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**CITY COUNCIL AGENDA  
WEDNESDAY, APRIL 20, 2022  
250 NORTH 5<sup>TH</sup> STREET - AUDITORIUM  
[VIRTUAL MEETING - LIVE STREAMED](#)  
BROADCAST ON CABLE CHANNEL 191  
5:30 PM – REGULAR MEETING**

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

**Presentations**

Grand Junction Fire Department Accreditation

**Appointments**

To the Parks and Recreation Advisory Board

**Proclamations**

Proclaiming April 23, 2022 as Arbor Day in the City of Grand Junction

**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.*

*Citizens have four options for providing Citizen Comments: 1) in person during the meeting, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, April 20, 2022 or 4) submitting comments [online](#) until noon on Wednesday, April 20, 2022 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.*

**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 March 16, 2022 Regular Meeting
- b. Minutes of the April 4, 2022 Special Meeting
- c. Minutes of the April 6, 2022 Regular Meeting

### **2. Procurements**

- a. Contract for Professional Services for Document Scanning, Digitizing and Indexing
- b. Hogchute (aka Carson) Reservoir Dam Modifications Change Order No. 2

### **3. Resolutions**

- a. A Resolution Vacating a Portion of a Public Storm Sewer Right-of-Way on the Campus of Grand Junction High School at 1400 N 5th Street
- b. A Resolution Approving the Grand Junction City Council Audit Committee Charter and Appointing Anna Stout and Chuck McDaniel as the 2022-2023 Audit Committee

## **REGULAR AGENDA**

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

### **4. Public Hearings**

- a. Quasi-judicial
  - i. An Ordinance Vacating a Public Alley Right-of-Way, Located South of 245 and 333 South Avenue



- ii. An Ordinance Rezoning One Parcel Totaling Approximately 2.46 Acres from PD (Planned Development) to C-1 (Light Commercial), Located at the Northeast Corner of Horizon Drive and 27 1/2 Road
- iii. An Ordinance Rezoning 1.18 Acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac), Located at 702 25 Road

**5. Resolutions**

- a. A Resolution Adopting the Grand Junction Area Tourism Membership Program, Managed by Visit Grand Junction

**6. 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.*

**7. Other Business**

**8. Adjournment**



**Grand Junction City Council**

**Regular Session**

**Item #**

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**Meeting Date:** April 20, 2022  
**Presented By:** Laura Bauer, Interim City Clerk  
**Department:** City Clerk  
**Submitted By:** Kerry Graves

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**Information**

**SUBJECT:**

To the Parks and Recreation Advisory Board

**RECOMMENDATION:**

To appoint the interview committee's recommendation to the Parks and Recreation Advisory Board.

**EXECUTIVE SUMMARY:**

There are four vacancies on the Parks and Recreation Advisory Board.

**BACKGROUND OR DETAILED INFORMATION:**

Lisa Whalin, Kyle Gardner, Austin Solko, and Cindy Enos-Martinez have terms expiring June 30, 2022.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I move to (appoint/not appoint) the interview committee's recommendation to the Parks and Recreation Advisory Board.

**Attachments**

None



*City of Grand Junction, State of Colorado*

# Proclamation

- Whereas,** trees are an important natural resource asset to the City of Grand Junction, State of Colorado, providing cooling shade, filtering air pollution, improving water quality, shielding properties from storms, and providing oxygen for the air we breathe; and
- Whereas,** trees increase property values, enhance the economic vitality of business areas, and enhance the beauty of the City of Grand Junction, with various forms, textures and colors; and
- Whereas,** providing residents with a closer connection to nature through an urban tree canopy has been linked to improved mental and physical health, better social cohesion, and crime reduction; and
- Whereas,** all citizens of Grand Junction, now and in the future, will benefit from the planting of trees, and the services provided by our current canopy of over 37,000 public trees as a living component of our City's green infrastructure; and
- Whereas,** the City of Grand Junction has officially declared the 23<sup>rd</sup> day of April as Arbor Day and the City will be celebrating with the distributions of tree seedlings, widespread tree planting, and educational opportunities for citizens about the care and benefits of trees;
- Whereas,** the City of Grand Junction has been recognized as a Tree City USA for thirty-nine consecutive years by The National Arbor Day Foundation and desires to continue its tree-planting ways.

**NOW, THEREFORE,** I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim April 23, 2022 as

## *"Arbor Day"*

in the City of Grand Junction and encourage all citizens to support our City's Urban Forestry Program and to participate in this effort by planting a tree for a better future.

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 April 2022.



  
\_\_\_\_\_  
Mayor

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

**March 16, 2022**

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

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of March 2022 at 5:33 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart and Council President Chuck McDaniel.

Also present were City Manager Greg Caton, City Attorney John Shaver, Interim City Clerk Laura Bauer, Deputy City Clerk Janet Harrell, Principal Planner David Thornton, and Senior Planner Jace Hochwalt.

Council President McDaniel called the meeting to order. Councilmember Pe'a led those present in the Pledge of Allegiance, followed by a moment of silence.

**Proclamations**

**Proclaiming March 31, 2022 as Cesar Chavez Day in the City of Grand Junction**

Councilmember Stout read the proclamation and Nayeli Contreras-Rocha of the Cesar Chavez Celebration Planning Committee accepted the proclamation.

**Proclaiming April 2022 as Water Conservation Month in the City of Grand Junction**

Councilmember Herman read the proclamation and Utilities Director Randi Kim accepted the proclamation.

**Appointments**

Councilmember Herman moved and Councilmember Stout seconded to reappoint Andrew Gingerich and appoint Jason Nguyen, Michael Holt and Ian Thomas to the Urban Trails Committee for three-year terms expiring June 2025. Motion carried by unanimous voice vote.

**Citizen Comments**

Bruce Lohmiller attended a School District 51 Board meeting held at Colorado Mesa University and mentioned a Saturday Night Live skit and the Russian-Ukrainian War.

**City Manager Report**

City Manager Greg Caton did not provide a report.

**Council Reports**

Councilmember Herman attended the Urban Trails Committee and American Rescue Plan Act Committee meetings and plans to attend the Homeless Coalition meeting. He also noted Grand Junction Economic Partnership scheduled site visits for their Executive Director candidates.

Councilmember Taggart attended the Grand Junction Regional Airport Authority Board meeting.

Councilmember Pe'a attended the Visit Grand Junction and Parks & Recreation Advisory Board meetings.

Council Reitz noted the Commission on Arts & Culture installed new art features in the downtown area.

Councilmember Simpson attended the Horizon Drive Association Business Improvement District meeting.

Councilmember Stout said Colorado Municipal League and Associated Governments of Northwest Colorado (AGNC) continue to review state bills to determine local impact and the City applied to AGNC for a \$5,000 grant for Fire Station #3 signage. Also, she and Councilmember Herman met with local student Daniel Ferrell who suggested Council involve youth more in their processes.

**CONSENT AGENDA**

Councilmember Pe'a moved and Councilmember Herman seconded to adopt Consent Agenda items #1 - #2. Motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Summary of the February 28, 2022 Special Meeting
- b. Minutes of the March 2, 2022 Regular Meeting

**2. Set Public Hearings**

- a. Legislative
  - i. Introduction of Ordinances Amending Multiple Sections of the Grand Junction Municipal Code Regarding Regulation of Cannabis and

Setting a Public Hearing for April 6, 2022

- b. Quasi-judicial
  - i. Introduction of an Ordinance Zoning Approximately 1.83 Acres from County Planned Unit Development (PUD) to RSF-8 (Residential – 8 du/ac) for the Keyser Court Annexation, Located at 3110 through 3117 Keyser Court, and Setting a Public Hearing for April 6, 2022

## **REGULAR AGENDA**

### **Lincoln Park Multipurpose Building with Colorado Mesa University (CMU) – Continued from March 2, 2022**

With the renovation of the Lincoln Park Stadium, an additional improvement was proposed by CMU and approved by Council to construct a Multipurpose Building south of Stocker Stadium and west of the Barn. The new building will feature lockers with associated facilities to be used by the CMU football team. The other major component is meeting rooms which will be used by CMU and the City. These are designed to allow CMU coaches space for meetings during football practice and the season and for multipurpose use by the City to compliment the Barn and help meet the significant demand for indoor facility space.

**An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University – *Continued from March 2, 2022***

**Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building – *Continued from March 2, 2022***

**Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium – *Continued from March 2, 2022***

Councilmember Stout moved and Councilmember Pe'a seconded to continue an Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University, an Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium and Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building together to the Regular Meeting of April 6, 2022. Motion carried by unanimous voice vote.

**A Resolution Accepting the Petition for the Annexation of 0.88 Acres of Land and Ordinances Annexing and Zoning the Trinklein Annexation to R-4 (Residential - 4 du/ac), Located at 2067 Ferree Drive**

Applicants Trent and Laura Trinklein requested an annexation and a zone of annexation to R-4 (Residential 2-4 du/ac) for one property located at 2067 Ferree Drive in anticipation of the proposed Monument Ridge Subdivision (adjacent to the property) and that developer's need to have a portion of Ferree Drive vacated to create a better traffic line of site for the development. The approximately 0.88-acre annexation consists of one parcel of land with a single-family home. The adjacent property to the east is zoned R-4 which is consistent with the proposed Residential Low (2 to 5.5 du/ac) Land Use category of the Comprehensive Plan and the adjacent R-4 zoning of the Monument Ridge development as well as the County zoning of RSF-4 within the unincorporated area along Ferree Drive. The property is Annexable Development per the Persigo Agreement.

Principal Planner David Thornton and Kim Kirk of Kirk Land Consulting presented this item.

Discussion included that no change is required of the property or dwelling unit due to the annexation or zoning change.

The public hearing opened at 6:09 p.m.

There were no comments.

The public hearing closed at 6:09 p.m.

Councilmember Herman moved and Councilmember Taggart seconded to adopt Resolution No. 26-22, 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 Trinklein Annexation, approximately 0.88 acres, located on a property at 2067 Ferree Drive is eligible for annexation and adopt Ordinance No. 5059, an ordinance annexing territory to the City of Grand Junction, Colorado Trinklein Annexation, approximately 0.88 acres, located on a property at 2067 Ferree Drive on final passage and ordered final publication in pamphlet form and adopt Ordinance No. 5060, an ordinance zoning the Trinklein Annexation located on a property at 2067 Ferree Drive to R-4 (Residential – 4 du/ac) Zone District on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

**An Ordinance Amending the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 Acres, Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue**

Applicants DR Land, LLC, Buena Vida HQ, LLC, and the City of Grand Junction requested approval of an amended Planned Development (PD) zoning ordinance and



Outline Development Plan (ODP) to add approximately 2.0 acres to the Riverfront at Dos Rios Planned Development, change the zoning/use designations of some incorporated areas from Industrial/Commercial to Mixed-Use, and clarify some parking and architectural standards.

Senior Planner Jace Hochwalt, May Riegler Properties Founder and Principal Kevin Riegler and KASA Architecture Lead Architect Kevin Sperry presented this item.

Discussion included excitement for the project and the developer's vision, and hoped local elements will be included so the area captures a local feel.

The public hearing opened at 6:33 p.m.

There were no comments.

The public hearing closed at 6:33 p.m.

Councilmember Simpson moved and Councilmember Reitz seconded to adopt Ordinance No. 5061, an ordinance amending Ordinance No. 4982 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 ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

**A Resolution Authorizing Condemnation Action Against Usher NV, LLC for Right-of-Way and Easements for the 24 Road and G Road Transportation Expansion Project and the 24 Road Multi-Modal Path Project**

The 24 and G Road Widening projects require right-of-way and easements to be acquired from adjacent properties for future road improvements and utility relocations. This resolution authorizes the City Manager to file condemnation action against Usher NV, LLC for rights-of-way and easements from four properties in the amount of \$711,900 for the 24 and G Road Projects and from two properties in the amount of \$145,600 for the 24 Road Multi-Modal Path Project.

Council President McDaniel said the property owner and City continue to discuss resolving these matters by agreement. Staff recommended consideration of the resolution be continued to the April 6, 2022 regular meeting.

Councilmember Stout moved and Councilmember Pe'a seconded to continue a resolution authorizing condemnation action against Usher NV, LLC for right-of-way and easements for the 24 Road and G Road Transportation Expansion Project and the 24 Road Multi-Modal Path Project to the regular meeting of April 6, 2022. Motion carried by unanimous voice vote.



**Non-Scheduled Citizens & Visitors**

Richard Swingle thanked Council for their service and commended them for their decision to keep City elections in April.

**Other Business**

Councilmember Herman noted the City will receive \$10.4 million in American Rescue Plan Act (ARPA) funds and the program's initial formula allowed the City to use just over \$4 million for revenue replacement. However, the program's final rule allowed municipalities to opt to receive up to \$10 million of their allotted amount as revenue replacement which City Council discussed; this option would alleviate some reporting requirements and allow for more uses. He then said at the March 8<sup>th</sup> City Council ARPA Committee meeting, Councilmember Simpson pointed out Council had not formalized that decision. Councilmember Herman asked Council for a formal decision and supported using the funds per ARPA's final rule but within the spirit of the Act's original intent.

Councilmember Simpson suggested these funds be set aside and used at Council's discretion for low-income housing/homelessness projects as they become viable. He did not agree Council should adhere to the Act's original intent as "Washington priorities" may not line up with local needs. He also expressed concern that the City Council ARPA Committee, although an advisory committee, may be uncomfortable with Council making final decisions if they do not align with the committee's recommendations.

Councilmember Taggart said since this is a policy issue it should be discussed at a noticed public meeting.

Council President McDaniel agreed the funds should be spent in the spirit of ARPA's original guidelines.

City Attorney Shaver reviewed Open Meeting Law regarding appropriate content of Other Business discussions.

Councilmember Stout agreed this topic should be scheduled for a public meeting and that clear direction be provided to the Committee.

Councilmember Simpson suggested the Committee's meeting recordings be provided to Council and the public.

City Manager Caton asked the purpose of the meeting recordings and/or filming of the ARPA meetings and said this is a policy decision. He also noted concern about the intent of the request and that he spoke to the Committee about Lodging Tax revenue losses due to COVID.

City Attorney Shaver reviewed the Open Meeting Law regarding the purpose of meeting

recordings.

Council President McDaniel said this topic will be placed on an agenda.

Councilmember Reitz said it was brought to the Grand Junction Downtown Development Authority’s (DDA) attention that they were not following their bylaws regarding vacancy nominations, and they would like to revert to their bylaws with upcoming vacancy nominations. He noted Council would continue to have final appointment approval.

Council President McDaniel was uncomfortable allowing the DDA to manage their board recruitment process.

City Attorney Shaver reviewed the bylaw nomination provisions and suggested the DDA provide Council details of their proposed recruitment process.

Councilmember Stout recommended the DDA be allowed to operate under their bylaws, add this topic to a joint meeting agenda with the DDA for further discussion and allow DDA vacancies be advertised through City platforms.

Interim City Clerk Laura Bauer reviewed the City’s recruitment process and noted how this discrepancy was discovered.

**Adjournment**

The meeting adjourned at 7:27 p.m.



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Laura Bauer, MMC  
Interim City Clerk

**JOINT SPECIAL MEETING OF GRAND JUNCTION CITY COUNCIL AND  
DOWNTOWN DEVELOPMENT AUTHORITY  
MINUTES  
April 4, 2022**

**Call to Order**

The City Council of the City of Grand Junction and the Grand Junction Downtown Development Authority convened into a special meeting on the 4<sup>th</sup> day of April 2022 at 5:30 p.m. Those present representing City Council were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart and Council President Chuck McDaniel. Those present representing the Downtown Development Authority were: Board Members Cole Hanson, Josh Niernberg, Garrett Portra, Vance Wagner and Authority Chairman Doug Simons Jr.

Also present were City Manager Greg Caton, Executive Director of the Downtown Development Authority Brandon Stam, City Attorney John Shaver

Council President McDaniel and Chairman Simons, Jr. called the joint meeting to order.

**Open Discussion**

Adam Frasier, Vice President of Real Estate Operations and Development for Richmark Companies gave a brief update of the presentation given to Council in December of 2021. Richmark purchased the City Market site at 200 Rood Avenue and proposes constructing two buildings of two stories each. When the development was previously proposed to City Council in December 2021, the estimated total project cost was \$59 million with an economic feasibility gap of \$7.5 million. Part of the gap was in holding back 10% of the units at 80% of AMI. Richmark hoped to secure a \$3 million grant from the state; but was unsuccessful. Today, the estimated total project cost is \$65 million. The increase is attributed to inflation of construction materials, labor force issues, and interest rate hikes. The feasibility gap is currently at \$10 million with no units held at 80% of AMI.

A market study was conducted by Apartment Appraisers and Consultants in February of this year and forecast that in three years, when the project would be complete, the apartment demand would be in balance with the proposed development and the projected average rent of \$1,336 for a studio apartment would be achievable. Richmark believes this proposed project will provide economic benefit to the City in jobs and additional rooftops to attract retailers; however, they do not believe the project is financially feasible without assistance from the City and the Downtown Development Authority. They asked the City to waive all fees associated with the project and to purchase the Rood Avenue right-of-way and asked the Downtown Development Authority to provide annual financial assistance totaling \$3.5 million.

In response to questions, Mr. Frasier stated Richmark has fee simple ownership of the property and defined the feasibility gap by determining a \$10 million loss if they were to sell the property upon completion of the project. Mayor McDaniel asked to see their pro forma. Mr. Frasier said the company has not discussed fee waivers with the county and were asked to present to the Chamber of Commerce. There were comments that this is an economic development project versus an affordable housing project.

Those who spoke in support of the project reasoned the project would create workforce housing and help revitalize downtown.

The Downtown Development Authority adjourned from the meeting at 6:30 p.m.

### **Executive Session**

Councilmembers voted unanimously to enter into an Executive Session to discuss matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to Sections 24-6-402(f)((e)(l) of Colorado's Open Meetings Law relative to an economic development/redevelopment incentive agreement for Richmark Companies for a possible redevelopment /development project at 200 Rood Avenue, Grand Junction, Colorado

### **Adjournment**

Council reconvened the Special Meeting at 7:26 p.m. and there being no further business to come before Council, the meeting adjourned at 7:27 p.m.

Respectfully submitted by:

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Laura Bauer, MMC  
Interim City Clerk

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

**April 6, 2022**

**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 April 2022 at 5:31 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart and Council President Chuck McDaniel.

Also present were City Manager Greg Caton, City Attorney John Shaver, Interim City Clerk Laura Bauer, Deputy City Clerk Selestina Sandoval, Principal Planner David Thornton, Community Development Director Tamra Allen and Finance Director Jodi Welch.

Council President McDaniel called the meeting to order. Palisade High School Student Kyle Rotin led those present in the Pledge of Allegiance, followed by a moment of silence.

**Proclamations**

**Proclaiming April 10 - 16, 2022 as National Public Safety Telecommunicators Week in the City of Grand Junction**

Councilmember Taggart read the proclamation and City of Grand Junction Communication Center Manager Jennifer Kirkland accepted the proclamation.

**Citizen Comments**

Bruce Lohmiller spoke regarding housing issues in the community and sex education classes.

Ed Kowalski spoke regarding public safety in the community.

Kyle Rotin spoke of the Palisade High School Fish Hatchery, the importance of conservation of natural resources and school funding for outdoor recreation.

John Lee with Spectrum spoke of a federal connectivity program available to qualifying households called the Affordable Connectivity Program (ACP) that gives credits towards broadband access. The Spectrum 100 Service provides broadband access to ACP qualifying households at no cost after ACP credits. Mr. Lee requested Council's assistance to identify non-profit organizations who can help with outreach to ACP qualifying individuals.

Keith Rasmussen’s letter that was mailed to Council was read expressing his gratitude for the project on G and 24 Road and Canyon View Park.

**City Manager Report**

City Manager Greg Caton said Spring Cleanup has begun.

**Council Reports**

Councilmember Herman gave an update on the Grand Junction Economic Partnership Executive Director search.

Councilmember Stout gave an update on the Business Incubator’s search for a CEO and Small Business Development Coordinator. She said the Department of Energy is pursuing a Master Plan that includes the Business Incubator and Riverview Technology Corporation property sites because of the City’s investment in the Riverfront area at Dos Rios and Las Colonias.

Councilmember Simpson attended the Colorado Mesa University Luncheon and Evening Discussion and lauded the speaker, Bari Weiss, as awe inspiring.

Councilmember Reitz invited the public to attend Historic Preservation Days on May 14<sup>th</sup> from 11:00 a.m. – 3:00 p.m. He outlined the schedule of events.

Council President McDaniel gave an update on the Housing Authority Board meeting.

**CONSENT AGENDA**

Councilmember Simpson asked to remove item 1.b. from the Consent Agenda. Councilmember Reitz moved and Councilmember Stout seconded to adopt Consent Agenda items #1 - #6, excluding item 1.b. Motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Summary of the March 14, 2022 Workshop
- b. Minutes of the March 16, 2022 Regular Meeting – ***Moved to Regular Agenda***

**2. Set Public Hearings**

- a. Legislative
  - i. Introduction of an Ordinance Vacating a Public Alley Right-of-Way,

Located South of 245 and 333 South Avenue and Setting a Public Hearing for April 20, 2022

- 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 Twenty Eighty Broadway Annexation of 2.37 Acres, Located at 2080 Broadway, and Setting a Public Hearing for May 18, 2022
- iii. Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 2.46 Acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 1/2 Road and Setting a Public Hearing for April 20, 2022
- iv. Introduction of an Ordinance to Rezone 1.18 Acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac), Located at 702 25 Road and Setting a Public Hearing for April 20, 2022

**3. Agreements**

- a. 2022 Agreement with Mesa County for Animal Control Services
- b. Agreement for Palisade Pool Operations

**4. Procurements**

- a. Contract for Municipal Service Center Reroof
- b. Contract for 2022 Concrete Curb, Gutter and Sidewalk Replacement Project
- c. Contract for Professional Engineering Services Consultant for Wastewater Treatment Plant Expansion Projects
- d. Contract for the Acquisition of GenTax Tax Administration Software by FAST Hosting Services, LLC

**5. Resolutions**

- a. A Resolution Issuing a Revocable Permit to Allow Encroachments of a Free-standing Sign, Fence and Planter Located within the 29 Road and Presley Avenue Rights-of-Way, Located at 581 29 Road Requested by Darin Carei

- b. A Resolution Supporting the Colorado Department of Transportation's Application to Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope Project which will include the Grand Junction Mobility Corridor, 2nd Street Promenade and Mobility Hub
- c. A Resolution Authorizing the City Manager to Submit a Request for Congressionally Directed Spending for the I-70/29 Road Interchange Project

**6. Other Action Items**

- a. Lincoln Park Multipurpose Building with Colorado Mesa University - *No Longer Under Consideration by City Council*
  - i. An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University - *No Longer Under Consideration by City Council*
  - ii. Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building - *No Longer Under Consideration by City Council*
  - iii. Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium - *No Longer Under Consideration by City Council*
- b. A Resolution Authorizing Condemnation Action Against Usher NV, LLC for Right-of-Way and Easements for the 24 Road and G Road Transportation Expansion Project and the 24 Road Multi-Modal Path Project - *No Further Action Subject to Execution of Settlement Agreement*

**REGULAR AGENDA**

**Minutes of the March 16, 2022 Regular Meeting**

Councilmember Simpson read his suggested changes to the minutes. Conversation ensued regarding the City's policy of capturing action minutes versus verbatim minutes. Councilmember Stout moved and Councilmember Simpson seconded to table this item to the April 20<sup>th</sup> meeting to allow staff time to review the minutes for possible corrections on any information that may have been inaccurately summarized. Motion passed by roll call vote with Councilmember Herman and Council President McDaniel voting no.



**A Resolution Accepting the Petition for the Annexation of 1.83 Acres of Land and Ordinances Annexing and Zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac), Located at 3110 through 3117 Keyser Court**

BK Holdings II, LLLP requested annexation of 8 parcels of land including portions of an unbuilt right-of way at Crystal Drive and Keyser Court and a zone of annexation to R-8 (Residential 8 du/ac) for the Keyser Court Annexation. The approximately 1.83 acre annexation is located at 3110 through 3117 Keyser Court. The subject property is undeveloped and the adjacent property to the south is zoned R-8.

The property is Annexable Development per the Persigo Agreement. Annexation is being sought in anticipation of developing this property along with the rest of the undeveloped portions of the River Bend Subdivision. The proposed zone district of R-8 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan and the adjacent R-8 zoning to the south as well as adjacent Mesa County zoning of PUD within the unincorporated area to the north and east within the developed portions of the River Bend Subdivision. The request for annexation and zone of annexation are being considered concurrently by City Council.

Principal Planner David Thornton presented this item.

The public hearing opened at 6:18 p.m.

There were no comments.

The public hearing closed at 6:18 p.m.

Councilmember Taggart moved and Councilmember Stout seconded to adopt Resolution No. 31-22, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Keyser Court Annexation, approximately 1.83 acres, located at 3110 through 3117 Keyser Court, and to adopt Ordinance No. 5062, an ordinance annexing territory to the City of Grand Junction, Colorado, Keyser Court Annexation, approximately 1.83 acres, located at 3110 through 3117 Keyser Court, on final passage and ordered final publication in pamphlet form, and to adopt Ordinance No. 5063, an ordinance zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac) zone district, from Mesa County zoning of Planned Unit Development (PUD) on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

**An Ordinance Amending Title 5 Creating Chapter 13 in the Grand Junction Municipal Code to Include Certain Marijuana, Also Known as Cannabis, Uses, Licenses and Regulations in the City of Grand Junction, Colorado and an Ordinance Amending Title 3 of the Grand Junction Municipal Code to Include a Retail Marijuana Sales and Use Tax and a Marijuana Excise Tax**

The voters approved referred measures 2A and 2B at the City election on April 6, 2021.

The approval of those measures provided the City Council an opportunity to allow, regulate and tax certain regulated cannabis businesses in Grand Junction.

The City Council met on July 13, 2020, November 30, 2020, December 17, 2020, January 4, 2021, January 20, 2021, March 1, 2021, May 3, 2021, June 7, 2021, July 19, 2021, July 21, 2021, September 20, 2021, November 1, 2021, January 10, 2022, February 14, 2022, and March 14, 2022, to discuss and provide direction regarding the regulation of certain cannabis (marijuana) businesses within the City of Grand Junction. The proposed ordinances are the product of these extensive discussions and the culmination of the City's effort to create a system for regulating certain cannabis businesses that protect the health, safety and welfare of the community while creating a fair and equitable process to select qualified operators of up to ten stores.

Community Development Director Tamra Allen presented both these items.

Conversation ensued regarding timeframes allowed for licensees to begin business operations, summary of substantive issues outlined in a letter submitted by Attorney Lauren Maytin by City Attorney Shaver, a staff recommended change regarding odor generated from stores (striking the word *unreasonable* before odor) and how the final motion doesn't have to identify each modification but rather defer to the record of the discussion.

Conversation resumed regarding the requirement to disclose past ownership of anyone owning 10% or more who had a suspension or revocation of license affirmation and whether the option of providing further explanation may be added, versus leaving this requirement as is to get a full historical perspective (disqualifying factor).

Councilmember Herman moved and Councilmember Pe'a seconded to add a sentence that past business relationships who have a suspension or revocation is not a disqualifying factor [for the affirmation in the application in paragraph 9]. Motion passed by unanimous roll call vote.

Discussion followed the motion regarding timely appeals (timeframe not stated explicitly but follows Colorado Rule of Standard Procedure) and praise to City Staff for all their work in response to Council's feedback and direction throughout the process.

The public hearing opened at 7:02 p.m.

Rene Grossman from High Q asked about allowed timeframes for changes of financial interest or ownership within issuance of license as stated in the ordinance, recommended making application charges non-refundable, and requiring a minimum amount of liquid capital to apply for a license.

Lauren Maytin asked why the word cannabis is used instead of marijuana which is used in the state constitution, code, regulations, etc., and asked for clarification regarding suspensions held in abeyance for violation of the law and how it will be considered and

resolved.

The public hearing closed at 7:10 p.m.

Conversation ensued regarding the use of the word cannabis instead of marijuana. Marijuana Enforcement Division encouraged the City to use the word cannabis because it was imminent that regulations would change to reflect that terminology. The words are interchangeable and can be used as either/or.

Councilmember Stout moved and Councilmember Pe'a seconded to adopt Ordinance No. 5064, an ordinance amending Title 5 creating Chapter 13 in the Grand Junction Municipal Code to include certain marijuana, also known as cannabis, uses, licenses and regulations in the City of Grand Junction, Colorado on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote. City Attorney Shaver asked for clarification on the motion regarding making corrections discussed on the record. Councilmember Stout stated that was the intent of her motion.

Councilmember Stout moved and Councilmember Herman seconded to adopt Ordinance No. 5065, an ordinance amending Title 3 of the Grand Junction Municipal Code to include a retail marijuana sales and use tax and a marijuana excise tax on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Council took a break at 7:19 p.m.

The meeting resumed at 7:25 p.m.

**An Ordinance Making Supplemental Appropriations to the 2022 Budget of the City of Grand Junction, Colorado for the Year Beginning January 1, 2022 and Ending December 31, 2022**

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to reappropriate funds for capital projects that began in one year and need to be carried forward to the current year for completion. Supplemental appropriations are also required to approve new projects or expenditures.

This supplemental appropriation is predominantly for the carryforward of capital projects. New spending authorization is required to spend additional revenues not anticipated in the original 2022 budget, the potential distribution of American Rescue Plan Act funds to reimburse Lodging Tax revenue loss, as well as for the increased costs on the Fire Station #8 project.

Finance Director Jodi Welch presented this item.

Conversation ensued expressing concern about giving money to other entities outside the City without requiring documentation of need, and what the money would be used for by these entities (fewer activities but same overhead).

Co-Executive Director of the Air Service Alliance Diane Schwenke explained the need for funds to offset the consequences of the pandemic, support the increased amount of minimum revenue guarantees for future flights and the opportunities shown in the Leakage Study to bring Western Slope passengers to Grand Junction for air service to fly out to their destinations.

Executive Director of the Greater Grand Junction Sports Commission Ben Snyder said funds are needed for equipment, personnel, increased costs to bring events here, and to continue those operations without the financial support from Colorado Mesa University. He stated he is working with Parks and Recreation to identify opportunities to attract more events to Grand Junction.

Discussion resumed regarding the funding shortfall due to economic disruptions in the respective industries, balance requirements to save for future opportunities, and using funds to gain market share.

Director Elizabeth Fogarty of Visit Grand Junction stated their funds would allow them to work with small businesses in the tourism industry and develop marketing strategy initiatives.

It was pointed out that the spirit of ARPA is to offset impacts of the pandemic, but still leaves funds to support housing assistance and other areas. By using these funds to help businesses, with an infusion into our local economy, there is direct impact to our businesses and residents. Securing air routes requires Air Alliance to have substantial revenue. Visit Grand Junction, Air Alliance and Greater Grand Junction Sports Commission are partners with the same goal; to create a thriving Grand Junction.

The public hearing opened at 8:00 p.m.

Scott Beifuss expressed concern with the proposed distribution of these funds.

The public hearing closed at 8:03 p.m.

City Manager Caton stated the revenue loss by the City was \$3.9 million; therefore, the City could have kept \$4 million of the \$10.4 million received for revenue loss. Since the City recovered \$2.6 million in the General Fund, only \$1.4 million was taken for this purpose and therefore is asking to support its business partners instead.

Councilmember Pe'a moved and Councilmember Stout seconded to adopt Ordinance

No. 5066, an ordinance making Supplemental Appropriations to the 2022 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2022 and ending December 31, 2022 on final passage and ordered final publication in pamphlet form. Motion carried with Councilmember Simpson voting no.

### **A Resolution Establishing City Council Policy Regarding American Rescue Plan Act (ARPA) Funds**

The City of Grand Junction was awarded \$10.4 million dollars of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) under the American Rescue Plan Act to provide resources to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery.

The City Council created a community advisory board to make recommendations to the Council on how to appropriate and expend funds to aid local recovery. With this resolution, the City establishes policies relative to the Board's consideration of recommendation(s) to the City Council for the appropriation and expenditure of ARPA/SLFR funds.

City Manager Caton and City Attorney Shaver were available for questions on this item.

Conversation ensued regarding the resolution not requiring recordings of the meetings for transparency, the discretion of the committee to record the meetings, and the potential lack of open expression from committee members if recordings are made a requirement.

Councilmember Stout moved and Councilmember Herman seconded to adopt Resolution 32-22, a resolution establishing City Council Policy regarding American Rescue Plan Act/ State and Local Fiscal Recovery Funds and advisory board recommendations. Motion carried by roll call vote with Councilmember Simpson voting no.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

Councilmember Herman asked for clarification on the Multipurpose Building at Lincoln Park item and the approved supplemental appropriation process now that the item is not moving forward. City staff said it was authorized but will not be acted upon.

He then noted the anniversary of Councilmembers Herman, Reitz, Simpson and Taggart being voted into office a year prior and expressed his hope to continue meeting

the needs of the community.

**Adjournment**

The meeting adjourned at 8:16 p.m.



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Laura Bauer, MMC  
Interim City Clerk



**Grand Junction City Council**

**Regular Session**

**Item #2.a.**

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**Meeting Date:** April 20, 2022

**Presented By:** Tamra Allen, Community Development Director, Jay Valentine, General Services Director

**Department:** Community Development

**Submitted By:** Tamra Allen, Community Development Director

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**Information**

**SUBJECT:**

Contract for Professional Services for Document Scanning, Digitizing and Indexing

**RECOMMENDATION:**

Authorize the City Purchasing Division to Execute a Contract with The MMS Companies for Professional Services for Document Scanning, Digitizing and Indexing in the amount of \$205,900.00.

**EXECUTIVE SUMMARY:**

This request is to award a Contract for Professional Services for Document Scanning, Digitizing and Indexing Community Development and Utilities Departments paper files.

**BACKGROUND OR DETAILED INFORMATION:**

The City of Grand Junction, by and through its Community Development Department, solicited bids from interested professional services/consulting vendors that provide high quality scanning, digitizing and indexing services. The vendors were invited to submit bids describing their technical qualifications and experience to perform the identified services. The vendors identified their qualifications in scanning, digitizing and indexing a range of documents, including large plan sheets with the ability to upload documents. The index is to be easily compatible with Energov, a Tyler Technologies software system, and the naming conventions used therein that are used by Community Development to catalog and maintain development project files.

The goals of this project are to digitize approximately 1.7 million pages of City of Grand Junction historical records, primarily those within the Community Development Department, and to create a comprehensive index to promote greater and efficient

search and retrieval of those historical records to be retained and preserved indefinitely.

The benefits include but are not limited to:

- Online availability of documents to the public through Energov, a Tyler Technologies software
- Broader search capabilities and faster retrieval of information
- Backup for disaster/recovery purposes
- Long-term preservation of City records.
- Promotes access to digital material, and
- Mitigates against further deterioration of physical historical assets

A formal Invitation for Bids was issued via BidNet (an online 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 Contractor's Association (WCCA), and advertised in the The Daily Sentinel. Eight companies submitted responsive and responsible formal bids as follows:

<b>Contractor</b>	<b>Base Bid Amount</b>	<b>Add Alternate - Upload All Documents to EnerGov</b>	<b>Total Amount</b>
The MMS Companies	\$197,900.00	\$8,000.00	\$205,900.00
LE&M Contractors LLC	\$208,690.00	\$4,500.00	\$213,190.00
Bradford Systems	\$419,500.00	Included	\$419,500.00
Docu Tek Inc.	\$451,690.00	Included	\$451,690.00
Nube Group Capital Business Systems	\$463,584.00	No Bid	\$463,584.00
	\$482,352.38	No Bid	\$482,352.38
Hines EDM Inc.	\$496,000.00	Included	\$496,000.00
Kofile Technologies Inc.	\$573,400.00	Included	\$573,400.00

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.



**FISCAL IMPACT:**

Funding for this project was included in the 2022 Adopted Budget.

**SUGGESTED MOTION:**

I move to authorize the City Purchasing Division to enter into a Contract with The MMS Companies for Professional Services for Document Scanning, Digitizing and Indexing in the amount of \$205,900.00.

**Attachments**

None



## Grand Junction City Council

### Regular Session

Item #2.b.

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**Meeting Date:** April 20, 2022  
**Presented By:** Randi Kim, Utilities Director,  
**Department:** Utilities  
**Submitted By:** John Eklund, Project Engineer

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### **Information**

#### **SUBJECT:**

Hogchute (aka Carson) Reservoir Dam Modifications Change Order No. 2

#### **RECOMMENDATION:**

Staff recommends the City Purchasing Division execute a Change Order to the construction contract with ESCO Construction Co. for the Hogchute (aka Carson) Reservoir Dam Modifications project in the amount of \$1,384,317.84.

#### **EXECUTIVE SUMMARY:**

Council authorized a contract with ESCO Construction Co. in the amount of \$2,893,500.00 for the Hogchute (aka Carson) Reservoir Dam Modifications project at the June 2, 2021 Council meeting. This project will modernize the reservoir outlet works and spillway to meet current Colorado Dam Safety standards. An element of the project is to remove existing dam embankment material to access the outlet works and then replace the material following rehabilitation of the outlet works. The existing embankment material does not meet current design and dam safety requirements and cannot be utilized. The process of obtaining acceptable embankment material delayed the project and was therefore not completed in 2021. The project was winterized and the remaining project work will be completed during the 2022 construction season. This change order includes costs to remobilize the contractor, de-winterize the dam, and complete the modifications. The additional cost of the change order is \$1,384,317.84.

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

Hogchute Dam was constructed in 1947. The reservoir outlet was modified in 1988. In 2015, the Colorado Office of the State Engineer (SEO) reclassified Hogchute Dam as High Hazard following a dam failure inundation study. In 2019, RJH Consultants completed a Dam Safety Evaluation Report for the City, which identified required deficiencies in the dam with respect to modern safety standards set forth by the SEO. As a result of the Dam Safety Evaluation, Ayres Associates was contracted to design the modifications and improvements that will be implemented as part of this construction project to bring Hogchute Dam up to current standards. This project is in line with the City's strategic directives by ensuring reliable delivery of high quality drinking water to its customers and increasing safety for residents who live downstream of Hogchute Reservoir.

The existing 30-inch outlet pipe will be repaired at both upstream and downstream ends, then reinforced with a Cured-in-Place-Pipe (CIPP) liner. A new slide gate and hydraulic operator control releases from Hogchute Reservoir. A new energy dissipater will be constructed at the outlet of the pipe.

A sand filter will be constructed on the downstream face of the dam to capture and direct water seeping through the dam to drain pipes. This feature reduces the risk of piping erosion through the dam from seepage inherent to all earthen-core dams.

The overflow spillway will be rebuilt with a concrete weir to address seepage at the existing spillway and prevent erosion during activation. The spillway channel downstream of the weir will be rebuilt to repair erosion that has taken place over the life of the dam. Rock berms will be constructed as energy dissipaters that will prevent future erosion when the spillway is activated. This area will also be vegetated with native plants such as willow that will provide additional soil stability and improve habitat along the spillway channel.

The Early Warning System is a monitoring and communication system that will provide critical data for operators when a storm event is predicted or occurs in the drainage basin upstream of Hogchute Reservoir that could activate the spillway or put the dam at risk. In extreme events, the EWS could trigger notices via the Grand Junction Regional Communication Center (GJRCC) for event awareness and evacuation notices.

Council authorized a contract with ESCO Construction Co. in the amount of \$2,893,500.00 for the Hogchute (aka Carson) Reservoir Dam Modifications project at the June 2, 2021 Council meeting. Once the existing dam embankment material was removed, testing revealed that it did not meet current design and dam safety requirements and could not be utilized. The process of obtaining acceptable embankment material delayed the project, which was subsequently required to be shut down through the winter season. This change order includes costs to remobilize the contractor and de-winterize the dam

so that the modifications can be completed. The additional costs to remobilize and de-winterize total \$755,579.05

Due to the additional work scope associated with the embankment and impending weather constraints for working on the Grand Mesa, the installation of the Early Warning System and auxiliary spillway work was not completed in 2021. The contract line items for these efforts were thus removed from the contract in a previous change order. These items are reestablished in this Change Order at their original pricing for the total amount of \$371,606.08.

Suitable embankment material is available on site. The price for excavating, preparing, and using this material was established, but not included in a previous change order. These items are included in this change order for a total cost to the City of \$198,619.20.

Several items that are completed in 2021 did not use the total estimated material quantity. The remaining quantities are removed from the contract for a credit to the City in the amount of (\$72,046.49).

A minor contract revisions item has been established as part of this change order for the backfill around the upstream pipe inlet. This material must be tested to confirm the compaction meets project specifications. If compaction is determined to be out of specification, the material will need to be excavated and replaced with proper compaction. The total cost, if needed, is \$130,560.00.

The combined additional cost to the City as part of the change order is \$1,384,317.84.

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

**FISCAL IMPACT:**

Total costs for this existing contract with ESCO Construction Co. is \$2,883,934.80. This change order for alternate embankment material will authorize an additional \$1,384,317.84 for a total contract amount of \$4,268,252.64. This total amount is available in the 2022 amended budget for the Water Fund.

**SUGGESTED MOTION:**

I move to authorize the City Purchasing Division to issue this Change Order No. 2 to the contract with ESCO Construction Co., of Evergreen, CO for the Hogchute (aka Carson) Reservoir Dam Modifications project in the amount of \$1,384,317.84.

**Attachments**

None





## Grand Junction City Council

### Regular Session

Item #3.a.

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**Meeting Date:** April 20, 2022  
**Presented By:** David Thornton, Principal Planner  
**Department:** Community Development  
**Submitted By:** David Thornton, Principal Planner

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### **Information**

#### **SUBJECT:**

A Resolution Vacating a Portion of a Public Storm Sewer Right-of-Way on the Campus of Grand Junction High School at 1400 N 5th Street

#### **RECOMMENDATION:**

The Planning Commission heard this request at their April 12, 2022 meeting and voted (7-0) to approve the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Mesa County Valley School District No. 51, is requesting the vacation of a portion of a 15-foot wide Elm Avenue Storm Sewer Right-Of-Way used for a city storm sewer line that crosses Grand Junction High School property located at 1400 N. 5th Street. As part of the new design and construction of Grand Junction High School, a portion of the existing storm sewer line will be encroached upon by the new construction. The Applicant will relocate the storm sewer line on site and grant a new easement for the new location. A public storm sewer easement was granted to the City of Grand Junction in 1967 by Reception Number 939901 (Grant of Right-of-Way). The Easement was granted to the City for the construction of the "Elm Avenue Storm Sewer" that runs east to west through the property.

Proposed conditions for the vacation include:

- 1) Before construction, disconnection, and/or relocation of the present storm sewer line, the applicant shall provide a written release to the City of the terms numbered 2 and 3 in the original Grant of Right-of-Way.
- 2) Relocation of the public storm sewer line to a location as depicted in the attached Exhibit "B" with direction and final approval by City staff;
- 3) Applicant shall provide as-builts of the newly constructed line and in a form

approved by City staff grant a new 15-foot wide public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

**BACKGROUND OR DETAILED INFORMATION:**

The existing 15 ft. wide Elm Avenue Storm Sewer Right-Of-Way “Grant of Right-of-Way” (“Easement”) was conveyed in 1967 by Mesa County Valley School District No. 51 to the City of Grand Junction by Reception Number 939901 as recorded in the records of Mesa County. This Easement was granted to the City of Grand Junction for the construction of the “Elm Avenue Storm Sewer”. Mesa County Valley School District No. 51 plans to construct a new voter-approved high school to replace the existing Grand Junction High School building at 1400 N. 5th Street. The proposed new building will encroach onto a portion of the storm sewer facility and existing easement, requiring the school district to relocate a portion of the storm sewer line and dedicate a new 15 ft. wide easement to the city where the new line is constructed. The existing 15 ft. wide storm sewer easement has no other utilities located within it.

The Applicant’s release of the terms in the Easement is necessary as it will not be the City doing the work for the relocation of the sewer line but the Applicant. In addition, the term numbered 2 is in conflict with the City’s requirements under the State Constitution. Eliminating paragraph 3 will have the terms of the Easement and the new easement be consistent with the terms of similar easements to the City.

The new 15 ft. easement will be dedicated to the City by Mesa County Valley School District No. 51 as a condition of this vacation request and will be verified through as-built drawings that show the exact location of the newly constructed storm sewer line, ensuring the line is located within the new easement.

**NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was not required for an easement vacation and the only utility within the easement is the City’s storm sewer facility.

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 30, 2022. 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 1, 2022. The notice of this public hearing was published April 5, 2022 in the Grand Junction Daily Sentinel.

**ANALYSIS**

The criteria for review 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 Valley Circulation Plan and other adopted plans and policies of the City;

The request to vacate a portion of an existing 15 ft. wide Easement for City storm

sewer does not conflict with the 2020 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 a new storm sewer line will be rerouted and constructed and a new easement shall be granted as a condition of approval for this vacation.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Principal 3: Responsible and Managed Growth

Policy 2: Encourage infill and redevelopment to leverage existing infrastructure.

Policy 4: Maintain and build infrastructure that supports urban development.

Policy 5: Plan for and ensure fiscally responsible delivery of City services and infrastructure.

Principal 5: Strong Neighborhoods and Housing Choices

Policy 3: Support continued investment in and ongoing maintenance of infrastructure and amenities in established neighborhoods.

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 a portion of an existing "Grant of Right-of-Way" 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 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). A new easement for the relocation of the existing storm sewer facility will be identified/dedicated by separate instrument. Also, there are no other utilities located within the existing easement and as such there are no objections to the proposed vacation or the adjacent property owners indicating issue or adverse impacts related to this request or the quality of services provided to the property. Staff therefore find 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  
A new public easement will be identified/dedicated by separate instrument. Neither staff nor utility providers have identified that this request will inhibit the provision of adequate public facilities and services. Staff find 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 a new public easement will be created for the rerouted storm sewer line. Applicant's release of the terms in the Easement will reduce costs and risk for the City with the new installation and eliminate a conflict with the Constitution. With the elimination of this existing 15 ft. wide easement and with the granting of the new easement at the new location, the Applicant can make ready its site for the new high school building without the encumbrance caused by this easement. Permanent structures cannot be constructed over an easement. As such, Staff finds that this criterion has been met.

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

After reviewing the Grand Junction High School Easement Vacation of a portion of the Mesa County Valley School District No. 51 dedicated 15 ft. wide Elm Avenue Storm Sewer "Grant of Right-of-Way" Easement, VAC-2022-140, located at 1400 N. 5th Street as granted to the City of Grand Junction by Reception Number 939901, the following findings of fact have been made with the recommended conditions of approval:

1. The request conforms with Section 21.02.100 (c) of the Zoning & Development Code.
2. The requested vacation does not conflict with the goals and policies of the 2020 Comprehensive Plan.

Condition 1. Before construction, disconnection, and/or relocation of the present storm sewer line, Applicant shall provide a written release to the City of the terms numbered 2 and 3 in the original Grant of Right-of-Way attached as Exhibit "A";

Condition 2. Applicant shall relocate the public storm sewer line to a location depicted in the attached Exhibit "B" with direction and final approval by City staff;

Condition 3. Applicant shall provide as-builts of the newly constructed line and in a form approved by City staff grant a new 15 ft. public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

Therefore, the Planning Commission recommends conditional approval of the requested vacation.

#### **FISCAL IMPACT:**

There is no direct fiscal impact related to this request.

**SUGGESTED MOTION:**

I move to adopt Resolution No. 33-22, a resolution vacating a portion of the Mesa County Valley School District No. 51 dedicated 15-foot wide Elm Avenue Storm Sewer "Grant of Right-of-Way" Easement, located at 1400 N. 5th Street as granted to the City by Reception No. 939901.

**Attachments**

1. Development Application
2. Grant of ROW - Exhibit A - Reception No. 939901
3. Exhibit of new Easement Dedication - Exhibit B
4. Exhibit of Vacation area
5. RES-GJHS storm vacation 041122

## 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="1400 N 5th Street, Grand Junction, CO 81501"/>	Site Acreage: <input type="text" value="29.485"/>
Site Tax No(s): <input type="text" value="2945-113-12-001"/>	Site Zoning: <input type="text" value="R-5"/>
Project Description: <input type="text" value="Grand Junction High School - Easement Vacation"/>	

**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="Eric Tolson"/>	Date <input type="text" value="02/18/2022"/>
Signature of Legal Property Owner <input type="text" value="B"/>	Date <input type="text" value="2/18/22"/>

GENERAL PROJECT REPORT  
FOR

**Easement Vacation  
for  
Grand Junction High School**

February 24, 2022

## **Project Contacts**

**Owner:** Mesa County Valley School District 51  
2115 Grand Ave, Grand Junction, CO 81501

**Owner's Representative:** Dynamic Program Management  
Point of Contact: Ray Scott, 970-343-9070

**Architect:** BG+co.  
622 Rood Avenue, Grand Junction, CO 81501  
970-242-1058  
Point of Contact: Peter Icenogle and Shannon Power

**Civil Engineer:** Austin Civil Group  
123 N 7<sup>th</sup> Street #300, Grand Junction, CO 81501  
970-242-7540  
Point of Contact: Mark Austin

**Land Surveyor:** River City Consultants, Inc.  
215 Pitkin Avenue, Grand Junction, CO 81501  
970-241-4722

**Geotechnical Engineer:** Lambert and Associates  
P.O. Box 3986, Grand Junction, CO 81502  
Report Number & Date: Project #M19023GE, August 30 2019

**Landscape Architect:** Nvision Design Studio, Inc.  
677 25 Rd, Grand Junction, CO 81505  
970-210-2155  
Point of Contact: Rob Breeden

**MEP Engineer:** Bighorn Consulting Engineers, Inc.  
386 Indian Road, Grand Junction, CO 81501  
970-241-8709  
Point of Contact: Shawn Brill

**General Contractor:** FCI Constructors, Inc.  
3070 Interstate 70 Business Loop, Bldg A, Grand Junction, CO 81504  
970-434-9093  
Point of Contact: Mark Litzen

## **A. Project Description**

### 1. Location:

- The proposed easement vacation seeks to relocate a portion of the existing Elm Avenue storm sewer right-of-way located on the east side of Grand Junction High School's lot. This easement adjustment is in anticipation of the new Grand Junction High School (GJHS) building footprint.
- The parcel number is 2945-113-12-001 with a physical address of 1400 N 5<sup>th</sup> Street.
- The existing zoning is R-5, there is no plan for a change in zoning.

### 2. Acreage:

The proposed easement vacation is within the established parcel of the existing facility; the parcel size is approximately 29.48 acres. There is no plan for modifying the existing acreage of the site.

### 3. Proposed Use:

The proposed use of the easement vacation will be a reroute of a city storm sewer in a manner that maintains storm water flow through the GJHS site and maintains the same level of public access when the new GJHS is constructed. This use of the property will remain the same, although the main school building will be constructed on the north portion of the lot.

## **B. Public Benefit**

The proposed easement vacation and relocation will keep the storm sewer accessible to the City as the future phases of GJHS commence.

At the end of this multi-stage public project, the new GJHS will be a valuable asset to the Grand Valley and support its desire to provide the best education for the children of our community.

## **C. Neighborhood Meeting**

A Neighborhood Meeting was not required for this Easement Vacation.

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

### 1. The proposed easement vacation and relocation is required to keep the storm sewer accessible and clear of the building footprint for the new GJHS. As shown on the supporting drawings in this application, the storm sewer reroute follows a similar west-east path on the east side of the parcel and does not cause any issues with landlocking or create any unreasonable access. The relocation ensures access to the sewer's manholes and continued maintenance.

### 2. Land use in the surrounding area:

- Parcels to the North are zoned R-5
  - Current Land Use: R-5 Residential Medium Density
  - Future Land Use: Residential Low and Residential Medium
- Parcels to the South are zoned C-1
  - Current Land Use: Light Commercial (North Avenue Overlay Zone)
  - Future Land Use: Mixed Use
- Parcels to the East are zoned R-O and B-1
  - Current Land Use: Residential Office and Neighborhood Business
  - Future Land Use: Mixed Use

- Parcels to the West are zoned R-5/ CSR
  - Current Land Use: R-5 Residential Medium Density/ Community Services and Recreation
  - Future Land Use: Residential Low/ Parks and Open Space

For the above listed surrounding areas, current and future land uses will not be impacted by the proposed easement vacation and relocation.

3. The site will continue to be accessed from 5<sup>th</sup> Street, Tiger Avenue, and the north-south alleyway between 5<sup>th</sup> and 7<sup>th</sup> Street. The design intent is to develop that alleyway to allow for more direct access from 7<sup>th</sup> Street for bus drop-off and parking, as well as an enhanced walkway to Colorado Mesa University. Additional access to the site is planned off Hall Avenue.

4. Utility providers are as follows:

Cable	Charter
Storm sewer	City of Grand Junction
Electric	Xcel Energy
Gas	Xcel Energy
Phone	Century Link
Sewer	City of Grand Junction
Water	City of Grand Junction

Police and Fire protection are provided by City of Grand Junction.

Fire hydrants for the site are indicated on the submitted Composite Plan.

5. Once construction is complete, there are no anticipated special or unusual demands on utilities, only that which supports the intended capacity of the new high school.

6. Effects on public facilities:

- Fire – The proposed easement vacation and site design provides locations for fire hydrants that cover the new GJHS footprint. Fire access to the site will remain clear.
- Police – Police access to the site will remain clear.
- Sanitation – The proposed easement vacation will not affect the waste-disposal services required at the facility.
- Roads/Traffic Impact – The proposed easement vacation is in support of the new GJHS site plan and site access, included in this report. This larger construction project will be contained within the parcel, aside from the alley access to 7<sup>th</sup> Street.
- Parks – The proposed easement vacation will not affect any public parks.
- Schools – The subject of this easement vacation is a school – this modification to the facility anticipates a new building which will add to the school district’s capacity to support the community.
- Irrigation – The proposed easement vacation will not directly affect irrigation.

7. The relocated storm sewer line will maintain 24-hour access. Hours of operation for the new GJHS will match the existing facility and are typical of a high school. Approximately 7:00am – 4:00pm, Monday through Friday, with regular evening events and activities.

8. The new GJHS has the capacity for 1600 students plus the necessary staff.
9. This easement vacation and relocation does not require any update in signage. Storm sewer manhole plates will be consistent with those used throughout the city.
10. A site soils and geology assessment was completed by Lambert and Associates in August of 2019. Report available upon request, reference Project Contacts for report number.
11. There are no anticipated impacts to the site's geology. According to FEMA flood mapping, this parcel is located in Zone-X, outside of the 0.2% Annual Chance Floodplain.

**E. Additional review criteria of the Zoning and Development Code**

**Facility History:**

GJHS was originally built in 1956 and is home to one of the educational environments for the youth of our ever-growing Grand Valley community. In November 2021, a bond was passed to rebuild GJHS, as this heavily used public facility continues to fall into poor condition. The new GJHS will be a state-of-the-art learning environment and an investment in the future of our community.

In order to keep the school operational during construction, the new building will be placed outside of the existing building's footprint to the north. Utility adjustments, such as the one being proposed in this easement vacation application, are all in service to the final vision of this new high school.

**Review criteria from Zoning and Development Code:**

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

**Comprehensive Plan:**

This easement vacation and relocation is in support of the new GJHS being rebuilt on the existing high school site. Per the 2020 One Grand Junction Comprehensive Plan, this area of the City of Grand Junction is well suited and intended to maintain a high school near an established residential area, and any work being done within this parcel will not inhibit any future development of the surrounding areas. The GJHS parcel is located next to a Comprehensive Plan Incentive Area, and a new state-of-the-art building in this area will complement this initiative.

**Parcel Access:**

As shown on the supporting drawings within this application, the new easement required to maintain the Elm Avenue storm sewer follows a similar west-east path on the east side of the parcel in question. Therefore, no parcel will be landlocked or devalued as a result of the vacation and relocation.

**Quality of Public Facilities/ Utility Services:**

This easement relocation will provide for the existing and future storm sewer needs and will allow continued storm water flow through the GJHS site.



**Maintenance Requirements for the City:**

This easement relocation will position access to the storm sewer in a way that allows for regular maintenance, mimicking the two manholes to be vacated. This easement relocation does not affect any traffic patterns along the alleyway to the east of the high school.

**Section 21.06.010 Infrastructure Standards, (b) Streets, Alleys, Trails, and Easements.**

This is easement relocation:

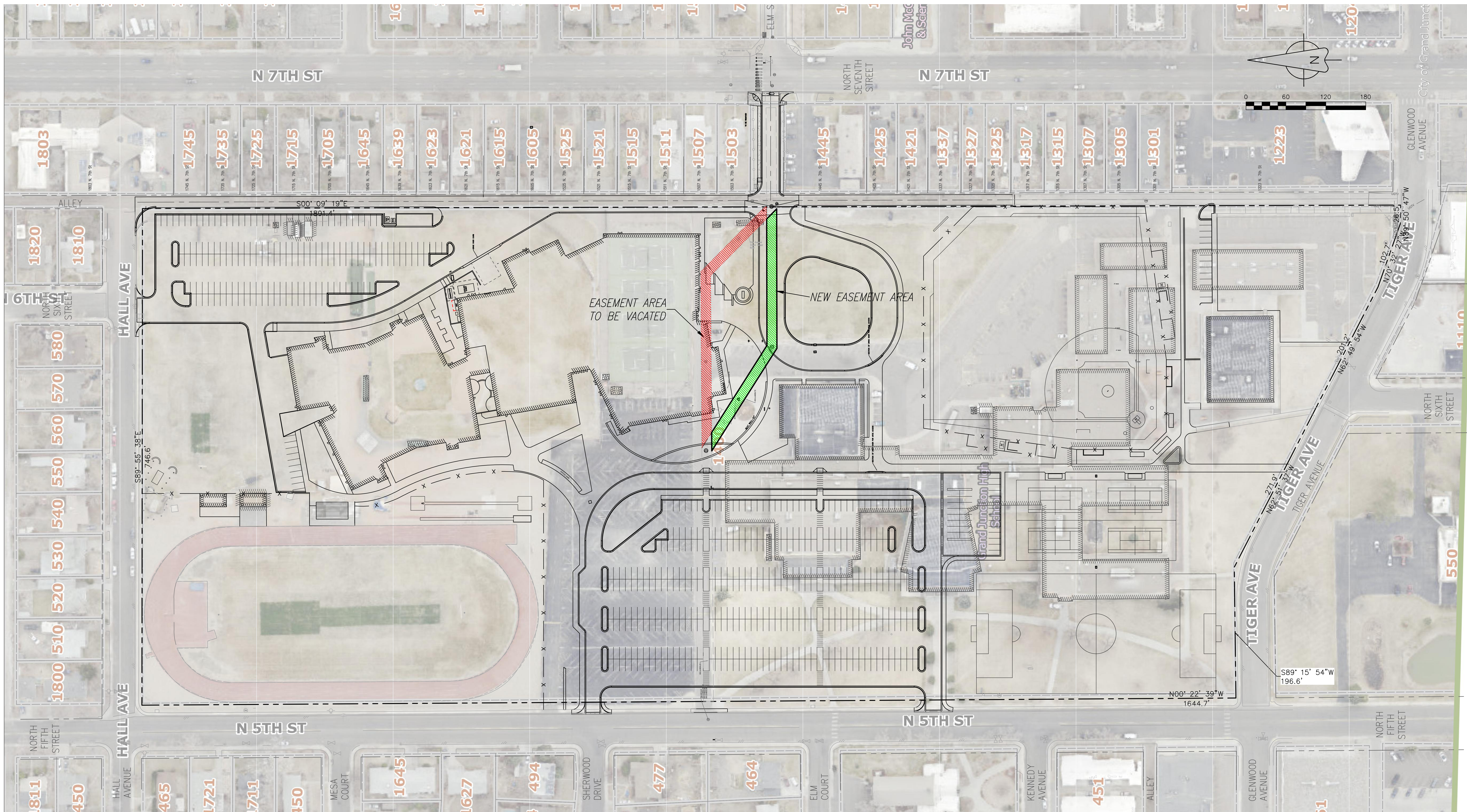
- Will not cause any limitation to access of the existing intercepting alleyway to the east of 7<sup>th</sup> Street
- Is being requested for utilities, specifically the Elm Avenue Storm Sewer.
- Will be dedicated to the City in order to service and maintain the storm sewer

**F. Development Schedule and Phasing**

Design documents are underway -

- Bid Package #1: Utilities - released at the end of February 2022.
  - Construction start date for Utilities work is scheduled for mid-April 2022.
- Bid Package #2: Foundations - released in May 2022.
- Bid Package #3: Construction Documents for the new GJHS - released in July 2022.
  - New building permitting to follow soon-thereafter.
- Bid Package #4: Existing Auxiliary Gym Renovation - released November 2022.
  - Building renovation permitting to follow soon-thereafter.
- Bid package #5: Existing 700 Building Renovation - released November 2022.
  - Building renovation permitting to follow soon-thereafter.
- Proposed construction for the new GJHS and renovations to two existing buildings to be completed in three phases.
  - Phase 1 – utility connection work at 7<sup>th</sup> Street.
    - Construction timeline: April 2022 through July 2022.
  - Phase 2 – new GJHS
    - Construction timeline: June 2022 through June 2024
    - Occupancy planned for August 2024.
  - Phase 3 – renovation of the existing Auxiliary Gym and existing 700 Building and demolition of existing building along with reconstruction of site elements.
    - Construction timeline: May 2024 through March 2025





Printed: 12/8/2021

Grand Junction High  
School Replacement  
  
1400 N 5th St, Grand  
Junction, CO 81501

SITE PLAN

BID PACKAGE #1

REVISIONS DATE:

DATE: 1-26-2022  
PROJECT#: 1001.0019  
SHEET#:

**XX-X**

**LEGEND**

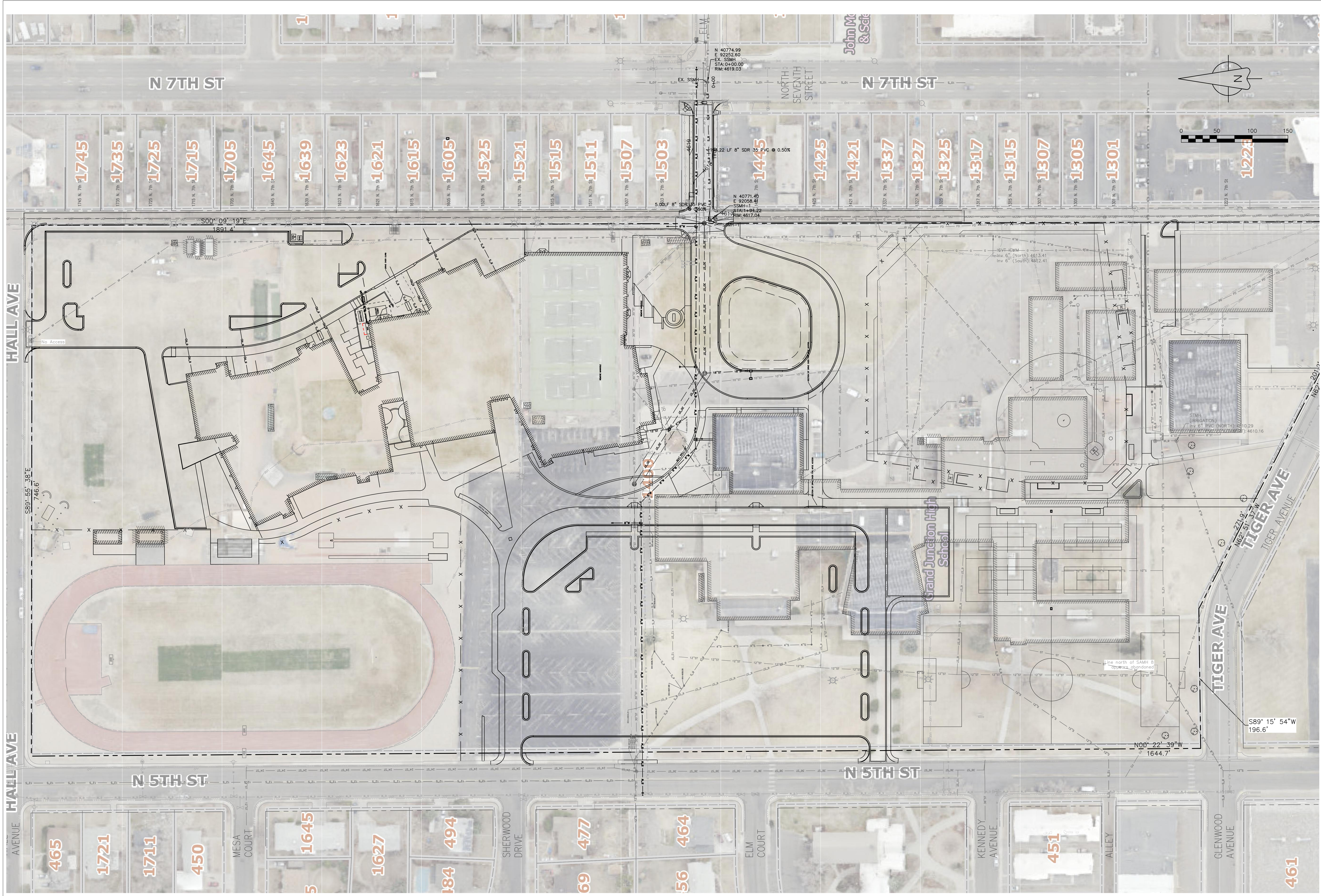
--- PROPERTY LINE	--- ADJACENT PROPERTY LINE	--- EXISTING EASEMENT	--- PROPOSED EASEMENT	--- EXISTING BUILDING	--- PROPOSED BUILDING	--- EXISTING CURB/GUTTER	--- PROPOSED CURB/GUTTER	--- EXISTING SPILL CURB/GUTTER	--- PROPOSED SPILL CURB/GUTTER	--- EXISTING TRANSITION CURB/GUTTER	--- PROPOSED TRANSITION CURB/GUTTER	--- EXISTING RETAINING WALL	--- EXISTING 1-FT CONTOUR	--- EXISTING 5-FT CONTOUR	--- PROPOSED 1-FT CONTOUR	--- PROPOSED 5-FT CONTOUR	--- EXISTING ASPHALT	--- PROPOSED ASPHALT	--- EXISTING HEAVY DUTY ASPHALT	--- PROPOSED HEAVY DUTY ASPHALT	--- EXISTING CONCRETE	--- PROPOSED CONCRETE	--- EXISTING SANITARY SEWER	--- PROPOSED SANITARY SEWER	--- EXISTING SANITARY SEWER MANHOLE	--- PROPOSED SANITARY SEWER MANHOLE	--- EXISTING SANITARY SEWER CLEANOUT	--- PROPOSED SANITARY SEWER CLEANOUT	--- EXISTING STORM SEWER	--- PROPOSED STORM SEWER	--- EXISTING STORM SEWER INLET	--- PROPOSED STORM SEWER INLET	--- EXISTING STORM SEWER MANHOLE	--- PROPOSED STORM SEWER MANHOLE
--- PROPOSED INLINE DRAIN	--- EXISTING 8" WATER MAIN	--- PROPOSED 2" DOMESTIC SERVICE	--- PROPOSED 4" FIRE LINE	--- EXISTING FIRE HYDRANT	--- PROPOSED FIRE HYDRANT	--- EXISTING WATER METER	--- PROPOSED WATER METER	--- PROPOSED METER/BACKFLOW VAULT	--- PROPOSED IRRIGATION MANHOLE	--- PROPOSED FENCE	--- EXISTING FENCE	--- PROPOSED TRAFFIC FLOW GRADE BREAK	--- ROOF DRAIN (RD)	--- STREET LIGHT POLE	--- FIRE DEPARTMENT CONNECTION	--- PARKING LOT LIGHT	--- PROPOSED BUILDING LIGHT	--- POWER POLE	--- FLOWLINE	--- EOP	--- TOC	--- TOW	--- BOW	--- TBW	--- TC	--- BOC	--- LS	--- UTILITY PEDESTALS						

**UTILITIES AND AGENCIES**

CITY UTILITIES DIRECTOR	RANDI KIM	244-1429
CITY OF GRAND JUNCTION PUBLIC WORKS	TRENT PRALL	256-4047
CITY OF GJ DEVELOPMENT INSPECTOR	MARK BARSUND	201-1362
MESA COUNTY STORMWATER	JOSH MARTINEZ	733-4762
XCEL ENERGY	TILLMON MCSCHOOLER	244-2695
CENTURY LINK	CHRIS JOHNSON	244-4333
CHARTER	JOHN VALDEZ	242-8750

- GENERAL NOTES:
1. ALL PARKING SPACES ARE 9-FT WIDE X 18.5-FT LONG UNLESS OTHERWISE NOTED.
  2. ALL SIDEWALKS ARE \_\_\_' WIDE UNLESS OTHERWISE NOTED.
  3. OBTAIN WORK IN RIGHT OF WAY PERMITS FROM THE CITY OF GRAND JUNCTION BEFORE DOING ANY WORK ALONG ANY PUBLIC ROAD OR ALLEY
  4. CONTACT MARK BARSUND AT (970) 201-1362 FOR A PRE-CONSTRUCTION MEETING PRIOR TO ANY WORK ON THE SITE.





Grand Junction High School Replacement  
 1400 N 5th St, Grand Junction, CO 81501

SITE UTILITY COMPOSITE

BID PACKAGE #1

REVISIONS DATE:

DATE: 1-26-2022  
 PROJECT#: 1001.0019  
 SHEET #:

**XX-X**

UTILITIES AND AGENCIES		
CITY UTILITIES DIRECTOR	RANDI KIM	244-1429
CITY OF GRAND JUNCTION PUBLIC WORKS	TRENT PRALL	256-4047
CITY OF GJ DEVELOPMENT INSPECTOR	MARK SARGELUND	201-1362
MESA COUNTY STORMWATER	JOSH MARTINEZ	773-4762
XCEL ENERGY	TILMON MCSCHOLLER	244-2695
CENTURY LINK	CHRIS JOHNSON	244-4333
CHARTER	JOHN VALDEZ	245-8750



**STATEMENT OF AUTHORITY**

1. This Statement of Authority relates to an entity named: Mesa County Valley School District 51.
2. The Entity is a: Colorado School District
3. The Entity is formed under the laws of: Colorado
4. The mailing address for the entity is: 2115 Grand Avenue, Grand Junction, CO 81501
5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is: Diana Sirko, Superintendent of Mesa County Valley School District 51, or Brian Hill, Assistant Superintendent of Mesa County Valley School District 51.
6. The authority of the foregoing person(s) to bind the entity is unlimited.
7. Other matters concerning the manner in which the entity deals with interests in real property: N/A
8. This Statement of Authority is executed on behalf of the Entity pursuant to the provisions of C.R.S. Section §38-30-172.

Executed this: 16<sup>th</sup> day of March, 2022.

Mesa County Valley School District 51



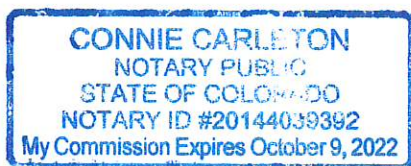
By: Diana Sirko, Superintendent

STATE OF COLORADO    )  
  )ss  
COUNTY OF MESA        )

The foregoing instrument was acknowledged before me this 16 day of March, 2022,  
By Diana Sirko, Superintendent of Mesa County Valley School District 51.

Witness my hand and seal.  
My commission expires: October 9, 2022

  
Notary Public



HELEN CAROLYN LANE and PAUL BRITTON,  
whose address is 674 - 29 Road, Grand Junction,  
County of Mesa, State of  
Colorado, for the consideration of TEN DOLLARS  
AND OTHER VALUABLE CONSIDERATIONS  
cash, in hand paid, hereby sell(s) and convey(s) to  
MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, a  
School District of the First Class organized under the laws of the  
State of Colorado,  
whose legal address is 2115 Grand Avenue, Grand Junction, County of  
Mesa, and State of Colorado the following real property in the  
County of Mesa, and State of Colorado, to wit:

STATE DEPARTMENT FEE  
DATE JAN 2 - 79  
*Adapt*

Lot Three EXCEPT the West 36 feet 3 inches thereof, AND  
All of Lot Four in Block Eleven of Sherwood Addition, according  
to the Subdivision Plat of Blocks 8, 9, 11, 12 and 13, as recorded  
in Book 8, on Page 2 of the records of the Mesa County Clerk and  
Recorder, Mesa County, Colorado;

also known as street and number 1325 North Fifth Street, Grand Junction,  
Colorado,

with all its appurtenances, and warrant(s) the title to the same, subject to 1978 taxes,  
easements, rights-of-way, reservations and restrictions of record.

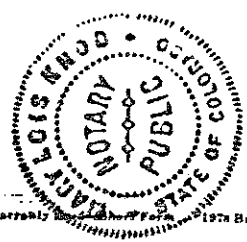
Signed this 2nd day of January, 19 79.  
*Helen Carolyn Lane*  
Helen Carolyn Lane

*Paul Britton*  
Paul Britton

STATE OF COLORADO,  
County of M E S A } ss.

The foregoing instrument was acknowledged before me this 2nd  
day of January, 1979, by Helen Carolyn Lane and Paul Britton.

My commission expires My Commission expires: April 30, 1979  
Witness my hand and official seal.



*Mary Laine Teab*  
Notary Public

79

ABSTRACT CERTIFICATE

TRANSAMERICA TITLE INSURANCE COMPANY, a duly licensed and bonded abstractor, operating under certificate of authority granted by the State of Colorado, and whose bond is in force at the date of this certificate

Hereby Certifies

that the foregoing -2- entries numbered 78 to 79 constitute a true and correct abstract of all instruments on file or of record in the office of the Clerk and Recorder of Mesa County, Colorado, affecting the title to the following described land subsequent to June 30, 1971, at 8:00 o'clock A.M.

Description:

Lot Three (3) EXCEPT the West 86 feet 3 inches thereof, and All of Lot Four (4) in Block Eleven (11) of Sherwood Addition according to the Subdivision Plat of Blocks 8, 9, 11, 12 and 13, as recorded in Book 8, on Page 2 of the records of the Mesa County Clerk and Recorder, Mesa County, Colorado.

Date: January 29, 1979 at 8:00 A.M.

ORDER NUMBER 96360

Transamerica Title Insurance Company

By Robert Reese Authorized Signature



**EXHIBIT A**

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly describe as follows:

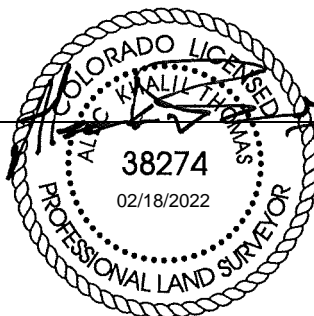
Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

thence North 89°37'28" East along said northerly line a distance of 265.03 feet;  
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point along the easterly line of said Block 3;  
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;  
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;  
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;  
thence South 89°37'28" West along said southwesterly line a distance if 235.54 feet;  
thence North 57°34'24" West a distance of 27.69 feet to the Point of Beginning.

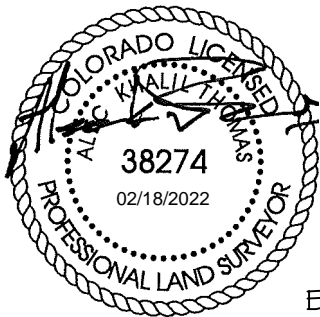
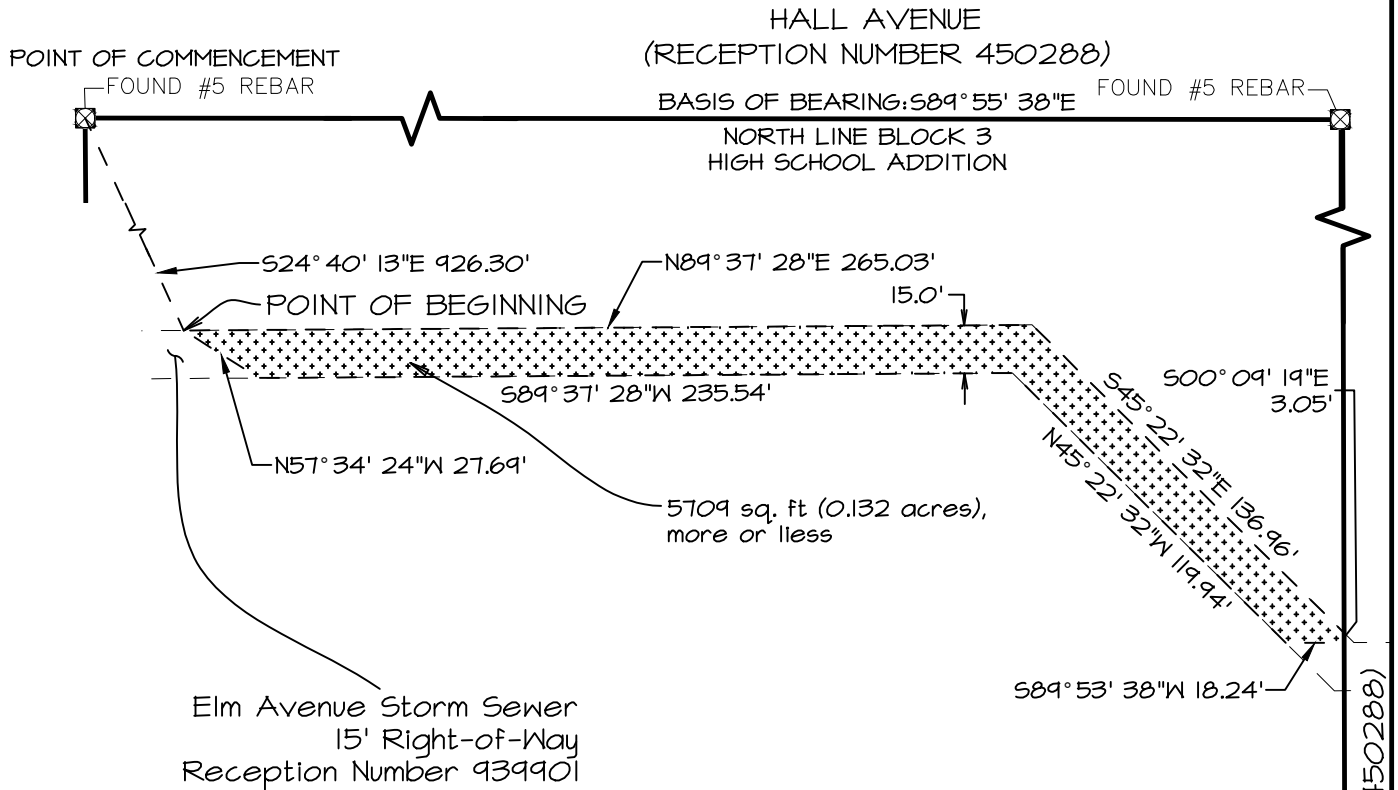
Containing 5709 Sq. feet (0.132 acres), more or less.

This description was prepared by:  
Alec K. Thomas  
Colorado P.L.S. 38274  
215 Pitkin Ave. Suite #201  
Grand Junction, CO 81501



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 B



Owner: Mesa County Valley School District 51

1400 N 5th Street  
City of Grand Junction  
Mesa County, Colorado

Block 3, High School Addition; Reception Number 450288

SW1/4 Section II, Township I South, Range I West, Ute Meridian



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

**RIVER CITY CONSULTANTS**  
 215 Pitkin Avenue, Unit 201  
 Grand Junction, CO 81501  
 Phone: 970.241.4722  
 Fax: 970.241.8841  
 www.rccwest.com

Drawn: BDM Checked: AKT 2/18/22 Job No. 1443-036

S:\PROJECTS\1443 MCSD\1036 G.JHS Exhibits\Survey\DWG



## EXHIBIT A

A fifteen foot (15') wide easement across a parcel of land known as Block 3 of the High School Addition plat as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying seven and a half feet (7.5') each side of the following described centerline:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°49'03" East a distance of 943.85 feet to a point on the southerly line of the Elm Avenue Storm Sewer Right-of-Way, as recorded at reception number 939901, and the Point of Beginning of the centerline herein described;

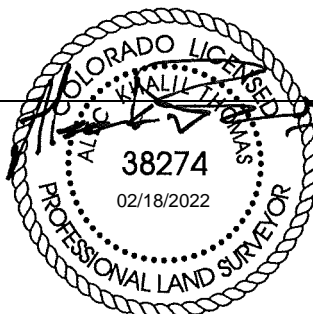
thence South 57°34'23" East a distance of 168.73 feet  
thence North 89°53'49" East a distance of 199.92 feet to a point on the southwesterly line of said Right-of-Way and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and to terminate at the intersecting Right-of-Way lines.

Containing 5533 Sq. feet (0.127 acres), more or less.

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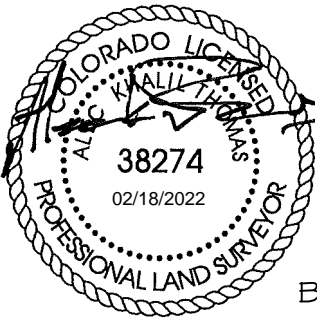
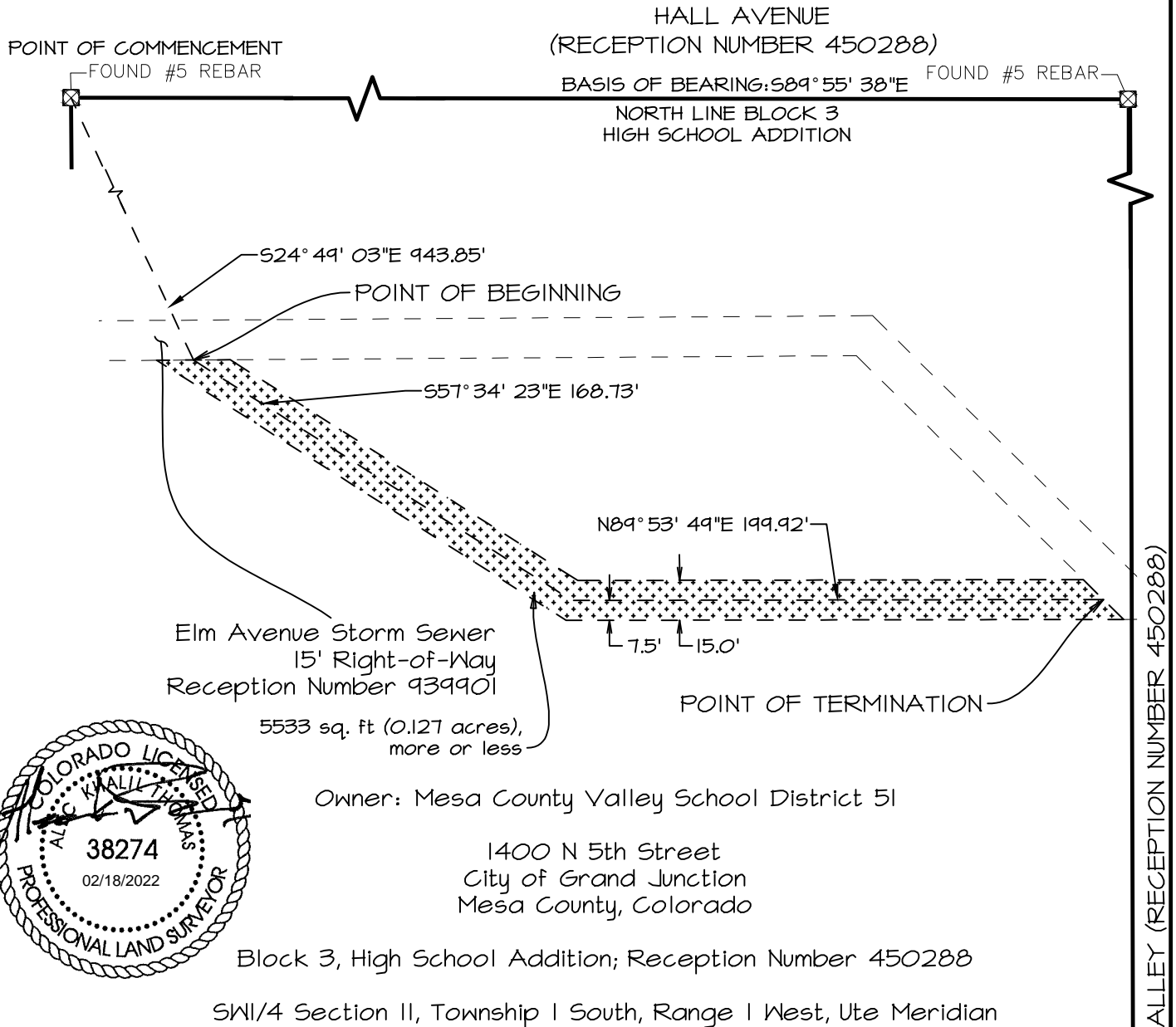
This description was prepared by:  
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Colorado P.L.S. 38274  
215 Pitkin Ave. Suite #201  
Grand Junction, CO 81501



---

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# EXHIBIT B

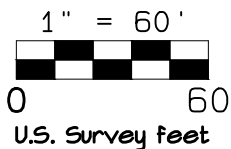


Owner: Mesa County Valley School District 51

1400 N 5th Street  
City of Grand Junction  
Mesa County, Colorado

Block 3, High School Addition; Reception Number 450288

SW1/4 Section II, Township I South, Range I West, Ute Meridian



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

**RIVER CITY**  
CONSULTANTS

215 Pitkin Avenue, Unit 201  
Grand Junction, CO 81501  
Phone: 970.241.4722  
Fax: 970.241.8841  
www.rccwest.com

Drawn: BDM Checked: AKT 2/18/22 Job No. 1443-036

S:\PROJECTS\1443 MCS\51\036 G.J.H.S Exhibits\Survey\DWG

State of Colorado) Recorded at 10:56 o'clock P.M. Jul 28 1967  
 County of Mesa ) ss. Reception No. 939901 *Gennie M. [unclear]* Recorder

BOOK 911 PAGE 521

GRANT OF RIGHT-OF-WAY

WHEREAS, Mesa County Valley School District No. 51 is the owner of the hereinafter described land, and the City of Grand Junction, Colorado, being now engaged in the construction of a Storm Sewer, known as Elm Avenue Storm Sewer, and the City of Grand Junction being desirous of constructing, operating and maintaining such Storm Sewer through and across the hereinafter described land owned by Mesa County Valley School District No. 51, which said Storm Sewer is to be a thirty-inch pipe buried approximately eight feet below the surface of the ground,

NOW, THEREFORE, Mesa County Valley School District No. 51 hereby quit-claims and grants to the City of Grand Junction, Colorado, a right-of-way for the installation, operation and maintenance of said Storm Sewer, seven and one-half feet on each side of a line described as follows:

Beginning at a point on the West line of Block 3 of the High School Addition to the City of Grand Junction, Mesa County, Colorado and 172 ft. South of the centerline of Sherwood Drive extended; thence Easterly perpendicular to Fifth Street for a distance of 643 ft. more or less; thence Southeasterly along a line forming an angle of 45 degrees with the last described line for a distance of 133 ft. more or less to the East line of said Block 3,

Also beginning at a point on the West line of Lot 20 of Capitol Hill Subdivision in the City of Grand Junction, Mesa County, Colorado and 6.5 ft. North of the centerline of Elm Avenue extended from the East; thence East parallel to the said centerline of Elm Avenue to the East line of said Lot 20,

together with the right of ingress and egress for the proper repair and maintenance thereof.

During the period of construction and installation of such Storm Sewer, the City of Grand Junction, Colorado, is granted the privilege of using a strip of land fifteen feet in width and immediately adjacent to one side of the above described right-of-way.

The City of Grand Junction, Colorado, by the acceptance hereof shall be deemed to agree as follows:

1. That it will complete the construction and installation of said Storm Sewer, and restore the surface area of the right-of-way and of the fifteen foot strip of land to be used by it during the construction period to the same condition as the same was

prior to the institution of the construction and installation of such Storm Sewer, and have the same completed by September 1, 1967.

- 2. That it does and at all times will indemnify Mesa County Valley School District No. 51 from and against all claims, demands, suits and damages which may be made, brought against it or suffered by it by virtue of the construction, installation, operation or maintenance of such Storm Sewer.
- 3. The grant of this right-of-way shall not be deemed to impair the right of Mesa County Valley School District No. 51 to use the surface of said right-of-way subsequent to the construction and installation of said Storm Sewer.

Executed this 25th day of July, 1967.

MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51

By William J. Floryancic  
President

ATTEST:

Frank L. Bailey  
Secretary

STATE OF COLORADO )  
COUNTY OF M E S A ) ss.

The foregoing instrument was acknowledged before me this 25th day of July, 1967, by William J. Floryancic as President of the Board of Education of Mesa County Valley School District No. 51.

Witness my hand and official seal.



My commission expires:

Wayne A. Flack  
Notary Public  
My Commission expires December 2, 1967

## EXHIBIT A

A fifteen foot (15') wide easement across a parcel of land known as Block 3 of the High School Addition plat as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying seven and a half feet (7.5') each side of the following described centerline:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°49'03" East a distance of 935.61 feet to a point on the centerline of Elm Avenue Storm Sewer Right-of-Way, as recorded at reception number 939901, said point bearing North 89°37'28" East a distance of 387.10 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;

Thence South 24°49'03" East a distance of 8.24 feet to a point on the southerly line of said Right-of-Way and the Point of Beginning of the centerline herein described;

thence South 57°34'23" East a distance of 168.73 feet

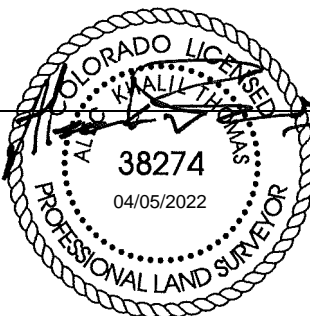
thence North 89°53'49" East a distance of 199.92 feet to a point on the southwesterly line of said Right-of-Way and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and to terminate at the intersecting Right-of-Way lines.

Containing 5533 Sq. feet (0.127 acres), more or less.

---

This description was prepared by:  
Alec K. Thomas  
Colorado P.L.S. 38274  
215 Pitkin Ave. Suite #201  
Grand Junction, CO 81501

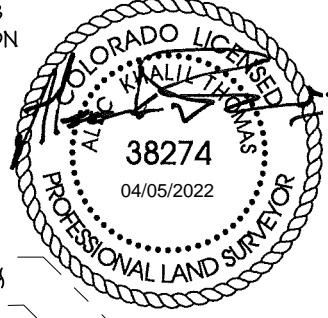
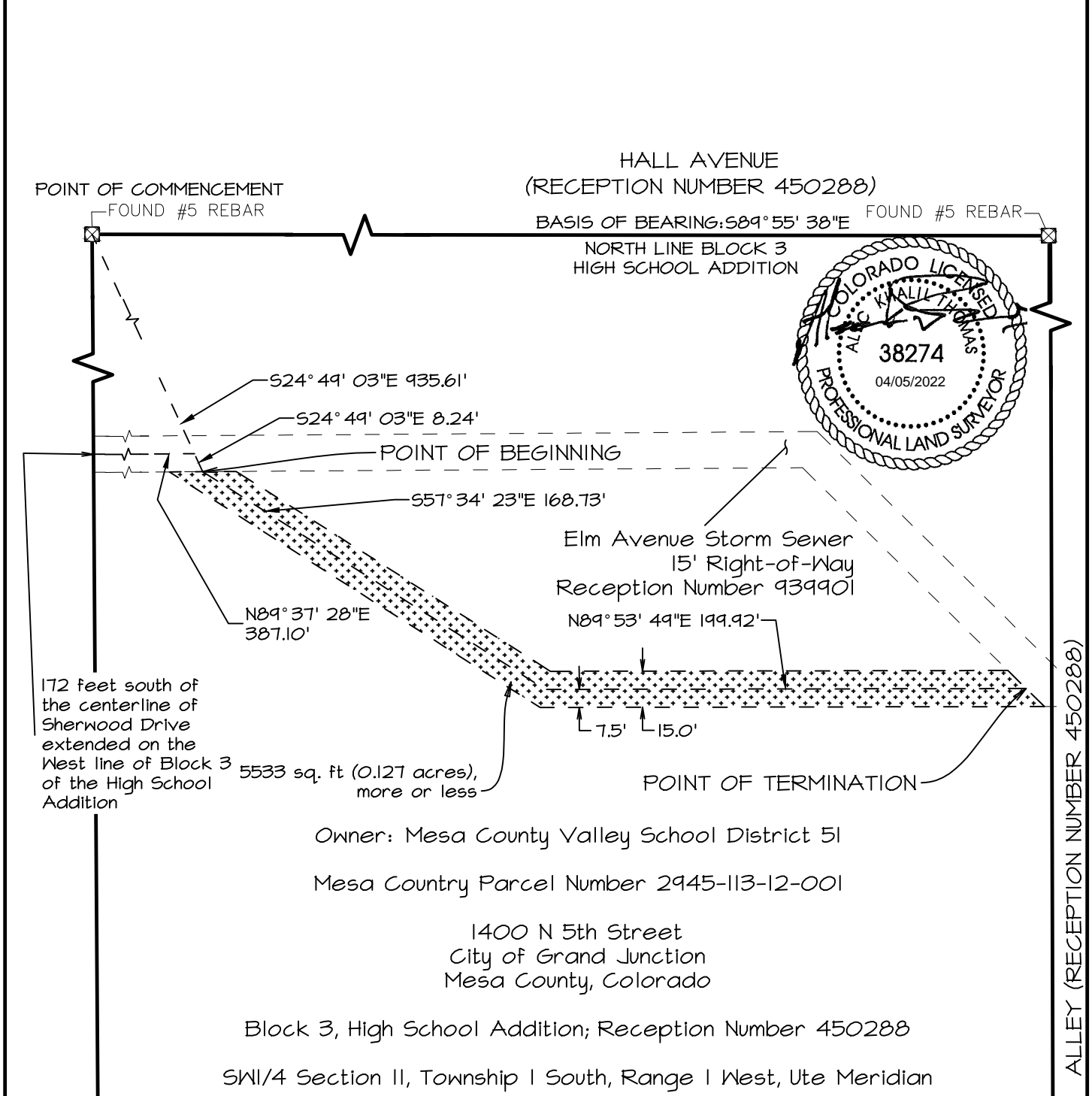


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NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.



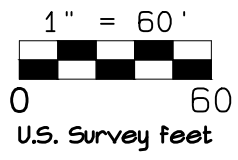
# EXHIBIT B



Owner: Mesa County Valley School District 51  
 Mesa Country Parcel Number 2945-113-12-001  
 1400 N 5th Street  
 City of Grand Junction  
 Mesa County, Colorado

Block 3, High School Addition; Reception Number 450288  
 SW1/4 Section 11, Township 1 South, Range 1 West, Ute Meridian

ALLEY (RECEPTION NUMBER 450288)



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

	215 Pitkin Avenue, Unit 201 Grand Junction, CO 81501 Phone: 970.241.4722 Fax: 970.241.8841 www.rccwest.com		
	Drawn: BDM	Checked: AKT	4/4/22

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### EXHIBIT A

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly described as follows:

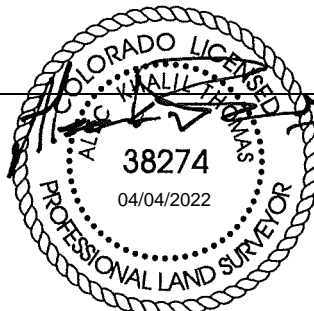
Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

thence North 89°37'28" East along said northerly line a distance of 265.03 feet;  
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point on the easterly line of said Block 3;  
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;  
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;  
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;  
thence South 89°37'28" West along the southerly line of said Right-of-Way a distance of 235.54 feet;  
thence North 57°34'24" West a distance of 13.84 feet to a point on the centerline of said Right-of-way, said point bearing North 89°37'28" East a distance of 397.72 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;  
thence North 57°34'24" West a distance of 13.84 feet to the Point of Beginning.

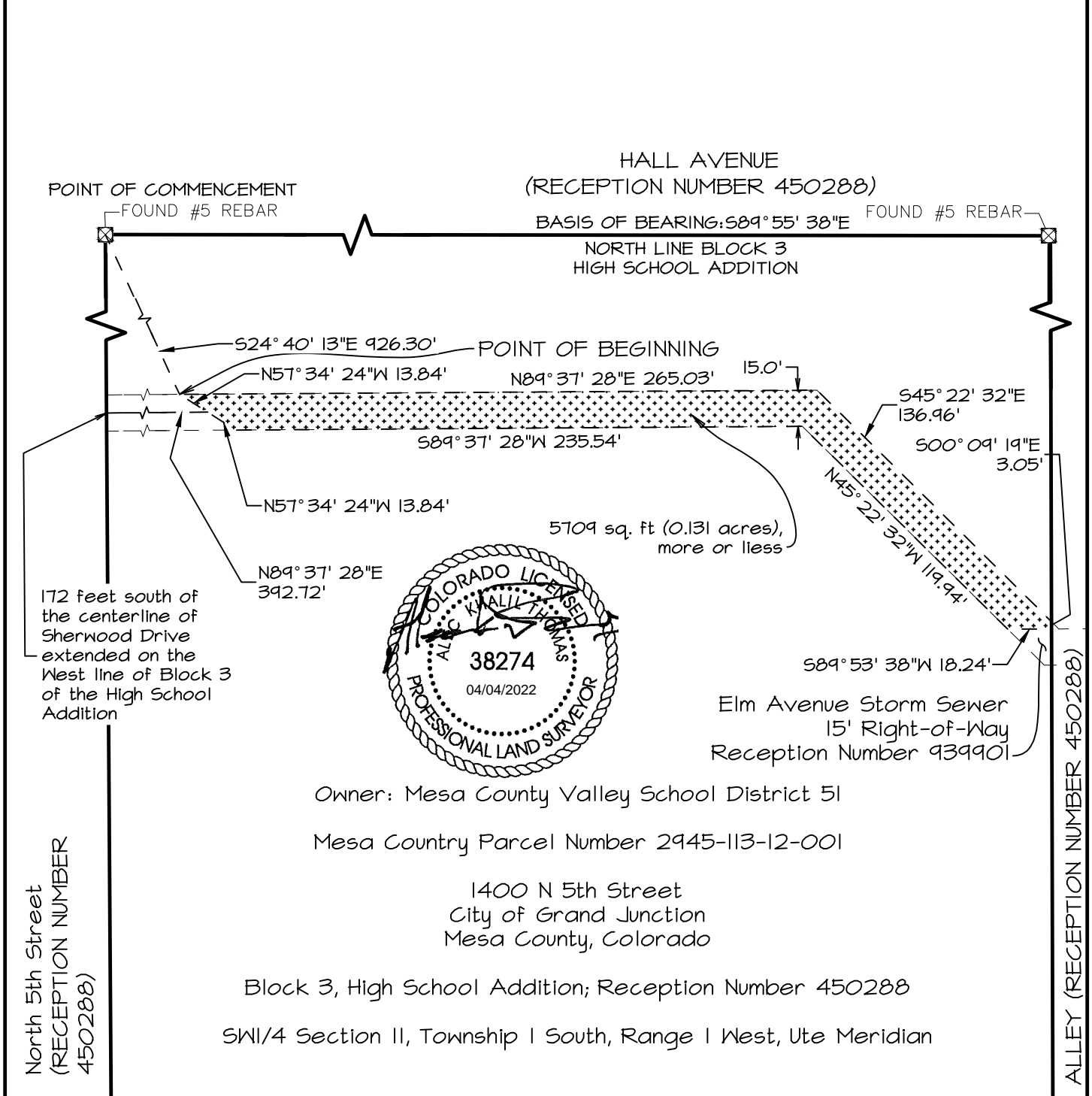
Containing 5709 Sq. feet (0.131 acres), more or less.

This description was prepared by:  
Alec K. Thomas  
Colorado P.L.S. 38274  
215 Pitkin Ave. Suite #201  
Grand Junction, CO 81501



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 B



Owner: Mesa County Valley School District 51

Mesa Country Parcel Number 2945-113-12-001

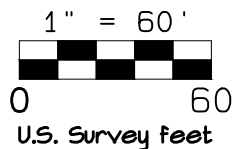
1400 N 5th Street  
 City of Grand Junction  
 Mesa County, Colorado

Block 3, High School Addition; Reception Number 450288

SW1/4 Section 11, Township 1 South, Range 1 West, Ute Meridian

North 5th Street  
 (RECEPTION NUMBER  
 450288)

ALLEY (RECEPTION NUMBER 450288)



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

**RIVER CITY**  
 CONSULTANTS

215 Pitkin Avenue, Unit 201  
 Grand Junction, CO 81501  
 Phone: 970.241.4722  
 Fax: 970.241.8841  
 www.rccwest.com

Drawn: BDM	Checked: AKT	4/4/22	Job No. 1443-036
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**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING  
A PORTION OF A 15 FT. GRANT OF RIGHT-OF-WAY EASEMENT  
AS DEDICATED BY RECEPTION NUMBER 939901  
LOCATED ON THE PROPERTY OF GRAND JUNCTION HIGH SCHOOL  
AT 1400 N. FIFTH STREET**

**RECITALS:**

Mesa County Valley School District No. 51 ("School District") has requested vacation of a portion of a 15 ft. Grant of Right-of-Way ("Easement"). The Easement was conveyed to the City in 1967 by an instrument recorded at Reception Number 939901. The Easement runs East West and contains Elm Avenue storm sewer infrastructure.

The design for and construction of a new Grand Junction High School encroaches on a portion of the existing Elm Avenue storm sewer line. The School District will need to relocate a portion of the storm sewer line and dedicate a new 15 ft. wide easement to the City.

In addition to the dedication of a new easement and reconstruction of the Elm Avenue storm sewer the School District as a condition of the vacation the School District must release to the satisfaction of the City Attorney certain terms in the Easement conveyance regarding indemnification and construct/reconstruction of the storm sewer. Once accomplished the new easement will be consistent with terms of present, similar easements given to the City.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon the Planning Commission's conditional recommendation of approval, the City Council finds that the request to vacate a portion of the Easement as recorded in Mesa County Records, Reception No. 939901 is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code with and on condition that the School District satisfies the Planning Commissions conditions as the same are adopted and include herein as conditions of the City Council.

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

The following described publicly dedicated Easement is hereby vacated upon the listed conditions being met:

- 1) Before construction, disconnection, and/or relocation of the existing storm sewer line, the School District shall provide a written release to the City, to the satisfaction of the City Attorney, of the terms numbered 2 and 3 in the original Grant of Right-of-Way; and,
- 2) Relocation of the public storm sewer line to a location as depicted in the attached Exhibit B with direction and final approval by City staff; and,
- 3) Applicant shall provide as-builts of the newly constructed line and in a form approved by City staff grant a new 15 ft. public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly described as follows:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

thence North 89°37'28" East along said northerly line a distance of 265.03 feet;  
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point on the easterly line of said Block 3;  
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;  
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;  
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;  
thence South 89°37'28" West along the southerly line of said Right-of-Way a distance of 235.54 feet;  
thence North 57°34'24" West a distance of 13.84 feet to a point on the centerline of said Right-of-way, said point bearing North 89°37'28" East a distance of 397.72 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;  
thence North 57°34'24" West a distance of 13.84 feet to the Point of Beginning.

Containing 5709 Sq. feet (0.131 acres), more or less.

Exhibits A and B as attached are incorporated by this reference as if fully set forth.

PASSED and ADOPTED this 20<sup>th</sup> day of April 2022.

ATTEST:

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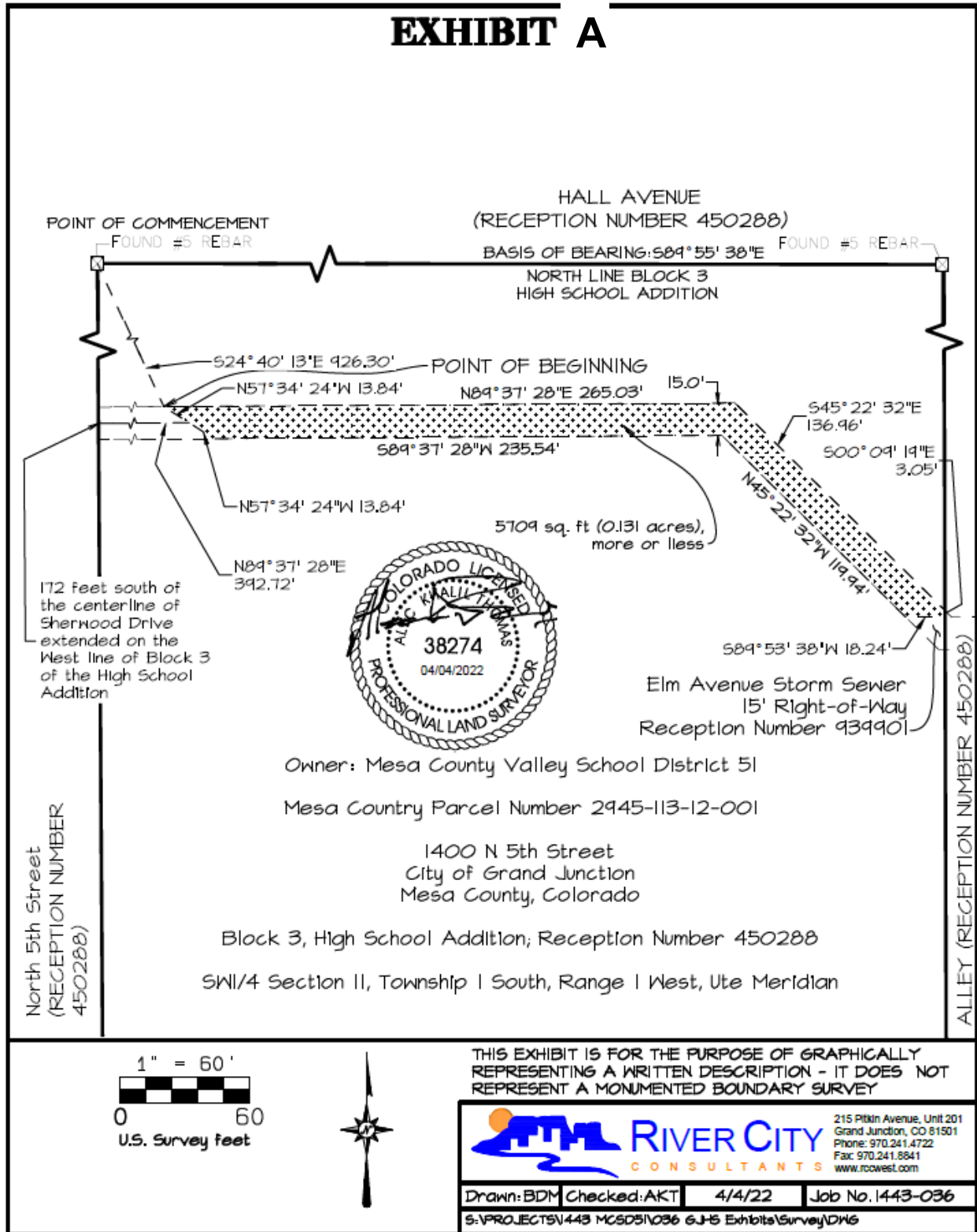
C.B. McDaniel  
President of City Council

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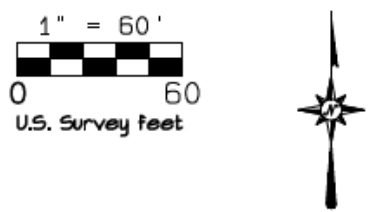
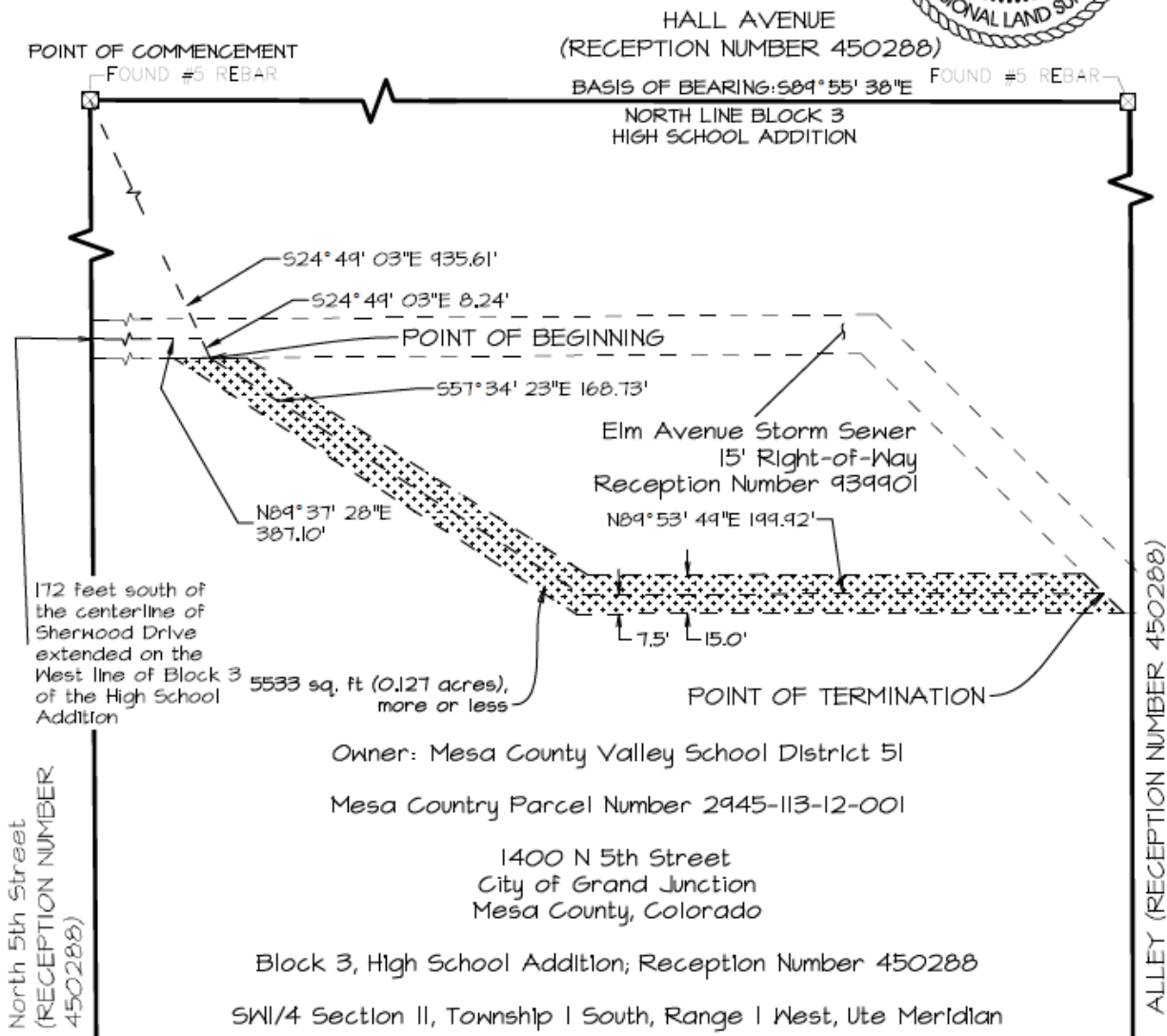
Laura Bauer  
Interim City Clerk

DRAFT

# EXHIBIT A



# EXHIBIT B



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

**PTM RIVER CITY CONSULTANTS**  
215 Pitkin Avenue, Unit 201  
Grand Junction, CO 81501  
Phone: 970.241.4722  
Fax: 970.241.8841  
www.rcowest.com

Drawn: BDM	Checked: AKT	4/4/22	Job No. 1443-036
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## Grand Junction City Council

### Regular Session

Item #3.b.

---

**Meeting Date:** April 20, 2022

**Presented By:** Greg Caton, City Manager, John Shaver, City Attorney

**Department:** City Attorney

**Submitted By:** John Shaver

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### **Information**

#### **SUBJECT:**

A Resolution Approving the Grand Junction City Council Audit Committee Charter and Appointing Anna Stout and Chuck McDaniel as the 2022-2023 Audit Committee

#### **RECOMMENDATION:**

Adopt Resolution 34-22 approving the City Council Audit Committee Charter and appointing Anna Stout and Chuck McDaniel as the 2022-2023 Audit Committee.

#### **EXECUTIVE SUMMARY:**

Adoption of the proposed resolution will create a City Council Audit Committee, pursuant to and with the approval of the Audit Committee Charter and will appoint Anna Stout and Chuck McDaniel as the City Council Audit Committee for 2022 and 2023.

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

The City Council has determined that it will have a more direct role with independent auditors/auditing functions of certain City financial reporting and accounting processes. The City Council, because of its accountability to taxpayers, is ultimately responsible for the City's financial reporting and internal controls and processes and with the adoption of Resolution 34-22, the City Council approves and adopts the Audit Committee Charter and appoints the 2022-2023 audit committee. Because the Audit Committee is newly formed, and so that the Committee may have some continuity, the appointed Committee members appointed shall serve until April 30, 2023. Successor Audit Committee members shall be named by the City Council in May 2023, pursuant to the *Audit Committee Charter*, when annual committee assignments are made.

#### **FISCAL IMPACT:**

There is no direct cost to adopting the resolution; the cost of the audit services is estimated to be \_\_\_\_\_.

**SUGGESTED MOTION:**

I move to (adopt/not adopt) Resolution 34-22 approving the City Council Audit Committee Charter and appointing Anna Stout and Chuck McDaniel as the 2022-2023 Audit Committee.

**Attachments**

1. RES-Audit Committee 041122

1 Resolution No. \_\_-22  
2 Approving the Grand Junction City Council Audit Committee Charter and  
3 Appointing Anna Stout and Chuck McDaniel as the 2022-2023 Audit Committee

4  
5 Recitals.

6 The City Council recognizes the importance of responsible fiscal management  
7 and the vital role independent auditor(s) have in assuring continued high quality  
8 and accurate financial reporting by the City. The City Council, because of its  
9 accountability to taxpayers, is ultimately responsible for the City's financial  
10 reporting and internal controls and processes. With this Resolution the City  
11 Council approves and adopts the Audit Committee Charter and appoints the  
12 2022-2023 audit committee, to be comprised of the present City Council  
13 President and the City Council President *pro tem* ("Audit Committee" or  
14 "Committee").

15 To establish and discharge the functions of the Audit Committee, the City  
16 Council has duly considered the attached *Audit Committee Charter* and with  
17 this Resolution states the policy of the Council, and in turn the policy of the City,  
18 is duly and properly established by said *Charter*. In accordance with the terms  
19 of the *Audit Committee Charter* the Audit Committee is duly instituted and shall  
20 in act in accordance with the terms thereof.

21 Because the Audit Committee is newly formed, and so that the Committee may  
22 have some continuity, the Committee members appointed hereby shall serve  
23 until April 30, 2023. Successor Audit Committee members shall be named by the  
24 City Council in May 2023, pursuant to the *Audit Committee Charter*, when  
25 annual committee assignments are made.

26  
27 NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION CITY COUNCIL:

28 That C.B. McDaniel and Anna Stout shall serve as the 2022-2023 City  
29 Council Audit Committee and that the Audit Committee Charter in the  
30 form attached to this Resolution is adopted and approved.

31  
32 PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF APRIL 2022.

33 \_\_\_\_\_  
34 C.B. McDaniel



35 City Council President

36

37 ATTEST:

38 \_\_\_\_\_

39 Laura Bauer

40 Interim City Clerk

41

DRAFT

42 Audit Committee Charter

43

44 Recitals.

45

46 The City Council, City management and the City's independent auditor(s) are  
47 responsible for the quality and accuracy of the City's financial reporting. The  
48 City Council, because of its accountability to taxpayers, is ultimately responsible  
49 for the City's financial reporting and internal controls and processes. The audit  
50 committee, comprised of the City Council President and President *pro tem*,  
51 ("Audit Committee") provides for general oversight of the City's financial  
52 reporting processes, internal controls, and the engagement of and  
53 communication with independent auditors.

54

55 The Audit Committee provides the means, separate from management and as  
56 necessary, for the independent auditor(s) to raise and discuss concerns about  
57 financial reporting and internal controls

58

59 The Audit Committee is not charged with providing any expert or other special  
60 assurance as to the financial statements, including compliance with laws,  
61 regulations, Generally Accepted Accounting Principles (GAAP) or  
62 Governmental Accounting Standards Board (GASB).

63

64 Purpose.

65

66 The Audit Committee will, in consultation with the independent auditor, the City  
67 Manager, Finance Director and City Attorney:

68

69 1) be responsible for oversight of the financial reporting process,  
70 recommending to City Council the selection of the independent  
71 auditor(s), and receipt and review of preliminary audit results and other  
72 written communications between the auditor and management of the  
73 City, such as any "management" or "internal control" letter issued, or  
74 proposed to be issued, if any, by the auditor to the City; and,

75

76 2) be responsible for resolution of any disagreement(s) between City  
77 management and the independent auditor(s) regarding financial  
78 reporting; and,

79

80 3) establish communication with the auditor(s), and no less than annually,  
81 review audit findings at a public City Council meeting; and,

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4) assure the City establishes a thorough risk management and evaluation process with effective internal controls and recommend to City Council periodic outside audit or examination of internal controls; and,

5) discuss with the auditor(s) and management the adequacy of the City's internal controls, and as necessary or required, remedy any significant deficiency(ies) and material weakness(es) in the design or operation of internal controls over financial reporting or fraud, whether or not material, that involves management or other employee(s) who have a significant role in the City's internal controls; and,

6) receive confidential, anonymous reports from City employees of concerns about accounting or financial reporting practices, accounting, internal controls and/or conflict of interest and fraud matters; and,

7) review the City's disclosure policies and practices, particularly regarding conflict of interest and fraud; and,

8) review the City's litigation and regulatory proceedings as reported by the City Attorney; and,

9) no less often than every 5 years, select and recommend to City Council an independent auditor(s) and implement a direct reporting relationship with the auditing firm(s) that serve(s) as the City's independent auditor(s). The independent auditor(s) retained by the City shall report directly to the Audit Committee.

Process.

The Audit Committee will hold no less than two regular meetings per year, one at the commencement of the annual audit and one at the completion of the audit prior to the release of the independent auditor's findings and report. At the conclusion of the audit the independent auditor shall issue written findings and a report, which shall be presented at a public City Council meeting and formally accepted by City Council.

The Audit Committee may meet at other times as may be necessary or required to confer with the auditor(s). Meetings may include the City Manager, Finance

121 Director, City Attorney, Councilmember(s) and/or any other participant the  
122 Committee deems appropriate.

123

124 The Audit Committee may, as it deems necessary and appropriate, schedule a  
125 meeting with the City Council and the auditor(s), so long as the meeting is  
126 properly noticed, as determined by the City Attorney, in accordance with the

127

128 Colorado Open Meetings Law.

129

130 The Audit Committee may receive information and participate in informal  
131 meetings and briefings with City management and the auditor(s) as necessary  
132 and appropriate between formal meetings of the Audit Committee.

133

134 The Audit Committee shall from time to time, and in any event no less often than  
135 every 5 years, evaluate the independent auditor's qualifications, performance,  
136 and independence.

137

138 The Audit Committee shall review with the City Council any matters concerning  
139 the quality or integrity of the City's financial statements and/or the performance  
140 and independence of the City's auditor(s).

141

142 The City Council, with and following a recommendation by the Audit  
143 Committee, shall provide for suitable funding for the payment of compensation  
144 to the independent auditor(s) engaged for the purpose of preparing and issuing  
145 audit findings and reports and/or performing other audit services for the City.

146

147 The Audit Committee may establish such written rules or procedures as it  
148 determines necessary to conduct the Audit Committee's business.

149

150 The Audit Committee shall from time-to-time review and assess the adequacy of  
151 this Charter, and as determined necessary, recommend changes to the Charter  
152 to the City Council.



## Grand Junction City Council

### Regular Session

Item #4.a.i.

---

**Meeting Date:** April 20, 2022

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

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

An Ordinance Vacating a Public Alley Right-of-Way, Located South of 245 and 333 South Avenue

#### **RECOMMENDATION:**

The Planning Commission heard this item at its March 22, 2022 meeting and voted to recommend approval of the request (6-0).

#### **EXECUTIVE SUMMARY:**

The applicant, Anna Company LLC (Owner) is requesting vacation of an undeveloped east-west alley that lies south of 245 and the western portion of 333 South Avenue. The area to be vacated is a 10-foot wide and variable length strip of land, encompassing a total of 2,239 square feet. The vacation of the alley will eliminate the approximately one-foot encroachment of the building into a public right-of-way. The requested vacation conforms with the City's Comprehensive Plan and Circulation Plan.

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

##### **BACKGROUND**

The alley right-of-way in this portion of downtown Grand Junction first appeared in the 1882 town plat of the original square mile as right-of-way south of blocks 165 and 164 between 2nd and 4th Streets and south of South Avenue. However, it appears that the right-of-way has never been developed nor maintained as a formal alley but has been used to access the backs of the properties and buildings that now occupy blocks 165 and 164. Ordinance 1828 vacated an alley in Block 163 in 1979, but this portion of alley was not addressed at that time. During title search to prepare the property for sale, it was discovered that the right-of-way technically still exists and the building on the 245 South Avenue parcel encroaches into the right-of-way by approximately one

foot. The owner of the building is requesting the vacation to alleviate this issue.

There are two sewer lines behind the buildings: one is an identified public line that is on the railroad property on the south side of the alley, the other is in the alley right-of-way to be vacated and carries combined sanitary sewer and storm sewer from the parking lot between 245 and 333 South Avenue westward and joins the line on the railroad property in the rail yard, It has not been determined whether the latter line is public or private. Without the Applicant confirming it is not a public line and without determining that those who use the line otherwise have easements or agreements, it is necessary to retain a utility easement. In addition, the City will need a north-south access easement through the parking lot between 245 and 333 South Avenue to be able to access the utility easement and the sewer line that is on the railroad property along the south side of the buildings. There is an existing north-south utility easement in this area, but it is for the sole benefit of Xcel Energy and cannot be used by the City to access the sewer line.

### **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 and mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1,000 feet. and notice of the Planning Commission public hearing was published in the Grand Junction Daily Sentinel.

A Neighborhood Meeting regarding the proposed vacation was held on September 22, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Along with City Staff, the landowner and their representative, there was one neighboring property owner in attendance that was interested in detail surrounding the request and indicated support of the alley vacation.

### **ANALYSIS**

The criteria for review 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 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 alley right-of-way conform to the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City. The proposed vacation of right-of-way will have no impact on public or private facilities or services provided since they may continue to exist within the utility easement being retained.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

## Plan Principal 2: Resilient and Diverse Economy

### Strategy 3. Promote Business Growth for a Diverse and Stable Economic Base.

Approval of the vacation request will allow for the existing building to continue to be used as a viable location for a business in downtown Grand Junction. Therefore, staff has found the request to vacate a portion of existing public right-of-way conforms 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;  
The existing dedicated alley right-of-way has not been used for some time if it ever was used or maintained for public access. It has only been used to access the rear of the properties that face South Avenue for many years. Vacation of the alley right-of-way will not landlock any parcels. Thus, 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;

As provided in (2) above, the portion of alley right-of-way requested to be vacated will 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);  
The proposed alley right-of-way vacation will not have adverse impacts on other nearby streets, infrastructure or other public facilities and services. No comments were received from utilities or other service providers that this vacation request would impact any existing utilities, create any adverse impacts, or that facilities or services would be diminished. Provided an easement is retained along the south side of the building for the existing combined storm and sanitary sewer line and a north-south access easement be provided from South Avenue to the sewer line, staff find that 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  
With the utility easement being retained as provided in (4) above, neither staff, including the Fire Department, nor utility providers have identified that the requested right-of-way vacation would 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.

Since the alley is not currently maintained by the City, this criterion does not apply to

this proposed right-of-way vacation.

**FINDINGS OF FACT AND RECOMMENDATION**

After reviewing the request to vacate an undeveloped alley right-of-way as set forth in the description and sketch attached to the proposed vacation ordinance, City file number VAC-2021-681, located south of 245 and 333 South Avenue, the following findings of fact have been made:

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

Therefore, Staff and Planning Commission recommend conditional approval of the request with the following conditions:

1. A utility easement shall be retained along the southern side of the vacated right-of-way as shown on Exhibit B of the proposed ordinance; and
2. An access easement to benefit the City of Grand Junction shall be provided from South Avenue to the utility easement and any utilities on the railroad property to the south as described and shown on Exhibit C of the proposed ordinance.

**FISCAL IMPACT:**

Average value of property and right-of-way can range broadly. A private property sale in the area of 245 and 333 South Avenue consisting of 10,890 square feet recently sold for \$100,000, which would equate to \$9.18 per square foot. The applicant's request to vacate approximately 2,239 square feet of right-of-way would result in a value of approximately \$20,554.

**SUGGESTED MOTION:**

I move to (approve/deny) Ordinance 5067, an Ordinance vacating a portion of public alley right-of-way south of 245 and 333 South Avenue on final passage and order final publication in pamphlet form.

**Attachments**

1. Application Materials
2. Planning Commission Minutes - 2022 - March 22 - Alley Vacate
3. ORD-Central Dist. Vacation 033022



## 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="245 and 330 South Avenue"/>	Site Acreage: <input type="text" value="0.05"/>
Site Tax No(s): <input type="text" value="2945-143-45-002 and 2945-143-46-005"/>	Site Zoning: <input type="text" value="C-2"/>
Project Description: <input type="text" value="Vacate approximately 2,303 sf of an existing 10 ft. wide alley"/>	

**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 Tom Logue  
 DN: cn=Tom Logue, o, ou, email=talldc@msn.com, c=US  
 Date: 2015.09.29 05:46:22 -0600

Date

Signature of Legal Property Owner

Date

GENERAL PROJECT REPORT FOR:

VACATION APPLICATION

ALLEY SOUTH OF  
245 SOUTH AVENUE

GRAND JUNCTION, COLORADO  
August, 2021

PREPARED FOR:

ANNA COMPANY, LLC.

PO Box 489

GRAND JUNCTION, CO 81502  
970-208-7527

**PART A  
REQUEST**

	PAGE
SITE LOCATION DATA	1
<b>LOCATION MAP</b>	<b>1</b>
REQUEST	1
LAND USE ZONING	3
<b>LAND USE ZONING MAP</b>	<b>2</b>
EXISTING LAND USE	3
<b>EXISTING LAND USE MAP</b>	<b>3</b>
SURROUNDING LAND USE	4
<b>SURROUNDING LAND USE MAP</b>	<b>5</b>

**PART B  
EVALUATION OF THE REQUEST**

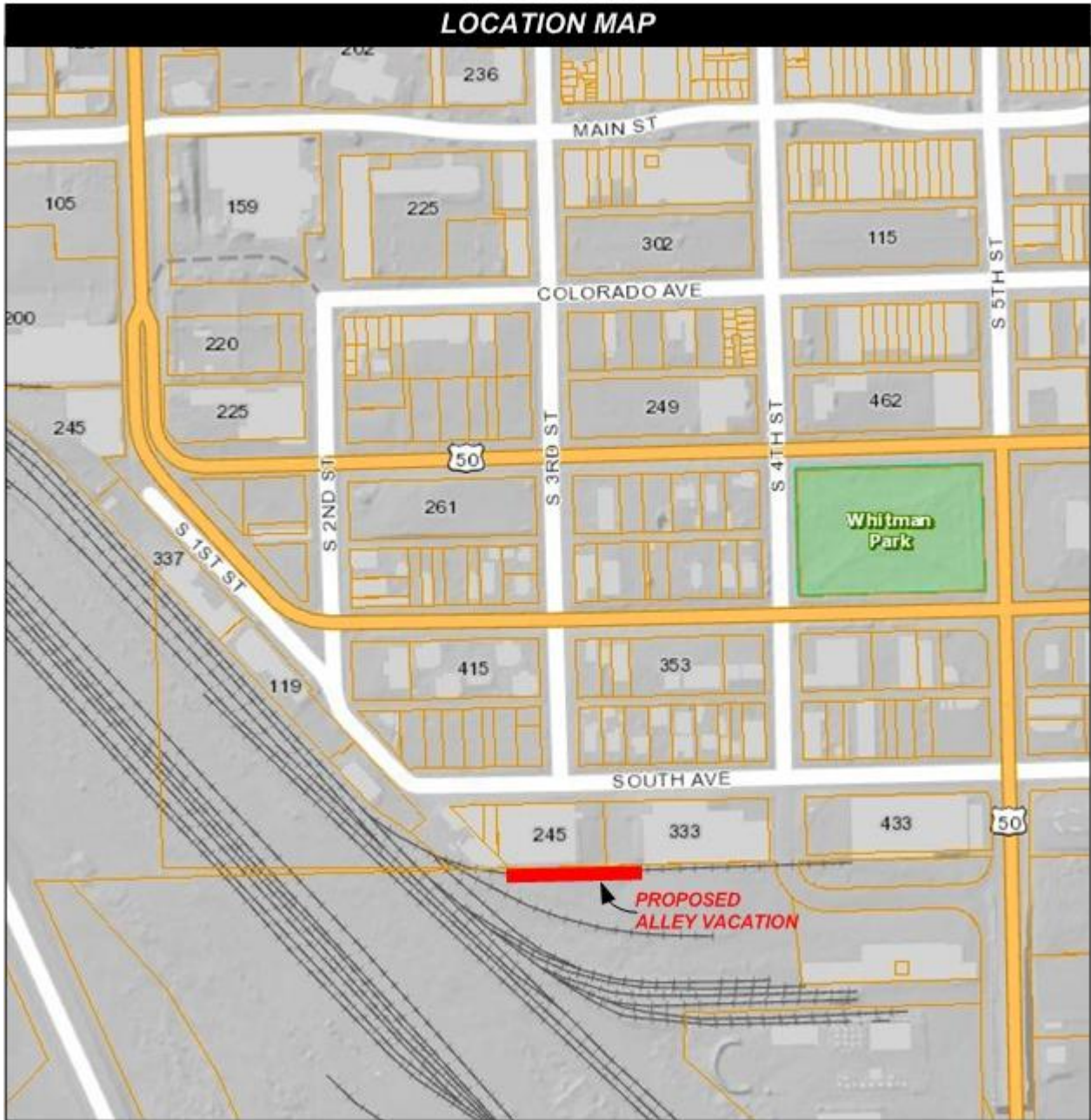
	PAGE
VACATION APPROVAL CRITERIA	6



**THOMAS A. LOGUE** LAND DEVELOPMENT CONSULTANT  
537 FRUITWOOD DRIVE • GRAND JUNCTION • COLORADO • 81504 • 970-434-8215

**SITE LOCATION DATA**

Common Location: South of 245 South Avenue  
Aliquot Section: SE ¼ Section 14, Township 1 South, Range 1 East, Ute Meridian  
Latitude and Longitude: 39° 03' 47", -108° 34' 05"



REQUEST - This application is a request to vacate 310 centerline feet of a 10 foot wide Alley south of 245 South Avenue comprising approximately 3,100 square feet. The land adjoining the requested vacated area is under the control of the applicant, Anna Company, LLC. Vacation of the alley will eliminate a approximate one foot building encroachment into the ally right-of-way.



The requested vacated areas will not impede access to any property not currently owned by the applicant. Drawings contained herein, illustrates the relationship of the proposed Alley vacation to the current adjacent land use and the existing land uses in the area surrounding the requested vacation.

LAND USE ZONING – An examination of the Grand Junction Zoning Map reveals that the property adjacent to the vacated area is zoned: C-2, (General Commercial) and I-2 (General Industrial).



EXISTING LAND USE – The land use north of the requested vacated alley is dominated by 23,350 square foot office/warehouse building that was constructed in 1970 and an adjoining 33,914 square foot office/warehouse building. A shared parking lot is located between the two buildings. A rail siding is located adjacent to the south side of the alley.

**EXISTING LAND USE MAP (2020 Air Photo)**



**INDEX**

- |   |                                 |
|---|---------------------------------|
| <b>1</b> 23,350 Office/Warehouse Building | <b>3</b> Parking Lot            |
| <b>2</b> 33,914 Office/Warehouse Building | <b>4</b> Union Pacific Railroad |

SURROUNDING LAND USE – The surrounding land uses in the vicinity of the proposed street and alley vacations are considered to be “high” intensity. The area is dominated by the adjoining office warehouse uses. Most the land in the surrounding area, not owned by the applicant consists of light commercial and auto related services. Some mature residential housing is located along the north side of South Avenue.

# SURROUNDING LAND USE MAP



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: According to the major street plan South Avenue is classified as a: local street. The major street plan does not include any specific requirement for the subject alley and is not included in any other known adopted plans and policies.

*Criteria 2: No parcel shall be landlocked as a result of the vacation;*

RESPONSE: No parcels of land not under the control of the applicant will be landlocked as a result of the proposed vacation.

*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 to parcels not owned by the applicant will not be restricted as a result of the requested right-of-way 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: Accessibility to public facilities and services will not substantially change once the alley is vacated.

*Criteria 5: The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06;*

RESPONSE: All necessary public facilities exist. A new easements can be dedicated in the event that access to facilities is necessary in the alley right-of-way.

*Criteria 6: The proposal shall provide benefits to the City such as reduced maintenance requirement, improved traffic circulation, etc.*

RESPONSE: Since the alley is not currently maintained by the City, this criterion does not apply.

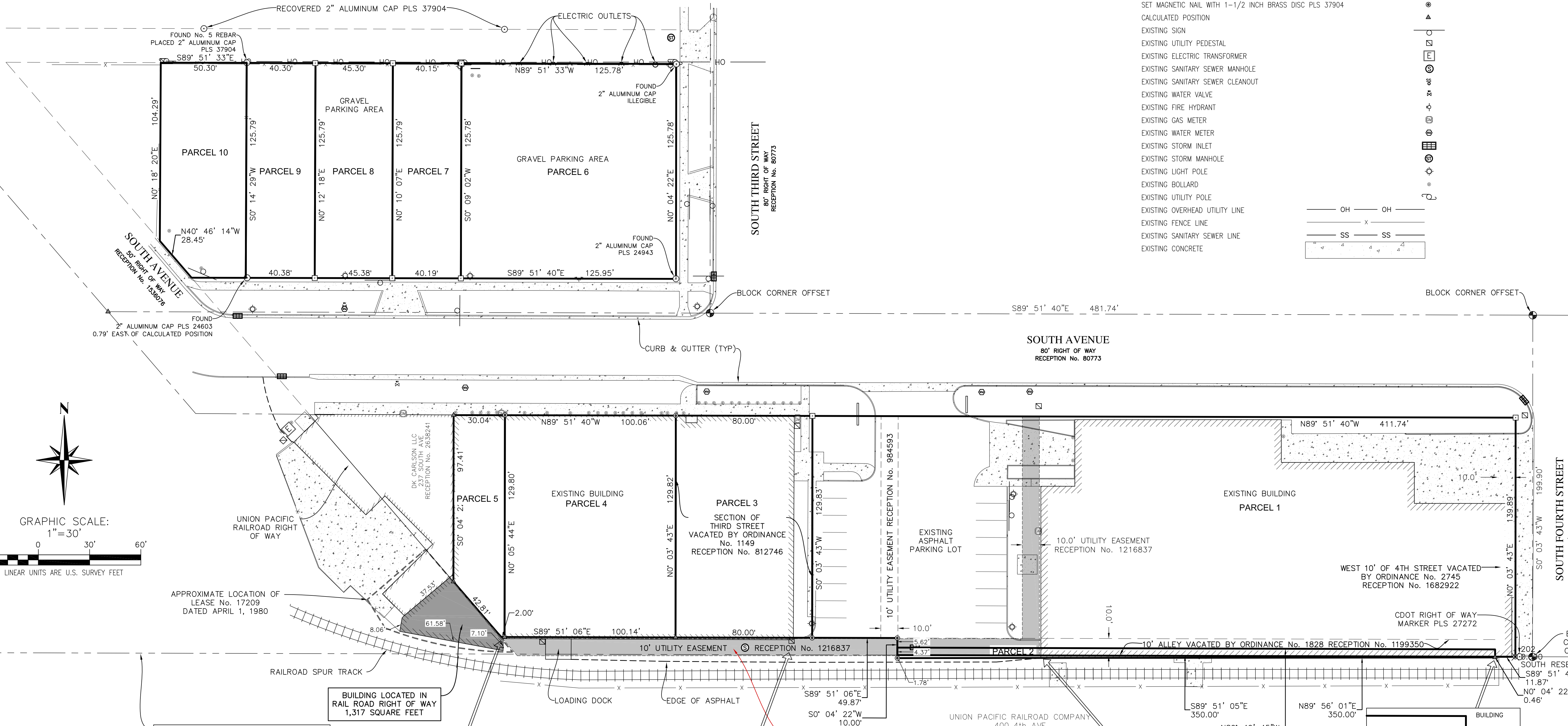
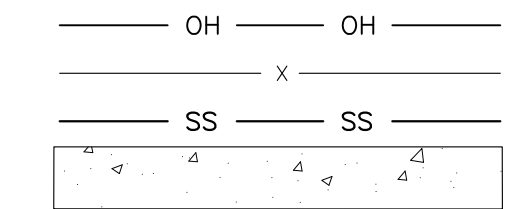


# IMPROVEMENT SURVEY

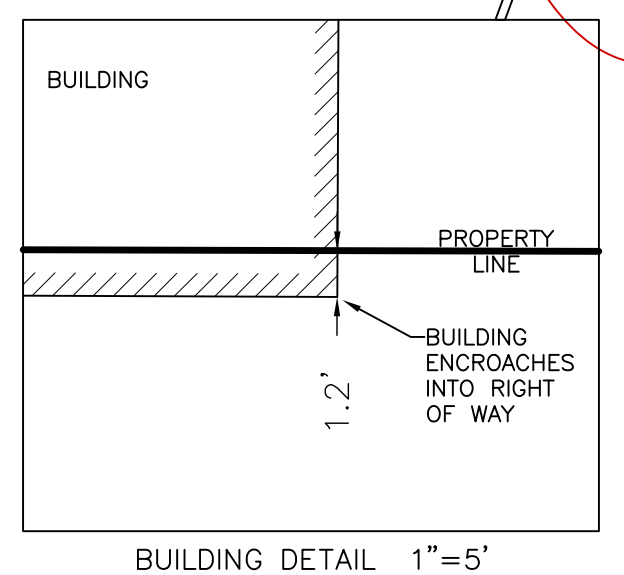
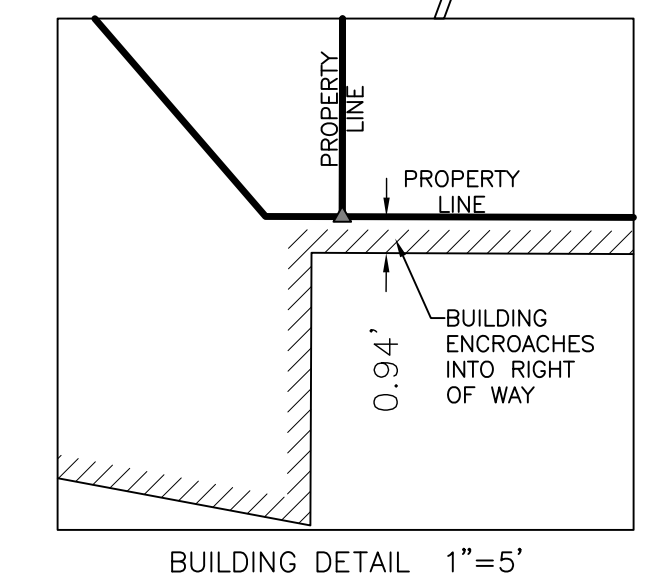
SITUATED IN THE SW¼ SECTION 14  
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN  
AND BEING A PART PLAT OF PART OF SECOND DIVISION RESURVEY, AS AMENDED  
COUNTY OF MESA, STATE OF COLORADO

## LEGEND:

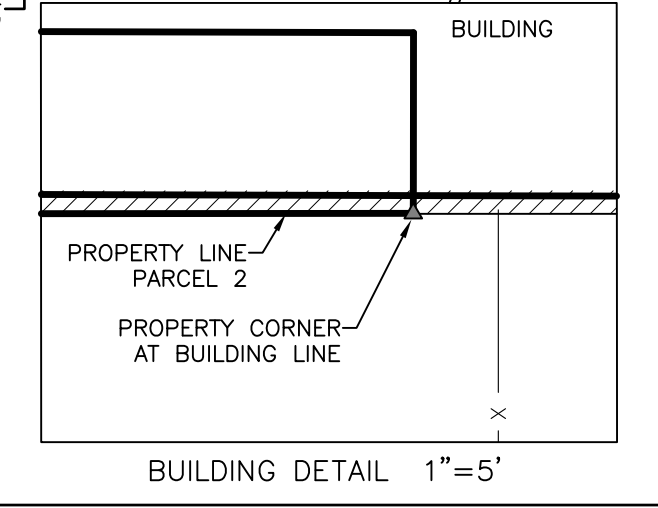
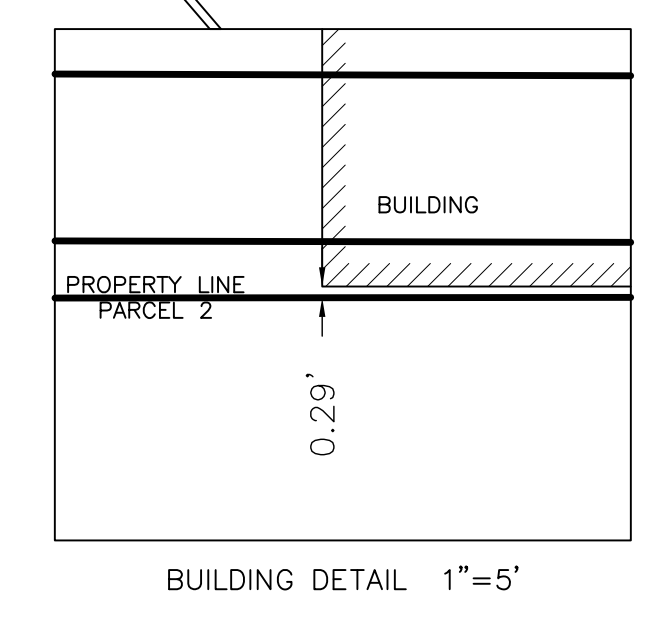
- FOUND BLOCK CORNER OFFSET AS DESCRIBED
- FOUND SURVEY MARKER AS DESCRIBED
- SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
- SET MAGNETIC NAIL WITH 1-1/2 INCH BRASS DISC PLS 37904
- CALCULATED POSITION
- EXISTING SIGN
- EXISTING UTILITY PEDESTAL
- EXISTING ELECTRIC TRANSFORMER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING GAS METER
- EXISTING WATER METER
- EXISTING STORM INLET
- EXISTING STORM MANHOLE
- EXISTING LIGHT POLE
- EXISTING BOLLARD
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY LINE
- EXISTING FENCE LINE
- EXISTING SANITARY SEWER LINE
- EXISTING CONCRETE



- ### NOTES
- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITH A CURRENT TITLE POLICY BY LAND TITLE GUARANTEE COMPANY ORDER No. GJC65047471-2.
  - BEARINGS ARE BASED ON THE BLOCK OFFSET LINE BETWEEN SOUTH THIRD STREET AND SOUTH FOURTH STREET AT THE INTERSECTION OF SOUTH AVENUE. THE VALUE USED S89°51'40"E, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. CITY SURVEY MARKERS WERE FOUND AT THE EAST AND WEST ENDS OF SAID LINE AS SHOWN HEREON.
  - 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.



10' UTILITY EASEMENT WAS GRANTED BY JOHN E. CADEZ CURRENTLY CITY OF GRAND JUNCTION RIGHT OF WAY RECEPTION No. 80773



**IMPROVEMENT SURVEY**  
 PITTS WEST INVESTMENTS, LLC  
 SITUATED IN THE SW¼ SECTION 14  
 TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN  
 COUNTY OF MESA, STATE OF COLORADO

JOB #: 2021-104 FIELD WORK: SL DRAWN BY: OM  
 DATE: 6/29/21 DRAWING NAME: SOUTH AVE. CHECKED BY: PC

**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S. 3194 MESA AVE. #B  
 GRAND JUNCTION, CO 81504  
 PHONE (970)434-7038



## **LEGAL DESCRIPTION**

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the 20 foot Block Corner offset monument at the Southeast Corner of Block 163 as shown on Plat of part of Second Division Resurvey, as Amended recorded at Reception Number 80773 of the Mesa County Records, from whence the Southwest Section Corner of said Section 14 bears N89°50'55"W a distance of 1324.53 feet for a Basis of Bearings with all bearings herein related thereto; thence N89°50'55"W a distance of 371.55 feet to a point on the South Line of an existing alley within the City of Grand Junction as shown on the plat thereof as recorded at Reception Number 2000000 of the Mesa County Records and the Point of Beginning;

thence continuing along said South Line N89°50'55"W a distance of 223.66 feet to a point on the Northeasterly line of the Union Pacific Railroad Right of Way; thence N40°46'14"W along said Right of Way a distance of 13.23 feet to a point on the South Line of Lot 12 as shown on said Plat of part of Second Division Resurvey; thence S89°50'55"E a distance of 232.32 feet to the Southeast Corner of Lot 2 in Block 163 of said Plat; thence S0°03'43"W a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 2,280 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

245 and 333 South Avenue Alley Vacation Request

**NEIGHBORHOOD MEETING**

September 22, 2021

A Virtual Neighborhood Meeting to discuss the pending Alley Vacation Request for a alley along the south sides of property located at 245 and 333 South Avenue was held at 5:30 p.m. on September 21, 2021.

In addition to Jace Hockwalt, Community Development Department staff planner, the land owner and their representative, one neighbor who owns an adjacent property at 237 South Avenue was in attendance out of the approximately 38 that were notified of the meeting.

An overview of the proposed vacation and the City's approval process was presented by the owner's representative and the staff planner. The meeting lasted about 45 minutes. The adjoining owner was interested in some of the details surrounding the request and indicated support of the alley vacation.

Respectfully submitted,

Tom Logue, Representative for Anna Company, LLC, Michael Cadaz, Manager

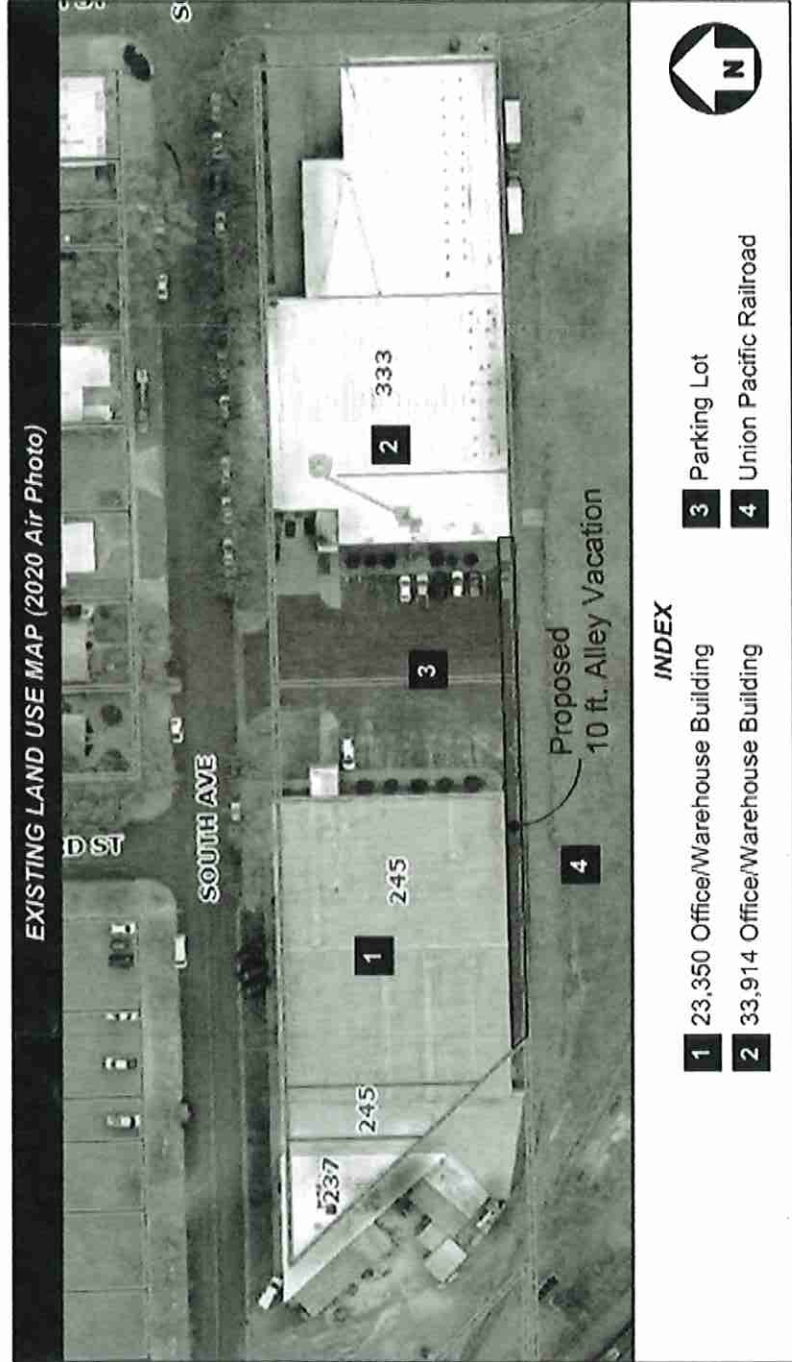
**245 and 330 South Avenue, Alley Vacation Request**  
**NEIGHBORHOOD MEETING**

Dear Neighbor:

The City of Grand Junction required that we arrange a "Neighborhood Meeting" prior to their consideration of our proposed alley vacation request. This application is a request to vacate 310 centerline feet of a 10 foot wide Alley south of 245 and 330 South Avenue comprising approximately 3,100 square feet. The requested vacated area will not impede access to any property not currently owned by the applicant.

In addition to the development application team, a planner with the City's Community Development Department will be in attendance to discuss the proposal and answer any questions which may arise.

The exhibit shown below, illustrates the relationship of the proposed Alley Vacation to the current adjacent land use and the area surrounding the requested vacation.



245 and 333 South Avenue  
Alley Vacation  
NEIGHBORHOOD MEETING

**Virtual Meeting**  
**Date:** Tuesday,  
**September 21, 2021**  
**Time:** 5:30 P.M.

To attend the virtual Meeting,  
please go to: <https://zoom.us/join>  
and enter:

**Meeting ID: 853 7017 4443**  
**Passcode: xE8iTh**

If you have any questions prior to the Neighborhood Meeting, do not hesitate to contact anyone of the team members listed below:

**Owner/Applicant:**  
Anna Company, LLC  
Michael Cadez  
970-208-7572  
[micheal@centraldistributing.com](mailto:micheal@centraldistributing.com)

**Project Manager:**  
Tom Logue  
970-260-2911  
[talldc@msn.com](mailto:talldc@msn.com)

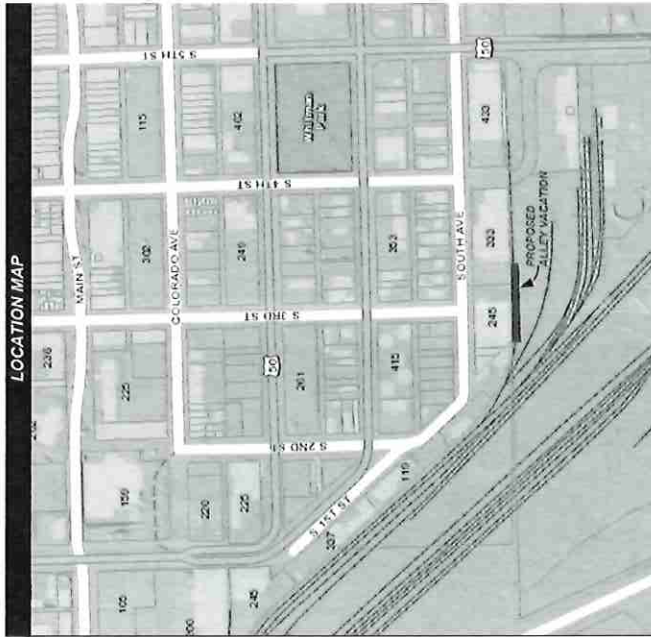
**Sr. Planner, City of Grand Junction:**  
Jace Hockwalt  
970-256-4008  
[jaceh@gjcity.org](mailto:jaceh@gjcity.org)

00 00 00 00 00 00 00

|||||

Anna Company, LLC.  
PO Box 489  
Grand Junction, CO 81502

GRAND JUNCTION CO-825  
09 SEP 2021 PM 12





OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Anna Company, LLC. ("Entity") is the owner of the following property:

(b) See Attached Exhibit "A"

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) Central Distributing Alley Vacation

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

(e) Building encroachment on alley right-of-way

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: *Gaylord M. Cadez*

Printed name of person signing: Gaylord M. Cadez

State of Colorado )

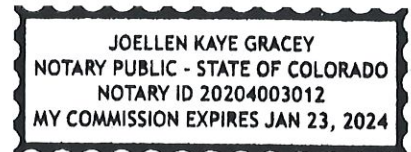
County of Mesa ) ss.

Subscribed and sworn to before me on this 3<sup>rd</sup> day of August, 2021

by Gaylord M. Cadez, Manager, Anna Company, LLC.

Witness my hand and seal.

My Notary Commission expires on 1-23-24



*Joellen Kaye Gracey*  
Notary Public Signature

**GRAND JUNCTION PLANNING COMMISSION**  
**March 22, 2022, 5:30 PM**  
**MINUTES**

The meeting of the Planning Commission was called to order at 5:35 p.m. by Community Development Director, Tamra Allen with a call for deliberation to elect an interim chair. Commissioner Secrest made a motion to nominate commissioner Ehlers as interim chair. Commissioner Gatseos seconded. Passed 6-0.

Those present were Planning Commissioners; Keith Ehlers, George Gatseos, Shanon Secrest, Kimberly Herek, Melanie Duyvejonck, and JB Phillips.

Also present were Jamie Beard (City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Nicole Galehouse (Principal Planner), Jace Hochwalt (Senior Planner), and Kalli Savvas (Planning Technician).

There were members 5 of the public in attendance and 3 virtually.

**CONSENT AGENDA**

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**1. Approval of Minutes**

---

Minutes of Previous Meeting(s) from March 8, 2022.

**2. Central Distributing Alley Vacation**

---

**VAC-2021-681**

Consider a request by Anna Company LLC to Vacate a Public Alley Right-of-Way, located south of 245 and 333 South Avenue.

Commissioner Gatseos moved to accept the consent agenda. Herek Seconded. Passed 6-0.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE VACATING AN UNDEVELOPED ALLEY RIGHT-OF-WAY  
LOCATED SOUTH OF 245 and 333 SOUTH AVENUE, IN GRAND JUNCTION,  
COLORADO**

Recitals:

The Anna Company LLC (Owner or Applicant) is requesting vacation of an undeveloped east-west alley that lies south of 245 and the western portion of 333 South Avenue. The area the Applicant has requested to be vacated is a 10-foot wide and variable length strip of land, encompassing a total of 2,239 square feet. The proposed vacation of the alley will eliminate an approximately one-foot encroachment of the Owner's building into a public right-of-way.

The requested vacation conforms with the City's Comprehensive Plan and Circulation Plan.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval of the application by the Planning Commission, the Grand Junction City Council finds that the request to vacate a public alley right-of-way, conforms 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 ALLEY RIGHT-OF-WAY DESCRIBED BELOW AND ON EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE, IS HEREBY VACATED SUBJECT TO:

1. A utility easement is and shall hereby be retained and reserved along the southern side of the vacated right-of-way as described and shown on Exhibit B to this Ordinance, attached hereto and incorporated by this reference; and
2. An access easement for the use and benefit of the City of Grand Junction shall be provided by separate document from South Avenue to the utility easement and any utilities on the railroad property to the south as shown on Exhibit C to this Ordinance, attached hereto and incorporated by this reference. The access easement shall be in a form acceptable to the City and shall be recorded in the land title records, which shall be a precondition to this Ordinance being fully and finally effective.

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

That portion of right of way as shown on the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying South of and adjoining Lots 1 and 2 of Block 163 of said Plat, Lots 12 thru 16 of Block 164 of said Plat and that portion Third Street vacated by Ordinance Number 1149 as recorded at Reception Number 812746 and lying West of and adjoining that portion Alley vacated by Ordinance Number 1828 as recorded at Reception Number 1199350;

And also lying East of and adjoining the Union Pacific Railroad Right of Way;

Said parcel contains 2,239 square feet more or less as depicted on Exhibit A.

Introduced on first reading this 6<sup>th</sup> day of April 2022 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022 and ordered published in pamphlet form.

ATTEST:

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Laura Bauer  
Interim City Clerk

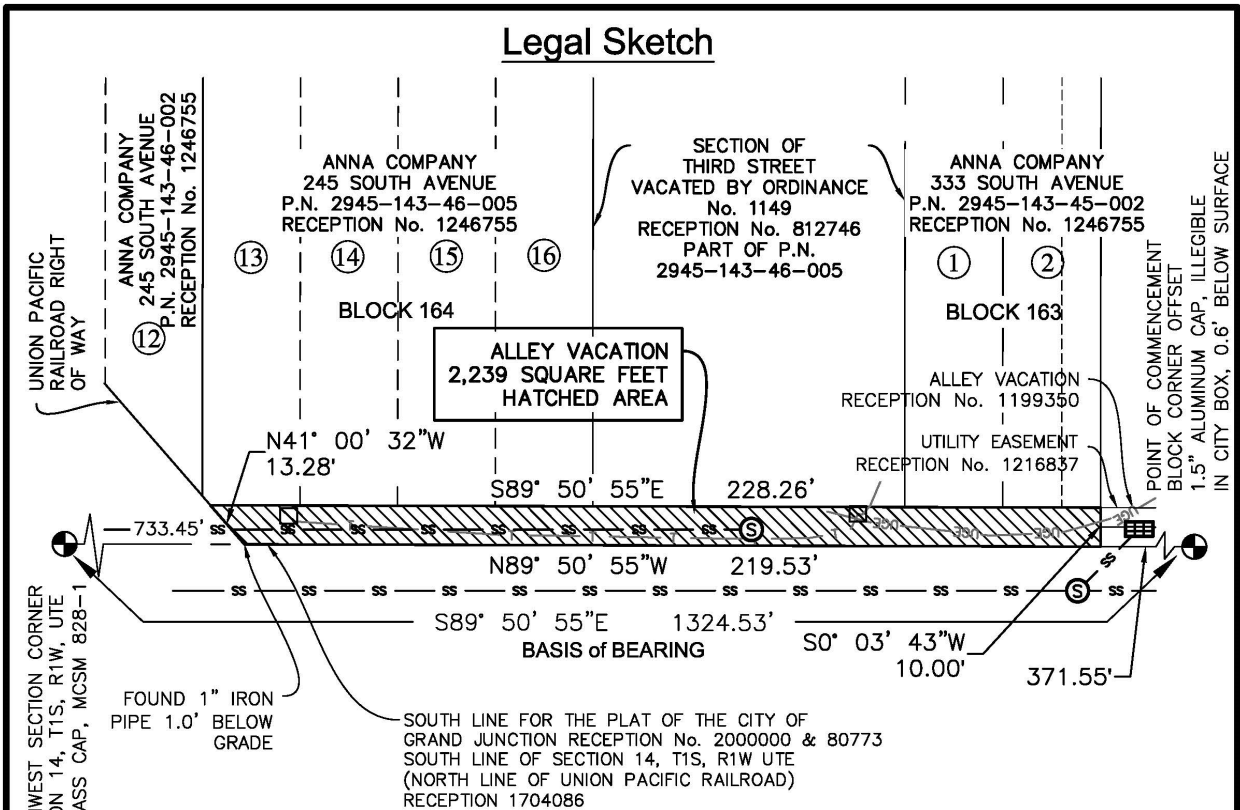
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C.B. McDaniel  
President of City Council



**EXHIBIT A**

**Legal Sketch**



SOUTHWEST SECTION CORNER SECTION 14, T1S, R1W, UTE 2" BRASS CAP, MCSM 828-1

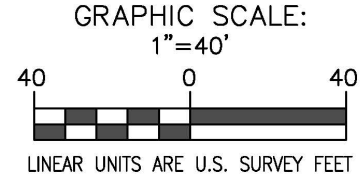
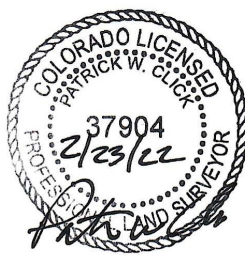
FOUND 1" IRON PIPE 1.0' BELOW GRADE

SOUTH LINE FOR THE PLAT OF THE CITY OF GRAND JUNCTION RECEPTION No. 2000000 & 80773 SOUTH LINE OF SECTION 14, T1S, R1W UTE (NORTH LINE OF UNION PACIFIC RAILROAD) RECEPTION 1704086

UNION PACIFIC RAILROAD COMPANY  
400 SOUTH AVENUE  
P.N. 2945-232-00-080  
RECEPTION No. 1704086

**LEGAL DESCRIPTION SKETCH**

**ALLEY VACATION**  
245 SOUTH AVENUE  
GRAND JUNCTION, COLORADO  
SW 1/4 SECTION 14  
T1S, R1W, UTE  
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



**LEGEND**

- EXISTING UTILITY PEDESTAL
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING COMBINED SEWER LINE

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.  
3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

**EXHIBIT B**

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

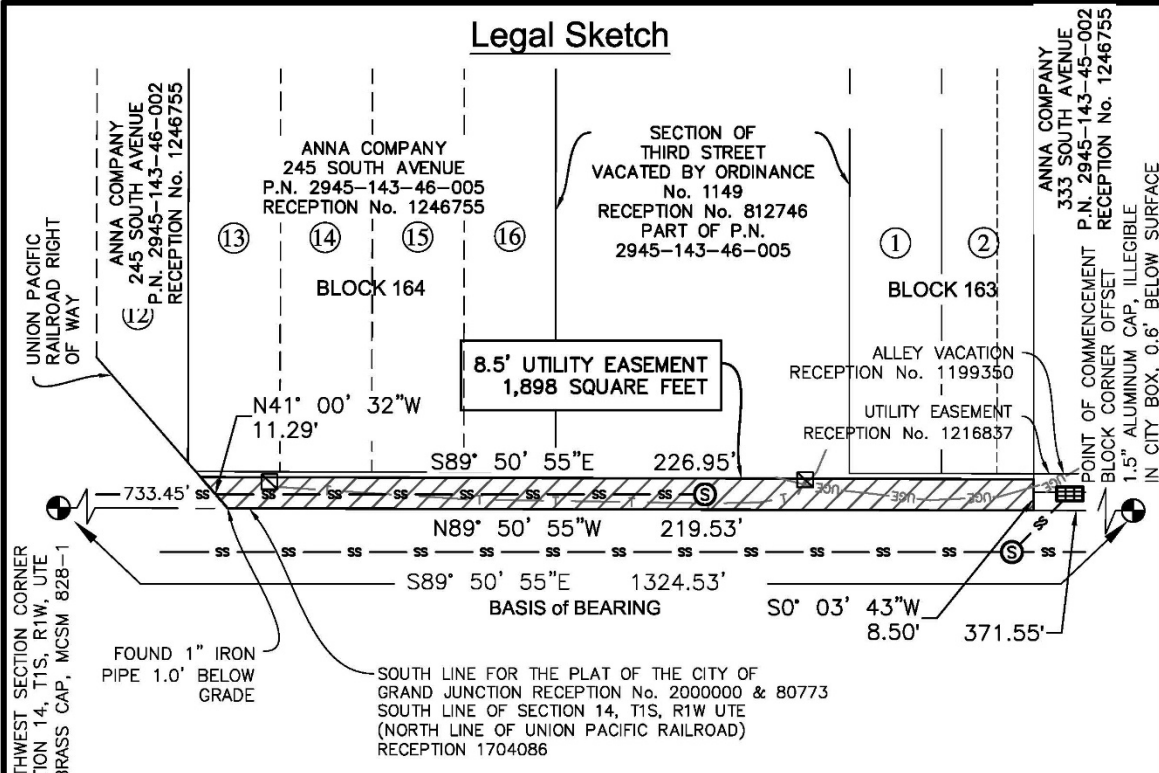
The South 8.50 feet of the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying West of and adjoining that portion of Alley vacated by Ordinance Number 1828 as recorded at Reception Number 1199350;

And also lying East of and adjoining the Union Pacific Railroad Right of Way;

Said parcel contains 1,898 square feet more or less.

DRAFT

# Legal Sketch



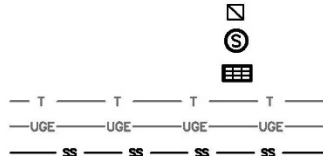
UNION PACIFIC RAILROAD COMPANY  
 400 SOUTH AVENUE  
 P.N. 2945-232-00-080  
 RECEPTION No. 1704086

## LEGAL DESCRIPTION SKETCH

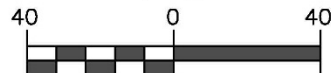
**8.5 FOOT UTILITY EASEMENT**  
 245 SOUTH AVENUE  
 GRAND JUNCTION, COLORADO  
 SW 1/4 SECTION 14  
 T1S, R1W, UTE  
 CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO

## LEGEND

- EXISTING UTILITY PEDESTAL
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING COMBINED SEWER LINE



GRAPHIC SCALE:  
 1"=40'



LINEAR UNITS ARE U.S. SURVEY FEET

## POLARIS SURVEYING

PATRICK W. CLICK P.L.S.  
 3194 MESA AVE  
 GRAND JUNCTION, CO 81504  
 PHONE (970)434-7038

## EXHIBIT C

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

The East 10.00 feet of Lot 2 Block 163 Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records.

And also

That portion of right of way as shown on the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying South of and adjoining the East 10.00 feet of said Lot 2 Block 163.

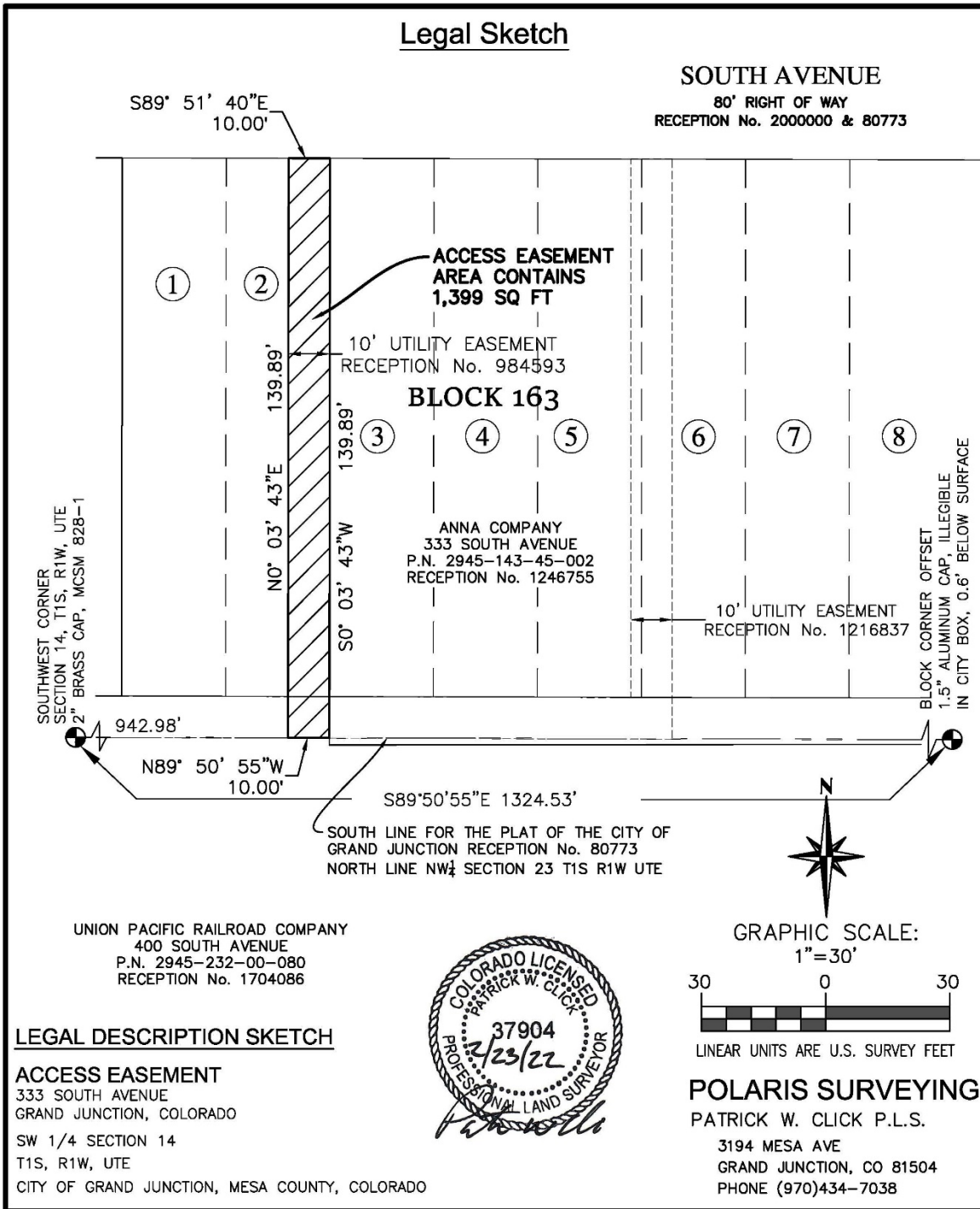
Said parcel contains 1,399 square feet more or less.

DRAFT

**Legal Sketch**

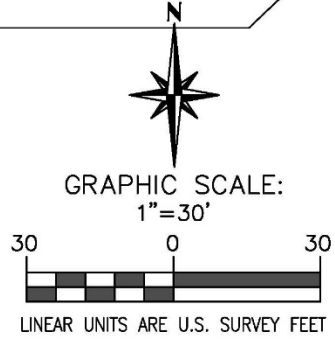
**SOUTH AVENUE**

80' RIGHT OF WAY  
RECEPTION No. 2000000 & 80773



**LEGAL DESCRIPTION SKETCH**

**ACCESS EASEMENT**  
333 SOUTH AVENUE  
GRAND JUNCTION, COLORADO  
SW 1/4 SECTION 14  
T1S, R1W, UTE  
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



**POLARIS SURVEYING**  
PATRICK W. CLICK P.L.S.  
3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038



## Grand Junction City Council

### Regular Session

Item #4.a.ii.

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**Meeting Date:** April 20, 2022  
**Presented By:** Jace Hochwalt, Senior Planner  
**Department:** Community Development  
**Submitted By:** Jace Hochwalt, Senior Planner

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### **Information**

#### **SUBJECT:**

An Ordinance Rezoning One Parcel Totaling Approximately 2.46 Acres from PD (Planned Development) to C-1 (Light Commercial), Located at the Northeast Corner of Horizon Drive and 27 1/2 Road

#### **RECOMMENDATION:**

Planning Commission heard this request at its March 22, 2022 meeting and voted (6-0) to recommend approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Sid Squirrell, acting on behalf of the property owner, Emanuel Epstein Revocable Trust, is requesting the rezone of one parcel totaling approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) located at the northeast corner of Horizon Drive and 27 ½ Road. The requested C-1 zone district conforms with the Comprehensive Plan Land Use Map designation of Commercial.

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

The proposed rezone comprises one parcel totaling 2.46 acres situated at the northeast corner of Horizon Drive and 27 ½ Road that has sat vacant for several decades and has not been formally subdivided. The property was annexed into the Grand Junction city limits in 1978 as part of the Etter Annexation No. 2, and has a PD zone district which was approved in February of 2001 as City File Number ODP-2000-058. The subject site was only a portion of the approved Outline Development Plan (ODP), and had a Business/Commercial designation, which allowed for a number of commercial, multi-family, and retail type uses. At the time of approval, the Outline Development Plan had a three-year expiration, which was extended for another three years in April of 2004. There was no follow-up or development of the site following the 2004 extension,

and as such, the Outline Development Plan formally expired on April 7, 2007. While the site currently has a PD zoning designation, there is no active plan in place, and a rezone is required prior to any major development of the site.

The site is situated at the northeast corner of the Horizon Drive and 27 ½ Road intersection, and surrounded by several different uses. Adjacent to the north are hotels/motels, to the south is undeveloped land, to the east are two residential units followed by the Ptarmigan Estates subdivision, and to the west is Azteca's Mexican Restaurant followed by the Bookcliff Country Club. Adjacent zoning to the north and west is Light Commercial (C-1), with the zoning to the south and east as Planned Development (PD). The 2020 One Grand Junction Comprehensive Plan classifies the subject property and adjacent properties to the north, south, and west with a Commercial land use designation. Zone districts that may implement the Commercial Land Use classification include Mixed Use (M-U), Business Park (B-P), Industrial Office Park (I-O), Light Commercial (C-1), General Commercial (C-2), as well as the form-based Mixed Use Residential and Commercial districts. As such, the Comprehensive Plan land use classification of Commercial does support the rezone request to C-1 (Light Commercial).

Because of the expiration of the formerly approved ODP that encompassed the subject site, the Applicant is proposing a rezone to C-1 (Light Commercial) to allow for future development of the site. While no development is currently proposed for the site aside from a lot split, if the rezone application is approved and a development is subsequently proposed, it would be required to go through a formal review process, likely in the form of a Major Site Plan Review.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed rezone request was held virtually on January 6, 2022 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant team and City staff were present, as well as four members of the public. The rezone request, as well as a right-of-way vacation request, were discussed, and some questions related to future uses of the site came up, although were not elaborated on by the Applicant team at that time.

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 February 2, 2022. Mailed notice of the public hearings before the 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 March 11, 2022. The notice of the Planning Commission public hearing was published on March 15, 2022 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, zoning map

amendments must only occur if at least one of the five criteria listed below is met. Staff analysis of the criteria is found below each listed criterion.

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

The Comprehensive Plan Land Use Map identifies the subject property as Commercial, which is generally similar to the designation the property had in 2001 when the ODP was approved (which at the time was Mixed-Use). According to the 2001 ODP, the subject site had a designation of Business/Commercial, which allowed for a variety of commercial, multi-family, and retail uses. With that said, the ODP formally expired in April of 2007 and while the site has a zoning designation of Planned Development, no approved plan is in place. Therefore, no major development can occur on site until the property is either rezoned, or a new Outline Development Plan (ODP) is proposed. Although the ODP has expired, staff finds that the original premises of the prior land use classification of Business/Commercial under the approved ODP, which accommodated very similar uses to the C-1 (Light Commercial) zone district, are not invalidated. As such, staff finds this criterion has not been met.

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

As previously indicated, the subject site has not been subdivided and has remained vacant for several decades. There is still a sizable amount of vacant or underdeveloped land in the surrounding area, albeit much of the vacant land does have some topographical challenges, including the subject site. There has been some development in the surrounding area of the subject site since the original Outline Development Plan was approved in 2001, with the largest development being the Safeway and associated shopping center to the southwest, which was constructed in phases between 2002 and 2008. While the rezone would allow for further development of the subject site, the character and/or condition of the area hasn't necessarily changed since the expiration of the ODP, and as such, staff finds that this criterion has not been met.

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

The subject property is within an urbanized area in the northern portion of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to serve uses associated with the C-1 zone district. The type and scope of land-use allowed within the C-1 zone district is similar in character and extent to the existing land-use of many nearby properties, which include restaurants, hotels, gas stations, and grocery stores/shopping centers. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Additionally, multi-modal access to the site is sufficient, with multiple bus stops within a few hundred feet of the subject site. There is also a proposed roundabout currently under design for the Horizon and G Road/27 ½ Road intersection that will



likely be under construction in the next couple years. The application packet was sent out to applicable utility companies for this rezone proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that 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 subject site has a Planned Development zoning designation, but has no approved plan that is in effect. As such, a rezone is necessary for future development of the site. The Applicant is proposing a zoning designation of C-1 (Light Commercial) to allow flexibility of uses on the site. The C-1 zone district accounts for approximately 1,158 acres of City zoned land (or 5.6%), and of that, approximately 67 acres are vacant within the City limits. While the site has been vacant for several decades, staff believe that there is land throughout the City (and in close proximity of the subject site) available to accommodate the diversity of uses allowed within the C-1 zone district. Based on these considerations, staff finds that this criterion has not been met.

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

The site is well served by transportation infrastructure, utilities, and other community facilities, and is within close proximity to commercial and employment centers. While the site has a Planned Development zoning designation, there is no approved Outline Development Plan in effect, as it expired in 2007. As such, a rezone of the property will accommodate future development of the site that couldn't otherwise occur in its current capacity, thus providing benefits to the surrounding area and community. As such, staff finds this criterion has been met.

The rezone criteria provides the City must also find the request 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:

Plan Principle 3.1.b. Intensification and Tiered Growth – Support the efficient use of existing public facilities and services by directing development to locations where it can meet and maintain the level of service targets as described in Chapter 3, Servicing Growth. Prioritize development in the following locations (in order of priority).

Periodically consider necessary updates to the Tiers.

- i. Tier 1: Urban Infill
- ii. Tier 2: Suburban Infill
- iii. Tier 3: Rural Areas and County Development

Plan Principle 3.6.b. Mix of Uses - Support the creation of a mix of uses, as in neighborhood centers and along prominent corridors that reflect the needs of adjoining residents and the characteristics of individual neighborhoods, including, but not limited

to retail, office, entertainment, schools, libraries, parks, recreation amenities, transit facilities, and other amenities.

**FINDINGS OF FACT AND RECOMMENDATION**

After reviewing the Horizon Cache Rezone, City file number RZN-2022-52, rezoning one parcel totaling 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) for the property located at the northeast corner of Horizon Drive and 27 ½ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan; and
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, 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. 5068, an ordinance rezoning approximately 2.46 acres from a PD (Planned Development) zone district to a C-1 (Light Commercial) zone district located at the northeast corner of Horizon Drive and 27 ½ Road on final passage and order final publication in pamphlet form.

**Attachments**

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps and Exhibits
3. Exhibit 3 - Past Ordinances & Staff Reports
4. Exhibit 4 - Draft Planning Commission Minutes 3-22-2022
5. ORD-Epstein rezone 041222

## 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: 702 Horizon Dr.

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

Existing Land Use Designation <u>PD</u>	Existing Zoning <u>PD</u>
Proposed Land Use Designation <u>Commercial</u>	Proposed Zoning <u>C-1</u>

**Property Information**

Site Location: 270 Horizon Dr. Grand Junction, CO 81501      Site Acreage: 2.46348

Site Tax No(s): 2945-012-00-93      Site Zoning: PD

Project Description: Rezone an expired PD to Light Commercial (C-1)

**Property Owner Information**

Name: Emmanuel Epstein Revocable Trust

Street Address: 37116 Mandarin Ave.

City/State/Zip: ZPH, FL 33541

Business Phone #: 727-320-7704

E-Mail: dronamy2282@gmail.com

Fax #:

Contact Person: Deb Schneider

Contact Phone #: 727-320-7704

**Applicant Information**

Name: Sid Squirrel

Street Address: 244 N. 7th St.

City/State/Zip: GR JCT, CO 81501

Business Phone #: 970-263-2948

E-Mail: sid@sjcommercial.com

Fax #: 970-241-6263

Contact Person: Sid Squirrel

Contact Phone #: 970-260-0121

**Representative Information**

Name: Mark Austin

Street Address: 123 N. 7th St.

City/State/Zip: GR JCT, CO 81501

Business Phone #: 970-242-7540

E-Mail: marka@custincivilgroup.com

Fax #: 970-255-1212

Contact Person: Mark Austin

Contact Phone #: 970-242-7540

**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 Sidney Squirrel      Date 1/12/22

Signature of Legal Property Owner Debra Schneider Free      Date 1/19/22



OWNERSHIP STATEMENT - TRUST

(a) Deborah Schneide ("Trust") is the owner of the following property:

(b) Northwest corner of 27 1/2 Road and Horizon Drive

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 is also attached.

I, (c) Deborah Schneide, am the Trustee for the Trust. I have the legal authority to bind the Trust to agreements concerning financial obligations and this property. I have attached the most recently recorded Statement of Authority of the Trust.

- My legal authority to bind the Trust both financially and concerning this property is unlimited.
 My legal authority to bind the Trust financially and/or concerning this property is limited in the following manner:

[Empty box for limited authority details]

All other Trustees and their authority to bind the Trust are listed and described here:

NA

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

(d) NA

On behalf of Trust, I have reviewed the application for the (e) rezoning, single sub., ROW vacation. I understand the continuing duty to inform the City planner of any changes in my authority to bind the Trust or regarding any interest in the property, such as ownership, easement, right-of-way, encroachment, boundary disputes, lienholder and any other interest in the property.

- I and the Trustees have no knowledge of any possible conflicts between the boundary of the property and abutting properties.
 I and the Trustees have the following knowledge (indicate who has the knowledge) and evidence concerning possible boundary conflicts between the property and the abutting property(ies):

(f) NA

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

Signature of Partnership representative: Deborah Schneide TTEE

Printed name of person signing: Deborah Schneide

State of Florida )

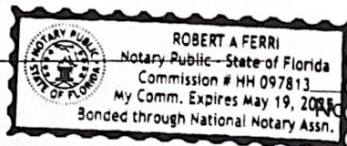
County of Pinellas ) ss.

Subscribed and sworn to before me on this 19th day of January, 2022

by Robert A Ferrero

Witness my hand and seal.

My Notary Commission expires on 05/19/2025



Robert A Ferrero Notary Public Signature

## QUITCLAIM DEED

This Quitclaim Deed made this 22<sup>nd</sup> day of July, 2019, by and between the Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005 (Grantor) of 12701 126th Avenue North, #213, Largo, Florida 33774, for Ten Dollars (\$10.00) and other valuable consideration, hereby sell(s) and quitclaim(s) to the **Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005** (Grantee), whose address is 12701 126th Avenue North, #213, Largo, Florida 33774, the real property interests located in the County of Mesa, State of Colorado bearing the following legal description:

That parcel of land located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

### PARCEL 1:

COMMENCING at the Northeast corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.05 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27 $\frac{1}{2}$  Road, as defined in Reception No. 718654, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.81 feet, along said right-of-way line and that right-of-way line described in Reception No. 2075083; thence, along said right-of-way described in Reception No. 2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.03 feet; thence with a non-tangent curve turning to the left having a delta angle of 03°44'08", a radius of 1332.77 feet, an arc length of 86.89 feet, and a chord length of 86.88 feet, with a chord bearing of North 41°38'57" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No. 813634; thence North 89°59'29" East, a distance of 220.48 feet, along the South right-of-way line of G Road as dedicated in Reception No. 1322383; thence South 00°00'00" East, a distance of 184.98 feet; thence North 89°59'54" East, a distance of 189.77 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

with all its appurtenances.

Signed this 22<sup>nd</sup> day of July, 2019.

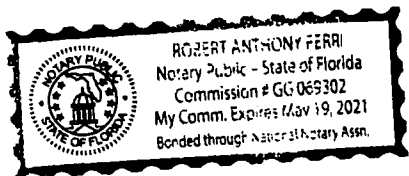
**EMANUEL EPSTEIN REVOCABLE TRUST  
DATED JUNE 16, 2004, AS AMENDED AND  
RESTATED ON APRIL 18, 2005**

By: Deborah Schneide TRCA  
Deborah Schneide, Trustee

STATE OF FLORIDA                    )  
  ) ss.  
County of Pinal                    )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of July, 2019, by Deborah Schneide, Trustee of the Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005.

Witness my hand and official seal.  
My commission expires: 05/19/2021



[Signature]  
Notary Public

Legal Description Prepared by:  
Jeffrey C. Fletcher PLS 24953  
High Desert Surveying, LLC  
1673 Highway 50 Unit C  
Grand Junction, Colorado 81503

**General Project Report**  
**for**  
**702 Horizon Dr. Rezone**

**Project Description (Location, Acreage, Proposed Use)**

The purpose of this submittal is to obtain approval from the City of Grand Junction to rezone a 2.46-acre property located at 702 Horizon Drive in Grand Junction, Colorado. The project site is located on the northeast corner of 27 ½ Road and G Road at Horizon Drive. This location is depicted in the photo below:



**Project Location**

The property is currently zoned Planned Development (PD) in the City of Grand Junction and lies next to the intersection of Horizon Drive and 271/2 Road in an area compose of commercial properties. The applicant is requesting the property be rezoned to Light Commercial (C-1) at this time.

Adjacent properties and properties in the vicinity of the project site are zoned as Planned Development (PD) or Light Commercial (C-1).

**Surrounding Land Uses and Zoning**

The following adjacent properties are zoning accordingly:

DIRECTION	ZONING	CURRENT LAND USE
North/west	PD	Residential
North	C-1	Commercial
South	PD	Commercial



**General Project Report**  
**for**  
**702 Horizon Dr. Rezone**

East	PD	Residential
West	C-1	Commercial

The City of Grand Junction's current zoning surrounding this parcel is shown below.



**Current City of Grand Junction Zoning**



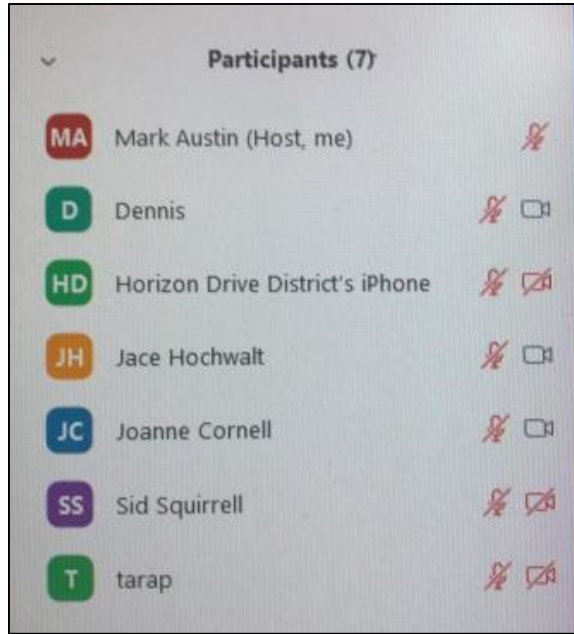
**2020 Comprehensive Plan**



**General Project Report**  
**for**  
**702 Horizon Dr. Rezone**

**Neighborhood Meeting**

A virtual neighborhood meeting was held on January 6, 2022, via Zoom, at 5:33 P.M. for the rezone and ROW vacation request for a 2.46-acre property located at the northeast corner of 27-1/2 Road and Horizon Drive in Grand Junction, Colorado. There were 7 participants in the Zoom meeting. A screen shot of the participant list is depicted below:



**Participant List from Zoom Virtual Neighborhood Meeting**

**Site Access**

The proposed rezone requests no changes to site access. The site is accessible from 27 1/2 Road and Horizon Drive. A future development project will likely require an access point at 27 1/2 Road and G Road.

**Utilities**

All utility services required for this project are currently located on, or adjacent to, the project site. No changes are proposed at this time for the rezone from PD to C-1.

An 8-inch PVC sanitary sewer line currently exists adjacent to the north side of the parcel on G Road. There is also an 8-inch PVC stubbed sanitary sewer line adjacent to the property on the southwest corner located along 27 1/2 Road. A 15-inch PVC sanitary main line exists on the west side of the parcel along Horizon Drive.

There are two 8-inch water lines owned by Ute Water that are adjacent to the property. One line is located on the east side of the property on 27 1/2 Court and runs from 27 1/2 Road to G Road.

**General Project Report**  
**for**  
**702 Horizon Dr. Rezone**

The second water line is adjacent to the north side of the property on G Road to Horizon Drive. There are two water mains owned by Ute Water within the vicinity of the property; an 18-inch water main adjacent to the south side of the property on 27 ½ Road and a 12-inch water main located on the west side of the property on Horizon Drive.

Three flow hydrants exist within the vicinity of the property; on the northeast corner of 27 ½ Court at G Road, on the north side of the property on G Road, and one located on the northwest side of Horizon Dr. A test hydrant exists on the southeast corner of 27 ½ Road at 27 ½ Court. The water lines and hydrants owned by Ute Water are depicted in the image below:



**Map of Ute Water Lines and Hydrant Locations**

City water does not currently exist on this site. Future development would likely utilize the previously listed water lines owned by Ute Water. Exact water distribution system requirements are yet to be determined. No changes are proposed at this time.

Irrigation water is present on the site, so use remains unchanged by the proposed zoning.

**Development Schedule and Phasing**

The project anticipates obtaining rezone approval in late March or early April of 2022.

**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**

Response: The Comp Plan Land Use Map indicates this parcel as Commercial and since the current PD has expired with nothing done with property and nothing can be done until it's been rezoned, so I would argue that this criterion has been satisfied.

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

Response: I do not feel that the area and character has changed substantially so therefore I don't think 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: The rezoning request would allow for a future land development project which is consistent with the surrounding area. There are ample and adequate community/public facilities to support this proposed zoning, therefore I believe 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: While there is ample supply of commercially zoned property in the community, I think there is a lack of it on the Horizon Dr corridor and this property is perfectly suited for this zoning, so I think this criterion has been met.

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

Response: This is a great location that has gone way too long under developed and not generating its highest potential property tax and sales tax revenue that a business located on this site would generate and currently is a real eye sore compared to a new development. Therefore, I do believe this rezoning meets this criterion as well.

EXHIBIT A  
LEGAL DESCRIPTION  
NE CORNER 27 ½ & HORIZON DRIVE

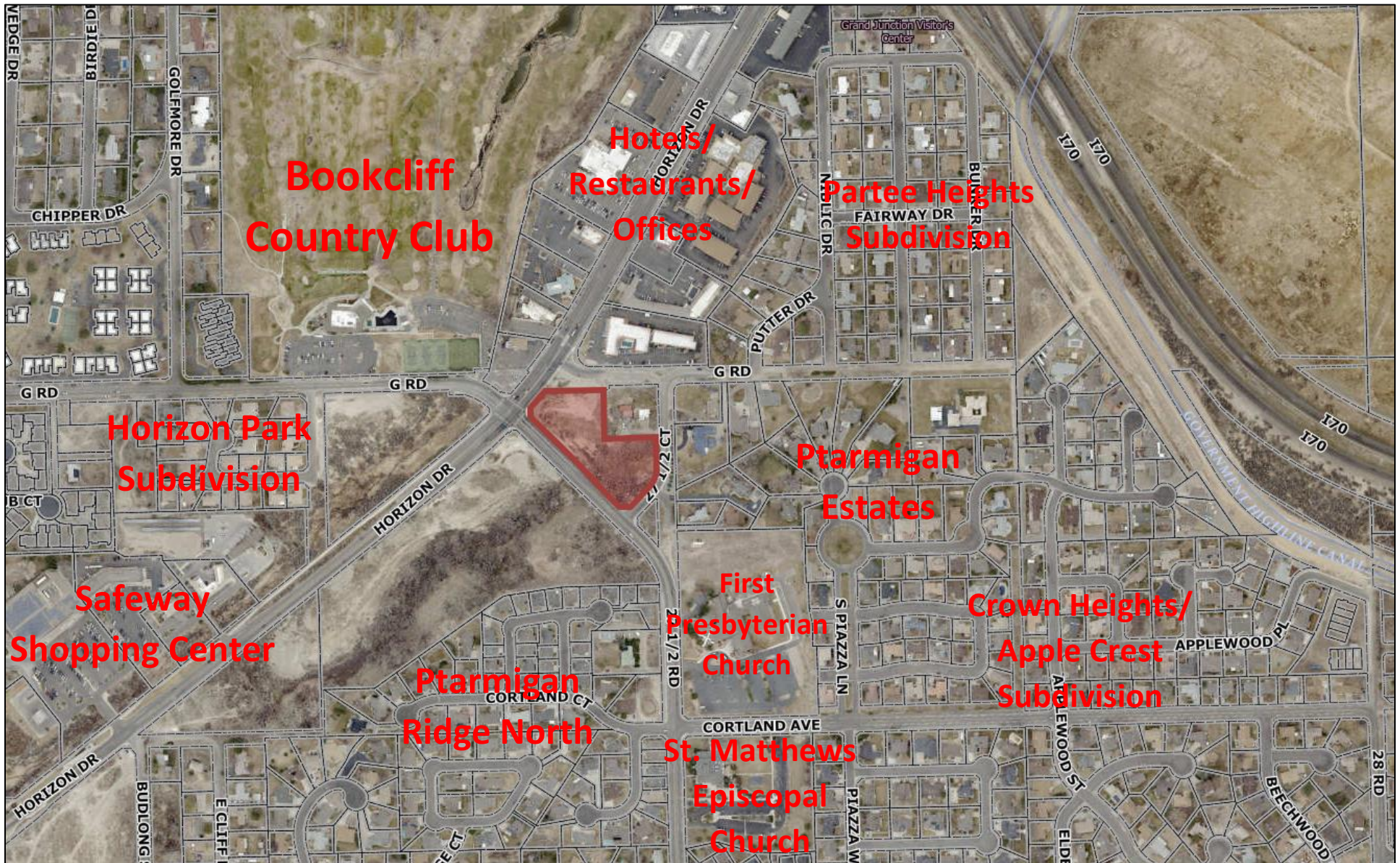
That parcel of land located in the Northeast Quarter of the Northwest Quarter, also known as Government Lot 3 of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3 of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said Government Lot 3 bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.00 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27½ Road, as called to in Reception No.1376416, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.82 feet, along said right-of-way line to that right-of-way line described in Reception No.2075083; thence, along said right-of-way described in Reception No.2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West ; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.43 feet; thence with a non-tangent curve turning to the left having a delta angle of 02°31'58", a radius of 1960.00 feet, an arc length of 86.64 feet, and a chord length of 86.64 feet, with a chord bearing of North 41°48'21" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No.813634; thence North 89°59'53" East, a distance of 220.41 feet, along the South right-of-way line of G Road as dedicated in Reception No.1322383; thence South 00°03'04" West, a distance of 185.00 feet; thence North 89°59'53" East, a distance of 190.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

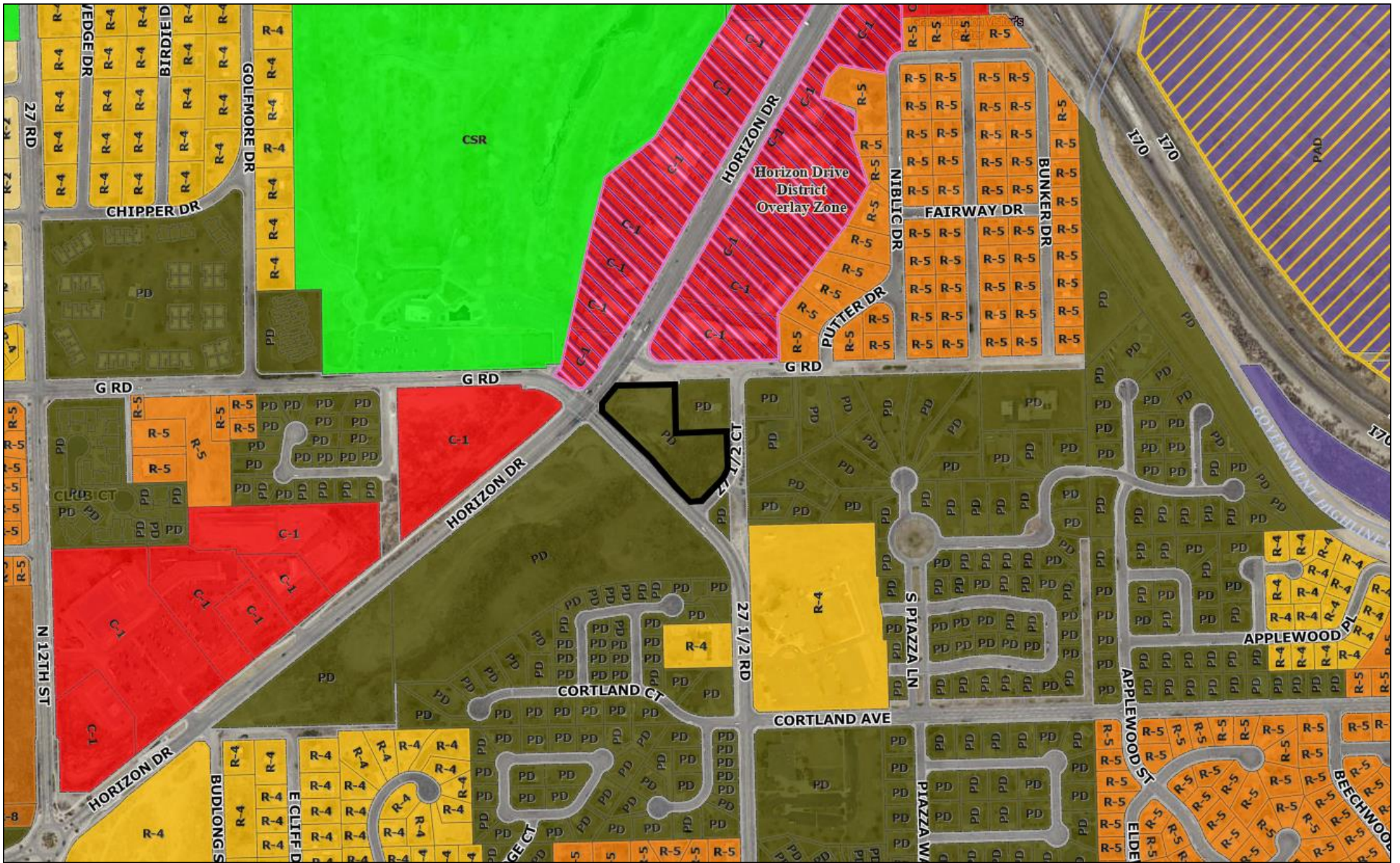


# Vicinity Map



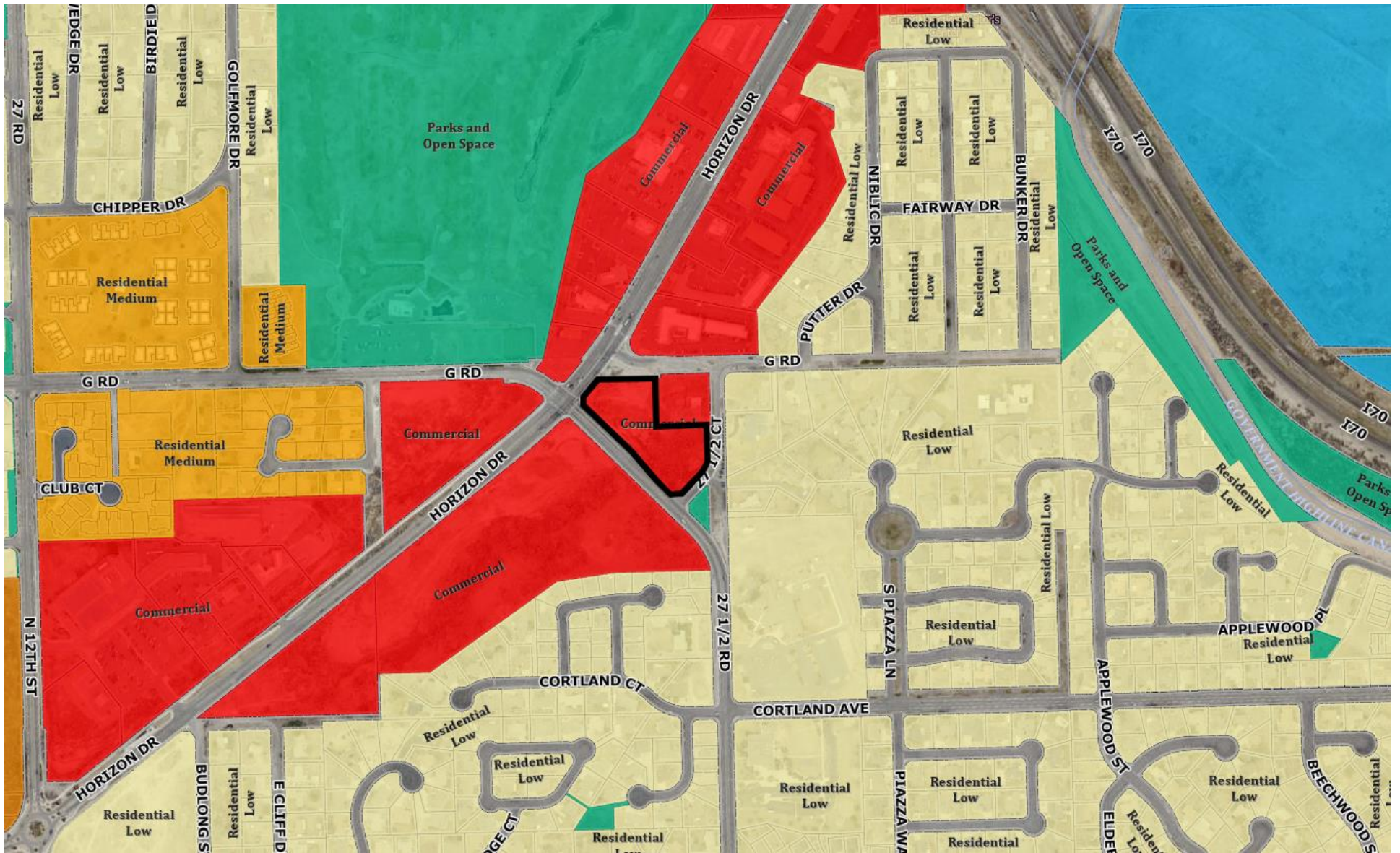


# Zoning Map





# Comprehensive Plan Land Use Map



# 1978 Annexation Ordinance

ORDINANCE NO. 1723

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

WHEREAS, on the 4th day of January, 1978, 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, 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 as the petition was signed by the owners of one hundred percent of the territory petitioned for annexation;

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

That the following described territory, to wit:

Beginning at a point on the West right-of-way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian; thence South along the West right-of-way line of 27 1/2 Road 552.5 feet; thence West 383 feet; thence South 82° 49' West 220 feet; thence South 55° 57' West 596 feet; thence West 190 feet; thence South 176 feet; thence West approximately 200 feet to the East line of O'Nan Subdivision; thence North along the East line of O'Nan Subdivision 30 feet to the North right-of-way line of Cliff Drive; thence West along said right-of-way line to the Southeast right-of-way line of Horizon Drive; thence Northeasterly along said right-of-way line to the North right-of-way line of G Road; thence East along said right-of-way line to the Northerly extension of the West right-of-way line of 27 1/2 Road; thence South along said extension 60 feet to the South right-of-way line of G Road; thence West along said right-of-way line 205 feet; thence South 200 feet; thence East 205 feet to the point of beginning,

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian, lying North and West of County Highway (Horizon Drive), also that part of County Highway (Horizon Drive) adjacent on the South and East,

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

PASSED and ADOPTED this 1st day of February, 1978.

Lawrence L. Kozisek



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

Attest:

Neva B. Lockhart, CMC

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

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1723, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 4th day of January, 1978, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of February, 1978.

Neva B. Lockhart, CMC

\_\_\_\_\_  
Neva B. Lockhart  
City Clerk

Published: January 8, 1978

Final Publication: February 5, 1978

Effective: March 7, 1978

# ETTER ANNEXATION No 2

## LEGAL DESCRIPTION

Part of the North Half of the NW quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian

More particularly described as: Beginning at a point on the West Right of Way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the NE corner of the NE quarter of the NW quarter of Section 1, Township 1 South, Range 1 West; of the Ute Meridian; Thence South along the West right of way line of 27 1/2 Road 552.5 feet; Thence West 383 feet; Thence South 82° 49' West 220 feet; Thence South 55° 57' West 596 feet; Thence West 190 feet; Thence South 176 feet; Thence West approximately 200 feet to the East line of the O'Nan Subdivision; Thence North along the East line of O'Nan Subdivision 30 feet to the North right of way line of Cliff Drive; Thence West along said right of way line to the Southeast right of way line of Horizon Drive; Thence Northeasterly along said right of way line to the North right of way line of G Road; Thence East along said right of way line to the Northerly extension of the West right of way line of 27 1/2 Road; Thence South along said extension 60 feet to the South right of way line of G Road; Thence West along said right of way line 205 feet; Thence South 200 feet; Thence East 205 feet to the point of beginning

## LEGEND

BOUNDARY OF EXISTING CORPORATE LIMITS ————  
 BOUNDARY OF NEW CORPORATE LIMITS ————

## AREA OF ANNEXATION

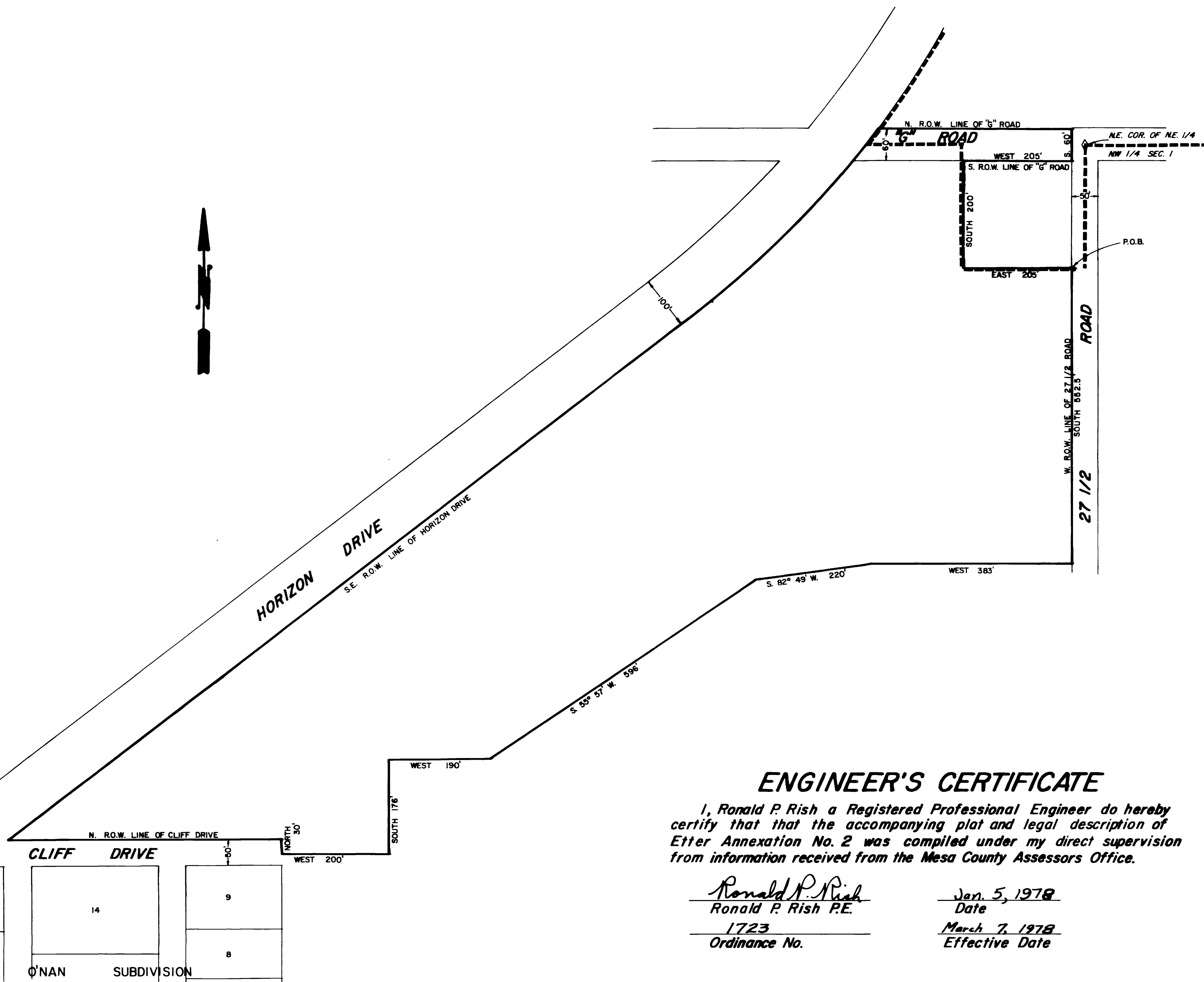
BOUNDARY CONTIGUOUS TO EXISTING CORPORATE LIMITS ————  
 — APPROX. ———— 615 ft.  
 PERIMETER OF AREA TO BE ANNEXED ————  
 — APPROX. ———— 6000 ft.  
 TOTAL ANNEXED AREA IN ACRES ————  
 — APPROX. ———— 2.2 acres

## ENGINEER'S CERTIFICATE

I, Ronald P. Rish a Registered Professional Engineer do hereby certify that the accompanying plat and legal description of Etter Annexation No. 2 was compiled under my direct supervision from information received from the Mesa County Assessors Office.

*Ronald P. Rish*  
 Ronald P. Rish P.E.  
 1723  
 Ordinance No.

Jan. 5, 1978  
 Date  
 March 7, 1978  
 Effective Date



DESCRIPTION	DATE	DRAWN BY	DATE	SCALE
REVISION		AB & LM	1-4-78	PLAN
REVISION		CHECKED BY	DATE	PROFILE
REVISION		APPROVED BY	DATE	HORIZ. 1" = 100'
REVISION		FIELD BOOK NO.	PAGE	VERT.

DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
 ENGINEERING DIVISION  
 CITY OF GRAND JUNCTION, COLORADO

ETTER ANNEXATION NO. 2

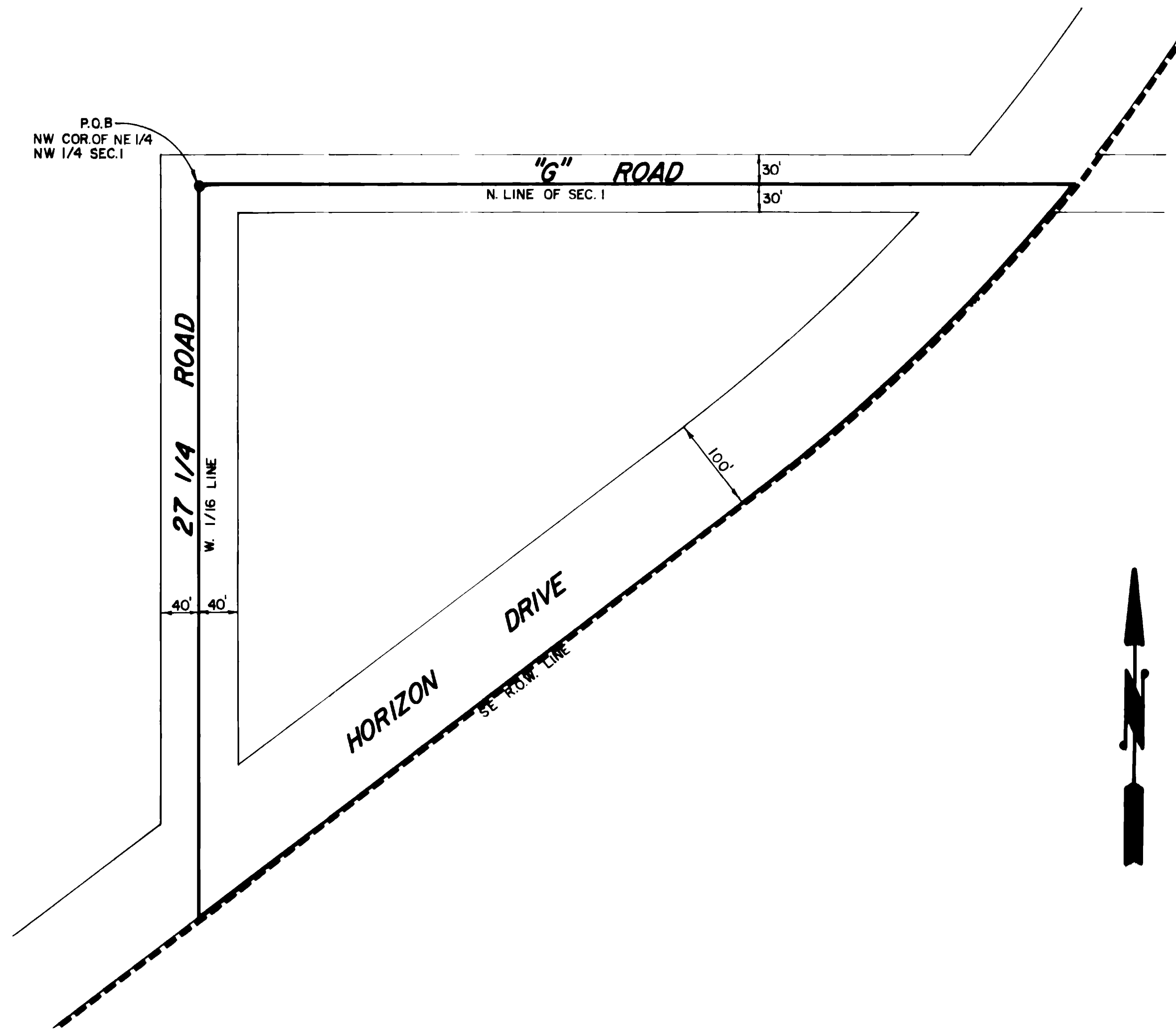
SHEET NO.	1
OF	2
FILE NO.	01-539

# ETTER ANNEXATION NO. 2

## LEGAL DESCRIPTION

Part of the North half of the NE quarter of the NW quarter of Section 1 T1S, R1W of the Ute Meridian

More particularly described as: Beginning at the NW corner of the NE quarter of the NW quarter of said Section 1; Thence South along the West sixteenth line also known as the center line of County Road called 27 1/4 Road, to a point that intersects with the SE Right of Way line of Horizon Drive; Thence Northeasterly along said Right of Way line to a point that intersects with the North line of said Section 1, also known as the center line of County Road called G Road; Thence West along said section line to the Point of Beginning.



## LEGEND

BOUNDARY OF EXISTING CORPORATE LIMITS —————  
 BOUNDARY OF NEW CORPORATE LIMITS - - - - -

## AREA OF ANNEXATION

BOUNDARY CONTIGUOUS TO EXISTING CORPORATE LIMITS approx. — 1200 ft.  
 PERIMETER OF AREA TO BE ANNEXED approx. — 2875 ft.  
 TOTAL ANNEXED AREA IN ACRES approx. — 8.4 acres

## ENGINEER'S CERTIFICATE

I, Ronald P. Rish a Registered Professional Engineer do hereby certify that the accompanying plat and legal description of Etter Annexation No. 2 was compiled under my direct supervision from information received from the Mesa County Assessor's Office.

SIGNED Ronald P. Rish — DATE Jan. 10, 1978  
 ORDINANCE NO. 1723 — EFFECTIVE DATE March 7, 1978

DESCRIPTION	DATE	DRAWN BY	DATE
REVISION Δ		<u>RRS</u>	<u>1-10-77</u>
REVISION Δ		CHECKED BY	DATE
REVISION Δ		APPROVED BY	DATE
REVISION Δ		FIELD BOOK NO.	PAGE

SCALE	
PLAN	PROFILE
HORIZ. 1" = 100'	HORIZ.
	VERT.

**DEPARTMENT OF PUBLIC WORKS AND UTILITIES**  
**ENGINEERING DIVISION**  
**CITY OF GRAND JUNCTION, COLORADO**

**ETTER ANNEXATION NO. 2**

SHEET NO.	<u>2</u>
OF	<u>2</u>
FILE NO.	<u>01-539</u>

CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION

CITY COUNCIL

Subject: Etter-Epstein ODP  
Meeting Date: February 21, 2001  
Date Prepared: February 12, 2001  
Author: Kristen Ashbeck Senior Planner  
Presenter Name: Same Same  
Workshop X Formal Agenda

Subject: ODP-2000-058: Etter-Epstein Outline Development Plan (ODP)  
Request for approval of an Outline Development Plan (ODP) to establish a Planned Development (PD) zone district consisting of Business/Commercial, Residential, and Open Space uses. Upon remand by City Council, Planning Commission approved the ODP and recommended approval of the PD zoning subject to conditions. The applicant has appealed the condition pertaining to maximum building height. The appeal will be heard with second reading of the proposed zoning ordinance.

Summary: The 22.56-acre Etter-Epstein property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing propose this ODP to retain the PD zoning.

Background Information: See Attached Staff Report

Budget: N/A

Action Requested (by applicant): 1) Uphold appeal of applicant and approve the ODP for the Etter-Epstein property that establishes a PD zone district; and 2) Approve ordinance zoning land known as the Etter-Epstein Planned Development (PD).

Citizen Presentation: No X Yes If Yes,  
Name: Bruce Phillips  
Purpose: Representative

Report results back to Council: X No Yes When:

Placement on Agenda: X Consent Indiv. Consideration  
Workshop

CITY OF GRAND JUNCTION  
CITY COUNCIL

DATE: February 12, 2001

STAFF PRESENTATION: Kristen Ashbeck

AGENDA TOPIC: ODP-2000-058 Etter-Epstein Outline Development Plan (ODP)  
Request for approval of an ODP for a Planned Development consisting of  
Business/Commercial, Residential, and Open Space uses.

SUMMARY: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners propose this ODP to establish a plan and maintain the PD zoning.

City Council remanded the application to Planning Commission with instructions to consider concessions made by the applicant and concerns expressed including building height, density, airport critical zone, set backs and buffering. Planning Commission, at its January 16, 2001 meeting, approved the ODP and recommended approval of the PD zoning subject to conditions. The applicant has appealed the condition pertaining to maximum building height.

#### BACKGROUND INFORMATION

Location: Southeast Corner Horizon Drive and G Road

Applicants: Etter Estate and Emanuel Epstein, Owners  
Bruce Phillips, Representative

Existing Land Use: 1 Single Family Residence & Vacant

Proposed Land Use: Business/Commercial, Res., Open Space

Surrounding Land Use:

North Vacant & Commercial (Hotel)

South Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O'Nan)

East Single Family Residential (Ptarmigan Ridge) and Church

West Vacant

Existing Zoning: Planned Development (PD)

Proposed Zoning: Same

Surrounding Zoning:

North Light Commercial (C-1)

South PD (Residential)

East PD (Residential) & Residential Single Family 4 units per acre (RSF-4)

West C-1 & RSF-4

Growth Plan Designation: Residential Medium-Low: 2 to 4 units per acre &

Residential-High: 12+ units per acre

Zoning within density range? Yes X No

ACTION REQUESTED: Approve the ODP and zoning for the Etter-Epstein property that establishes a PD zone district.

Staff Analysis:

Project Background/Summary. The applicant has requested approval of an ODP for three parcels totaling 22.56 acres located on the southeast corner of Horizon Drive and G Road.



During the process to create the new zoning map, staff initially proposed to zone all three parcels Residential Single Family, 1 unit per 5 acres (RSF-R) due to the natural constraints of the property and its partial location within the Airport Critical Zone. However, Council agreed to adopt the new zoning map showing these parcels as Planned Development (PD) with the understanding that a plan for the property would have to be proposed and approved for the PD zoning to be maintained on the property.

The Future Land Use Map of the Growth Plan shows these parcels to remain residential, with the easterly two parcels at a low density of 2-4 units per acre and the westerly parcel high density of 12+ units per acre.

The purpose of this ODP is to establish a plan for the properties and demonstrate that the parcels can be compatible for the intended uses. The applicant's design intent is to serve as a transitional area between the commercial uses along Horizon Drive and the single family residential uses to the south. The following mix of uses is proposed as indicated on the ODP plan and stated in the applicant's narrative.

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 21 units (4 du/ac)
Open Space	3.18 acres	
27.5 Road Right-of-Way	1.62 acres	

Business/Commercial Land Use/Development Standards. The ODP proposes the uses listed below to be allowed in Business/Commercial areas 1, 2 and 3.

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

The applicant agreed to remove some uses from Area 4 along 27.5 Road including:

- Bar, nightclub and retail alcohol sales, unless an accessory use to a motel or hotel
- Lube and oil change
- Automotive repair
- Gas station

A condition of approval from Planning Commission suggested that the list of uses to be excluded also include car wash and that the uses also be eliminated from Area 1 and the eastern portion of Area 3 (noted as the "Etter Residence" on the ODP). The applicant has agreed with this condition.

The applicant is proposing that the bulk requirements of the C-1 zone district apply to the business/commercial areas of the site except for building height limitations. The maximum height in the C-1 zone district in this area is 40 feet. The applicant is proposing that the maximum height in areas 1 and 4 be 35 feet which is compatible with the adjacent residential areas and 65 feet above the grade of Horizon Drive nor 35 feet from the old section of 27.5 Road in areas 2 and 3.

Planning Commission raised concerns with the proposed maximum building height and added a condition of approval that the height be restricted to 40 feet as measured from Horizon Drive and not to exceed 30 feet when measured along the old segment of 27.5 Road. The applicant has appealed this condition of approval.

Residential Land Use/Development Standards. A residential density of up to 4 units per acre, or a maximum of 21 dwelling units is proposed, with the following uses allowed:

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

Residential uses with a density of up to 4 units per acre may be allowed within the Airport Critical Zone, if a Conditional Use Permit is obtained and noise reduction measures are applied. The applicant is proposing that the bulk standards of the Residential Multifamily 8 units per acre (RMF-8) zone district apply to the residential area of the ODP (Area 5). A condition of approval from Planning Commission was that the rear or side yard setback as applicable in the residential Area 5, shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point). The applicant has agreed to this revision to the proposed setbacks

Open Space Land Use/Development Standards. Proposed uses allowed in the Open Space Area include:

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

No bulk standards were proposed for open space areas of the ODP. Therefore, it is assumed that the open space areas are to be considered "no build" areas.

Development Schedule. The applicant has not proposed a phasing plan with the ODP, but is requesting that the ODP be valid for a period of 3 years from the date of approval. Given the pace of development along the Horizon Drive corridor and the amount of vacant land along it, a three-year time frame for the ODP seems reasonable.

Site Access and Traffic Patterns. The recently completed road realignment and reconstruction work on Horizon Drive, G Road and 27.5 Road has a significant impact on site access and traffic patterns. The specific access points shown on the ODP plan will need to be analyzed in a traffic study at the Preliminary Plan phase to demonstrate that they can operate safely. Access to the proposed Business/Commercial areas will primarily be from Horizon Drive to minimize the traffic impact on existing residential areas to the south and east of the property. Planning Commission added a condition of approval that the use shall minimize traffic impacts to the old segment of 27-1/2 Road.

Other Constraints. Natural constraints on the Etter-Epstein property include topography and the potential for wetlands. There is a 30-foot topographical break that runs northeast-southwest through the property, parallel to Horizon Drive. Some of this was and still is being regraded with the 27.5 Road project to meet a 7 percent grade for the roadway. It is assumed that comparable site grading could be accomplished on the Business/Commercial sites along Horizon Drive, or the applicant has suggested that the sites could be terraced with "walk-out" multi-story structures. Staff is in agreement with this analysis. Determination of wetlands and the potential mitigation of disturbance will need to be addressed in greater detail prior to submittal of a Preliminary Plan.

#### Findings of Review.

a. Section 2.12 of the Zoning and Development Code lists criteria by which an ODP application shall be reviewed. An ODP application shall demonstrate conformance with all of the criteria. Staff's findings relative to the criteria and the plan revisions outlined above are listed below.

Growth Plan, Major Street Plan and Other Adopted Plans & Policies. The proposal is not in conformance with the Growth Plan, however, previous zoning on the site suggested that non-residential uses might be appropriate for the property. The residential use proposed at a density of 4 units per acre may be compatible with the Airport Environs Overlay, provided a Conditional Use Permit is approved at a subsequent phase of development.

Rezone Criteria. The proposal generally meets the rezone criteria.

Corridor Guidelines/Overlay Districts. The residential component of the proposal generally conforms to the Airport Environs Overlay, provided a Conditional Use Permit is approved at a subsequent phase of development.

Adequate Public Services. Since this is an infill site, adequate public services and facilities exist to the site.

Adequate Circulation and Access. Access and circulation are adequate to the site and were recently improved with the Horizon Drive reconstruction and G Road/27.5 Road realignment project.



Appropriate Screening and Buffering. Due to the natural amenities/constraints on the property, the plan can adequately provide for screening and buffering between land uses.

Appropriate Range of Density/Intensity. The residential component of the proposal may be appropriate for its location in the Critical Zone and is compatible with surrounding residential densities. The proposed intensity of the business/commercial component appears appropriate, but uses should be limited (as revised for Area 4) where these sites are directly adjacent to residential use or zoning (Area 1 just north of the O'Nan Subdivision and the eastern portion of Area 3 across the street from Ptarmigan Estates).

Appropriate Minimum Standards. The applicant proposed standards compatible with the straight zones of C-1 and RMF-8 with some modification to the maximum building height for business/commercial areas 2 and 3. Additional buffering between Area 5 and the existing residential area to the south is desirable. This can be addressed by increasing the required setback from the southern property line to be consistent with that in the adjacent established residential area and further with the Conditional Use Permit required for the proposed residential use in the Critical Zone.

Appropriate Phasing Schedule. The applicant has requested that the ODP be valid for a period of 3 years from the time the 27-1/2 Road street improvements are 100 percent complete. Staff recommends that the period be from the date of approval rather than completion of the street improvements.

Minimum 20-Acre Size. The Etter-Epstein property, less the area to be set aside as right-of-way is 20.94 acres.

b. Section 2.6 of the Zoning and Development Code lists criteria by which a rezone application shall be reviewed. Staff's findings relative to the criteria and the plan revisions outlined above are listed below.

Existing Zoning in Error. The existing zoning constitutes a planned zone without a plan. In conjunction with the ODP, adoption of the zoning ordinance will establish a plan to maintain the PD zoning.

Change of Neighborhood Character. The recently-completed Horizon Drive reconstruction and G Road/27.5 Road realignment project had a significant impact on this property and the surrounding neighborhood. The new streets make the Etter-Epstein property more developable for a mix of uses.

Neighborhood Compatibility. Due to the natural and man-made constraints, the Etter-Epstein property is conducive to a mixed-use zoning that provides a transition from the commercial uses on the Horizon Drive corridor to the adjacent single family residential areas to the south and east. The proposed ODP accommodates this necessary transition.

Community or Neighborhood Benefit. Infill development such as that proposed by this plan and zone is a community goal. It also meets the goal of minimizing vehicular traffic to and from neighborhood services if these can be provided adjacent to residential areas as proposed by this plan.

PLANNING COMMISSION RECOMMENDATION (1/16/01 - 7-0): Approval of the ODP and zoning for the Etter-Epstein property with the following conditions:

- 1) Uses to be excluded from Areas 1, 4 and the eastern area of 3 (Etter Residence): quick lubes, auto repair, gas station, car wash, bar/nightclub or retail liquor sales, unless an accessory use to a motel/hotel.
- 2) The rear or side yard setback as applicable in the residential Area 5, shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).
- 3) The maximum building height shall be restricted to 40 feet as measured from Horizon Drive and not to exceed 30 feet when measured along the old segment of 27.5 Road, whichever is more restrictive. NOTE: minutes are not clear as to which areas this restriction applies to-40 feet is higher than the 35 feet applicant proposed in areas 1 and 4.
- 4) The use shall minimize traffic impacts to the old segment of 27.5 Road.

Conditions 2 and 3 have already been incorporated into the proposed zoning ordinance.

- ATTACHMENTS:
- a. Proposed Ordinance
  - b. Letter of Appeal
  - c. Aerial Photo Location Map
  - d. Assessor's Map
  - e. Minutes of 12/6/00 City Council
  - f. Draft Minutes of 1/16/01 Planning Commission
  - g. Materials Provided by Applicant - Plans & Narrative
  - h. Letters from Concerned Citizens

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. \_\_\_\_\_

ZONING THREE PARCELS OF LAND LOCATED  
ON THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND  
G ROAD INTERSECTION

Recitals.

A rezoning of the property to establish a plan for a Planned Development (PD) has been requested for three properties located on the southeast corner of the intersection of Horizon Drive and G Road. The property is generally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PROPERTY DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT (PD):

Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

The uses of the property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 21 units (4 du/ac)
Open Space	3.18 acres	

A list of the types of allowed uses are as follows corresponding to denominated areas on Exhibit A.

**BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3):**

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	

Counseling centers (nonresident)  
General retail sales with indoor operations, display and storage

**BUSINESS/COMMERCIAL USES (Areas 1, 4 and eastern portion of Area 3 (Etter Residence):**

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

**RESIDENTIAL USES (Area 5 with a maximum of 21 dwelling units):**

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

**OPEN SPACE USES (No-Build areas):**

Underground utilities  
Road right-of-way  
Pedestrian and recreational amenities

2) The bulk requirements for this zone and property shall be as follows:

Business/Commercial Areas: Same as Light Commercial (C-1) in section 3.4 of the March 7, 2000, City of Grand Junction, Zoning and Development Code except for: Maximum building height as follows (refer to Exhibit A attached).

Areas 1 & 4: 35 feet

Areas 2: Building heights shall not exceed 65 feet above Horizon Drive

Area 3: Building heights shall not exceed 65 feet above Horizon Drive nor 35 feet above the north/south section (old alignment) of 27.5 Road

Residential Areas: Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the March 7, 2000, City of Grand Junction, Zoning and Development Code, EXCEPT for the rear or side yard setback as applicable in the residential Area 5, shall be



a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).

3) Per Section 7.3 of the March 7, 2000, City of Grand Junction, Zoning and Development Code, a Conditional Use Permit shall be required at a subsequent phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone.

4) The ODP shall be valid for a period of 3 years from the date of approval.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of February 2001.

PASSED on SECOND READING this 21st day of February 2001.

ATTEST:

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

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

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3328

ZONING LAND LOCATED NEAR  
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND  
G ROAD INTERSECTION

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the *Growth Plan*. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

- 1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:
  - (a) Parcel 2945-012-00-008  
Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also
  - (b) Parcel 2945-012-00-075/076  
That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also
  - (c) Parcel 2945-012-00-073/074  
Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:
- (a) Business/Commercial 11.36 acres less the eastern portion of Area 3\*  
(approximately 125,000-250,000 sf)
  - (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3\*
  - (c) Open Space 3.18 acres
3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3\*):

- |  |                            |
|--|----------------------------|
| Business Residence   | Multifamily Residential    |
| Townhome   | Assisted Living Facility   |
| General day care   | Medical and Dental Clinics |
| Parks  | Religious Assembly         |
| Hotels and motels  | General Offices            |
| Miniature golf   | Health club                |
| Retail Alcohol Sales   | Bar, Nightclub             |
| Food Service, Catering   | Food Service, Restaurant   |
| Small appliance repair   | Personal services          |
| Car wash   | Gasoline service station   |
| Quick lube   | Limited vehicle service    |
| Community Activity Building/Community Services                         |                            |
| Museums, art galleries, opera houses, single screen theater, libraries |                            |
| Counseling centers (nonresident)                                       |                            |
| General retail sales with indoor operations, display and storage       |                            |

(b) BUSINESS/COMMERCIAL USES (Area 1):

- |  |                            |
|--|----------------------------|
| Business Residence   | Multifamily Residential    |
| Townhome   | Assisted Living Facility   |
| General day care   | Medical and Dental Clinics |
| Parks  | Religious Assembly         |
| Hotels and motels  | General Offices            |
| Miniature golf   | Health club                |
| Food Service, Catering   | Food Service, Restaurant   |
| Small appliance repair   | Personal services          |
| Community Activity Building/Community Services                         |                            |
| Museums, art galleries, opera houses, single screen theater, libraries |                            |
| Counseling centers (nonresident)                                       |                            |
| General retail sales with indoor operations, display and storage       |                            |

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 – Etter Residence\*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

Underground utilities  
Road right-of-way  
Pedestrian and recreational amenities

4) The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

Area 1: 35 feet above grade

Area 2:

- South of the southern boundary of the Airport Critical Zone: 40 feet measured from the nearest portion of Horizon Drive
- Remainder of Area 2 (north of the line formed by the southern boundary of the Airport Critical Zone): 55 feet measured from the nearest portion of Horizon Drive

Area 3 (Western Portion\*): 65 feet measured from the nearest portion of Horizon Drive

(b) Residential areas (4 and 5 and eastern Portion of Area 3\*): Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the Zoning and Development Code, EXCEPT that:

- 1) the rear or side yard setback in the residential Area 5 shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point); and
- 2) Height in the eastern portion of Area 3\* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) \* Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5) A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6) This zoning, and the concomitant ODP, are only valid until the 3<sup>rd</sup> anniversary of approval.



INTRODUCED for FIRST READING and PUBLICATION this 7th day of February, 2001.

PASSED on SECOND READING this 21st day of February, 2001.

ATTEST:

/s/ Stephanie Nye  
City Clerk

/s/ Gene Kinsey  
President of Council

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA

Subject Etter-Epstein Outline Development Plan (ODP) Request for Extension

Meeting Date March 17, 2004

Date Prepared March 9, 2004 File: ODP-2000-058

Author Kristen Ashbeck Senior Planner

Presenter Name Kristen Ashbeck Senior Planner

Report results back to Council X No Yes When

Citizen Presentation Yes X No Name

Workshop X Formal Agenda X Consent

Individual Consideration

Summary: A mixed-use Outline Development Plan (ODP) and Planned Development (PD) zoning ordinance for the Etter-Epstein property on the southeast corner of Horizon Drive and G Road was approved by City Council on February 21, 2001. The ordinance stated that the ODP would expire three years from the date of approval. Due to development and market trends and the difficulty and expense to develop this property, the plan has not yet evolved to the next phase of development - submittal of a Preliminary Plan. Thus, the property owners are requesting an extension to the three-year expiration for another three-year period.

Budget: NA

Action Requested/Recommendation: First reading of proposed revised ordinance extending the Etter-Epstein ODP for another three-year period and set a hearing for the April 7, 2004 City Council meeting. Planning Commission will hear this item at its March 9, 2004 meeting and make a recommendation to City Council.

Attachments:

- 1) Background Information / Analysis
- 2) Letters from Property Owners Requesting Extension of ODP
- 3) Proposed Planned Development Ordinance
- 4) Etter-Epstein Outline Development Plan

BACKGROUND INFORMATION

Location: Southeast Corner Horizon Drive and G Road

Applicants: The Estate of Jimmie Etter and Emanuel Epstein, Owners

Existing Land Use: 1 Single Family Residence and Vacant

Proposed Land Use: Business/Commercial, Residential, Open Space

Surrounding

Land Use:

North Vacant & Commercial (Hotel)

South Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O'Nan)

East Single Family Residential (Ptarmigan Ridge) and Church

West Vacant

Existing Zoning: Planned Development (PD)

Proposed Zoning: No Change Proposed

Surrounding Zoning:

North Light Commercial (C-1)

South PD (Residential)

East PD (Residential) & Residential Single Family 4 units per acre (RSF-4)

West C-1 & RSF-4

Growth Plan Designation: Mixed Use

Zoning within density range? X Yes No

ANALYSIS

1. Background: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. Approximately 1.4 acres of the property were transferred to the City as public right-of-way due to the realignment of 27-1/2 Road and the Horizon Drive/G Road intersection several years ago. The parcels were zoned Planned Development (PD) when the new zoning map was adopted in 2000 but with the agreement that a plan would be established to maintain the PD zoning shortly thereafter.

The ODP approved by City Council in early 2001 is specifically described in the attached proposed zoning ordinance. Item 7 in the proposed ordinance reads exactly as specifically stated in the original ordinance - that the ODP and the zoning were only valid until the 3rd anniversary of the approval date of February 21, 2001. Otherwise, the only change proposed in the new ordinance is the addition of Item 6 which is highlighted in italics.

2. Consistency with the Growth Plan: The Growth Plan was updated to reflect the ODP and zoning of the Etter-Epstein property, designating it as a Mixed Use future land use category.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Etter-Epstein ODP application, ODP-2000-058, for an extension request, staff makes the following findings of fact and conclusions:

1. The previously-approved Etter-Epstein Outline Development Plan is consistent with the Growth Plan.
2. The land development and market conditions in the Horizon Drive corridor area have not progressed as rapidly as may have been envisioned three years ago. While conditions have changed some with the start of development of the Safeway Center, conditions have not changed dramatically to warrant a re-review of the previously approved ODP for the Etter Epstein property. In addition, this property is difficult and likely costly to develop. Due to these factors, staff believes that the Etter-Epstein ODP as

approved is still relevant to the future land use and development in this area. However, this does not represent a commitment to any future extensions beyond this 3-year period.

3. Staff supports the ODP that was originally approved. The plan proposes reasonable land uses for the area and for the specific property as well as providing an acceptable transition from the Horizon Drive corridor to the residential areas east and south of the property. If the extension request is not approved, the City would be required to revert the PD zoning to a straight zone. Staff believes that any other straight zone would not fit the unique constraints and opportunities of this particular piece of property as well as the approved ODP does within a planned zone district.

4. The property owners have requested a 3-year extension for the Etter-Epstein ODP. Given the conditions described in 1 through 3 above, staff believes that this extension is a reasonable request.

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. \_\_\_\_\_

ZONING LAND LOCATED NEAR  
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND  
G ROAD INTERSECTION

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:

(a) Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(b) Parcel 2945-012-00-075/076



That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(c) Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

- (a) Business/Commercial 11.36 acres less the eastern portion of Area 3\*  
(approximately 125,000-250,000 sf)
- (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3\*
- (c) Open Space 3.18 acres

3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3\*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics

Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
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Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
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General retail sales with indoor operations, display and storage	

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 - Etter Residence\*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

Underground utilities  
 Road right-of-way  
 Pedestrian and recreational amenities

4) The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

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2) Height in the eastern portion of Area 3\* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) \* Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5) A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6) Subsequent applications to the City shall conform to the then-effective Zoning and Development Code.

6) This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of March, 2004.

PASSED on SECOND READING this 7th day of April, 2004.

ATTEST:

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

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

ORDINANCE NO. 3619  
AN ORDINANCE ZONING LAND LOCATED NEAR  
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND  
G ROAD INTERSECTION TO PD

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

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(approximately 125,000-250,000 sf)
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- |  |                            |
|--|----------------------------|
| Business Residence   | Multifamily Residential    |
| Townhome   | Assisted Living Facility   |
| General day care   | Medical and Dental Clinics |
| Parks  | Religious Assembly         |
| Hotels and motels  | General Offices            |
| Miniature golf   | Health club                |
| Retail Alcohol Sales   | Bar, Nightclub             |
| Food Service, Catering   | Food Service, Restaurant   |
| Small appliance repair   | Personal services          |
| Car wash   | Gasoline service station   |
| Quick lube   | Limited vehicle service    |
| Community Activity Building/Community Services                         |                            |
| Museums, art galleries, opera houses, single screen theater, libraries |                            |
| Counseling centers (nonresident)                                       |                            |
| General retail sales with indoor operations, display and storage       |                            |

(b) BUSINESS/COMMERCIAL USES (Area 1):

- |  |                            |
|--|----------------------------|
| Business Residence   | Multifamily Residential    |
| Townhome   | Assisted Living Facility   |
| General day care   | Medical and Dental Clinics |
| Parks  | Religious Assembly         |
| Hotels and motels  | General Offices            |
| Miniature golf   | Health club                |
| Food Service, Catering   | Food Service, Restaurant   |
| Small appliance repair   | Personal services          |
| Community Activity Building/Community Services                         |                            |
| Museums, art galleries, opera houses, single screen theater, libraries |                            |
| Counseling centers (nonresident)                                       |                            |

General retail sales with indoor operations, display and storage

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 - Etter Residence\*):

Single family attached	Duplex
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6. *Subsequent applications to the City shall conform to the then-effective Zoning and Development Code.*

7. This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of March, 2004.

PASSED on SECOND READING this 7<sup>th</sup> day of April, 2004.

ATTEST:

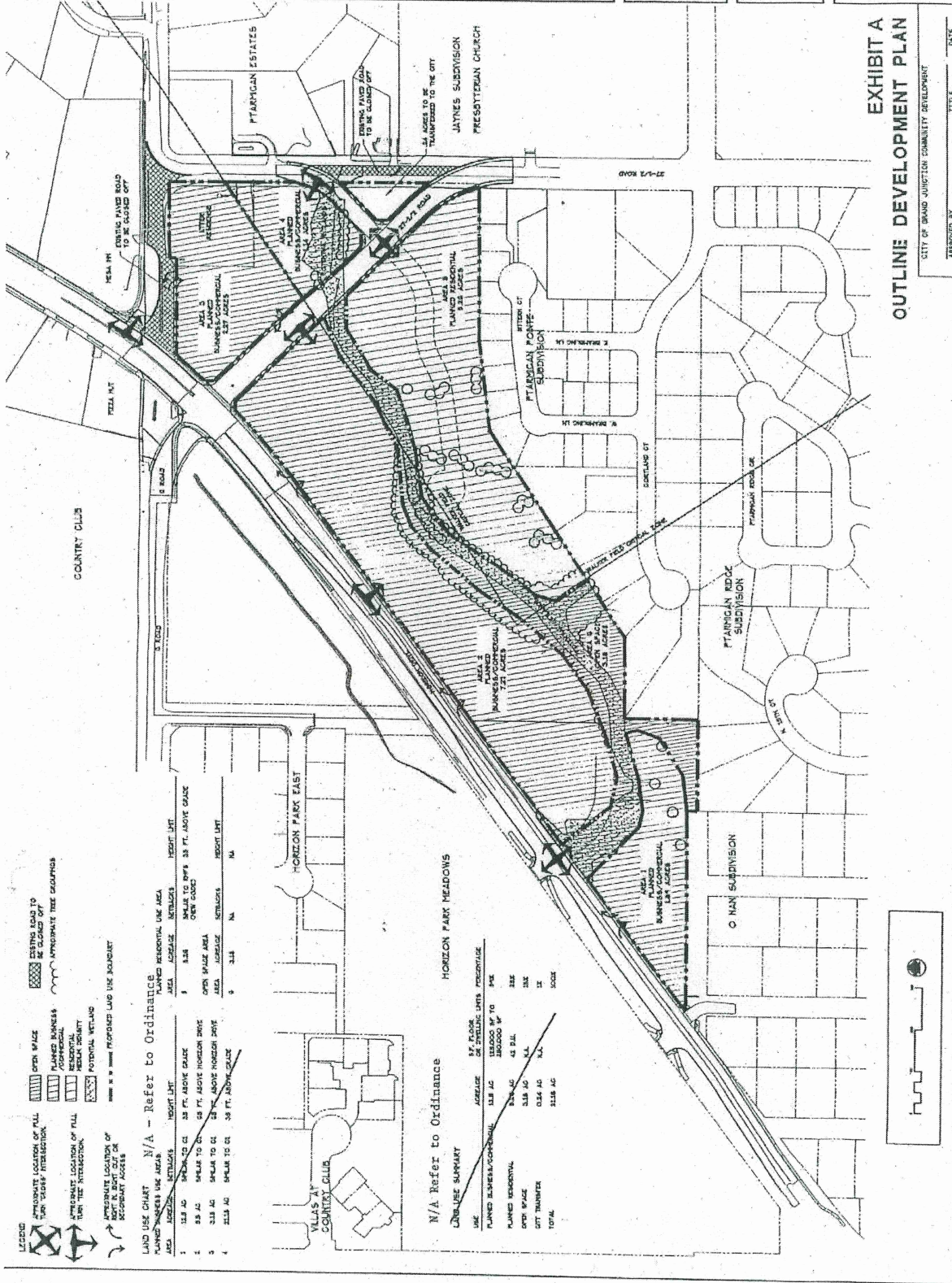
/s/: Stephanie Tuin  
City Clerk

/s/: Jim Spehar  
President of Council



# SE CORNER HORIZON DRIVE AND G ROAD

DRAWN BY: JDL, JD  
 CHECKED BY: JL  
 JOB NO.: 2828  
 REVISIONS: 02  
 5-19-00  
 DRAWING NO.:  
 888-0218-00-05  
 SHEET NO.: 1  
 STATUS:  
 DRAFT  
 PRELIMINARY  
 BID  
 CONSTRUCTION  
 AS BUILT  
**CLAVONNE & ASSOC., INC.**  
 LANDSCAPE AND PLANNING ARCHITECTS  
 844 GRAND CANYON BLVD.  
 PHOENIX, AZ 85004  
 PHONE: 602/998-8800  
 FAX: 602/998-8800



**EXHIBIT A**  
**OUTLINE DEVELOPMENT PLAN**  
 CITY OF SAND JUNCTION COMMUNITY DEVELOPMENT  
 APPROVED BY: \_\_\_\_\_ TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

- LEGEND**
- DRIVEWAY LOCATION OF FULL TURN TABLE INTERSECTION
  - DRIVEWAY LOCATION OF FULL TURN INTERSECTION
  - DRIVEWAY LOCATION OF ABOUT A FOOT CUT OR SECONDARY ACCESS
  - OPEN SPACE
  - PLANNED BUSINESS COMMERCIAL
  - RESIDENTIAL MEDIUM DENSITY
  - RESIDENTIAL LOW DENSITY
  - NATURAL WETLAND
  - EXISTING PAVED ROAD TO BE CLOSED OFF
  - PROPOSED PAVED ROAD TO BE CLOSED OFF

**LAND USE CHART**

N/A - Refer to Ordinance

AREA	ACREAGE	SETBACKS	HEIGHT LIMIT	PLANNED RESIDENTIAL USE AREA
1	21.8 AC	30 FT. ABOVE GRADE	N/A	PLANNED RESIDENTIAL 1.57 ACRES
2	53.3 AC	30 FT. ABOVE GRADE	35 FT. ABOVE GRADE	PLANNED RESIDENTIAL 3.33 ACRES
3	21.8 AC	30 FT. ABOVE GRADE	N/A	PLANNED RESIDENTIAL 1.57 ACRES
4	21.8 AC	30 FT. ABOVE GRADE	N/A	PLANNED RESIDENTIAL 1.57 ACRES

**N/A Refer to Ordinance**

**LINE USE SUMMARY**

LINE USE	ACREAGE	NET PERCENTAGE	PERCENTAGE
PLANNED BUSINESS/COMMERCIAL	21.8 AC	48.21%	100%
OPEN SPACE	21.8 AC	48.21%	100%
DRY TRUNKER	0.36 AC	0.78%	100%
<b>TOTAL</b>	<b>21.8 AC</b>	<b>100%</b>	



**GRAND JUNCTION PLANNING COMMISSION**  
**March 22, 2022, 5:30 PM**  
**MINUTES**

The meeting of the Planning Commission was called to order at 5:35 p.m. by Community Development Director, Tamra Allen with a call for deliberation to elect an interim chair. Commissioner Secrest made a motion to nominate commissioner Ehlers as interim chair. Commissioner Gatseos seconded. Passed 6-0.

Those present were Planning Commissioners; Keith Ehlers, George Gatseos, Shanon Secrest, Kimberly Herek, Melanie Duyvejonck, and JB Phillips.

Also present were Jamie Beard (City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Nicole Galehouse (Principal Planner), Jace Hochwalt (Senior Planner), and Kalli Savvas (Planning Technician).

There were members 5 of the public in attendance and 3 virtually.

**CONSENT AGENDA**

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**1. Approval of Minutes**

---

Minutes of Previous Meeting(s) from March 8, 2022.

**2. Central Distributing Alley Vacation**

---

**VAC-2021-681**

Consider a request by Anna Company LLC to Vacate a Public Alley Right-of-Way, located south of 245 and 333 South Avenue.

Commissioner Gatseos moved to accept the consent agenda. Herek Seconded. Passed 6-0.

**REGULAR AGENDA**

---

**1. Slawson Rezone**

---

**RZN-2022-61**

Consider a request by Kent Slawson, Property Owner, to rezone 1.18 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) located at 702 25 Road.

**Staff Presentation**

Nicole Galehouse, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Applicant Presentation**

The representative Tracy States was present and available for questions.

**Questions for Applicant or Staff**

**Public Hearing**

The public hearing was opened at 5:00 p.m. on Tuesday, March 15, 2022, via [www.GJSpeaks.org](http://www.GJSpeaks.org).

John Connerate made a comment about the open space, and continued expanding of urban development

The public hearing was closed at 5:50 p.m. on March 22, 2022.

### **Discussion**

Commissioner Gatseos made comments about the hearing item.

Commissioner Ehlers made a comment about the update in the code for open space and to reach out to staff.

### **Motion and Vote**

Commissioner Gatseos made the following motion Mr. Chairman, on the Rezone request for the property located at 702 25 Road, City file number RZN-2022-61, 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 Secret seconded the motion. The motion passed 6-0. Ehlers, Gatseos, Secret, Herek, Duyvejonck, and Phillips.

## **2. Horizon Cache Rezone **RZN-2022-52****

Consider a Request by the Emanuel Epstein Revocable Trust to Rezone One Parcel Totaling Approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 ½ Road.

### **Staff Presentation**

Jace Hochwalt, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

### **Applicant Presentation**

The representative was present and available for questions.

### **Questions for Applicant or Staff**

Commissioner Gatseos asked about the parcel north of the property, and if it is zoned PD.

### **Public Hearing**

The public hearing was opened at 5:00 p.m. on Tuesday, March 15, 2022, via [www.GJSpeaks.org](http://www.GJSpeaks.org).

Sherrie Case, virtual attendee asked what was going to be built here.

Jace Hochwalt, responded to the questions.

Commissioner stated there would be public notice to applicants

The public hearing was closed at 6:02 p.m. on March 22, 2022.

### **Discussion**

### **Motion and Vote**

Commissioner Secret made the following motion Chairman, on the Horizon Cache Rezone request from a PD (Planned Development) zone district to a C-1 (Light Commercial) zone district for the 2.46-acre property located at the northeast corner of Horizon Drive and 27 ½ Road, City File Number RZN-2022-52, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report.

Commissioner Duyvejonck seconded the motion. The motion carried 6-0. Ehlers, Gatseos, Secret, Herek, Duyvejonck, and Phillips.

### **3. Other Business**

---

Commissioner Gatseos thanked Ehlers for being chair.

### **4. Adjournment**

---

Commissioner Gatseos moved to adjourn the meeting.

The vote to adjourn was 6-0. Herek, Scissors, Ehlers, Gatseos, Duyvejonck, and Phillips.

The meeting adjourned at 6:12 p.m.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING A 2.46 ACRE PARCEL OF LAND LOCATED AT THE NORTHEAST CORNER OF HORIZON DRIVE AND 27 ½ ROAD FROM PD (PLANNED DEVELOPMENT) TO C-1 (LIGHT COMMERCIAL)**

Recitals:

The Emanuel Epstein Revocable Trust (Owner) owns the approximately 2.46 acres (Property) located at the northeast corner of Horizon Drive and 27 ½ Road. The Property is designated by The Comprehensive Plan Land Use Map as *Commercial*. The Owner proposes that the Property be rezoned from PD (Planned Development) to C-1 (Light Commercial).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended zoning the Property C-1 (Light Commercial) finding that the C-1 zone district conforms to and is consistent with the Comprehensive Plan Land Use designation of the *Commercial* designation, the Comprehensive Plan's goals, and policies, and is generally compatible with land uses located in the area.

After public notice and public hearing, the Grand Junction City Council finds that the C-1 (Light Commercial) zone district is in conformance with 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 Property, described as follows, shall be zoned C-1 (Light Commercial):

That parcel of land located in the Northeast Quarter of the Northwest Quarter, also known as Government Lot 3 of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3 of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said Government Lot 3 bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.00 feet; thence North 89°56'56" West, a distance of 40.00 feet to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.82 feet, along said right-of-way line to that right-of-way line described in Reception No.2075083; thence, along said right-of-way described in Reception No.2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West ; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a



distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.43 feet; thence with a non-tangent curve turning to the left having a delta angle of 02°31'58", a radius of 1960.00 feet, an arc length of 86.64 feet, and a chord length of 86.64 feet, with a chord bearing of North 41°48'21" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No.813634; thence North 89°59'53" East, a distance of 220.41 feet, along the South right-of-way line of G Road as dedicated in Reception No.1322383; thence South 00°03'04" West, a distance of 185.00 feet; thence North 89°59'53" East, a distance of 190.00 feet to the POINT OF BEGINNING.

Said Property containing an area of 2.46 Acres, as herein described.

Introduced on first reading this 6<sup>th</sup> day of April, 2022 and ordered published in pamphlet form.

Adopted on second reading this 20<sup>th</sup> day of April, 2022 and ordered published in pamphlet form.

ATTEST:

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Laura Bauer  
Interim City Clerk

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C.B. McDaniel  
President of City Council



## Grand Junction City Council

### Regular Session

Item #4.a.iii.

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**Meeting Date:** April 20, 2022  
**Presented By:** Nicole Galehouse, Senior Planner  
**Department:** Community Development  
**Submitted By:** Nicole Galehouse, Senior Planner

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### **Information**

#### **SUBJECT:**

An Ordinance Rezoning 1.18 Acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac), Located at 702 25 Road

#### **RECOMMENDATION:**

The Planning Commission heard this request at the March 22, 2022 meeting and voted (6 to 0) to recommend approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant and property owner, Kent Slawson, is requesting a rezone from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) for 1.18-acres located at 702 25 Road in anticipation of future development. The requested R-8 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Medium (5.5 – 8 du/ac), if approved.

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

The subject property is situated at the northeast corner of the intersection of 25 Road and G Road. The property currently has one single-family home on the site, along with several accessory structures and a tennis court. The applicant is seeking a change in zoning that implements the 2020 One Grand Junction Comprehensive Plan adopted by the City in December 2020 to expand options for future development on the site. The current City zoning for the property is R-4 (Residential 4 du/ac) which is not consistent with nor implements the adopted Comprehensive Plan.

The property has access to sewer service with a sewer trunk line running along G Road and water service with lines running along both G Road and 25 Road. The property was annexed by the City in 1991. It is located within Tier 1 on the Intensification and

Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land use through infill in this area. The “Residential Medium” land use designation within this category is implemented through zone districts requiring a minimum density of 5.5 units per acre.

The request for a rezone anticipates future subdivision and development on the property. Understanding that the Comprehensive Plan adopted in 2020 promotes growth through infill, the future land use requires a minimum density of 5.5 units per acre. The current zone district of R-4 (Residential – 4 du/ac) does not implement this goal, as the maximum permitted density (4 du/ac) is less than the minimum required by the Comprehensive Plan (5.5 du/ac). The R-4 zone district allows a minimum density of 2 du/acre while proposed R-8 (Residential – 8 du/ac) zone district has a minimum density requirement of 5.5 units per acre that aligns well with and implements the land use designation of Residential Medium.

The purpose of the R-8 (Residential – 8 du/ac) zone district is to provide for medium-high density attached and detached dwellings, two-family dwellings, and multi-family uses, providing a transition between lower density single-family districts and higher density multi-family or business developments. As noted above, the R-8 zone district ensures the minimum density of 5.5 dwelling units per acre is met.

In addition to the R-8 (Residential – 8 du/ac) zoning requested by the applicant, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Medium (5.5 – 12 du/ac):

- a. R-12 (Residential – 12 du/ac)
- b. CSR (Community Services and Recreation)
- c. MXR-3 (Mixed Use Residential)
- d. MXG-3 (Mixed Use General)
- e. MXS-3 (Mixed Use Shopfront)

The properties adjacent to the subject property to the north and east are zoned R-4, with a future land use designation of Residential Low. The R-8 zone districts would provide for a transition between lower density single-family districts and higher density residential development. The properties to the west and south have a land use designation of Residential Medium and a connection to Parks and Open Space per the 2020 Comprehensive Plan.

### **NOTIFICATION REQUIREMENTS**

A virtual Neighborhood Meeting regarding the proposed rezone request was held through Zoom on Wednesday, January 12, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The applicant, their representative, and City staff were in attendance; there were no neighbors present. The representative went through the presentation with City staff and discussed possible options for future development.

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 a new application sign on January 31, 2022. 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 March 11, 2022. The notice of this public hearing was published March 15, 2022 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which 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

While the property owner could still develop under the R-4 zone district, they have requested a rezone to increase the density consistent with the Land Use Map in the 2020 Comprehensive Plan. The land use designation for this site remained Residential Medium through adoption of the 2020 Comprehensive Plan. However, the density range for Medium changed from 4-8 du/ac to 5.5-12 du/ac. This change to the Comprehensive Plan constitutes a subsequent event that invalidates the original premise of the zoning, which was in alignment with the density ranges from the 2010 Comprehensive Plan.

The subject property is also located within Tier 1 on the Intensification and Growth Tiers Map of the 2020 One Grand Junction Comprehensive Plan. The primary goal of Tier 1 is to support urban infill with a focus on intensifying residential growth. Therefore, staff 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 existing structures on the site were built in the early 1900s. At this point in time, and for about 75 years after, the surrounding area was very sparsely populated and rural in character. Beginning in the late 1990s/early 2000s, the neighborhoods to the west and south of the subject property began to subdivide and develop as medium-density residential areas. These properties have zoning and developed densities that range from 5 du/ac to 8 du/ac. As this development has occurred, it is a logical progression to increase the density at this site. This property's location at the intersection of G Road and 25 Road makes it an ideal site to allow for transition to the Residential Low properties to the north and east. The proposed R-8 zone district maximizes this opportunity while also implementing the goals of the 2020 Comprehensive Plan. Therefore, staff finds 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

Public sanitary sewer service, Ute Water domestic water service, Grand Valley Power, Xcel electrical gas service, stormwater sewer through Grand Valley Drainage District, and irrigation through Grand Valley Irrigation Company are available to the site. Transportation infrastructure is generally adequate to serve development of the type and scope associated with the R-8 zone district. The City Fire Department expressed no concern with providing service for the additional density proposed by the rezone. \Therefore, staff finds that this criterion is 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

As demonstrated in the City's recent Housing Needs Assessment, Grand Junction has a need for additional housing, both in terms of general quantity and as it relates to varied housing types and price ranges. Medium-density residential dwelling types are a critical piece in providing housing that is attainable to a wider demographic. There is limited undeveloped property in the area zoned for medium-density residential development, while demand for this product type remains high. Therefore, Staff finds this criterion to be met.

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

The current property use of a single-family home on 1.18 acres underutilizes the land use vision for this property/area as provided in the 2020 Comprehensive Plan. By rezoning the property to R-8 and developing at a minimum of 5.5 du/ac, the City will provide additional opportunity for housing to be constructed at a higher density; this may result in the construction of new, more attainable housing units in this area of the community. The location of the property also provides for convenient access and proximity to the recreational and retail activities, such as Canyon View Park and the Mesa Mall area. Equitable access to outdoor recreational amenities is a key principle within the Comprehensive Plan. It also provides proximate access to I-70, which allows for easier regional connections as well. Therefore, Staff finds this criterion to be met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of the relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The proposed rezone to R-8 (Residential – 8 du/ac) implements the following Plan principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: Relationship to Existing Zoning
  - Requests to rezonee properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.
  - The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Medium. As outlined in the background section of this staff report, the R-8 zone district is a permissible district to implement the Residential Medium designation.
- Plan Principle 3: Responsible and Managed Growth
  - Goal: Support fiscally responsible growth...that promote a compact pattern of growth...and encourage the efficient use of land.
  - Goal: Encourage infill and redevelopment to leverage existing infrastructure.
  - The proposed rezone will provide for a higher density of development in an area of the City where infrastructure is readily available and other neighborhoods with similar densities have been constructed. The higher density implements a more compact pattern of growth, utilizing a smaller footprint for a greater number of residential units.
- Plan Principle 5: Strong Neighborhoods and Housing Choices
  - Goal: Promote more opportunities for housing choices that meets the needs of people of all ages, abilities, and incomes.
  - The R-8 (Residential – 8 du/ac) allows for flexibility in the type of housing units that can be built per the Zoning & Development Code, allowing for both single-family and multifamily construction. With this ability, it becomes easier to add diversity to the City’s housing stock.
- Plan Principle 6: Efficient and Connected Transportation
  - Goal: Encourage the use of transit, bicycling, walking, and other forms of transportation.
  - The subject property is located at the intersection of G Road and 25 Road. It is located 1.5 miles from the entrance to I-70, adding to ease of accessibility to the regional transportation system. The Active Transportation Corridor Map, part of the City’s 2018 Circulation Plan, identifies a trail on the south side of G Road along Leach Creek, which will be easily accessible from this project site.
- Plan Principle 8: Resource Stewardship
  - Goal: Promote the use of sustainable development.
  - Plan Principle 8 encourages thoughtful planning as it relates to the natural resources and development occurring in the City. It promotes sustainable development through the concentration of development in areas that maximize existing infrastructure which is already available on the site of the proposed rezone.
- Chapter 3 – Land Use and Growth: Intensification and Tiered Growth Plan

- Subject property is located within Tier 1 (Urban Infill) – Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.
- Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction’s existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary.
- As previously discussed, the subject property has infrastructure that is already available on-site. It currently only has one single-family home on the property, which indicates that it is underutilized as the land use designation would allow up to 14 units on the site.

**RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Slawson Rezone request, for a rezone from R-4 (Residential 4 du/ac) to R-8 (Residential – 8 du/ac) for the property located at 702 25 Road, the following findings of facts 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, the Planning Commission recommends approval of the request.

**FISCAL IMPACT:**

This action does not have a direct fiscal impact.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 5069, an ordinance rezoning approximately 1.18 acres from an R-4 (Residential - 4 du/ac) zone district to a R-8 (Residential - 8 du/ac) zone district located at 702 25 Road on final passage and order final publication in pamphlet form.

**Attachments**

1. EXHIBIT 2 - Development Application
2. EXHIBIT 3 - Site Maps & Pictures of Site
3. EXHIBIT 4 - Neighborhood Mtg Notes

4. ORD-Zoning 702 25 Road 040122

## 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

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

### Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

### 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

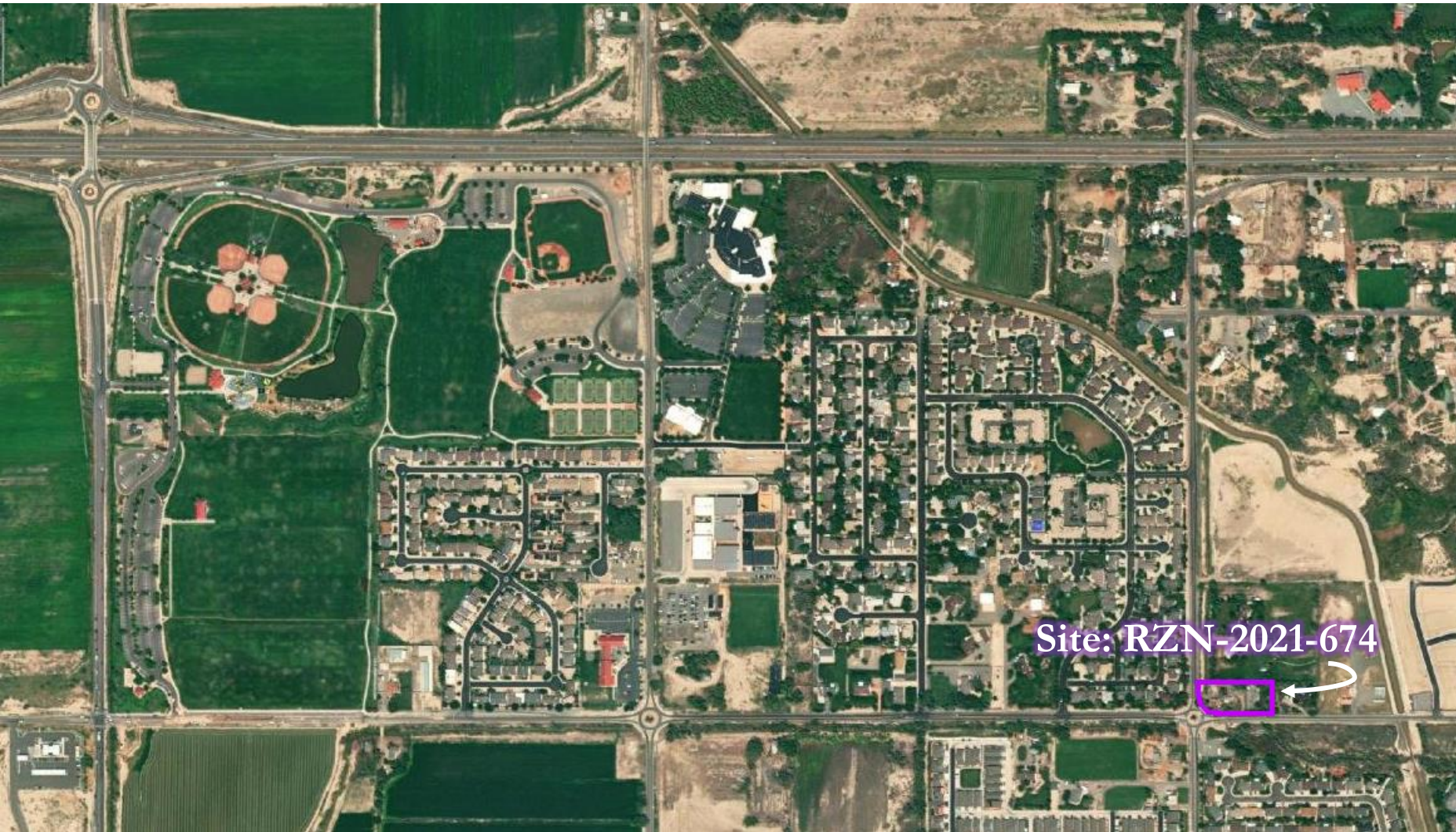
Digitally signed by Tracy States  
 Date: 2022.01.20 16:11:04 -07'00'

Date

Signature of Legal Property Owner

Date

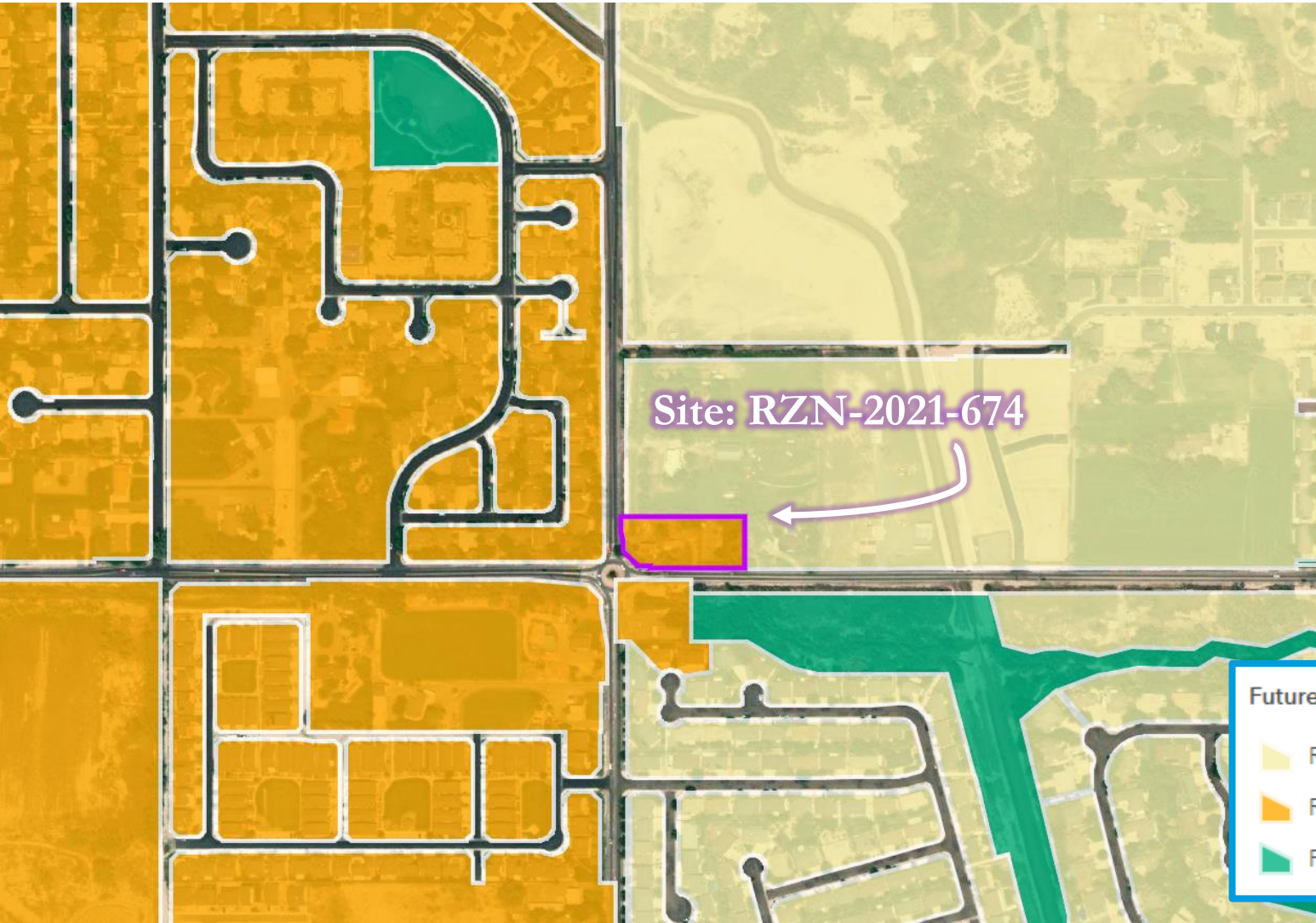




# Slawson Rezone

Site Location  
Map

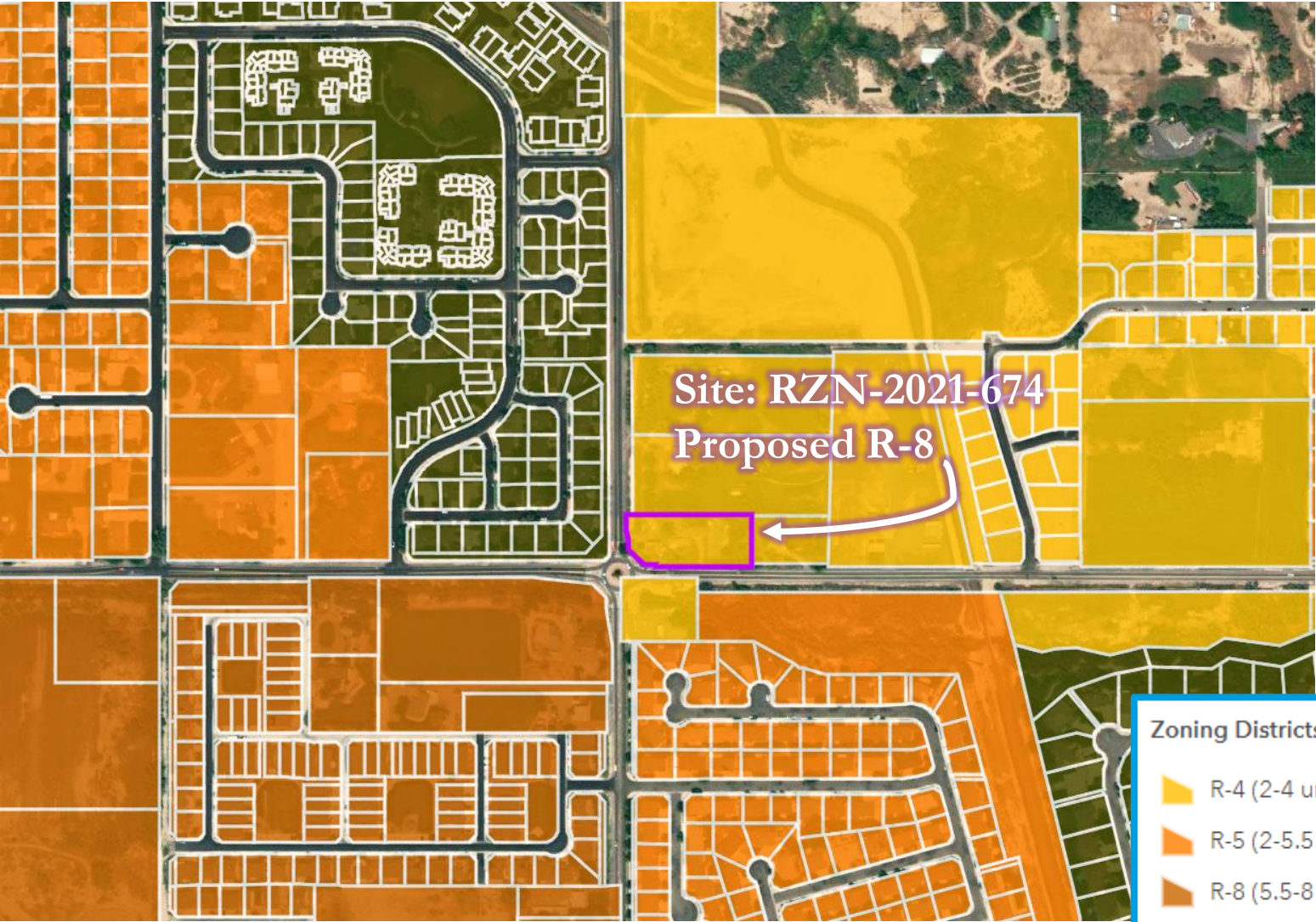




# 2858 Investors Rezone Land Use Map





**Future Land Use**

- Residential Low (2 -5.5 DU/Acre)
- Residential Medium (5.5 -12 DU/Acre)
- Parks and Open Space



# Slawson Rezone Zoning Map

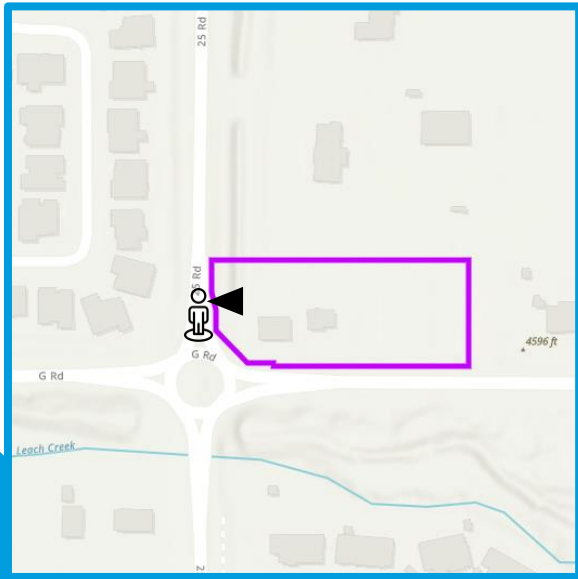
### Zoning Districts

-  R-4 (2-4 units/acre)
-  R-5 (2-5.5 units/acre)
-  R-8 (5.5-8 units/acre)
-  PD (Planned Development)



# Slawson Rezone Site Photo

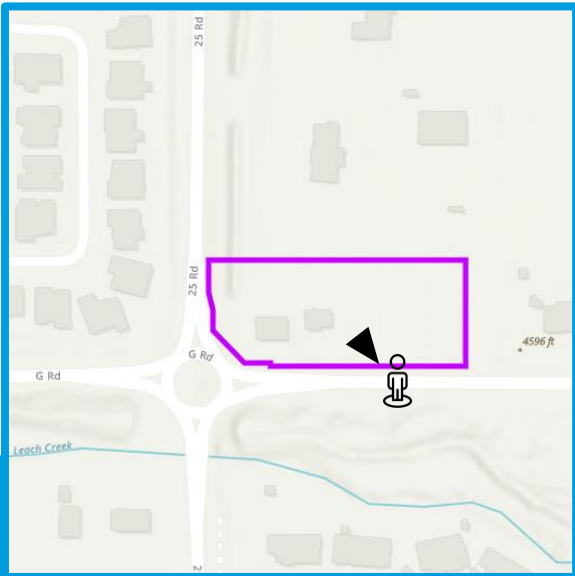
Google Maps street view of property looking east from 25 Road





# Slawson Rezone Site Photo

Google Maps street view of property looking north from G Road







**702 25 Road, Grand Junction, CO 81505, REZONE  
(Parcel No. 2701-343-00-105)**

**SUMMARY OF VIRTUAL NEIGHBORHOOD MEETING  
TUESDAY, AUGUST 10, 2021 @ 5:30 PM  
VIA ZOOM**

A virtual neighborhood meeting for the above-referenced Annexation and Zoning, was held Wednesday, January 12, 2022, via Zoom, at 5:30 PM. The initial letter notifying the neighboring property owners within the surrounding 500 feet was sent on December 30, 2021, per the mailing list received from the City of Grand Junction. There were three attendees including Tracy States, Project Coordinator, with River City Consultants, Kent Slawson, the Owner/Developer and Jace Hochwalt, Senior Planner with the City of Grand Junction. There were no neighbors in attendance.

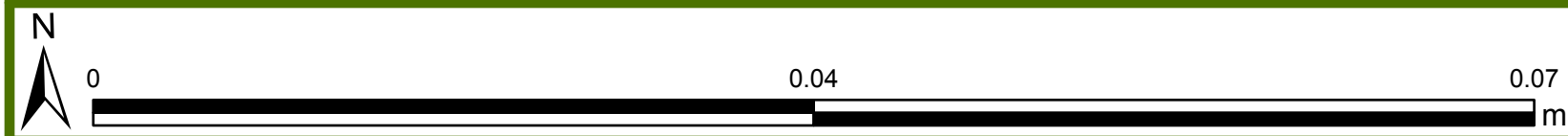
With no one from the public in attendance, Tracy States explained to Jace Hochwalt what the plan was, to rezone the parcel from the existing zoning of R-4 to R-8 and showed him the maps intended to be used during the presentation. There was some discussion regarding possible plans once the rezone is completed.

The meeting adjourned at approximately 5:45 PM.

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# Location Map



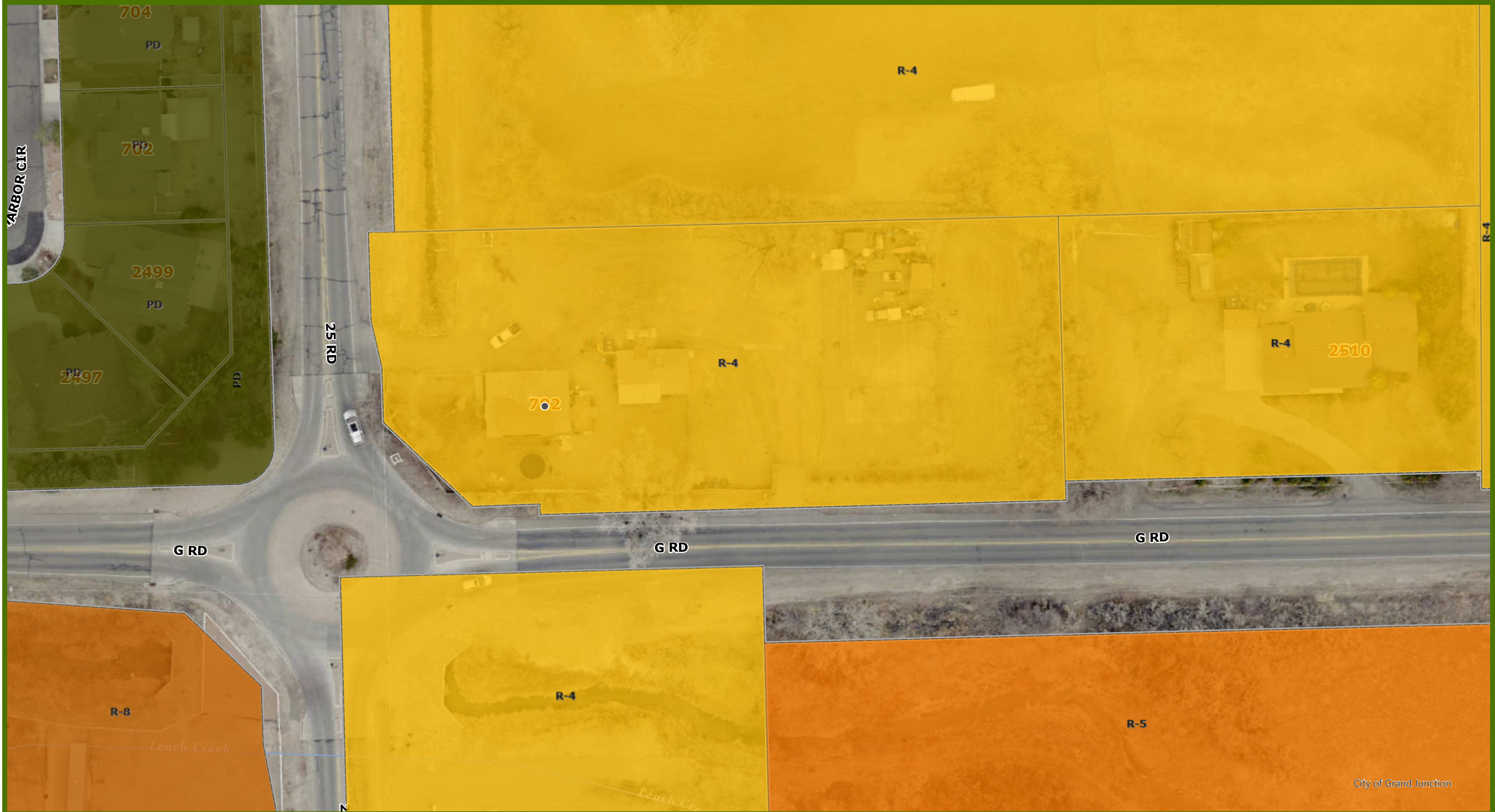
Printed: 1/12/2022  
1 inch equals 47 feet  
Scale: 1:564

City of Grand Junction





# Existing Zoning



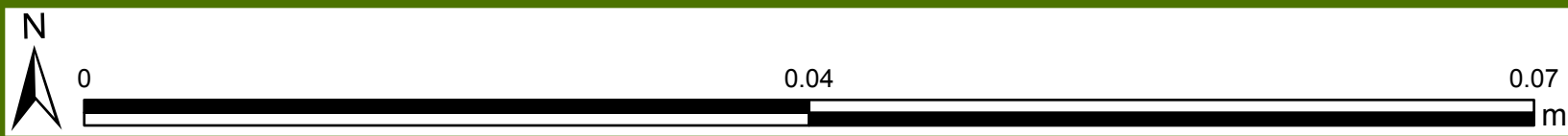
Printed: 1/12/2022  
1 inch equals 47 feet  
Scale: 1:564

City of Grand Junction

**CITY OF**  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEM



# 2020 Comprehensive Plan Designation



Printed: 1/12/2022  
1 inch equals 47 feet  
Scale: 1:564



## **R-8: Residential – 8.**

(1) Purpose. To provide for medium-high density attached and detached dwellings, two-family dwelling and multifamily. R-8 is a transitional district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district.

The parcel is 0.88 acre which would allow for four to seven dwelling units. If the property is subdivided, a separate neighborhood meeting will be held to present the plan.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ZONING 702 25 ROAD TO R-8 (RESIDENTIAL - 8 DU/AC) ZONE DISTRICT**

Recitals:

The property owner, Kent Slawson, proposes a rezone from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac) on a total of 1.18-acres located at the 702 25 Road.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the approximately 1.18 acres property located at 702 25 Road (Property) R-8 (Residential – 8 du/ac) from R-4 (Residential – 4 du/ac). The Planning Commission found that both the R-8 zone district conforms with the designation shown on the Land Use Map of the Comprehensive Plan and conforms with its designated zone with the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-8 (Residential – 8 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code and that the Property is and shall be zoned R-8 (Residential – 8 du/ac) in accordance with this ordinance.

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

THAT the Property, a parcel of land of approximately 1.18 acres located at 702 25 Road, in the City of Grand Junction, County of Mesa, State of Colorado is described and as follows:

**702 25 Road**

Tax Parcel #2701-343-00-105

Lot 63, POMONA PARK

EXCEPT that portion of said Lot 63 described as follows.

Beginning South 89 ° 50' East 379 from the Southwest corner of said Section 34;

Thence South 89 ° 50' East 280 feet;

Thence North 658.44 feet;

Thence North 89 ° 50' West

659 feet; Thence South

480.34 feet;

Thence South 89 ° 50' East 379 feet;

Thence South 178.1 feet to beginning, ALSO EXCEPTING THEREFROM those portions thereof conveyed to The City of Grand Junction by instruments recorded June 12, 1998, in Book 2451 at Pages 817 and 820 as Reception Nos 1850499 and 1850500, AND ALSO EXCEPTING THEREFROM that portion thereof conveyed to The City of Grand Junction by instrument recorded October 25, 2001 in Book 2945 at Page 175,

County of Mesa, State of Colorado.

Said parcel containing 1.18 acres, more or less, as described herein, is hereby zoned R-8 (RESIDENTIAL - 8 DU/AC).

**INTRODUCED** on first reading this 6<sup>th</sup> day of April 2022 and ordered published in pamphlet form.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022 and ordered published in pamphlet form.

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C.B. McDaniel  
President of the Council

ATTEST:

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Laura Bauer  
Interim City Clerk



## Grand Junction City Council

### Regular Session

Item #5.a.

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**Meeting Date:** April 20, 2022  
**Presented By:** Elizabeth Fogarty, Visit Grand Junction Director  
**Department:** Visit Grand Junction  
**Submitted By:** Elizabeth Fogarty, Director, Visit Grand Junction

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### **Information**

#### **SUBJECT:**

A Resolution Adopting the Grand Junction Area Tourism Membership Program, Managed by Visit Grand Junction

#### **RECOMMENDATION:**

Staff recommends adoption of resolution approving the Grand Junction Area Tourism Membership Program

#### **EXECUTIVE SUMMARY:**

In 1996, the City Council authorized the expansion of the Visitor & Convention Bureau (now known as Visit Grand Junction (VGJ)) marketing programs to include lodging properties outside the Grand Junction City limits. The offering of those services has been reauthorized four times since the initial resolution, with the most recent reauthorization being October 2016 with the approval of Resolution 41-16.

In late 2021, the VGJ Board of Directors recommended that the marketing program be improved and expanded beyond just lodging, to also include tourism-related events and businesses (restaurants, retail, attractions, activities and craft beverages and product sales and services). With the proposed changes, marketing programs and services will be more inclusive and equitable. The proposed suite of services, to be known as Visit Grand Junction Area Tourism Membership Program (Program), are more particularly described in the Resolution and exhibit. For lodging businesses outside the City of Grand Junction, a membership fee of no less than \$350/year will be charged and an additional fee established in the Membership Program agreement will be charged. The additional fee will be structured and collected so that more parity exists between Member Program businesses and lodging businesses in the City that collect the City lodgers tax.

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



On October 16, 1996, the City Council adopted Resolution 101-96, authorizing the expansion of the Visitor & Convention Bureau (now known as Visit Grand Junction (VGJ)) marketing programs to include lodging properties outside the Grand Junction City limits. The offering of those services has been reauthorized four times since the initial resolution, with the most recent reauthorization being October 2016 with the approval of Resolution 41-16. The program is also known as the Expand the Tent program.

The current Expand the Tent program allows lodging properties outside of Grand Junction city limits to voluntarily participate in the program by contributing a fee of three percent (3%) of gross revenues received from lodging sales to VGJ, and thus being an active Grand Junction stakeholder. This includes receiving marketing benefits from VGJ, just as lodging properties inside the Grand Junction city limits receive. The fee is not to be represented as a tax.

The Expand the Tent program structure was reasonable and logical at the time it was adopted by City Council in 1996. However, as more tourism-related businesses, other than lodging properties, have been established in the Grand Junction area since that time, the Expand the Tent program has become more difficult to manage. The resolution does not allow for tourism-related businesses outside the Grand Junction city limits, such as restaurants, retail, attractions, activities and craft beverages, to participate in the program. Further, wineries outside the Grand Junction city limits have been receiving the same marketing services as those within the City; however, there is no fee assessed to them.

For three years, VGJ has sought to formalize a partnership for a collaborative tourism strategy with the Palisade Tourism Advisory Board and the Fruita Tourism Advisory Council. Both entities have decided to pursue their own marketing strategies. Since then, VGJ has received requests from restaurants, retail, attractions, activities and craft beverages from Palisade and Fruita to become a paying partner with VGJ and receive the same marketing benefits as lodging properties participating in the program. Because of this, VGJ determined that it was time to update the current Expand the Tent program and revise the resolution to allow VGJ to partner with these businesses and contract with them for marketing services. VGJ has tools that many of these businesses find valuable and VGJ is willing to share them for an appropriate investment.

Guided by the advice of the Visit Grand Junction Advisory Board of Directors (VGJ Advisory Board), VGJ has rebuilt, enhanced and expanded the program in a more equitable and fair way, so that all tourism-related businesses within Mesa County have an opportunity to partner with VGJ and receive the same marketing services and benefits as tourism-related businesses within the Grand Junction city limits receive. The new program does include reciprocal benefits outlined by VGJ. For example, the member business must carry the Official Grand Junction Visitor Guide in their place of business and they must link to [VisitGrandJunction.com](http://VisitGrandJunction.com) on their website. This ensures that the relationship is indeed a partnership and investment in each other. The opportunities available in this revised Program are similar to what other Destination Marketing Organizations offer their stakeholders.

Wineries outside of Grand Junction that elect not to participate in the revised Program will no longer receive the marketing benefits from VGJ as they have been. The Program's framework includes marketing assistance for all tourism-related businesses, both inside and outside Grand Junction city limits, and is outlined in detail in the attachment. The VGJ Advisory Board approved the tourism membership program framework on December 14, 2021, and it is subject to revision as staff recommends. An annual membership fee of no less than \$350 was recommended and approved by the Visit GJ Advisory Board on November 8, 2021, and is subject to an annual increase.

In addition to VGJ's marketing support, tourism businesses outside the city limits that formalize a partnership via this program, have access to the value-added services provided by DTN. If a tourism business outside the city limits elects not to participate in the tourism membership program, they will not receive the marketing benefits from VGJ nor have access to DTN's services. DTN works with tourism businesses and DMOs exclusively. They provide digital marketing solutions designed for tourism businesses seeking resources to keep up with an ever-changing marketing and technological landscape. Services include, but are not limited to, creating and hosting a custom website, reputation management, data reporting, search engine optimization and search engine marketing. They also provide access to an expert account manager who works with the business individually by providing a customized marketing strategy based on the priorities and guidance of the business. As technology advances and becomes more sophisticated, it becomes increasingly difficult for businesses to manage their digital presence. DTN can evaluate the needs of the business, recommend a customized strategy to consider, and work with the business on an as-needed basis. In addition, businesses will have the opportunity to utilize VGJ's data and also benefit from website traffic VGJ is generating through VisitGrandJunction.com.

The name of the new program is the Grand Junction Area Tourism Membership Program. This revised Program provides a foundation of data and marketing services that will help all tourism businesses inside and outside the Grand Junction city limits to increase their presence in the marketing landscape and further their success.

**FISCAL IMPACT:**

There is no immediate fiscal impact. Any direct fiscal impact will be determined once the Grand Junction Area Tourism Membership Program is underway and tourism businesses begin to join the program.

**SUGGESTED MOTION:**

I move to adopt Resolution No. 35-22, a resolution adopting Visit Grand Junction's Grand Junction Area Tourism Membership Program, allowing Visit Grand Junction to enter into contracts for their marketing services with tourism-related businesses within Mesa County.

**Attachments**

1. Visit GJ Membership Program Benefits - Sheet1 (1)
2. RES-Membership 041322

## Grand Junction Area Tourism Membership Program

\*Tourism-related businesses include lodging, restaurants, retail, attractions, activities, events, and craft beverages & products.

Membership Benefit	Tourism-related Businesses <b>Inside GJ City Limits</b>  <b>\$0 Membership Fee - Automatic Membership</b>	Tourism-related Businesses <b>Outside GJ City Limits</b>  <b>\$350 Annual Membership Fee</b> <b>*Lodging businesses: Will include an additional fee.</b>	Tourism-related Businesses <b>Outside GJ City Limits</b>  <b>Choose not to join Membership</b>
<b>Grand Junction Visitor Center:</b> Business rack card / brochure displayed.	YES  Must display Official Grand Junction Visitor Guide at the business. If desired, a brochure rack will be provided at no cost.	YES  Must display Official Grand Junction Visitor Guide at the business. A brochure rack will be provided at no cost.	Benefit not available
<b>Grand Junction Official Visitor Guide:</b> Basic category listing in Directory (name, address, phone).	YES	YES	Benefit not available
<b>Visit Grand Junction Website:</b> <i>Business listing</i> (name, address, phone - no links). Similar to a white page listing.	YES	YES	Benefit not available
<b>Visit Grand Junction Website:</b> <i>Featured listing</i> (description, images, amenities, map, offers, links, and more).  *Featured listing managed by Destination Travel Network and is a pay to play program.	YES  Must include Visit Grand Junction logo with hyperlink on an agreed upon page on the stakeholder website.	YES  Must include Visit Grand Junction logo with hyperlink on an agreed upon page on the stakeholder website.	Benefit not available
<b>Inclusion in Public Relations, blogs, special projects, and marketing co-ops.</b> Based on new services and unique offerings from businesses. Coverage is not guaranteed.	YES	YES	Benefit not available
<b>Access to Destination Travel Network Marketing Services</b> (Must be within City of GJ or a member of the Visit GJ Membership Program to access DTN services. These services are a pay to play program for all stakeholders).	YES	YES	Benefit not available

As of 4/13/2022



1 RESOLUTION NO. \_\_-22

2

3 A RESOLUTION AUTHORIZING VISIT GRAND JUNCTION (VGJ) TO ENTER INTO CONTRACTS  
4 FOR VGJ MEMBERSHIP BENEFITS AND SERVICES FOR TOURISM RELATED BUSINESSES  
5 OUTSIDE THE CITY LIMITS

6

7 Recitals.

8 On October 16, 1996, the City Council initially adopted Resolution 101-96, authorizing  
9 the expansion of the Visitor & Convention Bureau (now known as Visit Grand Junction  
10 (VGJ)) marketing programs to include lodging properties outside the Grand Junction  
11 City limits. The offering of those services has been reauthorized four times since the initial  
12 resolution, with the most recent reauthorization being October 2016 with the approval  
13 of Resolution 41-16.

14 On December 14, 2021, the VGJ Board of Directors recommended that the marketing  
15 program be improved and expanded to include events and tourism related businesses  
16 (lodging, restaurants, attractions, activities and craft beverages and products sale and  
17 service) not just lodging. With the proposed changes, the marketing program and  
18 services will be more inclusive and complete than before. The proposed suite of  
19 services, to be known as *Visit Grand Junction Tourism Membership (Program)*, are more  
20 particularly described on the exhibit attached to this Resolution. The exhibit, which is  
21 incorporated by this reference as if fully set forth, describes the benefits and the cost of  
22 membership. If the City Council adopts the *Program* as recommended by the VGJ  
23 Board the annual cost to tourism related businesses will be no less than \$350/year  
24 subject to annual increase by VGJ.

25 Having duly considered the *Program*, and the VGJ Board's request and  
26 recommendation that the City find and determine that the offering of the *Program* to  
27 events and tourist related businesses outside the City limits, on a voluntary basis, is in the  
28 best interest of VGJ and the City, the City Council does find and determine that the  
29 offering of the *Program*, including authorizing the VGJ to contract for Membership and  
30 Partnership Program benefits and services with events and tourism related business  
31 (lodging, restaurants, attractions, activities and craft beverages and products sale and  
32 services) outside of the City is in the City's best interest, is in the best interest of VGJ and  
33 furthers the public health, safety and welfare.

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

36 That the Director of Visit Grand Junction, or her designee, is authorized to contract with  
37 events and/or person(s)/entity(ies) owning tourism related business, which includes  
38 lodging, restaurants, attractions, activities and craft beverage and product  
39 manufacturing sale and service, located outside the City's limits but within Mesa  
40 County, for Membership/Partnership Program services and benefits as described in the  
41 attachment to this Resolution (*Program*) in exchange for the payment of an annual fee.

42 The fee shall be determined by the Visit Grand Junction Board in consultation with the  
43 VGJ Director. The fee shall not be represented by tourism related businesses to  
44 customers as a tax.

45 Any contract(s) with events and/or tourism related businesses subscribing to the  
46 *Program* shall be subject to the following terms and conditions:

47 1. All tourism related businesses in Mesa County, Colorado may contract  
48 with the VGJ for *Program* services; the specific content, quality and  
49 characteristics of the *Program* benefits and services offered or provided and the  
50 fee for *Program* services shall be determined by VGJ in its sole and absolute  
51 discretion but shall be generally consistent with those provided to tourism related  
52 business inside the City limits.

53 2. It is the express intention of the VGJ Board and the City Council that the  
54 *Program* provide adaptable services for purposes of advancing and promoting  
55 tourism related events and/or businesses under the *Program*. The Board and the  
56 Council recognize and agree that marketing platforms and services change  
57 rapidly and accordingly Visit Grand Junction shall be authorized to provide  
58 *Program* services and benefits for a term and on exact conditions determined by  
59 mutual negotiations and agreement by and between VGJ and the tourism  
60 related business subscribing to the *Program*.

61 3. Failure of any event or tourism related business to comply with the terms of  
62 any contract for *Program* services may result in VGJ discontinuing its effort  
63 and/or not renewing a contract with a tourism related business in a subsequent  
64 year(s). A tourism related business contracting for the *Program* that is terminated  
65 or not renewed may apply to the VGJ Board, and only with approval by a  
66 majority of the VGJ Board, may the contract be renewed or reinstated if/when a  
67 contract is terminated for noncompliance.

68 4. Notwithstanding any provision to the contrary, the Director may, without  
69 cause or reason being stated, decline to enter into any contract authorized by  
70 this resolution.

71 5. If the VGJ Board or the Director determines, at any time the VGJ is  
72 authorized to contract for *Program* services to events and/or tourism related  
73 business outside the City that the offering of *Program* benefits or services is not in  
74 the best interest of VGJ, the City of Grand Junction and/or tourism related  
75 businesses or events located within the then existing City limits, the Board and/or  
76 the Director shall request that the City Council reconsider and rescind the  
77 authorization established by and with this resolution.

78 6. The authorization provided for herein shall not expire, unless terminated,  
79 amended, or otherwise rendered of no effect by law. To the extent necessary or  
80 required this Resolution shall serve to amend Resolution 41-16 so as not to be  
81 inconsistent herewith.

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85 PASSED and ADOPTED this 20<sup>th</sup> day of April 2022.

86 \_\_\_\_\_  
87 C.B. McDaniel  
88 President  
89 Grand Junction City Council

90  
91 ATTEST:  
92 \_\_\_\_\_  
93 Laura Bauer  
94 Interim City Clerk

DRAFT