C ½ & 29 5/8 gets built.
- That won't work. Farmers use this road with their tractors. We also have trucks with trailers and the diagonal is the easiest way for transportation.
- What's the purpose of cutting this road off? Why is the city and county concerned with straightening the road out? – The City and the County have a road map (transportation plan) and this is one of the roads they would like to vacate. They prefer north-south, east-west whenever possible.
- What will happen to the triangle piece to the north? – They will get the other ½ of the Right of Way.
- How long has that road been going through there? Can't it be grandfathered in? – Not exactly sure how long, but no it can't be grandfathered in.
- Does the owner of the Triangle piece want to vacate? – Yes.
- Is 29 5/8 county owned Right of Way? – Neighbors think it is, Terry and Scott said No.
- Shouldn't the county and the city have these roads figured out by now? – They do on their circulation plan.
- What if we the neighbors say "No" to selling (annexing) our property? – That is your choice, but the City will still own the Right of Way.
- Anything we can do to say "No" to this project? – Yes, you can go to the hearings once they are scheduled and stand up and speak against the project then.
- There is a tremendous amount of wildlife (Birds, deer, fox, etc.) that go through this area. Have you taken that into account? – We are not required to do any sort of studies on the impacts of wildlife. The city created a 201 Boundary and identified areas that will be developed and this is in that Boundary
- Concerned about the subdivision lights being too bright, ruining the night sky. They prefer the dark/rural life. – Sometimes we can get the city to reduce the # of lights located within the subdivision. The lights are also required to point down.

- Concerned about construction noise and dust/dirt everywhere. Also concerned with traffic increasing and crime rates going up when finished.
- Will 29 5/8 be paved? – 29 5/8 will get a half road. Everything else in grey on our plan will be paved.
- Will our property (northern most property on 29 5/8) remain dirt and not get a driveway anymore? – No, we more than likely will have to pave up to our last lot, but then put gravel up to your lot, but no curb, gutter, or sidewalk.
- What kind of housing will it be? – Single family detached. Similar to the subdivision to the east.
- It can't be apartments? – No, R-4 does not allow apartments, only duplex style. Would have to go through a Rezone.
- What about utilities? – Only if the lines are under serviced would we need to change them. Otherwise nothing happens to yours.
- Irrigation ditch in South right of way, what will happen to it? – Nothing.
- C ½ Road will happen? – Eventually
- What will happen to 29 5/8 half Road? – It will remain as a half road. It is the responsibility of the R-8 property to the east to develop the other half.
- What about speed limit signs and speed bumps? – The city is against using speed bumps, but there will be speed limit signs.

# SIGN-IN SHEET

## GOOSE DOWNS NEIGHBORHOOD MEETING

Tuesday October 15, 2019 @ 5:30pm  
FOR: Prelim/Final Sub & ROW Vacation

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE # OR EMAIL</u>
Scott D. Peterson	CITY PLANNING	SCOTT@GJCITY.ORG
EDWARD GARDNER ORA QUEEN	935 LAKESIDE CT 372 29 5/8 RD	MUDMAN1935@AOL.COM OQUEEN1157@GMAIL.COM
Brianne Leota Jenny Carlson	364 29-5/8 RD	<del>bre@</del> breleota@gmail.com
Lewis KNEZ	356 29 5/8 Rd.	629-5196
Mark Gardner	2937 D Rd	whitch20@acsdl.net
Terry DeHerrera	2693 Continental Dr.	COFISHMAN@AOL.COM
Jacob Knez		
John & Pam Mearns	2975 C 1/2 Rd W D.	Pamatom@hotmail.com

## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation <input type="text"/>	Existing Zoning <input type="text"/>
Proposed Land Use Designation <input type="text"/>	Proposed Zoning <input type="text"/>

Property Information

Site Location: <input type="text" value="359 29 5/8 Road Grand Junction, CO 81504"/>	Site Acreage: <input type="text" value="13.23"/>
Site Tax No(s): <input type="text" value="2943-201-00-105"/>	Site Zoning: <input type="text" value="R-4"/>
Project Description: <input type="text" value="to vacate half (1/2) the right-of-way of the curve portion of 29 5/8 Road"/>	

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application <input type="text" value="Terry D DeHerrera"/>	Date <input type="text" value="9-26-19"/>
Signature of Legal Property Owner <input type="text" value="Terry D DeHerrera"/>	Date <input type="text" value="9/26/19"/>



2 PAGE DOCUMENT

Recorded at \_\_\_\_\_ o'clock \_\_\_\_\_ M., \_\_\_\_\_  
Reception No. \_\_\_\_\_ Recorder

**QUITCLAIM DEED**

Grantor(s) **Terry D. DeHerrera and Kelly A. DeHerrera** whose address is , **2805 Cottage Lane, Grand Junction, CO 81506**\*County of **Mesa** State of **Colorado**, for the consideration of Ten Dollars, in hand paid, hereby sell(s) and quitclaims to **Terry D. DeHerrera**

**Book 3121 Page 581**  
2068362 07/29/02 0424PM  
MONIKA TODD CLK&REC MESA COUNTY CO  
REC FEE \$10.00  
DOCUMENTARY FEE \$NO FEE

581

whose address is **2805 Cottage Lane, Grand Junction,\*** County of **Mesa**, and State of **Colorado**, the following real property, in the County of **Mesa**, and State of **Colorado**, to wit:  
**See Exhibit A attached hereto and made a part of**

also known as street and number: **359 29 5/8 Road, Grand Junction, CO 81504**

assessor's schedule or parcel number: **2943-201-00-105**  
with all its appurtenances.

Signed this 29<sup>th</sup> day of July, 2002.

\_\_\_\_\_  
**Terry D. DeHerrera**  
\_\_\_\_\_  
**Kelly A. DeHerrera**

STATE OF COLORADO,  
County of **Mesa**

} ss.  
The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of July, 2002 by **Terry D. DeHerrera and Kelly A. DeHerrera**



Witness my hand and official seal. My Commission Expires  
My commission expires: April 17, 2004  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

Exhibit A

**BOOK 3121 PAGE 582**

Commencing at the Northwest corner of the Southwest Quarter Northeast Quarter of Section 20, Township 1 South, Range 1 East, Ute Meridian, from whence the Northeast corner of the Southwest Quarter Northeast Quarter of said Section 20 bears S 89°56'28" E 1314.72 feet distance for a basis of bearings, all bearings hereon relative thereto;

thence S 00°10'30" W 50.00 feet;

thence N 89°56'28" E 30.00 feet to the point of beginning;

thence S 89°56'28" E 45.82 feet;

thence S 70°46'38" E 64.85 feet to the beginning a horizontal curve;

thence along said curve to the right with a radius of 220.00 feet and a length of 93.59 feet, whose chord bears S 58°35'24" E 92.89 feet;

thence S 46°24'10" E 345.91 feet to the beginning a horizontal curve;

thence along said curve to the right with a radius of 470.00 feet and a length of 346.75 feet, whose chord bears S 25°16'02" E 338.94 feet;

thence N 85°52'05" E 5.00 feet;

thence S 04°01'25" E 210.13 feet;

thence S 00°30'53" W 8.63 feet;

thence N 89°54'45" W 136.00 feet;

thence S 00°05'15" W 320.29 feet;

thence S 89°54'45" E 131.82 feet to a point of a non tangent horizontal curve;

thence along said curve to the left with a radius of 50.00 feet and a length of 125.92 feet, whose chord bears S 17°45'59" E 95.18 feet;

thence N 89°54'45" W 629.33 feet;

thence N 00°10'30" E 1242.71 feet to the point of beginning.

**Goose Downs Subdivision  
Vacation of ROW  
January 27, 2020  
Project Description**

**Project Overview**

There are 13.23 acres currently located at 359 29 5/8 Road. At present, Terry Deherrera owns the property and will also be developing it.

This proposal is to vacate half (1/2) the right-of-way of the curve portion of 29 5/8 Road.

**A. Project Description**

Location and Site Features

- The parcel is located between 29 1/2 Road and 29 5/8 Road, south of C 2/3 Road. It is zoned R-4 within the City of Grand Junction.
- There is an 18" sanitary sewer main in C 3/4 Road, and an 8" main in 29 5/8 Road. There is a 12" water main in C 3/4 Road supplied by Ute Water.
- There is an existing metal, commercial office building on site, but will be removed prior to subdivision.
- The site is generally flat, sloping southeast.
- There is a freshwater pond and wetlands on the south end of the property.

Existing Zoning

- The parcel is zoned R-4.

**B. Public Benefit:**

- The removal of unnecessary city ROW; the addition of taxable real estate;
- Infill development that utilizes existing infrastructure;

**C. Neighborhood Meeting**

A Neighborhood Meeting was held on October 15, 2019. Notes are included with submittal package.

**D. Project Compliance, Compatibility, and Impact**

1. Adopted Plans and/or Policies

The Future Land Use Plan; the Land Development Code.

2. Surrounding Land Use

Surrounding land use /zoning is RSF-R/R-8 (single family residence/agriculture) to the north, R-R (sand and gravel operations) to the west, RSF-R (single family residence) to the east, and RSF-R (single family residence) to the south.

3. Site Access and Traffic

There are currently two access points off of 29 5/8 Road. The proposed accesses will be off of C 3/4 Road, 29 5/8 Road, and C 1/2 Road.

4 & 5. Availability of Utilities and Unusual Demands

There is an 18” sanitary sewer main (supplied by the City of Grand Junction) in C ¾ Road, and an 8” main in 29 5/8 Road. There is a 12” water main in C ¾ Road supplied by Ute Water.

6. Effects On Public Facilities

Future development of these properties will have expected, but not unusual impacts on the fire department, police department, and the public school system.

7. Site Soils

No unusual or unexpected soil issues are present at the proposed site.

8. Site Geology and Geologic Hazards

N/A

9. Hours of Operation N/A

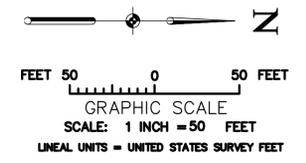
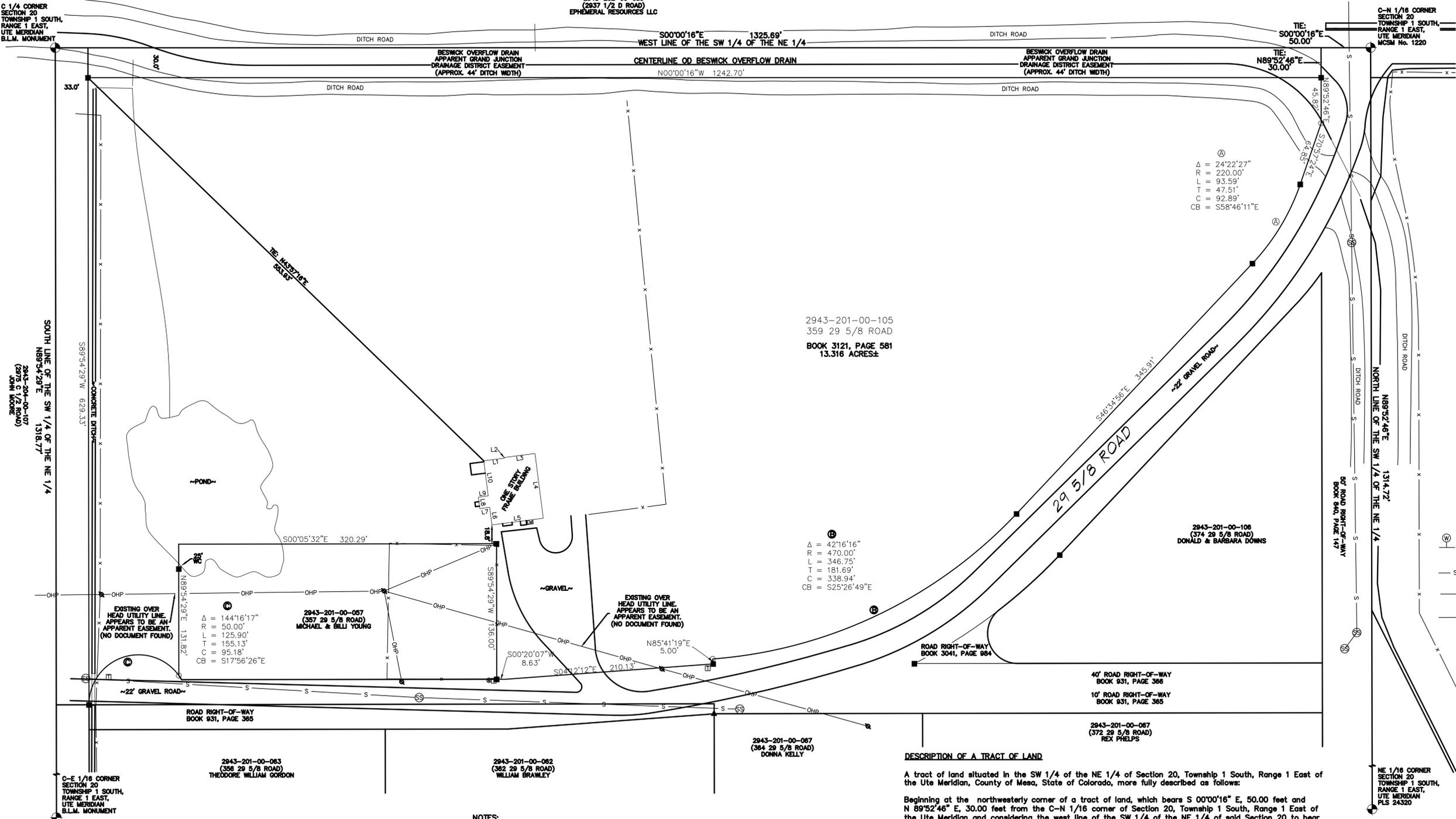
10. Number of Employees N/A

11. Signage Plans N/A

12. Irrigation

**E. Development Schedule and Phasing**

- Submit ROW Vacation – Winter 2020
- Submit Prelim/Final Subdivision – Winter/Spring 2020



**LEGEND**

- SET THIS SURVEY, 5/8" REBAR WITH CAP MARKED PLS 19597.
- FOUND THIS SURVEY, 5/8" REBAR WITH CAP MARKED PLS 33650.
- ▲ FOUND THIS SURVEY, 5/8" REBAR WITH CAP MARKED PLS 24320.
- FOUND THIS SURVEY, 5/8" REBAR WITHOUT CAP.
- ⊕ FOUND IN PLACE, MONUMENT AS DESCRIBED.
- M.C.S.M. MESA COUNTY SURVEY MONUMENT.
- B.L.M. BUREAU OF LAND MANAGEMENT.
- S.F. SQUARE FEET.
- AC. ACRES.
- WC WITNESS CORNER.
- RM REFERENCE MARKER.
- ⊞ TELEPHONE PEDESTAL.
- ⊞ ELECTRIC METER.
- ⊞ WATER LINE, METER AND MANHOLE.
- ⊞ SANITARY SEWER LINE AND MANHOLE.
- ⊞ OVERHEAD POWER LINE AND POWER POLE.
- ⊞ WIRE FENCE.

2943-201-00-105  
359 29 5/8 ROAD  
BOOK 3121, PAGE 581  
13.316 ACRES±

ⓐ Δ = 42°16'16"  
R = 470.00'  
L = 346.75'  
T = 181.69'  
C = 338.94'  
CB = S25°26'49"E

ⓑ Δ = 144°16'17"  
R = 50.00'  
L = 125.90'  
T = 155.13'  
C = 95.18'  
CB = S17°56'26"E

**DESCRIPTION OF A TRACT OF LAND**

A tract of land situated in the SW 1/4 of the NE 1/4 of Section 20, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, more fully described as follows:

Beginning at the northwesterly corner of a tract of land, which bears S 00°00'16" E, 50.00 feet and N 89°52'46" E, 30.00 feet from the C-N 1/16 corner of Section 20, Township 1 South, Range 1 East of the Ute Meridian and considering the west line of the SW 1/4 of the NE 1/4 of said Section 20 to bear S 00°00'16" E, with all other bearings contained herein relative thereto;

1. Thence N 89°52'46" E, 45.82 feet;
2. Thence S 70°57'24" E, 64.85 feet;
3. Thence southeasterly 93.59 feet along the arc of a circular curve to the right with a radius of 220.00 feet, a delta of 24°22'27", and a chord bearing S 58°46'11" E, 92.89 feet;
4. Thence S 46°34'56" E, 345.91 feet;
5. Thence southeasterly 346.75 feet along the arc of a circular curve to the right with a radius of 470.00 feet, a delta of 42°16'16", and a chord bearing S 25°26'49" E, 338.94 feet;
6. Thence N 85°41'19" E, 5.00 feet;
7. Thence S 04°12'12" E, 210.13 feet;
8. Thence S 00°20'07" W, 8.63 feet;
9. Thence S 89°54'29" W, 136.00 feet;
10. Thence S 00°05'32" E, 320.29 feet;
11. Thence N 89°54'29" E, 131.82 feet;
12. Thence southeasterly 125.90 feet along the arc of a circular curve to the left with a radius of 50.00 feet, a delta of 144°16'17", and a chord bearing S 17°56'26" E, 95.18 feet;
13. Thence S 89°54'29" W, 629.33 feet;
14. Thence N 00°00'16" W, 1242.70 feet to the point of beginning.

Tract of land, as described above contains 13.316 acres more or less.

LINE	BEARING	DISTANCE
L1	N07°19'25"W	21.00'
L2	S82°40'35"W	0.66'
L3	N07°19'25"W	31.22'
L4	N82°40'35"E	65.56'
L5	S07°19'25"E	52.22'
L6	S82°40'35"W	17.80'
L7	S07°19'25"E	10.00'
L8	S82°40'35"W	11.50'
L9	N07°19'25"W	10.00'
L10	S82°40'35"W	35.60'

**NOTES:**

1. Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon a defect in this survey be commenced more than ten years from the date of certification shown hereon.
2. Basis of Bearing: The west line of the SW 1/4 of the NE 1/4 of Section 20, Township 1 South, Range 1 East, Ute Meridian, having a grid bearing of S 00°00'16" E and is monumented on the ground as shown on this Plat. The origin for this basis of bearings hereon is based on the grid bearings of the Mesa County SIMSLCS network.
3. Lineal units are United States Survey Feet.
4. Existing property corners which were recovered during this survey which were within 0.25 feet± of the position of record were accepted as being in the proper location as shown by record.
5. This survey does not constitute a title search by this surveyor or Vista Engineering Corp. All information regarding ownership, rights-of-way, easements of record, adjoiners, and other documents that may affect the quality of title to this property is from a title policy issued by Abstract & Title Co. of Mesa County, Inc., Commitment No. 00920632 C, dated September 8, 2007.
6. This map is based on a field survey performed by Vista Engineering Corp. dated July 31, 2007.
7. Posted address: 359 29 5/8 ROAD, Grand Junction, Colorado.
7. The location of underground utilities as shown hereon are based on visible evidence from above ground structures and additional underground utilities may exist.

**LAND SURVEY DEPOSIT**  
Mesa County Surveyor's Office  
Date \_\_\_\_\_  
Book \_\_\_\_\_, Page \_\_\_\_\_  
Deposit No. \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, Dean E. Ficklin, an employee of Vista Engineering Corporation, and a Professional Land Surveyor, licensed under the laws of the State of Colorado, do hereby state that this plat has been prepared by me and/or under my direct supervision and represents a field survey. This statement is only applicable to the survey data hereon, and does not represent a warranty or opinion as to ownership, lienholders or quality of title.



Dean E. Ficklin  
P.L.S., 19597

IMPROVEMENT SURVEY PLAT  
359 29 5/8 ROAD,  
GRAND JUNCTION, COLORADO.  
W 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 20,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE MERIDIAN,  
COUNTY OF MESA, STATE OF COLORADO.

VISTA ENGINEERING CORP.  
GRAND JUNCTION, COLORADO

SCALE: 1" = 50'	JOB NO: 4282.00-03	DATE: 9-21-07	SHEET NO: 1 of 1
-----------------	--------------------	---------------	------------------

## RIGHT OF WAY VACATION

A parcel of land being a portion of Right-of-Way as recorded at Reception Number 1988158, said portion lying southwesterly of those lines parallel with and 30' northeasterly from the tangential southwesterly lines of said parcel and southwesterly of those curves concentric with and 30' northeasterly from the curved southwesterly lines of said parcel and its northwesterly and southeasterly continuation thereof, situated in the southwest quarter of the northeast quarter of Section 20 Township 1 South, Range 1 East, of the Ute Meridian, County of Mesa, State of Colorado,

Containing 22875.94 Square feet, 0.525 acres more or less.

---

This description was prepared by:  
Alec K. Thomas  
Colorado P.L.S. 38274  
744 Horizon Court - #110  
Grand Junction, CO 81506



---

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

# EXHIBIT A

NORTH LINE SW1/4 NE1/4

C 3/4 RD

RECEPTION NUMBER 2569495

60' ROW  
REC NO 1988158  
(29 5/8 RD)

0.525 AC

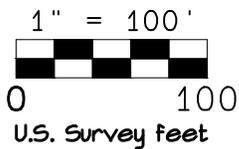
30'

GRAND JUNCTION DRAINAGE DISTRICT  
REC NO 2415959

29 RD

RECEPTION NUMBER 1988158

40' ROW REC NO 966179



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



**RIVER CITY**  
CONSULTANTS

744 Horizon Court, Suite 110  
Grand Junction, CO 81506  
Phone: 970.241.4722  
Fax: 970.241.8841  
www.rccwest.com

Drawn: CVM Checked: AKT 01/22/2020 Job No. 1858- 001

# City of Grand Junction Review Comments

**Date:** February 27, 2020      **Comment Round No.** 1      **Page No.** 1 of 4  
**Project Name:** Goose Downs Subd. – ROW Vacation      **File No:** VAC-2020-51  
**Project Location:** 359 29 5/8 Road

Check appropriate  if comments were mailed, emailed, and/or picked up.

**Property Owner(s):** Terry DeHerrera  
 **Mailing Address:** 2693 Continental Drive, Grand Junction, CO 81506  
 **Email:** [cofishman@aol.com](mailto:cofishman@aol.com)      **Telephone:** (970) 234-3201  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Representative(s):** Ciavonne Roberts & Associates – Attn: Ted Ciavonne  
 **Mailing Address:** 222 N. 7<sup>th</sup> Street, Grand Junction, CO 81501  
 **Email:** [ted@ciavonne.com](mailto:ted@ciavonne.com)      **Telephone:** (970) 241-0745  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Developer(s):**  
 **Mailing Address:**  
 **Email:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

## CITY CONTACTS

**Project Manager:** Scott D. Peterson, Senior Planner  
**Email:** [scottp@gjcity.org](mailto:scottp@gjcity.org)      **Telephone:** (970) 244-1447  
**Dev. Engineer:** Jarrod Whelan  
**Email:** [Jarrodw@gjcity.org](mailto:Jarrodw@gjcity.org)      **Telephone:** (970) 244-1443

# City of Grand Junction REQUIREMENTS (with appropriate Code citations)

## CITY PLANNING

1. Proposal is for Vacation of half the right-of-way of the curve portion of 29 5/8 Road, 22,875 +/- sq. ft. or 0.525 +/- acres as part of the proposed Goose Downs residential subdivision. Existing zoning for the adjacent property (359 29 5/8 Road) is R-4 (Residential – 4 du/ac) and the Comprehensive Plan Future Land Use Map designates the property as Residential Medium Low (2 – 4 du/ac). No additional response required.

**Applicant's Response:**

**Document Reference:**

2. Annexation of 29 5/8 Road:

City of Grand Junction will process an Annexation request in the near future to annex a portion of the 29 5/8 Road right-of-way located to the east of the applicant's property. After the right-of-way is annexed into the City, the applicant can then request to vacate another separate portion of the platted right-of-way/cul-de-sac as part of the Preliminary Plan application, if applicable. Anticipated timeframe of the annexation of right-of-way could be four (4) months.

**Applicant's Response:**

**Document Reference:**

3. Legal Description & Map Exhibit of Vacation Area:

Interim City Surveyor has reviewed the submitted metes/bounds legal description and map exhibit for proposed vacation area. Once revisions are completed, submit WORD document of legal description and have applicant's Surveyor sign and stamp map exhibit and submit for review in preparation for City Resolution preparation. Once City Resolution has been reviewed and approved by City Council, document will be recorded in the office of the Mesa County Clerk & Recorder. Applicant will be responsible for all associated recording fees.

Code Reference: IV-2 of the SSIDS Manual.

**Applicant's Response:**

**Document Reference**

4. Vacation Request:

FYI. Proposed vacation request (City file # VAC-2020-51) for the 29 5/8 Road right-of-way at the curve is scheduled to be heard by the Planning Commission on April 14, 2020 and City Council on May 20, 2020. City Project Manager will notify applicant if for any reason this schedule would change. If applicant cannot attend these hearing dates, please notify City Project Manager for alternative dates.

Code Reference: Section 21.02.100 of the Zoning & Development Code.

**Applicant's Response:**

**Document Reference:**

**CITY DEVELOPMENT ENGINEER**

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No Exceptions Taken.

**Applicant's Response:**

**Document Reference:**

**INTERIM CITY SURVEYOR – Jodie Grein – [jodie@rcegj.com](mailto:jodie@rcegj.com) (970) 243-8311**

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Legal Description:

1. Believe you can remove the statement "and its northwesterly and southeasterly continuation thereof", don't think it is necessary.

Exhibit

1. Change reception number on southwest property to current deed.

**Applicant's Response:**

**Document Reference:**

**CITY FIRE DEPARTMENT – Matt Sewalson – [mattse@gjcity.org](mailto:mattse@gjcity.org) (970) 549-5855**

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Grand Junction Fire Department's Fire Prevention Bureau has no comments.

**Applicant's Response:**

**Document Reference:**

**CITY ADDRESSING – Pat Dunlap – [patd@gjcity.org](mailto:patd@gjcity.org) (970) 256-4030**

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No comments.

**Applicant's Response:**

**Document Reference:**

## **OUTSIDE REVIEW AGENCY COMMENTS**

**(Non-City Agencies)**

**Review Agency: Mesa County Building Department**

**Contact Name: Darrell Bay**

**Email / Telephone Number: [Darrell.bay@mesacounty.us](mailto:Darrell.bay@mesacounty.us) (970) 244-1651**

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MCBD has no objections to this project.

**Applicant's Response:**

**Review Agency: Xcel Energy**

**Contact Name: Brenda Boes**

**Email / Telephone Number: [Brenda.k.boes@xcelenergy.com](mailto:Brenda.k.boes@xcelenergy.com) (970) 244-2698**

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Xcel has no objections at this time, as we have no utilities in this area.

**Applicant's Response:**

**Review Agency: Ute Water Conservancy District**

**Contact Name: Jim Daugherty**

**Email / Telephone Number: [jdaugherty@utewater.org](mailto:jdaugherty@utewater.org) (970) 242-7491**

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No objection to VAC ROW.

**Applicant's Response:**

**Review Agency: Grand Valley Drainage District**

**Contact Name: Tim Ryan**

**Email / Telephone Number: [tim.admin@gvdd.org](mailto:tim.admin@gvdd.org) (970) 242-4343**

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The District has no objection to the vacation, however, our easement – Reception # 2415959, will need to be amended to fit the new property lines.

**Applicant's Response:**

**Review Agency: Grand Valley Power**

**Contact Name: Perry Rupp**

**Email / Telephone Number: [prupp@gvp.org](mailto:prupp@gvp.org) (970) 242-0040**

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1. The project is in the Grand Valley Power (GVP) service area.
2. Any relocation of existing overhead power lines, poles, guy/anchors, underground lines, transformers or any other Grand Valley Power equipment is at the developer's expense.

**Applicant's Response:**

## **REVIEW AGENCIES**

**(Responding with "No Comment" or have not responded as of the due date)**

**The following Review Agencies have responded with "No Comment."**

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1. N/A.

**The following Review Agencies have not responded as of the comment due date.**

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1. Mesa County Engineering
2. Regional Transportation Planning Office (RTPO)
3. Grand Valley Irrigation Company
4. Mesa County Assessor's Office

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. **City Planning**
2. **Interim City Surveyor**

Date due: **May 27, 2020**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**

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**Applicant's Signature**

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**Date**

**Grand Junction Speaks**  
**Published Comments for April 14, 2020 Planning**  
**Commission Meeting**  
**Goose Downs Subdivision Right-of-Way Vacation**

I'm the manager for Ephemeral Resources LLC and a neighbor to the proposed Goose Downs Subdivision right of way vacation.

Ephemeral has no issue with the proposed vacation.

04/14/2020 11:20 am

**Mark Gardner, Whitewater Building Materials Corp.**  
940 S. 10th Street  
Grand Junction, 81502

I'm the manager for FGE LLC and a neighbor to the proposed Goose Downs Subdivision right of way vacation.

FGE has no issue with the proposed vacation.

04/14/2020 11:17 am

**Ed Gardner, Whitewater Building Materials Corp.**  
940 S. 10th Street  
Grand Junction, 81502

I live at 372 29 5/8 Rd and am commenting on closing off 29 5/8rd this Rd has been here. From the 1930's and is used as a farm Rd by closing off Rd will make people that are farming on this Rd to take farm equipment thru the subdivision. One of the neighbors has a 20 ft wide swather that also have to go through subdivision. I think this would be dangerous to anyone or kids in subdivision and I am strongly suggest you think about issues that can arrise if close off farm Rd

04/14/2020 1:40 pm

**Bruce Queen**  
372 29 5/8rd  
Grand jct, 81504

I have attached a letter for viewing.

04/14/2020 3:22 pm

**Brianne Leota**  
364 29-5/8 Road  
Grand Junction, 81504

To the Grand Junction Planning Commission & Terry DeHerrera,

My name is Brianne Leota. My significant other Jerry Carlson and I am the current owners of the property at 364 29-5/8 Road.

It is unfortunate due to current circumstances with the corona virus that my neighbors and I can not attend this meeting. But since that is the case I felt that you all needed to hear the side of the story from the new owners of the properties that will be directly impacted by the new Goose Downs Subdivision.

I don't know how many of you have actually been down 29-5/8 Road and seen the little slice of country that was almost forgotten that is nestled in the middle of the city. Most of the native Grand Junction folks we have spoken too had no idea that a cute little neighborhood was at the end of this street. I can tell you when we first got here it was a mess. Our house in the eyes of most should have been knocked down and our yard looked like a dump. Our neighbors Bruce and Ora Queen at 372 had much of the same issues. Their yard was in worse shape than ours. We came down to look at the property and immediately fell in love with it's breathtaking views and the city of Grand Junction. So we left the overpopulated hustle and bustle of Salt Lake City in hopes of a slower, more peaceful, less crowed life style.

And we thought we had found it! Unfortunately none of us knew about the plans for a subdivision in our front yards. Ora spent a lot of time and energy getting the area around here cleaned up. From people dumping garbage everywhere to the meth farms that were down here. It is now a very peaceful, quiet little street. Needless to say none of us that live on this road were excited to hear that a new sub division was in the works. We were all very upset to hear at the meeting in October that the first goal of this subdivision was to annex our road and make us wind through the new neighborhood to get to 29-1/2 road.

It appears at current, from the documents on GJ Speaks and the information I have received from Scott that we will still be able to use the remaining 30 feet of this road as access to our properties. Which makes us all very grateful and happy for now.....

However, it sounds like this may only be temporary pending the development of Goose Downs moving forward at which point we would have to weave through this neighborhood to gain access to 29-1/2 road. To those of us that live on and use 29-5/8 road daily this seems unreasonable.

There is talk of IF/WHEN 374 sells out and becomes a subdivision (??, or is that meant to say part of the GD subdivision??) that this road would be completely annexed. Until that time comes if it does, we would all appreciate it if we could continue to use this road as our main access so we don't have to go through the neighborhood to get in and out. As far as the future

plans of the city go, pending further development that 29 5/8 road would then carry straight forward to C 3/4 road you can imagine our neighbors Bruce and Ora at 372 are REALLY not happy about that as this new road would be basically at their front porch.

I understand that all of this was previously approved in 2010. But back then 372 was a landscaping company not a residential home. I'm not sure who lived here at our property or if they cared about this but I can tell you that most of the residents that now reside on 29-5/8 do care.

The fact of the matter is that Terry owns his land and can do whatever he wants with it. And none of us have to like it. All we can do is ask that you take into consideration the people who love this area and live on this road now. Because we are all working very hard to make this our forever home and we don't plan on going anywhere anytime soon.

Here are a couple of my concerns with the new development that I would like to bring to your attention. I realize that most of this has nothing to do with this particular meeting. BUT all of these issues are a concern with this development moving forward. I am not trying to be difficult I just would like to give my input.

1 - Having to weave through this neighborhood to access our lots.

I would ask that you take into consideration leaving 29-5/8 Road as is, now AND in the future. A couple of our neighbors are farmers. To drive their giant farm equipment through a neighborhood is unrealistic. Not to mention the placement of the future proposal of 29-5/8 road and that it will be in the Queen's front yard.

2 - The beautiful view of the monument to the west of our property that will now be a neighborhood.

I would please ask that you might consider putting a 6 ft privacy fence up for all of us that live on 29-5/8 road on the west side of our property lines From Lew Knewtz's property to Bruce and Ora Queen's property to barricade the neighborhood view and all the extra people and traffic that we will be subjected to. I am very, very sad to be losing this view.

3 - The impact to the wildlife in this area. Terry's land is home to a number of fun creatures that we have had the pleasure of watching. Deer, Rabbits, Squirrels, Birds etc.

We are hoping that these animals will find solace in our land but this will most likely scare them all away.

4 - One of my favorite parts about our land and where it is located is the night sky. The star gazing here is amazing! The new Golden Gate gas station on 29 road has already started to reduced this with their bright lights that pollute the night sky.

I would ask that you consider using only lights that are approved by the IDA (International Dark-Sky Association) for the future houses and street lamps that will be put up in this neighborhood. So that the impact of the light pollution will be kept to a minimum.

5 - Gas lines, I believe that in the previous meeting we asked if gas would be plumbed into this neighborhood. And if I recall the answer was yes.

I would ask that in doing so that a stub out is provided to each of us on this road.

6 - Street improvements, it is my understanding that the west side of 29-5/8 road will have all the necessary street improvements curbs, gutters and sidewalks but the east side would remain as is.

I would ask that you consider improving the full street to its entirety. On BOTH sides so as not to create problems with water run off and other potential problems on our side of the street.

I would like to thank you all for your time and consideration of these issues that matter to the people who will be directly impacted by this subdivision being built in our front yards. I hope you all have a good day.

Brianne Leota

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A PORTION OF THE 29 5/8 ROAD RIGHT-OF-WAY AS IDENTIFIED WITHIN RECEPTION NUMBER 1988158**

**LOCATED ADJACENT TO 359 29 5/8 ROAD**

Recitals:

A vacation of a portion of right-of-way for 29 5/8 Road has been requested by the adjacent property owner, Terry DeHerrera in anticipation of future residential subdivision development. The existing right-of-way for 29 5/8 Road width is 60 feet and was conveyed in 2001 by Reception No. 1988158 within Mesa County jurisdiction. With this proposal, the Applicant is requesting to vacate 30 feet of the 60 feet width for the stretch of 29 5/8 Road at the intersection of C  $\frac{3}{4}$  Road to the point where 29 5/8 Road aligns in a north/south direction; a point approximately 675 lineal feet southeast of the intersection of C  $\frac{3}{4}$  Road. This area of right-of-way contains no existing utility infrastructure and the road surface is presently gravel.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a portion of 29 5/8 Road as conveyed by Reception No. 1988158 is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED DEDICATED RIGHT-OF-WAY IS HEREBY VACATED SUBJECT TO THE LISTED CONDITIONS:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

A parcel of land being a portion of Right-of-Way as recorded at Reception Number 1988158, said portion lying southwesterly of those lines parallel with and 30' northeasterly from the tangential southwesterly lines of said parcel and southwesterly of those curves concentric with and 30' northeasterly from the curved southwesterly lines of said parcel, situated in the southwest quarter of the northeast quarter of Section 20 Township 1 South, Range 1 East, of the Ute Meridian, County of Mesa, State of Colorado,

Containing 22875.94 Square feet, 0.525 acres more or less.

See Exhibit A.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

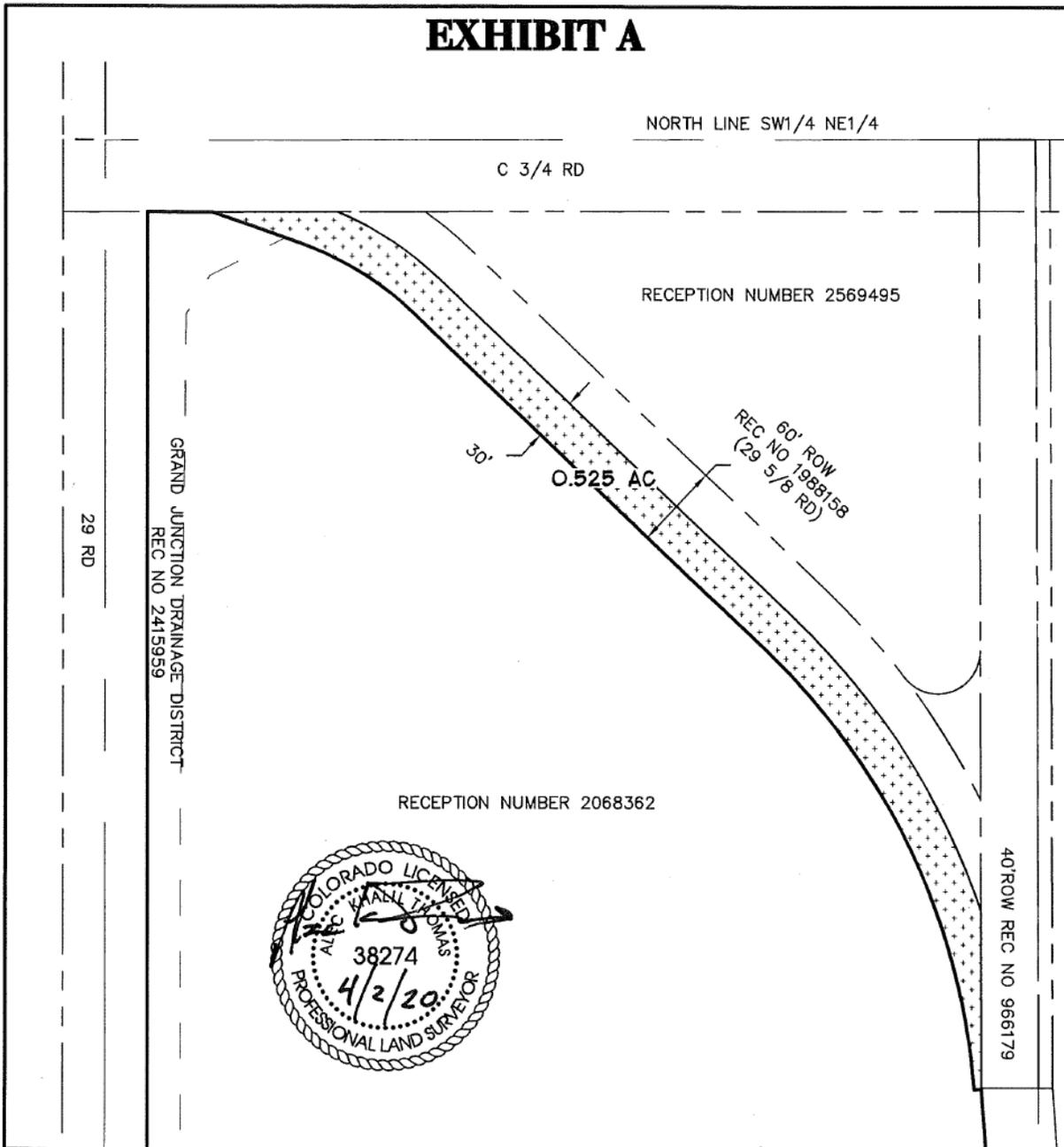
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# EXHIBIT A



1" = 100'  
0 100  
U.S. Survey feet



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

**RIVER CITY** CONSULTANTS  
744 Horizon Court, Suite 110  
Grand Junction, CO 81506  
Phone: 970.241.4722  
Fax: 970.241.8641  
www.rccwest.com

Drawn: CVM Checked: AKT 01/22/2020 Job No. 1858- 001



## Grand Junction City Council

### Regular Session

Item #8.a.

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**Meeting Date:** May 20, 2020

**Presented By:** Randi Kim, Utilities Director

**Department:** Utilities

**Submitted By:** Kurt Carson, Wastewater Services Manager

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### **Information**

#### **SUBJECT:**

A Resolution of Notice of Intent to Create an Improvement District - Victor Drive Sanitary Sewer Improvement District SS-20 and Set a Public Hearing for July 1, 2020

#### **RECOMMENDATION:**

Persigo staff recommends the City Council pass a Resolution stating the City's Notice of Intent to create the Victor Drive Sanitary Sewer Improvement District SS-20

#### **EXECUTIVE SUMMARY:**

A successful petition has been submitted and signed requesting a Sewer Improvement District be created through the Septic System Elimination Program (SSEP) to construct a new sewer line on Victor Drive to serve two properties not currently connected into the sewer system.

#### **BACKGROUND OR DETAILED INFORMATION:**

This project will be constructed under the Septic System Elimination Project (SSEP) that was adopted by City Council and Mesa County Commissioners in May of 2000. Sewer improvement districts historically begin with public interest. The City or Mesa County receive questions from property owners in an area regarding possibility of sewer service and connection to the Persigo wastewater treatment plant. Additionally, a Septic System Elimination Program has been created that provides financial assistance for property owners who wish to participate in sewer improvement districts. This program authorizes the City and Mesa County to pay 30% of improvement district costs for eligible property owners to have sewer service extended to their property lines.

The City and County hold an initial public meeting for the affected parties introducing the SSEP and provide estimated high and low range cost estimates for the district. At this meeting an informal petition is circulated. If a simple majority of property owners affected favor a district, the project is designed by the City and advertised for bids. Otherwise, the district is tabled until some later date.

After the City receives bids, a second public meeting is held with residents to discuss the estimated assessment based on the bid price from the apparent low bidder. At this meeting a formal, legally binding, petition is circulated with costs based on the low bid received.

If a majority of the property owners vote to form the district, the City Council takes action to create the district. In the case of the Victor Drive sewer improvement district, there are two properties that are within the proposed district and as a result the simple majority requires that both property owners vote yes to forming the sewer improvement district before the sewer district can move forward.

This proposed sewer improvement district consists of 1 single-family property which is currently connected into a septic system at 705 Victor Drive, and one vacant lot with no septic system. Both property owners have signed a petition requesting that this sewer improvement district be created. People's Ordinance No. 33 authorizes the City Council to create sewer improvement districts when requested by a majority of the owners of real estate to be assessed.

On July 1, 2020, at the second City Council meeting, City Council will conduct a Public Hearing for Resolution to create the Sewer Improvement District and consider a resolution to create this proposed improvement district. If approved, a construction contract award will be awarded to the apparent low bidder.

The items presented below are steps being taken with the current Council action:

1. May 20, 2020 – City Council passes a Resolution declaring its intent to create a sewer improvement district for the two properties on Victor Drive. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. July 1, 2020 – After a 30-day minimum period, City Council conducts a public hearing and passes a Resolution creating the sewer improvement district. The public hearing is for questions regarding validity of the submitted petitions.
3. If the sewer improvement district passes, a construction contract will be awarded to the apparent low bidder.

4. Construction of the new sewer line within the sewer improvement district. Should the district be formed, construction is scheduled to begin on or about July 15, 2020 and continue for 21 calendar days with completion in August 2020.
5. After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the sewer improvement district.
6. Council passes a Resolution approving and accepting the improvements, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts a first reading of a proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
8. The adopted Ordinance is published.
9. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

The following bids were received for this project:

Contractor	From	Bid Amount
Sorter Construction, Inc.	Grand Jct., CO	\$31,751.00
United Companies	Grand Jct., CO	\$33,968.00
MA Concrete Construction, Inc.	Grand Jct., CO	\$34,720.50
Dirtworks Construction, LLC	Grand Jct., CO	\$38,270.50
CW Construction, LLC	Grand Jct., CO	\$46,247.00
Summex Excavation, LLC	Henderson, NV	\$132,220.00

**FISCAL IMPACT:**

The 2020 Adopted Budget for the Persigo Sewer Fund included a total of \$60,000 for sewer improvement districts. For this district, of the two benefiting properties one is eligible for 30% cost share and the other is not, therefore the Sewer Fund will be reimbursed a total of \$26,988 on the project through assessment of the properties.

**SUGGESTED MOTION:**

I move to (adopt/deny) Resolution 30-20, a resolution declaring the intention of the City Council of the City of Grand Junction, Colorado to create within said City Victor Drive Sanitary Sewer Improvement District SS-20, authorizing the City Utility Engineer to prepare details and specifications for the same, and giving notice of a hearing and set a public hearing for July 1, 2020.

## **Attachments**

1. Summary Sheet
2. Map
3. Resolution - Sewer Improvement District

## OWNERSHIP SUMMARY

### PROPOSED VICTOR DRIVE SANITARY SEWER IMPROVEMENT DISTRICT SS-20

<b>SCHEDULE NO.</b>	<b>OWNERSHIP</b>	<b>PROPERTY ADDRESS</b>	<b>ESMT REQ.?</b>
2701-354-26-029	Karen Ann Rigg	Vacant parcel	N
2701-354-26-024	Kim & Kimberly Jessup	705 Victor Drive	N

# BOUNDARY OF THE PROPOSED VICTOR DRIVE SANITARY SEWER IMPROVEMENT DISTRICT SS-20



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY VICTOR DRIVE SANITARY SEWER IMPROVEMENT DISTRICT SS-20, AUTHORIZING THE CITY UTILITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME, AND GIVING NOTICE OF A HEARING**

WHEREAS, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that a Sanitary Sewer Improvement District be created for the design, construction and installation of sanitary sewer facilities and appurtenances related thereto for the special benefit of the real property hereinafter described; and

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction and installation of sanitary sewer facilities as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the properties included within said district; and

WHEREAS, the City Council deems it necessary and appropriate to take the necessary preliminary proceedings for the creation of a special sanitary sewer improvement district, to be known as Victor Drive Sanitary Sewer Improvement District No. SS-20, to include the services and facilities as hereinafter described for the special benefit of the real property as hereinafter described.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the real property (also known as the "District Lands") to be assessed with the total actual costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lot 21 and the North 200.76 feet of Lot 2, inclusive, Bellavista Subdivision, as recorded in Plat Book 9, Page 63 in the office of the Mesa County Clerk and Recorder;

All in the City of Grand Junction, Mesa County, Colorado

2. That the proposed services, labor, materials and improvements (also known as the "District Improvements") necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation and placement of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, compensation or fees required for easements, permits or other permanent or temporary interests in real property which may be required to accommodate the installation, operation, maintenance, repair and

replacement of the District Improvements, together with any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon the District Lands shall be based upon the total actual costs of the District Improvements. The City Utility Engineer has estimated the total probable costs of the District Improvements to be \$31,751. Based on the aforesaid estimate of the City Utility Engineer, the assessments to be levied against and upon each individual parcel are estimated to be \$15,875.50; provided, however, that pursuant to a Joint Resolution by the City Council and the Board of Commissioners of Mesa County, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Notwithstanding the foregoing estimates, the total costs of the District Improvements, whether greater or less than said estimates, shall be assessed against and upon the District Lands. The assessments to be levied against and upon the District Lands do not include other costs and fees which the owners of the District Lands will be required to pay prior to making connection to the District Improvements, including, but not limited to, costs to extend the service lines from the stub-outs to the building(s) to be served, Plant Investment Fees, and any other fees which may be required prior to making physical connections to the District Improvements.

4. That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. Failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of six percent (6%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Victor Drive Sanitary Sewer Improvement District No. SS-20, shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

5. That the City Utilities Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with and a map

of the district depicting the District Lands to be assessed from which the amount of the estimated assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

6. That Notice of Intention to Create said Victor Drive Sanitary Sewer Improvement District No. SS-20, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

## NOTICE

### OF INTENTION TO CREATE VICTOR DRIVE SANITARY SEWER IMPROVEMENT DISTRICT SS-20, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

**PUBLIC NOTICE IS HEREBY GIVEN**, pursuant to the request of a majority of the owners of the property to be assessed, to the owners of real estate in the district hereinafter described and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, has declared its intention to create Victor Drive Sanitary Sewer Improvement District No. SS-20, in said City, for the purposes of installing sanitary sewer facilities and related appurtenances to serve the property hereinafter described which lands are to be assessed with the total costs of the improvements, to wit:

Lot 21 and the North 200.76 feet of Lot 2, inclusive, Bellavista Subdivision, as recorded in Plat Book 9, Page 63 in the office of the Mesa County Clerk and Recorder;

All in the City of Grand Junction, Mesa County, Colorado.

**Location of Improvements:** Located on Victor Drive north of G Road

**Type of Improvements:** The improvements requested include the installation or construction of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, together with engineering, inspection, administration and any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, hereinafter referred to as the "District Improvements", all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements, which have been estimated by the City Utility Engineer to be \$31,751.00; provided, however, that pursuant to a Joint Resolution by the City Council and the Mesa County Board of Commissioners, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Assessments shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. Failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time

charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of six percent (6%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Victor Drive Sanitary Sewer Improvement District No. SS-20 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

On July 1, 2020, at the hour of 6:00 o'clock P.M. in the City Council Chambers located at 250 N. 5<sup>th</sup> Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the estimated share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**BY ORDER OF THE CITY COUNCIL  
CITY OF GRAND JUNCTION, COLORADO**

**By:** \_\_\_\_\_  
City Clerk

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President of the Council

**Attest:**

\_\_\_\_\_  
City Clerk