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**CITY COUNCIL AGENDA
WEDNESDAY, JUNE 4, 2014
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Invocation – Reverend Robert Babcox, Orchard Mesa Baptist Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Proclamations

Proclaiming the Week of June 7 – 15, 2014 as “National NeighborWorks Week” in the City of Grand Junction [Attachment](#)

Proclaiming the Month of June, 2014 as “Adult Protection Awareness Month” in the City of Grand Junction [Attachment](#)

Proclaiming the Month of June and Wednesday, June 25, 2014 as “Bike Month and Bike to Work Day” in the City of Grand Junction [Attachment](#)

Appointments

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

Revised May 30, 2014

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

Certificate of Appointments

To the Horizon Drive Association Business Improvement District

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of the Previous Meetings** [Attach 1](#)

Action: Approve the Summary of the May 7, 2014 Workshop, the Summary of the May 19, 2014 Workshop, and the Minutes of the May 21, 2014 Regular Meeting

2. **Setting a Hearing on Bella Dimora – Outline Development Plan, Located at 2850 Grand Falls Drive and 598 Sinatra Way** [File #PLD-2013-455] [Attach 2](#)

Request to approve an Outline Development Plan (ODP) as a Planned Development with a default zone of R-8 (Residential – 8 DU/ac) for the proposed Bella Dimora subdivision.

Proposed Ordinance Approving the Outline Development Plan as a Planned Development with a Default R-8 (Residential – 8 DU/Ac) Zone District for the Development of 108 Dwelling Units to be known as the Bella Dimora Subdivision, Located at 2850 Grand Falls Drive and 598 Sinatra Way

Action: Introduce a Proposed Ordinance and Set a Public Hearing for June 18, 2014

Staff presentation: Scott D. Peterson, Senior Planner

3. **Outdoor Dining Lease for MZ Entertainment, LLC, dba Thunderstruck Valley, Located at 436 Main Street** [Attach 3](#)

MZ Entertainment, LLC, located at 436 Main Street, is a new tenant occupying the former location of Boomers nightclub. As a new business entity, MZ Entertainment, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 288

square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The outdoor dining area comprises the same enclosed sidewalk dining area that was occupied by Boomers.

Resolution No. 17-14—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to MZ Entertainment, LLC dba Thunderstruck Valley

®Action: Adopt Resolution No. 17-14

Presentation: Harry M. Weiss, Downtown Development Authority Executive Director

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

There are no items for individual consideration.

4. **Non-Scheduled Citizens & Visitors**
5. **Other Business**
6. **Adjournment**

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, NeighborWorks® Week was initiated in 1984 by a United States congressional resolution cosponsored by more than 240 members of Congress and signed by President Reagan; and

WHEREAS, the formal introduction of NeighborWorks® Week occurred in the spring of 1986 and began an annual, national celebration held the first through the second Saturday in June; and

WHEREAS, NeighborWorks® Week is a celebration of neighborhood pride and unity among organizations in more than 4,414 urban, suburban, and rural communities across the country; and

WHEREAS, NeighborWorks® Week celebrates the efforts of local organizations working with partners and volunteers to create healthier communities; and

WHEREAS, Housing Resources of Western Colorado, a NeighborWorks® America organization, has worked in Mesa County and the City of Grand Junction for 35 years building 303 Energy Star Self Help homes since 1997, rehabbing 180 homes since 1991, and preserving 176 rental units since 1998. Housing Resources has also weatherized over 6,404 units on Colorado's western slope; and

WHEREAS, Mesa County and the City of Grand Junction have benefited economically from Housing Resources through millions of dollars in construction costs, taxes, and fees associated with its programs.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim Saturday, June 7 through Saturday, June 15, 2014, as

"NATIONAL NEIGHBORWORKS® WEEK"

in the City of Grand Junction and urge all citizens to participate in the activities planned by Housing Resources of Western Colorado on June 5th.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 4th day of June 2014.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the elderly and persons with disabilities are vital members of our families, our society, and our community. Often, these residents are vulnerable to assault, burglary, fraud, abuse, neglect, exploitation and other crimes since they may not be able to provide their own care and protection; and

WHEREAS, raising awareness is a fundamental prevention strategy that involves not only teaching new information, but also helping to change attitudes and behavior towards this delicate matter; and

WHEREAS, adult abuse encompasses many different types of harm and can occur in community or institutional settings; and

WHEREAS, abuse of elderly and disabled persons is a tragedy inflicted on a vulnerable segment of the population that crosses all socio-economic boundaries; and

WHEREAS, combating abuse and neglect of these citizens will help improve the quality of life for all citizens across Colorado, and will allow these vulnerable citizens to live as independently and vibrantly as possible; and

WHEREAS, Colorado's elderly and disabled citizens should be treated with respect and dignity as they continue to serve as leaders, mentors, volunteers, and as important and active members of our communities; and

WHEREAS, the observance of Adult Protection Awareness Month reminds us of our common responsibility to ensure the health, safety, dignity, and well-being of all disabled and elderly adults.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of June 2014 as

"ADULT PROTECTION AWARENESS MONTH"

in the City of Grand Junction and urge all citizens to reach out with compassion and respect to adults with a unique set of circumstances to make a difference in their quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 4th day of June 2014.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, *Colorado is a premiere bicycling state and Grand Junction offers some of the most diverse bicycling opportunities; and*

WHEREAS, *Colorado has designated each June as Bike Month to celebrate bicycling for transportation, fun, and health; and*

WHEREAS, *Colorado joins a nationwide effort to encourage cycling novices and enthusiasts to experience the fun and freedom of safely riding a bike to work, school, for errands, and for recreation; and*

WHEREAS, *the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and*

WHEREAS, *the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and*

WHEREAS, *bicycling activities and attractions have a positive impact on Grand Junction's economy and tourism industry and stimulates economic development by making the area attractive to businesses and citizens who enjoy the out-of-doors and healthy lifestyles; and*

WHEREAS, *creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion, all of which contribute to Grand Junction "Becoming the Most Livable Community West of the Rockies"; and*

WHEREAS, *the Urban Trails Committee, Grand Valley Bikes, and Healthy Mesa County, along with other local organizations throughout Mesa County will be promoting bicycling as an environmentally-friendly alternative to the automobile with a number of activities during Bike Month and on Bike to Work Day.*

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of June and Wednesday, June 25, 2014 as

"BIKE MONTH AND BIKE TO WORK DAY"

in the City of Grand Junction and call upon all citizens to participate by biking as an alternative form of transportation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 4th day of June 2014.

Mayor



Attach 1

**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
May 7, 2014 – Noticed Agenda Attached**

Meeting Convened: 5:10 p.m. in the Administration Conference Room

Meeting Adjourned: 6:27 p.m.

Council Members present: All. Staff present: Englehart, Moore, Shaver, Romero, Evans, Valentine, and Tuin.

Agenda Topic 1. Vision/Capital Planning.

City Manager Rich Englehart introduced this item and said that Staff would like to layout the budget process referring to the flow chart in the PowerPoint. Discussion of Council policies will help out with future visioning. He advised Council that June 6th has been set for a Council retreat to discuss Council's thoughts on policies and visions. A team has been established to pull all of the information together which consists of City Manager Rich Englehart, Financial Operations Director Jodi Romero, Internal Services Manager Jay Valentine, Finance Supervisor Sonya Evans, Human Resources Director Claudia Hazelhurst, and City Attorney John Shaver. City Manager Englehart explained that the departmental reports will be a little bit different this year; they will really focus on personnel, the operational needs, difficult challenges, and programs, as well as contractual relationships with other Partners such as Grand Junction Economic Partnership and the Incubator. All of this will help with the start of the budget process in late July, early August.

City Manager Englehart identified the policy issues they would like to bring forward to Council to get their perception and direction on: Business Personal Property Tax; City Hall Security; Rainy Day Policy (fund balances and reserves); 5.2.1 Drainage; Vacation of Rights-of-Way; Marijuana issues; Development Policies (fees, TCP funding, tax incentives-exemptions, and tax-revenue sharing); the 29 Road and I-70 Interchange; and the Ute and Pitkin Realignment. There was discussion about what information and reports Council would like to see for the June 6th retreat on the policy issues and clarifying what questions fell under each policy.

City Manager Englehart said that they will also include a Fire Station/Airport update and the update to the 2035 plan for Transportation Planning.

City Manager Englehart said under visioning and departmental reporting, there is the Emergency Management Plan, a one year update on the Greater Downtown Plan, a discussion on making the Urban Trails Committee fall under Council, a Parks Development Plan, and the pavement conditions index results. Specific Fire topics are a

station at the airport and increase service opportunities in the eastern part of the valley, and for Police topics are police services for Colorado Mesa University, communication center challenges, and a look at staffing and substations for police.

City Manager Englehart said for capital planning, they provided Council with some numbers from a high level perspective. There could be discussion on the use of General Fund dollars for Capital projects. City Manager Englehart reviewed and listed the resources and uses for the department identified projects.

Internal Services Manager Jay Valentine distributed a hand out listing out capital projects and priorities over the next three years. He asked Council to take a look at it and give direction regarding the priorities and determining whether or not General Fund monies should be used for Capital projects. There was discussion on the revenues and reserves and Council advised that they would like to know how much is in reserves that could be looked at for Capital projects. Councilmember Chazen also mentioned operations as a source for more funding.

There was a discussion on an assessment being done on all City facilities and establishing an accrual fund for maintenance and large item replacements much like in the enterprise and internal service funds for equipment and vehicle replacements.

City Manager Englehart asked Councilmember Doody how the two year capital plan worked several years ago when it was done that way because it has been suggested to look at going to a two year capital plan again. Councilmember Doody stated that as he recalled, it worked and it did save Staff some time. Council was open to considering going to a longer vision for capital planning and being prepared to adjust it if necessary.

City Manager Englehart distributed a hard copy of the Economic Development Plan which is on agenda for the City Council Meeting at 7:00 p.m.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**WEDNESDAY, MAY 7, 2014, 5:00 P.M.
ADMINISTRATION CONFERENCE ROOM
2ND FLOOR, CITY HALL
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

1. Vision/Capital Planning

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
May 19, 2014 – Noticed Agenda Attached

Meeting Convened: 5:00 p.m. in the City Auditorium

Meeting Adjourned: 8:03 p.m.

Council Members present: All. Staff present: Englehart, Shaver, Moore, Schoeber, Wieland, Kovalik, Portner, Romero, Lanning, Prall, and Tuin.

Downtown Development Authority / Downtown Grand Junction Business Improvement District (DDA/BID): Harry Weiss

Ciavonne, Roberts, and Associates: Ted Ciavonne

Agenda Topic 1. Matchett Park Master Plan

City Manager Englehart introduced this item and recognized Councilmember Chazen as the City Council representative on the project. City Manager Englehart introduced Ted Ciavonne, Ciavonne, Roberts, and Associates, who is involved with this project.

Councilmember Chazen summarized the process for the Plan which he believes was transparent and inclusive. Parks and Recreation Director Rob Schoeber provided some history of the interest, need, and creation of the Plan. Recreation Superintendent Traci Wieland took on the project because it was such a huge project which she had interest and the skills to do the job. He described the property and the location and gave some history on the property. He said one of the key elements to the Master Plan is communication to interested groups which included: email subscribers; a neighborhood group who live by the park and have interest in the process met bi-weekly; a large group of stakeholders within the City which include fire, police, engineering, planning, economic development, and parks and recreation; and an outreach group which included Hilltop, Strive, Community Hospital, Mesa County, a number of boards and commissions, support user groups, special event groups.

Recreation Superintendent Traci Wieland went through the timeline from the time the Great Outdoors Colorado (GOCO) planning grant was applied for in March 2013, to receiving the grant in June 2013. They started reaching out to the neighbors and inviting them to participate in the planning of the park. There were concerns about vehicle congestion, access to the park, and a lack of trust for transparency from other projects that occurred around town. After meeting with neighbors, they put together their team. Ted Ciavonne, Ciavonne, Roberts, and Associates, served as the City's owners representative for the project. The firm Design Workshop out of Aspen, CO was the City's landscape architect. The remainder of 2013, a lot of time was spent on outreach and communication.

Parks and Recreation Director Rob Schoeber said the first community meeting was held in January 2014. There were 178 attendees and nearly 1,199 comments submitted online. He reviewed the outcome of that meeting and the online comments. The second community meeting in February 2014 had 175 attendees and more online comments. Mr. Schoeber reviewed the three alternative designs that were focused on during that meeting. In March 2014, the third community meeting was held and there were 126 attendees. The preferred alternative design was decided during that meeting. Ms. Wieland described in detail the preferred alternative. Ms. Wieland and Mr. Schoeber answered a number of questions Council had regarding the design regarding parking, irrigation, uses for the lawn area, etc. There was discussion regarding future need for additional softball/baseball fields in the future and funding the operation costs for Matchett Park.

Mr. Schoeber said that they are anticipating bringing the Plan back to Council again in June at another workshop after tweaking it based on questions and further comments that may come up and are hoping to have the Plan adopted by Council in July and discussing phasing options.

Mr. Ciavonne described the phasing opportunities for Matchett Park which they have broken up into four different areas: the Southern Phase, the Center, the Eastern Edge, the Recreation Center, and the Backbone Infrastructure.

Mr. Schoeber reviewed possible sources for the funding of the project. Ms. Wieland detailed the cost estimates for each of the phasing opportunities which did not include a recreation center. There are a lot of partners that will help get the project done over a number of years. Mr. Schoeber and Ms. Wieland answered questions regarding the estimates. Mr. Ciavonne provided comparisons of costs for this project with other parks such as Canyon View Park and Longs Park. Mr. Schoeber advised the life expectancy for restrooms/shelters, tennis courts, irrigation pumps, playgrounds, and bridges.

Ms. Wieland provided ways for potential revenue for the park including use fees for picnic shelters, pickleball, tennis, basketball courts, multi-purpose fields, promenade, and concessions.

Ms. Wieland identified ongoing topics which included the water users agreements (which City Attorney Shaver provided the details of and advised that the property is within two irrigation districts), meeting with Mesa County School District 51 Board on June 2nd to receive their feedback and thoughts, exploring a solar farm opportunity with Grand Valley Power, the Cortland Avenue right-of-way acquisition, and planning efforts for the community recreation center.

Mr. Ciavonne described the construction of the ponds, the possibility of a "Fishing is Fun" grant which could include the Department of Parks and Wildlife stocking them with fish, managing the ponds, and taking on a certain level of maintenance of the ponds.

Councilmember Boeschstein emphasized that there are a lot of grants that could be looked at which has the potential of funding many areas of the park up to 50% of the costs.

City Manager Englehart brought up changing the name of the area of the Park being called the Center to calling it the Middle so as not to be confused with the Recreation Center.

City Manager Englehart advised Council that a petition was received from Andrea Christensen out of the Darla Jean Subdivision regarding the Matchett Park connector road being F ½ Road off of 29 Road. They are asking for an alternative connector road to the north. City Attorney Shaver, City Manager Englehart, Deputy City Manager Moore, Public Works and Utilities Director Lanning sat down with Ms. Christensen and had a long visit with her. Council President Norris asked Ms. Christensen to come forward and express her concerns.

Andrea Christensen, 2880 Darla Drive, representing the Darla Jean Homeowners, advised that they feel that the road that is anticipated for the connector road into the Park will have a negative impact on the subdivision. They are upset that Indian Wash will be cut in half because it does provide a natural experience. The wildlife could be affected. She described an area to the north and asked that the entrance to the park be placed there instead which will be less of an impact on the neighborhood.

There was discussion held regarding the proposed entrance, traffic impacts, speed limits and traffic calming within the park, and the possibility of other options for the entrance in question.

City Council thanked Mr. Schoeber, Ms. Wieland, and Mr. Ciavonne for the update on the plan.

Agenda Topic 2. 2040 Regional Transportation Plan and Model

City Manager Englehart introduced this topic and advised that this topic and the next two topics are being brought to Council as updates.

Engineering Manager Trent Prall advised that the Regional Transportation Planning Office is required by Federal law to update their Transportation Plan every five years which in turn the City's traffic model also gets updated. The Regional Transportation Plan guides the City's investment for all modes of transportation. The Metropolitan Planning Organization is recommending proposed boundary changes to the Plan to include the Whitewater area where there is projected growth over the next several years.

For public outreach events for the update to the Regional Transportation Plan, they are looking at having a booth at all of the the Farmers Markets, the Fruita's City Council Ice Cream Social event, a transit open house on May 28th, a Telephone Town Hall on June 26th which will be hosted by Colorado Department of Transportation (CDOT), and a website when it is up and running.

Mr. Prall reviewed the phases; getting started May through July, updating issues and needs July through September, and reaffirming the City's vision September through November with elected officials.

In reference to the traffic model, Mr. Prall advised that the expected population for the Valley is 225,000 by 2040 according to the State Demographer's Office. Mr. Prall reviewed the level of service at the peak hour from the 2008 Traffic Model, the current Model for 2014 with no capacity improvements, and with capacity improvements. Discussion was held referencing the traffic model, the Transportation Capacity Payment, and the Comprehensive Plan, including available options for the areas shown with failing levels of service during peak hours.

Agenda Topic 3. 1st Street and Grand Avenue Intersection

Engineering Manager Trent Prall provided an update on 1st and Grand Avenue intersection. He advised that CDOT conducted an environmental assessment that started in 2006. It was over a large area from the urban area of 24 Road through the City to 15th Street. It looked at congestion, safety, access, and bike, pedestrian, and transit issues. They looked at a plan for Horizon Drive for 2030 which included a lot of public involvement and that led to a preferred alternative. CDOT has moved forward in three phases widening I-70 B from 24 Road to a section in the Rimrock area. They have no funding for future projects, however they want to get the planning for 1st Avenue and Grand Avenue done so that when there is funding, they can move forward. He reviewed some of the ideas they are looking at for that intersection which included alternatives that were eliminated such as a roundabout, and a signalized roundabout. CDOT is continuing to design the intersection including all of 1st Street but there is no set date for construction. The design proposed eliminates the five-legged intersection through a realignment of the 1st Street connection.

Agenda Topic 4. Ute/Pitkin Realignment

DDA/BID Executive Director Harry Weiss introduced this topic. He advised that the DDA Board is interested in looking at redeveloping Ute and Pitkin Avenues on a very long term priority, i.e. 50 years. They have looked at alternate ideas including combining Ute and Pitkin Avenues into a major arterial road, making South Avenue a west bound one way street and making Ute Avenue a two way street which would bring the greater downtown more together and include Whitman and Emerson Parks into the greater

downtown area. Mr. Weiss said that the Ute/Pitkin Realignment remains on the DDA's long term priorities for the long term economic development strategy.

There was some discussion about considering looking at the re-routing of traffic to the Riverside Parkway instead of looking at South Avenue which could bring additional benefits including transportation connection to Las Colonias, more industry, and more restaurants in the future.

City Manager Englehart stated that this idea is very long term and it is good to talk about it, however the focus for the City now is 24 Road and 29 Road. The Ute/Pitkin Realignment should be looked at further for capital visioning down the road.

Agenda Topic 5. Board Reports

Councilmember McArthur said the Grand Valley Drainage District keeps trying to find ways to solve their money issues and they want to propose a fee to the County and municipalities for the use of their stormwater drainage based on street right-of-ways. They want to maintain their historic mission but they really should be focusing on the future drainage needs and issues. Councilmember McArthur is going to meet with Public Works and Utilities Director Lanning, City Manager Englehart, and City Attorney Shaver to formulate an idea how to look at the future issues and not the past. City Manager Englehart stated that the Mayor received a letter indicating the Drainage District would like to meet with Council before their retreat, however, because Councilmember McArthur is their representative, City Manager Englehart does not feel that is necessary. Council discussed the bills that have been received from the District and whether the District is allowed to charge what they are charging, and if the City is under any obligation to pay.

Councilmember Doody reported that he went to the Parks and Recreation Advisory Board meeting and they discussed reclaiming Whitman Park. They are considering putting in work out equipment (equipment that can't be damaged) for the Police Department, Fire Department, and local health clubs to use and possibly look at having some of the reoccurring events there which would require fencing the park.

Councilmember Traylor Smith attended the Housing Authority and reported that the Colorado National Association of Housing and Redevelopment Officials (NAHRO) convention in Grand Junction is starting May 20th. Councilmember Traylor Smith will be giving the opening welcome on Wednesday morning, May 21st.

Councilmember Susuras will attend the Grand Junction Economic Partnership meeting on May 20th. He reported on three federal bills that passed at the House level but were all killed at the Senate level.

There was some discussion regarding the Airport Authority currently working on a grant and the possibility of a City Fire Station at the Airport.

Councilmember Boeschstein advised that the Purchase of Development Rights (PDR) Committee is continuing to raise funds for the purchase of the Bookends (two properties on either end of the Three Sisters property). The Riverfront Commission will look at adopting their Strategic Plan on May 20th. They should hear any day on the grant for \$500,000 for Las Colonias which will start the construction of Phase I. He attended the Incubator meeting which a spin-off of that is Riverview Technology Corporation and they were doing some strategic planning. They have a Master Plan that was done five or six years ago. Some of the key things are the Industrial Parks as some of them have serious deficiencies such as black-out areas for cell service and some needing major infrastructure.

Councilmember Chazen advised that he attended the Colorado National Monument Hearing with Congressman Tipton and Senator Udall. There were lots of pros and cons for the designation change. However he realized there is a strong support for economic development in the community.

There was discussion held as to whether or not an advisory question should be placed on the ballot for the Monument designation change.

Councilmember McArthur said the Homeless/Vagrancy Committee met and discussed Whitman Park and what to do there and what to do with the homeless people. They don't want to go anywhere and integrate because this is how they live. The community would appreciate if the problem with the homeless could be solved.

Councilmember Norris said she will attend the Clifton Fire Board meeting on May 20th where the committee she is on will present a proposal consisting of two things that suggest they do and then it is up to them. There was no Grand Valley Regional Transportation Committee (GVRTC) meeting this month.

Agenda Item 5. Other Business

Councilmembers Boeschstein and McArthur will both act as liaisons and work with the Planning Department.

Western District JUCO Team Cochise comes in on May 21st.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, MAY 19, 2014, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

1. Matchett Park Master Plan: Staff will present an update on the Matchett Park Master Plan including the community participation process, preferred alternative, phasing opportunities, and cost estimates. **Attach W-1**

2. 2040 Regional Transportation Plan and Model: The 2040 Regional Transportation Plan is currently being developed by the Mesa County Regional Transportation Planning Organization (RTPO). Council will be briefed on what to expect through 2014. In preparation for the plan, the RTPO has also updated the Transportation Model for the Grand Valley which preliminary results will be shared. **Attach W-2**

3. 1st Street and Grand Avenue Intersection: In 2008, the Colorado Department of Transportation (CDOT) prepared the I-70B West Environmental Assessment for the I-70B corridor from 24 Road east to 15th Street. Proposed improvements at 1st and Grand Avenue will be the focus of the topic. **Attach W-3**

4. Ute/Pitkin Realignment: The Downtown Development Authority (DDA) is interested in investigating the realignment of one-way couplet that is I-70B a block to the south in order to provide for large scale redevelopment, revitalization, and densification of downtown Grand Junction for the next 50 years. DDA and City staff will present an alternative that was developed as far back as 2004 that has since evolved to the present concept of shifting the one-way couplet south a block. **Attach W-4**

5. Board Reports

6. Other Business

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

May 21, 2014

The City Council of the City of Grand Junction convened into regular session on the 21st day of May, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschenstein, Martin Chazen, Jim Doody, Duncan McArthur, Sam Susuras, Barbara Traylor Smith, and Council President Phyllis Norris. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Chazen led the Pledge of Allegiance, followed by a moment of silence.

Presentation

Appreciation Plaque Presented to Outgoing President of the Council Sam Susuras

Council President Norris presented Outgoing President of the Council Sam Susuras with a plaque in appreciation of his service as President of the Council from May 6, 2013 through May 7, 2014. She noted that Councilmember Susuras took over during a lot of turmoil and Council came together under his leadership. A number of other things took place under his leadership: the completion of North Avenue and Orchard Mesa Plans; funding was put together and construction was started on the Avalon Theatre; putting together the Las Colonias Plan and starting on the construction of the park; and the starting and close to finishing the Matchett Park Plan. Council President Norris thanked Councilmember Susuras for all he accomplished as President of the Council.

Proclamation

Proclaiming the Week of May 18 through May 24, 2014 as “Emergency Medical Services Week” in the City of Grand Junction

Councilmember Boeschenstein read the proclamation. Fire Chief Ken Watkins, Health and Safety Chief John Hall, and Fire Staff were present to receive the proclamation.

Fire Chief Watkins thanked the City Council and described how the week will be celebrated nationally as well as locally. He recognized the members of emergency services team and how they all work together as a system. He introduced the Fire Staff and Dr. William Hall, the Medical Director, Mike Hill, Mesa County EMS Coordinator, and the City EMS Chief, John Hall. There were also two emergency survivors introduced by Dr. Hall: Mr. Ben Gomez who had a cardiac arrest in 2013, he received CPR from his wife until EMS arrived and survived; and Ben

Shepherdson who had a cardiac arrest at a fitness facility. A bystander provided CPR until EMS arrived and he survived. The survivors, spouse, and bystander all thanked the Council for supporting the EMS system.

Certificate of Appointments

Brenda Brock was present to receive her certificate of re-appointment and Darshann Ruckman was present to receive her certificate of appointment to the Horizon Drive Association Business Improvement District for four year terms ending April 2018.

Ms. Brock thanked the City Council for their support of Horizon Drive Association Business Improvement District. Ms. Ruckman echoed Ms. Brock's comments.

Council Comments

Councilmember McArthur said he went to the Housing Authority reception and met Karl Mecklenburg, a former Denver Bronco player. He enjoyed meeting him.

Councilmember Boeschstein said he attended the Downtown Development Authority meeting and the Department of Wildlife State Parks meeting, both on May 13, 2014. On May 10, 2014, National Train Day was held at the train depot. There were about 100 people in attendance. On May 13 there was a presentation on The Wayne Aspinall Federal Building and their efforts to "go green," as they are now at energy net zero. On May 14, 2014, he met with the State Board of Education at Colorado Mesa University. On May 20, 2014, he attended a dedication of a donor wall at the Mesa County Public Library, in addition to a History Colorado meeting at the Whitman School. He has Grand Junction walking tours booklets and Historic Grand Junction handouts.

Councilmember Chazen attended a meeting on Matchett Park. He expressed that the presentation at the workshop was very good and that he is looking forward to future meetings. On May 17, 2014, he attended a Colorado Mesa University commencement ceremony, where there was, in his opinion, lots of energy and excitement.

Councilmember Doody reminded everyone that this week end is Memorial weekend and that there are several events taking place as listed in the newspapers. He mentioned that on May 26, 2014 (Memorial Day), the Veteran Memorial Cemetery would be honoring veterans at 10 a.m.

Councilmember Traylor Smith said that her JUCO team arrived (Cochise Apaches). This morning she welcomed the National Association of Housing and Redevelopment Officials (NAHRO) team of which the Housing Authority is a member. She also attended the 2014 legislative session wrap-up.

Councilmember Susuras said that the City's Information Technology department donated out-of-service computer equipment to Western Colorado Community College. He read a letter from the College thanking the City for the donation.

Council President Norris went to the EMT recognition ceremony. She lauded the emergency services personnel as well as the communications center personnel.

Citizen Comments

There were none.

CONSENT CALENDAR

Council President Norris announced that Item #4 on the consent Calendar will be moved to individual consideration as there are people in attendance who may want to speak to that item.

Councilmember Doody read the Consent Calendar items #1-3 and then moved to adopt the Consent Calendar as read. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of the Previous Meetings**

Action: Approve the Minutes of the April 30, 2014 City/County Annual Persigo Meeting, the Summary of the May 5, 2014 Workshop, and the Minutes of the May 7, 2014 Regular Meeting

2. **Setting a Hearing on the GSI Annexation, Located at 543 31 Road** [File #ANX-2014-170]

A request to annex 0.707 acres, located at 543 31 Road. The GSI Annexation consists of one parcel and no public right-of-way.

Resolution No. 15-14—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, GSI Annexation, Located at 543 31 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, GSI Annexation, Approximately 0.707 Acres, Located at 543 31 Road

Action: Adopt Resolution No. 15-14, Introduce Proposed Ordinance, and Set a Public Hearing for July 2, 2014

3. **Fleet Services Division Tire Purchases**

The fleet services division maintains almost 600 pieces of equipment including refuse trucks, street sweepers, pick-up trucks, ambulances, fire trucks, police vehicles, and mowers. It is the goal of the division to instill proper maintenance and repair practices that ensure that equipment is available, performs safely and properly, and is economical. Tires are critical when it comes to both safety and performance. The last time tires were bid was in 2010. Product contracts such as this may be renewed up to three additional contract periods based on satisfactory performance of the contractor.

Action: Authorize the City Fleet Division to Purchase New Tires, Recapped Tires and Contract Large Tire Repairs from Standard Tire and Retread, Commercial Tire Service, and GRC Tire Center for an Estimated Annual Amount of \$135,000

4. **Purchase of Right-of-Way for F ½ Road and 29 Road** moved to Individual Consideration

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Right-of-Way for F ½ Road and 29 Road

As part of the Matchett Park Master Plan, the proposed road to serve the park has become more defined. The Matchett family has decided to sell two other pieces east of the proposed Matchett Park and offered the City to purchase the land necessary for the right-of-way of future F ½ Road and 29 Road.

City Attorney Shaver presented this item. He referred to an exhibit that showed the right-of-way proposed to be purchased, the purpose of which is for the ultimate construction of a road into the Park, and eventually additional right-of-way for 29 Road and its connection to an interchange at I-70. The ultimate build-out of the roads time frame is undetermined but it is prudent to purchase the right-of-way at this time. The parcels are under contract and will be sold so proceeding will allow the City to acquire the right-of-way from the current owner.

Councilmember Boeschenstein asked if these rights-of-way were dedicated in the 1890's when section lines were created. City Attorney Shaver replied that 60 feet had been preserved, but that that would not be sufficient for the ultimate build-out. He added that F ½ Road was not a section line and that some right-of way was dedicated when Darla Jean subdivision was developed, but again it is insufficient for the entire build-out.

Councilmember Susuras asked if the right-of-way is important to the connection to the 29 Road interchange. City Attorney Shaver replied that it has been part of the beltway project for some time.

Councilmember McArthur asked if F ½ Road was also on the Transportation Plan. City Attorney Shaver said it is an important transportation link.

Councilmember Chazen asked about the source of the funds for the purchase. City Attorney Shaver said funds would be used from Transportation Capacity Funds or other funding, and that those would be sufficient.

Council President Norris opened up the floor for public comment.

Kara Taylor, 2896 Darla Drive, thanked the Council for allowing for public comment. Ms. Taylor said that, although only a handful of people face this looming roadway, she hopes that her concern will still be addressed. She explained how in July 2008 she moved from a seedy neighborhood after saving for a home to enjoy the country life that she experiences now in her backyard. However, recently she lost \$80,000 due to repairs and property devaluation due to the economy. Her backyard means the world to her family as well as other families.

Andrea Christensen, 2880 Darla Drive, thanked the Council for letting her speak. She recapped their neighborhood's concerns expressed at the workshop the previous Monday. She expressed that City Council should consider the increased traffic, noise, lights, safety issues, hazards, more people, the impact of the 29 Road interchange, and the exit and entrance into the park. She expressed concern regarding the impact to wildlife and environmental concerns and her desire to preserve a desert habitat. There were 98 of her neighbors who signed a petition letter opposing the location of the roadway. Ms. Christenson asked that the road should be positioned further north, closer to the canal, and no closer to her subdivision. She asked if there might be a lower cost option that won't impact their development, and asked if the development of this side of the park could be the last phase.

Sophie Block, 2880 Darla Drive, noting that the road will eventually be part of an interloop, asked City Council to consider the purpose of the interloop: would it be beneficial to have a winding F ½ Road? Could it be positioned further north to make it a faster road?

There being no further comments, the public comment portion was closed at 7:39 p.m.

Councilmember Susuras empathized with the comments. He said that 29 Road will eventually go to I-70. He mentioned that there are plans for a charter school and an elementary school on the park property, and that F ½ Road pretty much has to

go there. He mentioned that the road goes by another Councilmember's house. He thanked the speakers for their comments.

Councilmember Chazen said his property abuts Matchett Park on the west end, and that he, in regards to the previous speakers, "feels their pain". A parking lot is planned right behind his house and he expressed that he is in the same situation, and that he is not happy with it. However, he knew the adjacent property would someday be developed when he purchased his home. Therefore, he will support the purchase because it is part of a bigger plan.

Council President Norris asked Public Works and Utilities Director Greg Lanning how wide F ½ Road will be and how many lanes will there be. Mr. Lanning said the designation is a major collector and the total right-of-way is 110 feet. The roads themselves will be a three lane roadway, 36 feet of which will be asphalt.

Councilmember McArthur asked Mr. Lanning about the timeline on Matchett Park. Mr. Lanning said certainly not next year, probably not for ten plus years, depending on how the park develops.

Councilmember McArthur made the comment that this would be a three lane, circuitous route. He commented that his home backs up to Highway 50, but he has gotten used to it. He also empathizes with the equity being wiped out from a previous speaker's home. He commented that he understands that times have been very difficult, but that work is being done to bring back the economy.

Councilmember Chazen felt that this is an opportune time to do this transaction. City Attorney Shaver estimated the cost at \$1 per square foot, they have had a willing seller and buyer, it is being done in an agreeable fashion, and that is a good thing.

Councilmember Susurus reiterated that he thinks the property values will increase eventually with schools, the park, and easy access to I-70.

Resolution No. 16-14—A Resolution Authorizing the Purchase by the City of Right-of-Way for F ½ and 29 Roads.

Councilmember Susuras moved adopt Resolution No. 16-14. Councilmember McArthur seconded.

Councilmember Boeschenstein called for more discussion. He felt this would be a low traffic road, even though he understands the fears. It would add property value and be a wonderful park.

Councilmember Doody estimated that the price tag for the park would be around \$37 million, but that the price did not include the proposed recreation center. He

commented that City Council purchased the property in the 1990's, and this park would not be completed by the present Council.

Councilmember Chazen inquired who maintains the right-of-way? Mr. Lanning replied that the City will have the responsibility to maintain the right-of-way.

Motion carried by roll call vote.

Community Development Block Grant (CDBG) 2014 Program Year Funding Requests [File #2014 CDBG]

City Council will consider which activities and programs to fund for the Community Development Block Grant (CDBG) 2014 Program Year. The City will receive \$376,349 for the 2014 Program Year which begins September 1, 2014. The City also has \$51,899 in funds remaining from previous years to be allocated with the 2014 funds.

At this meeting, the City Council will receive public input on the use of the 2014 CDBG allocation.

Kathy Portner, Neighborhood Services Manager, presented this item. She explained the CDBG program and its purpose, noting this is the City's 19th year in the program. This year's allocation has leftover funds, the amount of which will be rolled into this year's allocation. The program helps improve living conditions and many organizations utilize these funds. She asked the City Council to take public comment on the proposed funding.

She summarized each of the thirteen projects chosen by City Council for funding:

Program Administration to the City of Grand Junction for 2014

Program administration includes general administration, public participation, and fair housing activities. **Recommended Funding: \$43,000**

Human Services Grants:

Senior Companion Program - St. Mary's Hospital

The Senior Companion Program enables senior volunteers to assist homebound, elderly persons with rides to medical appointments and social activities. CDBG funds would be used to reimburse volunteers for mileage expenses. The funds will allow an increase in services

Recommended Funding: \$10,000 (which will leverage over \$225,000).

Counseling and Education Center (CEC) - Low Income Counseling Services

This program provides counseling services for low income citizens. Funds are requested to help pay for more counseling sessions.

Recommended Funding: \$3,000 (which will be matched with \$44,000).

Hilltop Community Resources, Inc. – Latimer House

Hilltop operates the Latimer House which serves as an emergency shelter to help adults and children. The funding will expand services at the Latimer House. **Recommended Funding: \$10,320** (Hilltop will provide another \$40,000).

Capital Improvement Projects:

Marillac Clinic, Inc. Remodel

Marillac Clinic serves low and moderate income, uninsured and underinsured individuals and families who pay a portion of the cost of medical and dental services. Funding is requested to remodel the interior of the clinic to improve the client lobby and the administration space.

Recommended Funding: \$60,000

Mind Springs Health (formerly Colorado West) – West Springs Hospital

Mind Springs Health provides mental health and substance abuse services. With a total of 32 beds for inpatient psychiatric services, West Springs Hospital is part of the Mind Springs Health organization that covers ten counties on the Western Slope. **Recommended Funding: \$31,164** (will be matched with \$481,000 in additional funds).

Salvation Army – Kitchen Remodel

The Salvation Army operates a kitchen at its facility located at 1235 North 4th Street for its feeding programs that are expected to expand by 30% in the coming year. CDBG funds are requested to help remodel and improve the kitchen including purchase and completion of a walk-in refrigerator, weather enclosure and commercial-scale kitchen equipment.

Recommended Funding: \$25,000 (will be matched with \$15,000 in additional funds).

HopeWest – Hope’s House

Hope West (formerly Hospice) operates the HopeWest Kids Child and Teen Grief Programs which plans to expand to a two-story residence at 3045 N. 13th Street that is owned by HopeWest and is adjacent to the main campus. CDBG funds are requested to remodel the house for the proposed new use. **Recommended Funding Pending Zoning Approval: \$9,682** (which will leverage an additional \$23,000).

Grand Junction Housing Authority (GJHA) – Walnut Park Improvements

GJHA owns and manages the 90-unit Walnut Park Apartments located at 2236 North 17th Street which provides housing for elderly and disabled persons. CDBG funds are requested to repair roofs and purchase and install new evaporative coolers in the 78 older units (constructed in 1970s) in the complex. **Recommended Funding: \$50,000** (the Housing Authority will provide an additional \$125,000 for the project).

HomewardBound of the Grand Valley, Inc. – Shelter Energy Improvements

HomewardBound of the Grand Valley (HBGV) provides year-round overnight emergency shelter for up to 160 individuals nightly. HBGV is in the process of renovating the existing community homeless shelter. CDBG funds are requested to fund the remaining work which will improve energy efficiency through replacement of the front door and windows and installing three new rooftop HVAC units. **Recommended Funding: \$1,500** (Homeward Bound will provide \$290,000 in matching funds).

City of Grand Junction – Orchard Avenue Sidewalk and 28-3/4 Road Sidewalk

There is currently no curb, gutter and sidewalk on either side of Orchard Avenue between Normandy Avenue east to 28 3/4 Road or on either side of 28 3/4 Road between Orchard Avenue south to Nisley Elementary School which are walking routes for Nisley Elementary students. The absence of sidewalks is a safety concern. The proposed projects would construct 715 linear feet of curb, gutter and sidewalk along the south side of Orchard Avenue and 350 linear feet along the west side of 28 3/4 Road. The project was allocated funding in 2013 and design work has begun. In order to construct to City standards, additional funds are needed.

Recommended Funding: \$55,070

City of Grand Junction – B 1/2 Road Sidewalk Near Dos Rios School

There is currently no curb, gutter and sidewalk on either side of B 1/2 Road between approximately 27 Road and the Highway 50 frontage road on Orchard Mesa. This segment is a walking route for students attending Dos Rios Elementary School but it also will eventually create a pedestrian connection between this neighborhood and the Orchard Mesa City Market shopping area when a portion of the B 1/2 Road overpass is converted to provide a pedestrian crossing of Highway 50 anticipated in the OM Neighborhood Plan. 1400 linear feet of sidewalk is proposed for construction and another short section on the other side of the overpass.

Recommended Funding: \$129,512

Ms. Portner reviewed the total funding being allocated and advised it will leverage \$921,088. She reviewed the schedule for the rest of the program.

Councilmember Chazen asked about the Orchard Avenue sidewalk, and if that completes the money needed for the project. He also asked when the project would be completed. Ms. Portner said the money will complete the project. The cost overruns before were due to having to relocate some irrigation facilities. The sidewalks will be constructed and completed in spring of 2015.

Councilmember Boeschstein thanked those involved with the sidewalk projects, and appreciates and wants to see more issues brought up such as finding safe routes to schools.

Councilmember Susuras thanked the Staff, stating that he understood the undertaking for the lengthy application process. Ms. Portner says she will pass his appreciations onto Senior Planner Kristen Ashbeck as she does the bulk of the work.

Councilmember Traylor Smith expressed that these are tax dollars coming back to the community. With \$1.2 million in requests, they can't meet all the requests, but capital improvement is important.

The public comment portion was opened at 8:08 p.m.

Elizabeth Collins, 507 West Ute Avenue, thanked Council for considering the sidewalks around Nisley and Dos Rios schools because sidewalk improvements are so needed. Ms. Collins is the Coordinator of Safe Routes to Schools. She says that a lack of sidewalks and bike lanes are the main reason parents drive kids to school. She feels that this contributes to traffic congestion and childhood obesity.

Katie Lloyd, Physical Education teacher at Nisley Elementary School, noticed no sidewalks near the school, and during the State Bike and Walk to School Day, she took a survey to determine why so many students are dropped off at school. Parents concluded that they feel it is not safe for students to walk. Ms. Lloyd can see where that is a valid point on Orchard Avenue. She thanked the City Council for their support of their program.

Julie Sabin, co-chair of Urban Trails Committee, thanked the Council for a much needed livable, walkable community. Her committee is working on a prioritized list for urban trails.

Michael Lybarger, teacher at Dos Rios Elementary School for 26 years, said there were two children killed in car accidents at Mt. Garfield. He says if one child is safe because of these improvements, it will be worth it.

Michael Frasier, 2021 North 8th Street, 3rd grade teacher at Nisley Elementary, said that with recent budget cuts and longer walking distances to school, traffic has increased. Mr. Frasier would like to see the timeline be reconsidered so that the

projects go through sooner. At this time, he concluded, parents park on both sides of 28 ¾ Road, which is unsafe.

Christy Schmidt, Director of Community and Donor Relations at the Marillac Clinic, thanked the Council for their consideration. With recent changes and the new expansion under the Affordable Health Care Act, the Marillac Clinic has seen increased activity. As Mesa County's primary safety net serving a vulnerable population, they are trying to accommodate by redesigning the front office and lobby to streamline the patients' waiting area. Ms. Schmidt said the clinic had 25,000 patient visits last year, plus those that accompanying them. They would like to have more areas to allow for confidentiality and counseling.

Erica Aim, board of trustees for the Counseling and Education Center (CEC), Shannon Allen board member, and Sister Fay, founder and counselor, thanked the City Council for consideration. Ms. Aim said that CEC has provided mental health services for 34 years. Last year they saw 400 patients at the poverty level. Many patients are referred to them and are helped by funding from the grants.

The public comment portion was closed at 8:16 p.m.

Councilmember Chazen moved to approve the CDBG City Council Workshop recommendations of funding for the 2014 program year and set a public hearing for adoption of the 2014 one-year action plan for June 18, 2014. Councilmember Boeschstein seconded the motion.

Councilmember Traylor Smith asked if there was any way to move up the timeline on the sidewalk construction (sooner than spring). Mr. Lanning said that design was being done in-house, and that because of it currently being construction season, designers are busy working on already scheduled projects. He expressed that they would do what they can to move the project up.

City Manager Rich Englehart said they would look at working in house to move it up and that he understands the safety issues.

City Attorney Shaver said that they could move the preliminary work up and start facility construction as quickly as possible.

Councilmember McArthur vocalized appreciation for those in the community that have volunteered to help others in the community and to those who provide safety to children in schools.

Motion carried by roll call vote.

Public Hearing—Persigo Biogas Supplemental Appropriation Ordinance and Select a Company to Convert the Digester Gas at Persigo Waste Water Treatment Plant to Compressed Natural Gas (CNG) that will be Used to Fuel the City’s CNG Fleet – Continued from May 7, 2014

Several years ago, the wastewater division contracted with an engineering firm to help identify any beneficial uses of the biogas produced at the Persigo treatment facility. Persigo “flares” or burns off approximately 100,000 cubic feet per day of digester gas. Digester gas is methane gas that is created as a byproduct of processing waste.

In order to proceed with a project to convert this methane gas to bio compressed natural gas fuel (biogas), two actions are required. First the authorization of the spending authority in the Joint Sewer System Fund through the adoption of the supplemental appropriation ordinance, and second the authorization to hire a contractor capable of converting digester gas to compressed natural gas and designing and installing the pipeline to transport the gas to the City fueling site.

The public hearing was opened at 8:21 p.m.

Greg Lanning, Public Works and Utilities Director, introduced this item. He explained the request which includes two actions, the first is the spending authority and the second is to approve the contractor for the project. He reviewed the history of the project and the different costs. The City Council recently approved the purchase of more CNG vehicles which will be able to utilize this gas. He reviewed many of the questions that came up during the review process including other options, funding, current demand and the alignment of the pipeline.

Councilmember Susuras asked if this was approved from the Mesa County Commissioners. Mr. Lanning replied that it was approved Monday at their meeting.

Councilmember Boeschenstein asked if the trail would be closed during construction. Mr. Lanning indicated that it would probably be disruptive and the trail would likely be closed. He said that the project would go in easily with trenching equipment and that laying fiber optic conduit doesn’t take long.

Councilmember Traylor Smith said that the project had a 10 year payback and that there is a plan in place for other agencies to compensate Persigo for their use, and may pay back the plant sooner.

Councilmember Chazen expressed that he was not present at the Persigo meeting, but sat with City Manager Englehart and talked through the issues. He thought it was a nicely prepared report and that what is up for approval is an appropriation of the funds, and that is different than the spending of the funds. He said that they are looking at a timeline for how this will roll out.

Mr. Lanning concurred and said that he is entering into negotiations with the contractor. The contract will have to come back to Council for approval in one month to six weeks, at which time the design/build phase will take place and installation will occur within one year.

Councilmember Chazen said they are also dealing with Grand Valley Transit (GVT), (he expressed that he was unclear if GVT is its own entity or under the County), and he is concerned with future fuel prices. He argued that at the end of ten years, the price of fuel for GVT and the City will drop to \$1.15, but that gas may be worth more than that in ten years, setting up a situation where the City is undercharging those entities. He said the City could charge more and relieve the ratepayers. He asked if that was considered, and does the City need to have agreements in place for ten years from now. Mr. Lanning said that the City could sell back to itself. The \$1.15 is what the fuel price could be. He said at that time, Council could make the determination on how to keep rates down.

Councilmember Chazen asked if it was prudent to set up agreements now and set up an expectation for fuel prices. City Attorney Shaver said to think of this as a pro forma. He expressed that there was nothing stating what those rates would be in the future and that they could anticipate and set a floor for the rates. City Attorney Shaver said that the Council and the County Commissioners could discuss this issue.

Councilmember Chazen asked if there should be any agreements to set rates now and if they should set up an intergovernmental agreement before going through with the project.

Councilmember Susuras asked if they had considered if there would be other providers who are in competition with them.

Councilmember Chazen commented that there may be TABOR issues.

Councilmember Susuras said that it would be foolish of GVT to enter into a long term agreement.

Councilmember Chazen countered that the assumption is the City will be selling the fuel to Grand Valley Transit in the future.

Internal Services Manager Jay Valentine concurred that rates were established based on financial payback and the Fleet perspective and that under this arrangement GVT and Fleet would both be considered separate entities. He said that Persigo needs a customer to buy the fuel and the customer is the City's Fleet and GVT, with the long term benefit being that they pay higher now knowing there will be a real savings later.

Councilmember Chazen expressed his support for the project and that he would continue to support it. The next step would be to have agreements in place to describe the roles of all parties and their expectations.

Mr. Valentine expressed that there was an intergovernmental agreement for maintenance functions and that his recommendation would be to expand on that once the price is established for the term.

Councilmember Chazen felt that at the point when funds would be disbursed they should have agreements.

Councilmember McArthur asked if the agreements could be put on the agenda for next Persigo meeting. City Attorney Shaver confirmed that they could.

Councilmember Chazen asked if the benefits should accrue to City and GVT or some accrue to Persigo and the ratepayers. City Manager Englehart felt that the ratepayers and possibly the development community could get the relief.

Councilmember Boeschstein felt that the project is worthwhile in that gas is currently being wasted, burned off, and polluting and that they don't need to quibble about the price. The City's Fleet and GVT would benefit from what would otherwise be wasted.

There were no public comments.

The public hearing was closed at 8:45 p.m.

Ordinance No. 4631—An Ordinance Making a Supplemental Appropriation to the 2014 Budget of the City of Grand Junction for the Persigo Biogas Project

Councilmember McArthur moved to adopt Ordinance No. 4631 and ordered it published in pamphlet form and to authorize the City Purchasing Division to negotiate a contract with BioCNG, LLC to convert and transport biogas from Persigo to the CNG fueling station. Councilmember Susuras seconded the motion.

Councilmember Doody expressed that he felt this was a great project and a pipe dream of his since 2005. He explained that while the CORE (Conserving Our Resources Efficiently) group and Johnson Controls were evaluating their facilities, this was the premiere project that came up. He reiterated that the gas was just burning off and being wasted and that using this cutting edge technology was something he would support.

Councilmember Susuras expressed that he would like to add that Dan Tonello, Greg Trainor, and Terry Franklin were instrumental in bringing the project forward.

Motion carried by roll call vote.

Council President Norris called for a recess at 8:48 p.m.

The City Council was back in session at 8:52 p.m.

Application for US Department of Justice Annual Justice Assistance Grant for Additional Lockers in the Police Department

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice to apply for an annual grant for 2014 in the amount of \$26,341. If awarded, these funds will be used to purchase additional lockers for the Police building.

As part of the application process, the Bureau of Justice Assistance requires that City Council review and authorize receipt of the grant, and provide an opportunity for public comment. Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

John Camper, Police Chief, introduced this item. He explained the request and its importance. The request will be used for additional women's lockers. It speaks to the City's commitment to increase the number of women in the ranks. There is space in the locker room to add lockers. They will purchase 12 to 13 lockers.

The public comment portion was opened at 8:54 p.m.

There were no public comments.

The public comment portion was closed at 8:55 p.m.

Councilmember Susuras moved to authorize the City Manager to apply for these funds, and if awarded, to manage \$26,341. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember McArthur commended Chief Camper's efforts to serve and protect when he stepped up to take care of a citizen with a flat tire.

Adjournment

The meeting was adjourned at 8:56 p.m.

Stephanie Tuin, MMC
City Clerk



Attach 2
CITY COUNCIL AGENDA ITEM

Date: May 14, 2014
Author: Scott D. Peterson
Title/ Phone Ext: Senior
Planner/1447
Proposed Schedule: 1st
Reading: June 4, 2014
2nd Reading: June 18, 2014
File #: PLD-2013-455

Subject: Bella Dimora – Outline Development Plan, Located at 2850 Grand Falls Drive and 598 Sinatra Way

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for June 18, 2014

Presenter(s) Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request to approve an Outline Development Plan (ODP) as a Planned Development with a default zone of R-8 (Residential – 8 du/ac) for the proposed Bella Dimora subdivision.

Background, Analysis and Options:

The applicant, Greedy Group LLC, wishes to develop a mixture of 108 single-family detached/attached dwelling units and four-unit townhomes for a proposed residential subdivision to be located south of Patterson Road and north of Grand Falls Drive between Legends Way on a total of 13.8 +/- acres. The total number of dwelling units proposed for the Bella Dimora subdivision is 108 and constructed in five (5) phases.

In 1999, the City Planning Commission approved a Preliminary Plan for The Vistas Subdivision. The approved plan included 80 four-plex townhouse lots and 72 single-family detached lots. The proposed 80 four-plex townhouse lots were never developed.

In 2000, the City Planning Commission approved a revised Preliminary Plan for The Vistas, renamed The Legends that included more single-family detached lots and a revision to develop 80 four-plex units, rather than townhouse lots that were previously approved in the prior year. The proposed 80 four-plex units again were never developed by the applicant. Also in 2000, the City Council rezoned The Legends Subdivision to PD (Planned Development).

In 2000 and 2001, the applicant received Final Plat approval for The Legends, Filing One and Two. The area where the 80 four-plex units were to be developed was platted as Lot 1, Block 1, The Legends, Filing Two and contained 9.44 acres.

The applicant now wishes to develop this 9.44 acre area and incorporate it with the currently vacant adjacent 4.43 acres known as Lot 18, Block 3, Legends East, Filing Three. In 2009, the City Planning Commission and City Council approved the Outline Development Plan for Bella Dimora which was proposed to have 114 two-family and single-family stacked dwelling units. However, no development took place and the ODP approval expired in 2012. The applicant now proposes to develop a mixture of 108 single-family detached/attached dwelling units and four-unit townhomes.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on September 24, 2013 with seven citizens attending the meeting along with City Staff and the applicant's representative. No one in attendance indicated any dissatisfaction with the proposed Outline Development Plan for the Bella Dimora subdivision as presented.

How this item relates to the Comprehensive Plan Goals and Policies:

The requested Outline Development Plan for Bella Dimora meets the following goals and policies from the Comprehensive Plan by encouraging higher density development near a Neighborhood Center (located at the intersection of 29 and Patterson Roads) to help reduce vehicle miles driven, and provides a broader mix of housing types to meet the needs of a variety of incomes, family types and life stages.

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

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

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

Policy C: Increasing the capacity of housing developers to meet housing demand.

Board or Committee Recommendation:

The Planning Commission conditionally approved the application at their May 13, 2014.

Financial Impact/Budget:

This proposed Outline Development Plan has no financial impact.

Legal issues:

The proposed Outline Development Plan has been reviewed by the Legal Division.

Other issues:

There are no other issues.

Previously presented or discussed:

This item has not been presented or discussed at a previous City Council meeting or workshop.

Attachments:

Site Location Map/Aerial Photo Map
Future Land Use Map/Existing Zoning Map
Outline Development Plan (Sheets 2 – 7)
Parking Plan
Planned Development Ordinance

BACKGROUND INFORMATION					
Location:		2850 Grand Falls Drive and 598 Sinatra Way			
Applicants:		Greedy Group LLC, Owners			
Existing Land Use:		Vacant land and three single-family detached homes			
Proposed Land Use:		Mix of single-family detached/attached dwelling units and four-unit townhomes			
Surrounding Land Use:	North	Matchett Park (undeveloped) and single-family detached dwelling units			
	South	Single-family detached dwelling units			
	East	Single-family detached and attached dwelling units			
	West	Single-family detached dwelling units			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-5 (Residential – 5 du/ac), CSR (Community Services and Recreation) and R-O (Residential Office)			
	South	PD (Planned Development) and R-8 (Residential – 8 du/ac)			
	East	PD (Planned Development)			
	West	PD (Planned Development)			
Future Land Use Designation:		Residential Medium High (8 – 16 du/ac)			
Zoning within density range?		X	Yes		No

ANALYSIS:

Density: The proposed density for Bella Dimora will be approximately 7.82 dwelling units per acre. The Future Land Use Map indicates this area to be Residential Medium High (8 - 16 du/ac). However, because the applicant previously developed single-family detached homes in The Vistas/Legends/Legends East Subdivisions at a density lower than the required densities required by the Growth Plan at the time, the applicant must now make-up for those lower densities in this “phase” of the Planned Development, more specifically to develop a minimum of 108 dwelling units. Currently there are 155 dwelling units (platted lots) within The Legends/Legends East (108 + 155 = 263

dwelling units divided by 47.81 acres (Legends/Legends East and Bella Dimora) = 5.50 dwelling units an acre). The minimum density requirement for the R-8 Zoning District is 5.5 dwelling units/acre.

Access/Parking: The proposed development has four (4) access points; Legends Way, Naples Drive, Grand Falls Drive and Verissimo Drive. All proposed streets, with the exception of Legends Way were approved as an Alternate Residential Streets right-of-way design per Chapter 15 of the TEDS Manual (Transportation Engineering Design Standards). For an alternate street design, no on-street parking will be allowed except in designated parking areas with the exception of Naples Drive which allows parking on both sides of the street from Ravenna/Teatro Court to Verissimo Drive. However, for streets that provide 23' of width from flowline to flowline, parking would be allowed on one-side of the street per Fire Department regulations (Milan Lane, Verissimo Drive and Ravenna Court, etc.). Parking spaces in the centers of cul-de-sacs are allowed, but they must be located within HOA tracts separate from public right-of-way and distinguished by vertical curbing and/or islands. Landscaping is not required in the islands; concrete surface of islands is allowed (See Parking Plan).

Open Space / Park: The applicant is proposing a series of 4' wide off-street pedestrian trails that will meander throughout the subdivision for the benefit of the residents and public (see Site Plans). Open space areas are proposed in each phase of development that will include landscaping, pedestrian paths, park benches and a gazebo (6.35 +/- acres total of open space – minimum 1 tree per 2,500 sq. ft. and 1 shrub per 300 sq. ft. in accordance with Section 21.06.040 of the Zoning and Development Code). A Pedestrian Easement will be dedicated to the City of Grand Junction at the time of Final Plan approval for ingress and egress by the public on all pedestrian paths. The City's Attorney Office has reviewed the applicant's proposal to construct a 4' wide trail system and has found the proposed trail to be compliant with ADA (American with Disabilities Act) since the proposed surface of 4" compacted decomposed granite will be firm and stable.

Lot Layout: The proposed subdivision will contain a mixture of 108 single-family detached/attached dwelling units and four-unit townhomes. The building footprint for each dwelling unit would be the "lot" with the exception of some potential outside building expansion square footage. All areas outside of the building footprint would be designated as "Tracts" for maintenance responsibilities by the homeowner's association (upon recording of a plat, these tracts would become common elements or limited common elements).

Phasing: The proposed Bella Dimora subdivision is to be developed in five (5) phases. The proposed phasing schedule is as follows (see attached Site Plans – Sheets 2 through 7):

Phase I: To be reviewed and approved by December 31, 2017.

- Phase 2: To be reviewed and approved by December 31, 2018.
Phase 3: To be reviewed and approved by December 31, 2020.
Phase 4: To be reviewed and approved by December 31, 2021.
Phase 5: To be reviewed and approved by December 31, 2023.

Long-Term Community Benefit: The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The proposed development has met the following long-term community benefits:

1. Effective infrastructure design and in-fill project with higher density development that provides for better utilization of streets, water and sewer services.
2. Recreational amenities that include a network of off-street pedestrian trails, benches, a gazebo and landscaped park open spaces, throughout the subdivision.
3. A needed mix of housing types for the community.

Default Zone: The dimensional standard for the R-8 (Residential – 8 du/ac) zone, as indicated in Section 21.03.040 (g) of the Zoning and Development Code, are as follows:

Density: Maximum of 8 dwelling units to the acre. Minimum 5.5 du/ac.
Minimum lot area/width: 3,000 sq. ft./40'. (see deviation below)
Front yard setback (Principal/Accessory): 20/25' (see deviations below)
Side yard setback (Principal/Accessory): 5/3' (see deviations below)
Rear yard setback (Principal/Accessory): 10/5' (see deviations below)
Maximum building height: 40'

Deviations:

1. Building Setbacks:
20' Front Yard

15' Adjacent Side Street (Corner Lot)
10' Rear Yard
14' Rear Yard Setback (Adjacent to Patterson Road)
15' Rear Yard Setback (Adjacent to Legends Way)
Standard setbacks apply unless otherwise noted.

2. Six foot (6') tall masonry screen wall required to be located a minimum five feet (5') from north property line adjacent to Patterson Road per Section 21.06.040 (g) (5) (v) of the Zoning and Development Code. Applicant is proposing to construct the masonry wall with a stucco finish on the property line in order to give the unit property owners a larger backyard area as the rear yard setback adjacent to Patterson Road is 14'. Project Manager is supportive of the proposed deviation in this instance. Applicant is also proposing to construct the masonry wall in 30' segments and shift from the property line two feet (2') along Patterson Road which gives the wall architectural relief rather than constructing a standard monolithic wall. A detached sidewalk also exists along Patterson Road with varying landscape buffer dimensions between the sidewalk and wall so that the proposed wall would not be constructed directly adjacent to the sidewalk (See Sheet 2 - Patterson Road Streetscape).

3. There is no minimum lot area or width with this subdivision proposal since the building footprint would be the lot line and the amount of open space provided is providing the community benefit along with the off-street pedestrian trails.

4. The default zone district of R-8 specifies that for residential lots created after October 22, 2006, that garage doors cannot exceed 45% of the width of the street facing façade. In order to accommodate the required residential density for the project and maintain a 10' separation between each dwelling unit (5' Side Yard Setback) along with the Applicant proposing to construct a two-car garage for every dwelling unit to accommodate off-street parking ratios. Project Manager is supportive of the proposed request to vary the percentage width of the garage door since the applicant is providing detached dwelling units between 1200 and 3035 +/- sq. ft. which is providing a needed product mix and also the applicant is meeting applicable minimum density requirements for The Legends area.

5. At the southeast corner of site located within Phase 3, applicant is requesting to utilize the side yard setback of the adjacent Tract B, Legends East, Filing 3 for one of the four-plex units in accordance with Section 21.03.30 (d) (5) (vii) of the Zoning and Development Code and construct the 4-plex unit on the property line. Required side yard setback with the default R-8 zone district is 5'. Existing tract width is 25'.

Section 21.02.150 of the Zoning and Development Code:

Requests for an Outline Development Plan (ODP) must demonstrate conformance with all of the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The proposed Outline Development Plan complies with Comprehensive Plan, Grand Valley Circulation Plan and other applicable adopted plans and policies. The proposed development is within the density ranges of the Residential Medium High (8 - 12 du/ac) category as identified on the Future Land Use Map and the default zoning district of R-8 (Residential - 8 du/ac).

- b. The rezoning criteria provided in Section 21.02.140 of the Zoning and Development Code.

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

Not applicable. The applicant has submitted a request to establish a new PD zone district and improve upon the previous 2008 application with a reconfiguration of the earlier ODP with housing types that are more suitable for the area and current market trends. The ODP application is also within the allowable density range of Residential Medium High (8 - 16 du/ac) as defined by the Future Land Use Map.

Therefore, this criterion is not applicable.

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

There has not been a change of character in the neighborhood as all surrounding properties are residential in character. However, since the applicant had previously developed single-family detached homes in The Vistas/Legends/Legends East Subdivisions that were lower than the required densities per the Future Land Use Map, the applicant is required to develop a minimum of 108 dwelling units with this proposed development in order to meet minimum density requirements.

Therefore, this criterion has been met.

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

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available

concurrent with the development and can address the impacts of development consistent with the PD zone district with an underlying default zoning of R-8. The proposed Bella Dimora subdivision is within a ¼ mile of grocery stores, banking, restaurants, etc. It is also immediately adjacent to a large future public park (Matchett Park) across Patterson Road.

Therefore, 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

Not applicable since the applicant is requesting to establish a new PD zone district. The proposed Bella Dimora subdivision is also within the allowable residential density range as defined by the Future Land Use Map.

Therefore, the criterion is not applicable.

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

The proposed zoning of PD (Planned Development) will allow the properties to be developed with community benefits that might not occur under a straight R-8 zoning district, including recreational amenities that include a network of off-street pedestrian trails, park benches and a gazebo and landscaped open spaces throughout the subdivision. Having residential development closer to shopping, parks (Matchett Park), etc., reduces traffic congestion by allowing drivers to drive shorter distances and by enabling more walking opportunities.

Therefore, this criterion has been met.

- c. The planned development requirements of Section 21.05 of the Zoning and Development Code.

The proposed ODP is in conformance with the Planned Development requirements of Section 21.05 of the Zoning and Development Code through the use of long-term community benefits such as the following; providing needed housing types, open space areas, landscaping plantings and an off-street pedestrian trail.

- d. The applicable corridor guidelines and other overlay districts in Chapter Seven.

Not applicable since the properties are located outside of the floodplain, hillside development standards and other corridor guidelines and overlay districts as defined in Section 21.07 of the Zoning and Development Code.

- e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities and services will be provided concurrent with the projected impacts of the development as defined in the attached plans and phasing schedule.

- f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation and access will be provided to serve all properties. Four ingress/egress points are proposed to provide access to the development. Internal streets with the exception of Legends Way were approved by the City under the Alternate Residential Street Standards as allowed in the TEDS Manual (Transportation Engineering Design Standards).

- g. Appropriate screening and buffering of adjacent property and uses shall be provided.

Not applicable since all adjacent land uses are single-family residential units either detached or attached. A masonry wall will be constructed with each phase of development adjacent to Patterson Road to help provide a noise and screening buffer between the street and dwelling units. All land area located outside of the building footprint are to be platted as tracts of land that will be owned and maintained by the Homeowner's Association and be fully landscaped in accordance with Section 21.06.040 of the Zoning and Development Code.

- h. An appropriate range of density for the entire property or for each development pod/area to be developed.

The proposed density for Bella Dimora will be 7.82 du/ac, which is within the Growth Plan designation density of Residential Medium High category of 8 to 16 du/ac. The applicants are required to develop a minimum of 108 dwelling units with this proposed

development in order to meet minimum density requirements of 5.50 du/ac for the default zoning district of R-8 for The Vistas/Legends/Legends East Subdivisions.

- i. An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

The applicant is proposing an R-8 default zone with deviations as identified within this staff report.

- j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

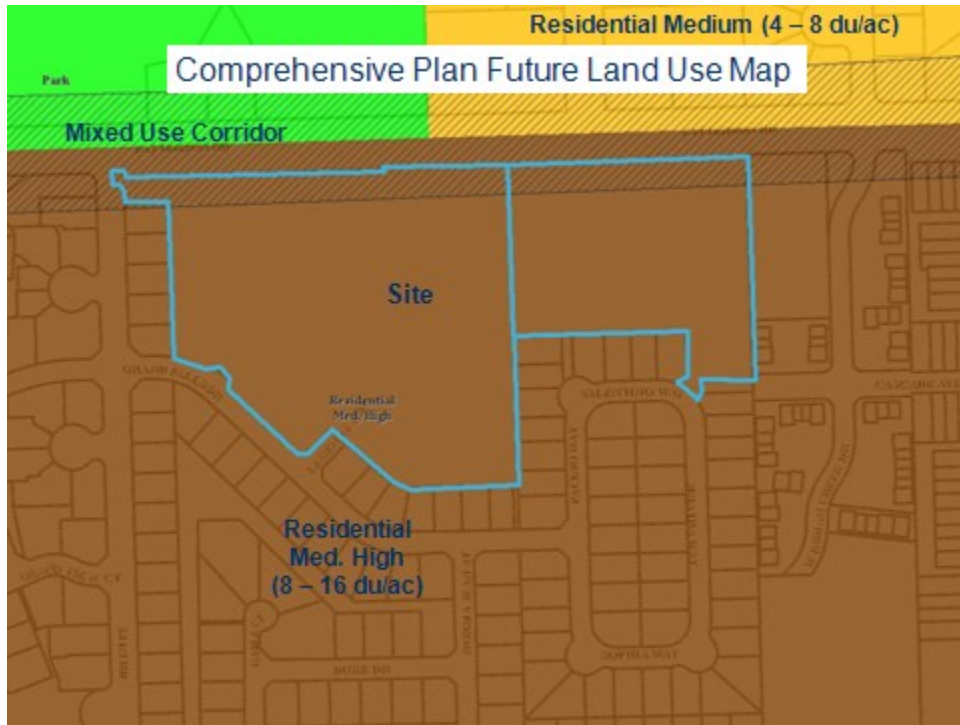
The applicant has submitted a plan proposing the subdivision to be developed in five (5) phases over a total of nine (9) years.

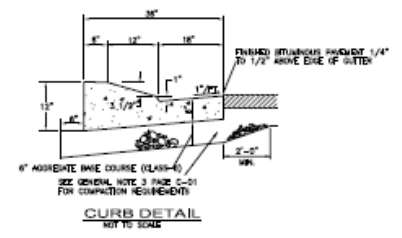
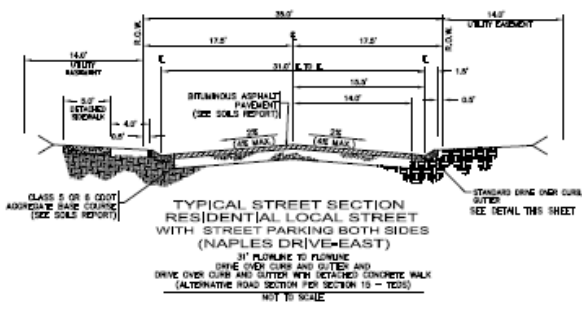
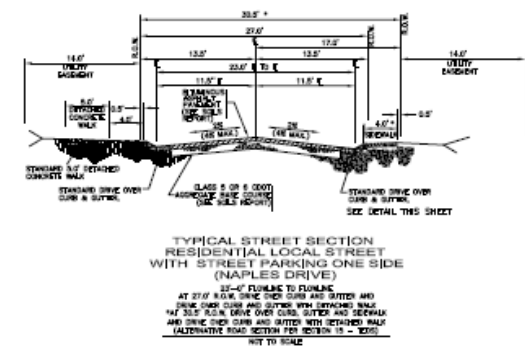
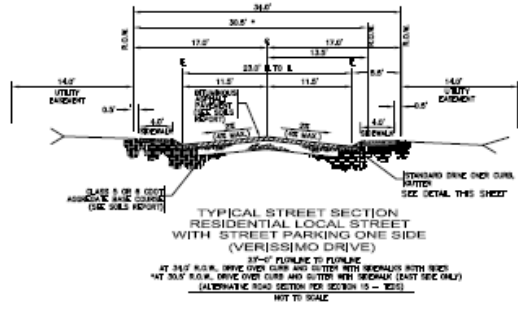
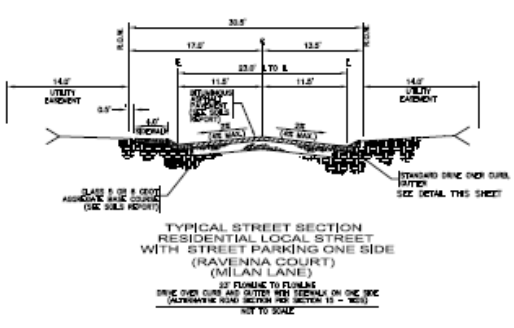
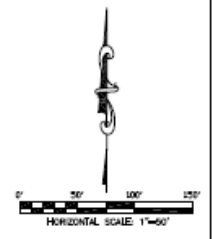
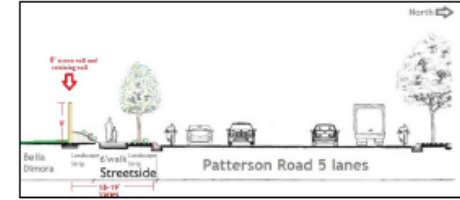
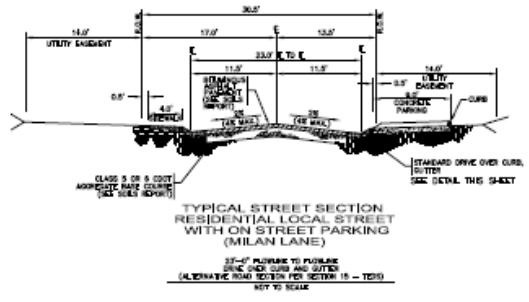
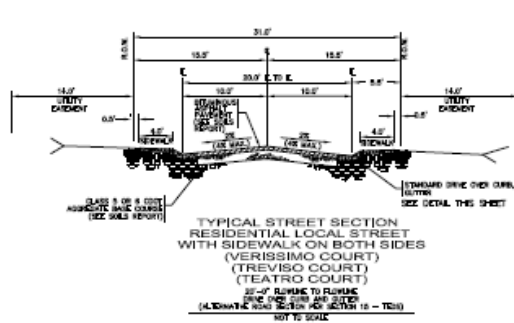
FINDINGS OF FACT/CONCLUSIONS/CONDITIONS OF APPROVAL:

After reviewing the Bella Dimora application, PLD-2013-455 for approval of an Outline Development Plan (ODP) as a Planned Development, the following findings of fact/conclusions and conditions of approval have been determined:

1. The requested Planned Development, Outline Development Plan is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.150 of the Zoning and Development Code have all been met or addressed.
3. All fire-hydrant locations and applicable fire hydrant “turnouts” must be approved by Grand Junction Fire Department. All lots must be located within 250’ of a fire hydrant as measured along the road frontage.

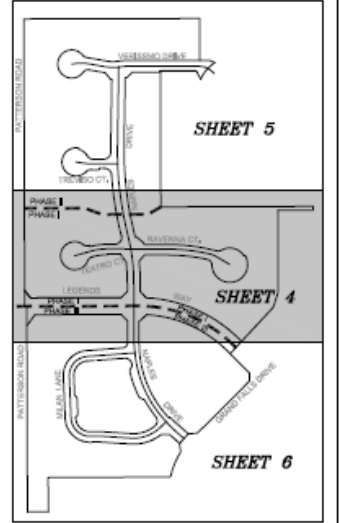
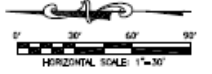
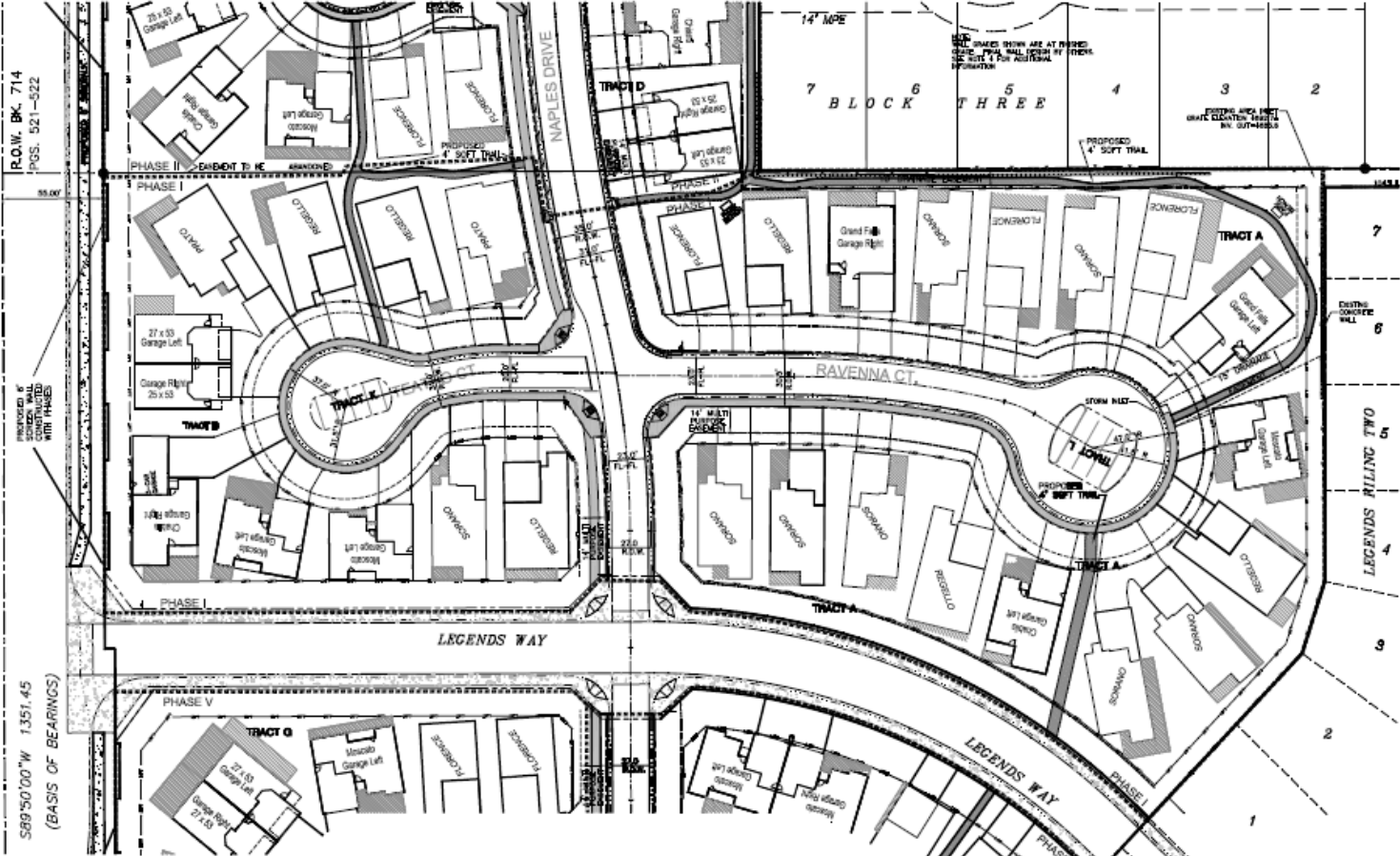






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		BELLA DIMORA OUTLINE DEVELOPMENT PLAN TYPICAL SECTIONS AND DETAILS	
300 24th St. Suite 20 Colorado Springs, CO 80907 Phone: (719) 449-8800 Fax: (719) 449-1277 www.belladimora.com	Date: KTS Drawn: KTS Checked: KSS Title: 2	Date: 4/30/14 Sheet: 7	File: C:\PRODUCTS\A3201\A3201BAC.DWG



KEY MAP

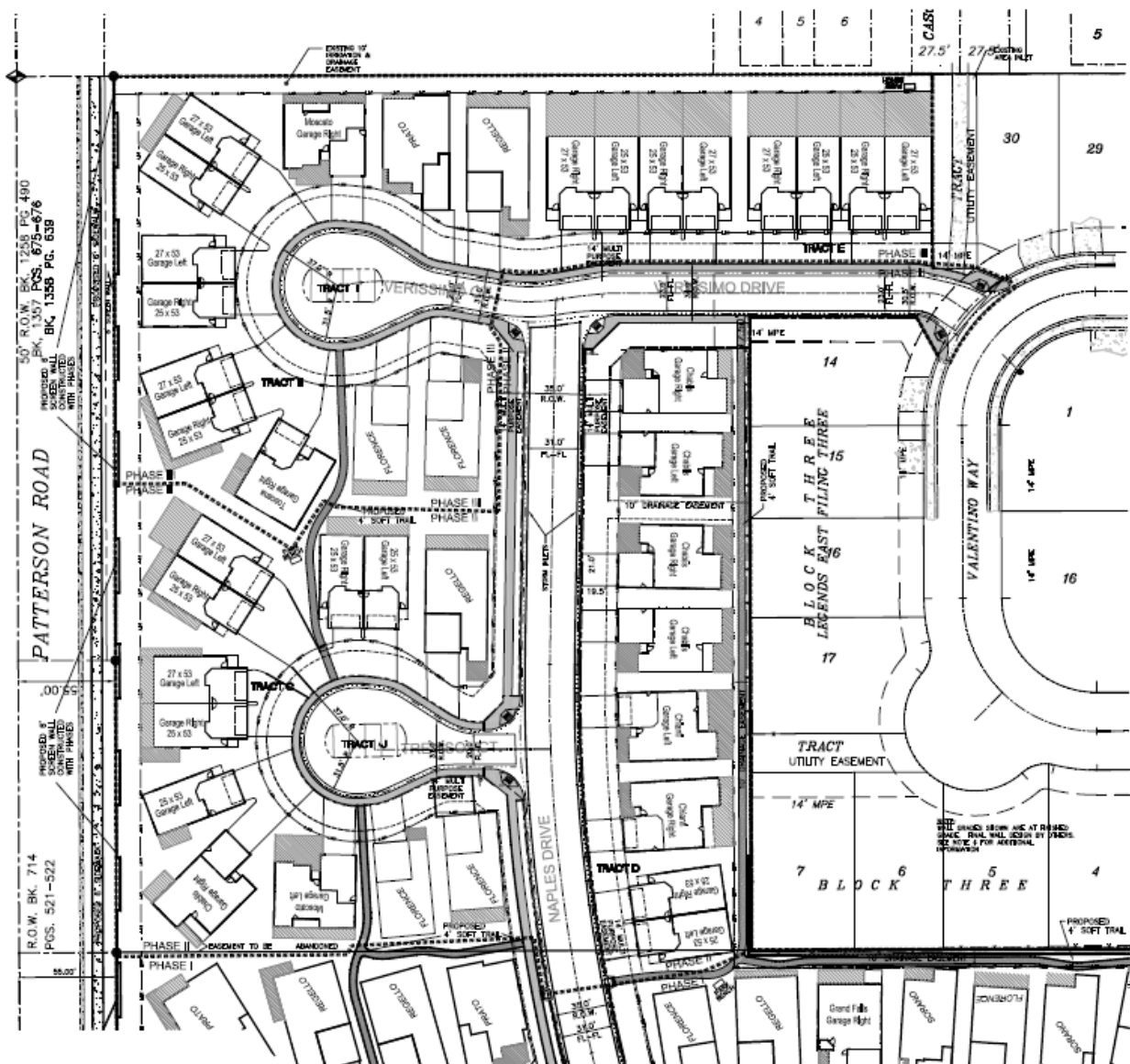
LEGEND:

- PHASE LINE
- PROPOSED CENTERLINE
- PROPOSED FLOWLINE
- PROPOSED SAGASSMENT LINE
- 10' SETBACK LINE
- 15' SETBACK LINE
- 20' SETBACK LINE
- PROPOSED CONCRETE WALK
- PROPOSED SOFT TRAIL
- POTENTIAL BUILDING EXPANSION
- EXISTING SIDEWALK
- EXISTING RETAINING WALL
- RIGHT-OF-WAY
- FLOWLINE

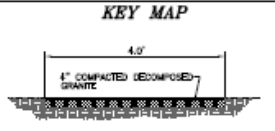
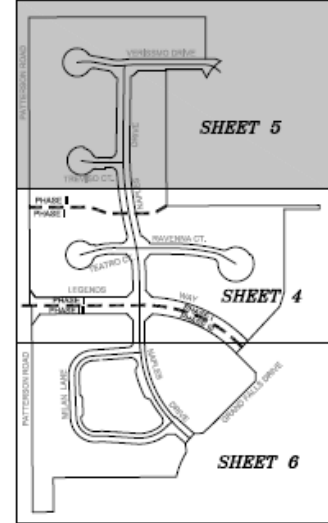
Limited Common Elements "Limited Common Elements" means those Common Elements assigned to a particular unit by the Declaration, as that term is defined by the Deed Documents. A portion of the Common Elements is set aside and reserved for the exclusive use, management, control, operation, maintenance, repair and improvements of and by the individual owners of the attached lots or units. Limited Common Elements include all common elements that are to the right of way. The Association shall be responsible for the maintenance and repair of the Limited Common Elements should the owners fail to maintain or repair the same.

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		BELLA DIMORA OUTLINE DEVELOPMENT PLAN PHASE I	
4000 E. 15th Ave. Suite 400 Colorado Springs, CO 80907 Phone: (719) 524-1000 Fax: (719) 524-1270 www.egm.com		SHEET 4 OF 7 DATE: 4/30/14	



- LEGEND:**
- PHASE LINE
 - PROPOSED CENTERLINE
 - PROPOSED FLOWLINE
 - PROPOSED EASEMENT LINE
 - 10' SETBACK LINE
 - 15' SETBACK LINE
 - 20' SETBACK LINE
 - PROPOSED CONCRETE WALK
 - PROPOSED SOFT TRAIL
 - POTENTIAL BUILDING EXPANSION
 - EXISTING SIDEWALK
 - EXISTING RETAINING WALL
 - R.O.W. RIGHT-OF-WAY
 - FL FLOWLINE



SOFT TRAIL DETAIL
NTS

		BELLA DIMORA OUTLINE DEVELOPMENT PLAN PHASE II	
DATE: 4/30/14 DRAWN BY: [Name] CHECKED BY: [Name]	PROJECT: [Name] SHEET: 5 OF 7	SCALE: 1"=30' DATE: 4/30/14	SHEET: 5 OF 7

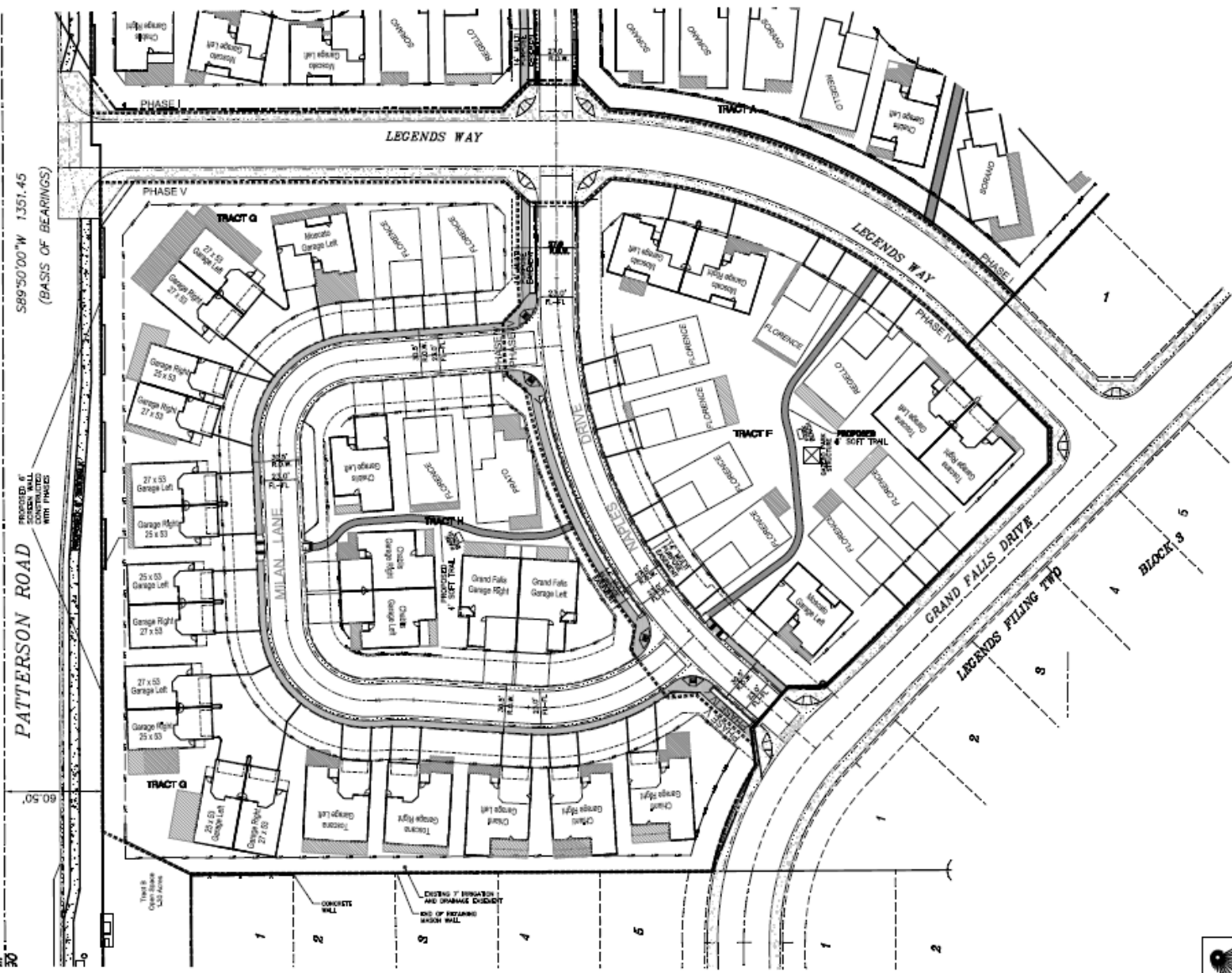
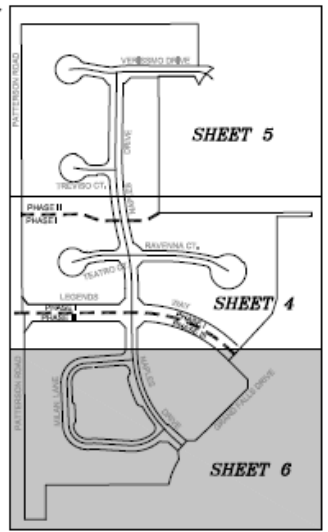
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 INTERESTING YOUR PROJECT.

Limited Common Elements: "Limited Common Elements" means those Common Elements designed for the exclusive use by owners of particular Units, as that term is defined by the Deed. Common Elements: A portion of the Common Elements is set aside and reserved for the exclusive use, management, control, operation, maintenance, repair and improvements of and by the individual Owners of the individual Units or Units. Limited Common Elements include all common Network that is not in the right-of-way. The Association shall be responsible for the maintenance and repair of the Limited Common Elements should the owner(s) fail to maintain or repair the same.



LEGEND:

- PHASE LINE
- PROPOSED CENTERLINE
- PROPOSED FLOWLINE
- PROPOSED EASEMENT LINE
- 10' SETBACK LINE
- 15' SETBACK LINE
- 20' SETBACK LINE
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- PROPOSED SOFT TRAIL
- POTENTIAL BUILDING EXPANSION
- EXISTING SIDEWALK
- EXISTING RETAINING WALL
- R.O.W.
- P.L.



S89°50'00\"/>

PATTERSON ROAD
PROPOSED 6\"/>

40' 50'



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Linked Common Elements: "Linked Common Elements" means those Common Elements designated herein for exclusive use by owners of particular Units, as that term is defined by the Rules Governing Declaration. A portion of the Common Elements is an area reserved for the exclusive use, management, control, operation, maintenance, repair and improvements of and by the individual Owners of the attached Units or Units. Linked Common Elements include all concrete network lines to the right of way. The Association shall be responsible for the maintenance and repair of the Linked Common Elements should the owner(s) fail to maintain or repair the same.



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**BELLA DIMORA
 OUTLINE DEVELOPMENT PLAN
 PHASE III**

DATE	DESCRIPTION	BY	CHKD	REV	DATE
01/14	ISSUE FOR PERMITTING	JTS	ESS	A3201	1
04/30/14	REVISED FOR PERMITTING	JTS	ESS	A3201	2



HORIZONTAL SCALE 1"=50'

2014-07-08-003
 JAMES LEE & LISA E. PAVERT
 2009 PATTERSON ROAD
 LAND USE STUDY PLAN

LEGEND:

- 213 [Blue Box] PROPOSED DRIVEWAY PARKING
- 217 [Green Box] PROPOSED GARAGE PARKING
- 221 [Red Box] PROPOSED PARKING ON AND OFF STREET
- 22 [Light Blue Box] DRIVEWAY PARKING ON AND OFF STREET



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		BELLA DIMORA OUTLINE DEVELOPMENT PLAN PARKING PLAN	
2014-07-08-003 JAMES LEE & LISA E. PAVERT 2009 PATTERSON ROAD LAND USE STUDY PLAN		PROJECT NO. 13-0001 SHEET NO. 13-0001-003 DATE: 4/30/14	
KTS PROJECTS\4320\432018A2.DWG	KTS	EDS	7

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE APPROVING THE OUTLINE DEVELOPMENT PLAN AS A
PLANNED DEVELOPMENT WITH A DEFAULT R-8 (RESIDENTIAL – 8 DU/AC)
ZONE DISTRICT FOR THE DEVELOPMENT OF 108 DWELLING UNITS TO BE
KNOWN AS THE BELLA DIMORA SUBDIVISION**

LOCATED AT 2850 GRAND FALLS DRIVE AND 598 SINATRA WAY

Recitals:

The applicant, Greedy Group LLC, wishes to develop a mixture of 108 single-family detached/attached dwelling units and four-unit townhomes for a proposed residential subdivision to be located south of Patterson Road and north of Grand Falls Drive between Legends Way on a total of 13.8 +/- acres. The total number of dwelling units proposed for the Bella Dimora subdivision is 108 and constructed in three (3) phases.

The request for an Outline Development Plan as a Planned Development with a default R-8, (Residential – 8 du/ac) zoning district, including deviations and conditions of approval, have been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (R-8), deviations and conditions of approval for the Outline Development Plan for Bella Dimora subdivision (Lot 1, Block 1, The Legends Filing Two and Lot 18, Block 3, Legends East Filing Three).

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Outline Development Plan and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved “long-term community benefits” by proposing effective infrastructure design and in-fill project with higher density development that provides for better utilization of streets, water and sewer services, recreational amenities that include a network of off-street pedestrian trails, benches, gazebo and landscaped open spaces throughout the subdivision and provides a needed mix of housing types for the community (attached Exhibit A).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE OUTLINE DEVELOPMENT PLAN AS A PLANNED DEVELOPMENT FOR THE BELLA DIMORA SUBDIVISION IS APPROVED WITH THE FOLLOWING STANDARDS, DEFAULT ZONE AND DEVIATIONS:

- A. This Ordinance applies to the following described properties: Lot 1, Block 1, The Legends Filing Two and Lot 18, Block 3, Legends East Filing Three
(Properties) Said parcels contain 13.87 +/- acres more or less.
- B. These Properties are zoned PD (Planned Development) with the following standards, deviations and requirements:
1. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the R-8 (Residential - 8 du/ac) Zoning District.
 2. **Density:** The proposed density for Bella Dimora will be approximately 7.82 dwelling units per acre. The Future Land Use Map indicates this area to be Residential Medium High (8 - 16 du/ac). However, because the applicant previously developed single-family detached homes in The Vistas/Legends/Legends East Subdivisions at a density lower than the required densities required by the Growth Plan at the time, the applicant must now make-up for those lower densities in this “phase” of the Planned Development, more specifically to develop a minimum of 108 dwelling units. Currently there are 155 dwelling units (platted lots) within The Legends/Legends East (108 + 155 = 263 dwelling units divided by 47.81 acres (Legends/Legends East and Bella Dimora) = 5.50 dwelling units an acre). The minimum density requirement for the R-8 Zoning District is 5.5 dwelling units/acre.
 3. **Access/Parking:** The proposed development has four (4) access points; Legends Way, Naples Drive, Grand Falls Drive and Verissimo Drive. All proposed streets, with the exception of Legends Way were approved as an Alternate Residential Streets right-of-way design per Chapter 15 of the TEDS Manual (Transportation Engineering Design Standards). For an alternate street design, no on-street parking will be allowed except in designated parking areas with the exception of Naples Drive which allows parking on both sides of the street from Ravenna/Teatro Court to Verissimo Drive. However, for streets that provide 23’ of width from flowline to flowline, parking would be allowed on one-side of the street per Fire Department regulations (Milan Lane, Verissimo Drive and Ravenna Court, etc.). Parking spaces in the centers of cul-de-sacs are allowed, but they must be located within HOA tracts separate from public right-of-way and distinguished by vertical curbing and/or islands. Landscaping is not required in the islands; concrete surface of islands is allowed (See Parking Plan – Exhibit B).
 4. **Open Space / Park:** The applicant is proposing a series of 4’ wide off-street pedestrian trails that will meander throughout the subdivision for the benefit of the residents and public (see Exhibit A) and constructed with each phase. Open space areas are proposed in each phase of development that

will include landscaping, pedestrian paths, park benches and a gazebo (6.35 +/- acres total of open space – minimum 1 tree per 2,500 sq. ft. and 1 shrub per 300 sq. ft. in accordance with Section 21.06.040 of the Zoning and Development Code). A Pedestrian Easement will be dedicated to the City of Grand Junction at the time of Final Plan approval for ingress and egress by the public on all pedestrian paths. The City's Attorney Office has reviewed the applicant's proposal to construct a 4' wide trail system and has found the proposed trail to be compliant with ADA (American with Disabilities Act) since the proposed surface of 4" compacted decomposed granite will be firm and stable.

5. **Lot Layout:** The proposed subdivision will contain a mixture of 108 single-family detached/attached dwelling units and four-unit townhomes. The building footprint for each dwelling unit would be the "lot" with the exception of some potential outside building expansion square footage. All areas outside of the building footprint would be designated as "Tracts" for maintenance responsibilities by the homeowner's association (upon recording of a plat, these tracts would become common elements or limited common elements).

6. **Phasing:** The proposed Bella Dimora subdivision is to be developed in five (5) phases. The proposed phasing schedule is as follows (see Exhibit A):

Phase 1: To be reviewed and approved by December 31, 2017.

Phase 2: To be reviewed and approved by December 31, 2018.

Phase 3: To be reviewed and approved by December 31, 2020.

Phase 4: To be reviewed and approved by December 31, 2021

Phase 5: To be reviewed and approved by December 31, 2023.

7. **Long-Term Community Benefit:** The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The proposed development has met the following long-term community benefits:

1. Effective infrastructure design and in-fill project with higher density development that provides for better utilization of streets, water and sewer services.
2. Recreational amenities that include a network of off-street pedestrian trails, benches, a gazebo and landscaped park open spaces, throughout the subdivision.
3. A needed mix of housing types for the community.

8. **Default Zone:** The dimensional standard for the R-8 (Residential – 8 du/ac) zone, as indicated in Section 21.03.040 (g) of the Zoning and Development Code, are as follows:

Density: Maximum of 8 dwelling units to the acre. Minimum 5.5 du/ac.
Minimum lot area/width: 3,000 sq. ft./40'. (see deviation below)
Front yard setback (Principal/Accessory): 20/25' (see deviations below)
Side yard setback (Principal/Accessory): 5/3' (see deviations below)
Rear yard setback (Principal/Accessory): 10/5' (see deviations below)
Maximum building height: 40'

9. **Deviations:**

1. **Building Setbacks:**

- 20' Front Yard
 - 15' Adjacent Side Street (Corner Lot)
 - 10' Rear Yard
 - 14' Rear Yard Setback (Adjacent to Patterson Road)
 - 15' Rear Yard Setback (Adjacent to Legends Way)
- Standard setbacks apply unless otherwise noted.

2. Six foot (6') tall masonry screen wall required to be located a minimum five feet (5') from north property line adjacent to Patterson Road per Section 21.06.040 (g) (5) (v) of the Zoning and Development Code. Applicant is proposing to construct the masonry wall with a stucco finish on the property line in order to give the unit property owners a larger backyard area as the rear yard setback adjacent to Patterson Road is 14'. Applicant is also proposing to construct the masonry wall in 30' segments and shift from the property line two feet (2') along Patterson Road which gives the wall architectural relief rather than constructing a standard monolithic wall. A detached sidewalk also exists along Patterson Road with varying landscape buffer dimensions between the sidewalk and wall so that the proposed wall would not be constructed directly adjacent to the sidewalk.

3. There is no minimum lot area or width with this subdivision proposal since the building footprint would be the lot line and the amount of open space provided is providing the community benefit along with the off-street pedestrian trails.

4. The default zone district of R-8 specifies that for residential lots created after October 22, 2006, that garage doors cannot exceed 45% of the width of the street facing façade. In order to accommodate the required residential density for the project and maintain a 10' separation between each dwelling unit (5' Side Yard Setback) along with the Applicant proposing to construct a two-car garage for every dwelling unit to accommodate off-street parking ratios. Applicant is allowed to vary the percentage width of the garage door since the applicant is providing detached dwelling units between 1200 and 3035 +/- sq. ft. which is providing a needed product mix and also the applicant is meeting applicable minimum density requirements for The Legends area.

5. At the southeast corner of site located within Phase 3, applicant is requesting to utilize the side yard setback of the adjacent Tract B, Legends East, Filing 3 for one of the four-plex units in accordance with Section 21.03.30 (d) (5) (vii) of the Zoning and Development Code and construct the 4-plex unit on the property line. Required side yard setback with the default R-8 zone district is 5'. Existing tract width is 25'.

10. **Condition of Approval:**

All fire-hydrant locations and applicable fire hydrant "turnouts" must be approved by Grand Junction Fire Department. All lots must be located within 250' of a fire hydrant as measured along the road frontage.

Introduced for first reading on this _____ day of _____, 2014 and ordered published in pamphlet form.

PASSED and ADOPTED this _____ day of _____, 2014 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT A

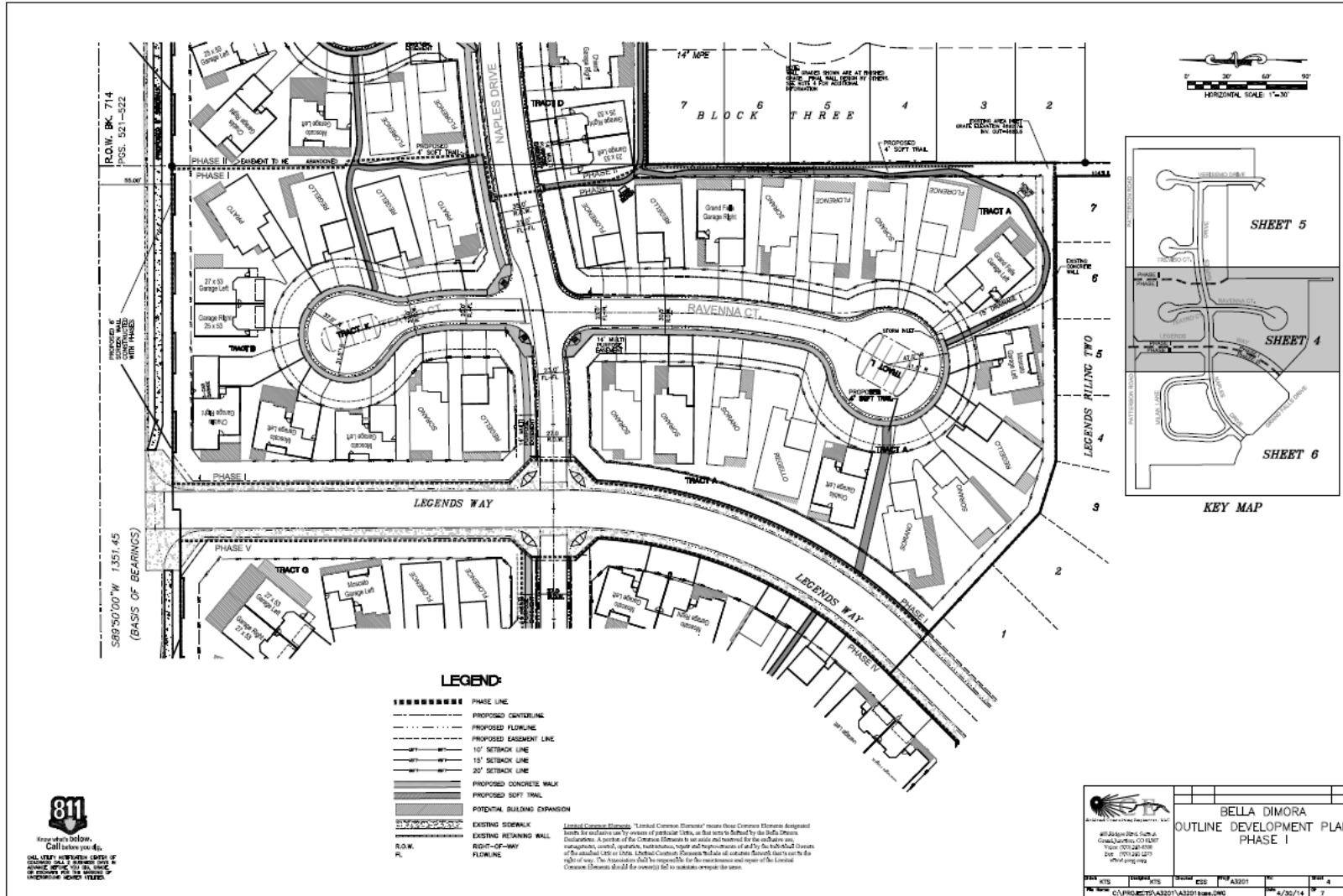


EXHIBIT A CONTINUED

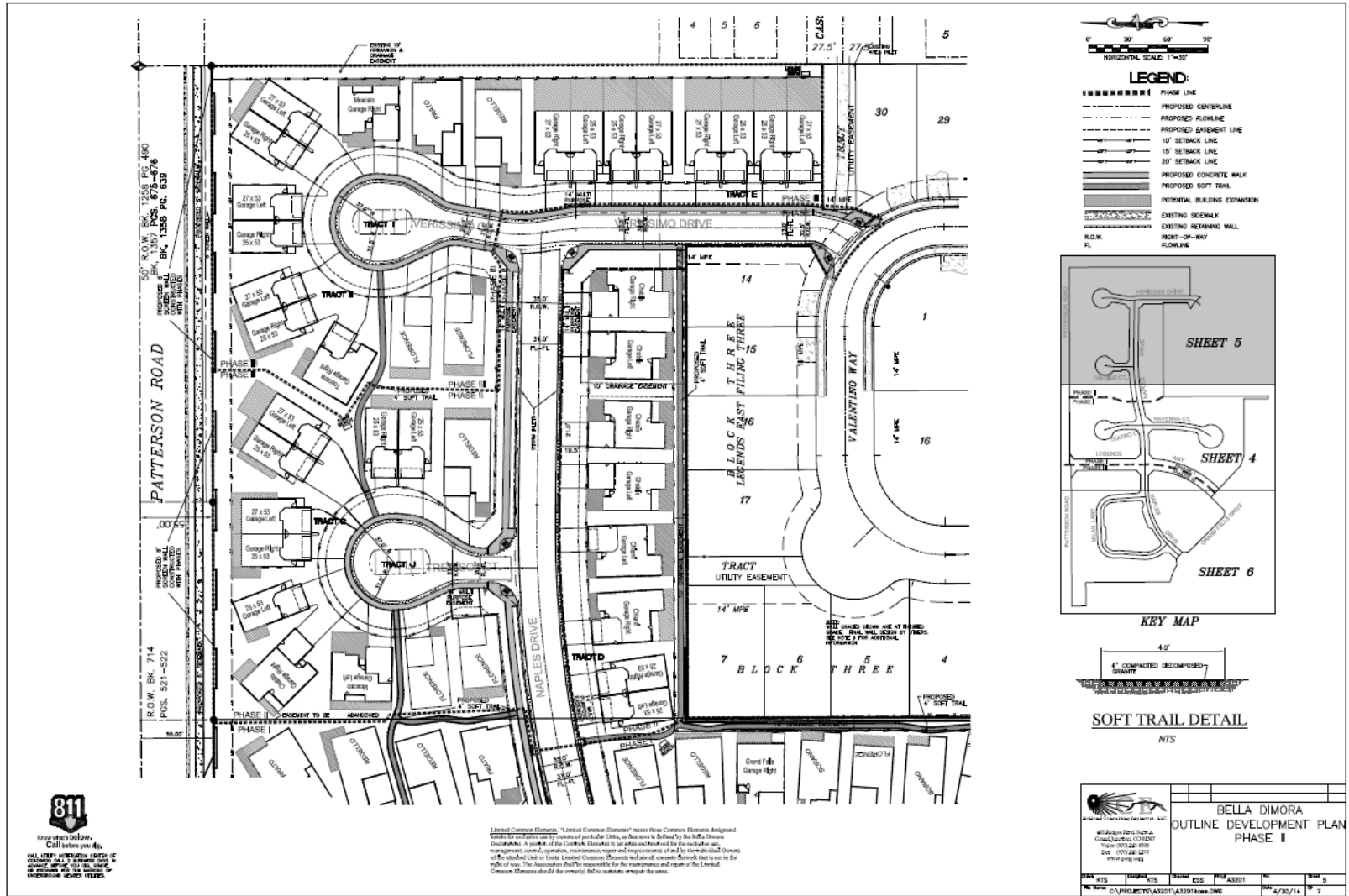


EXHIBIT A CONTINUED

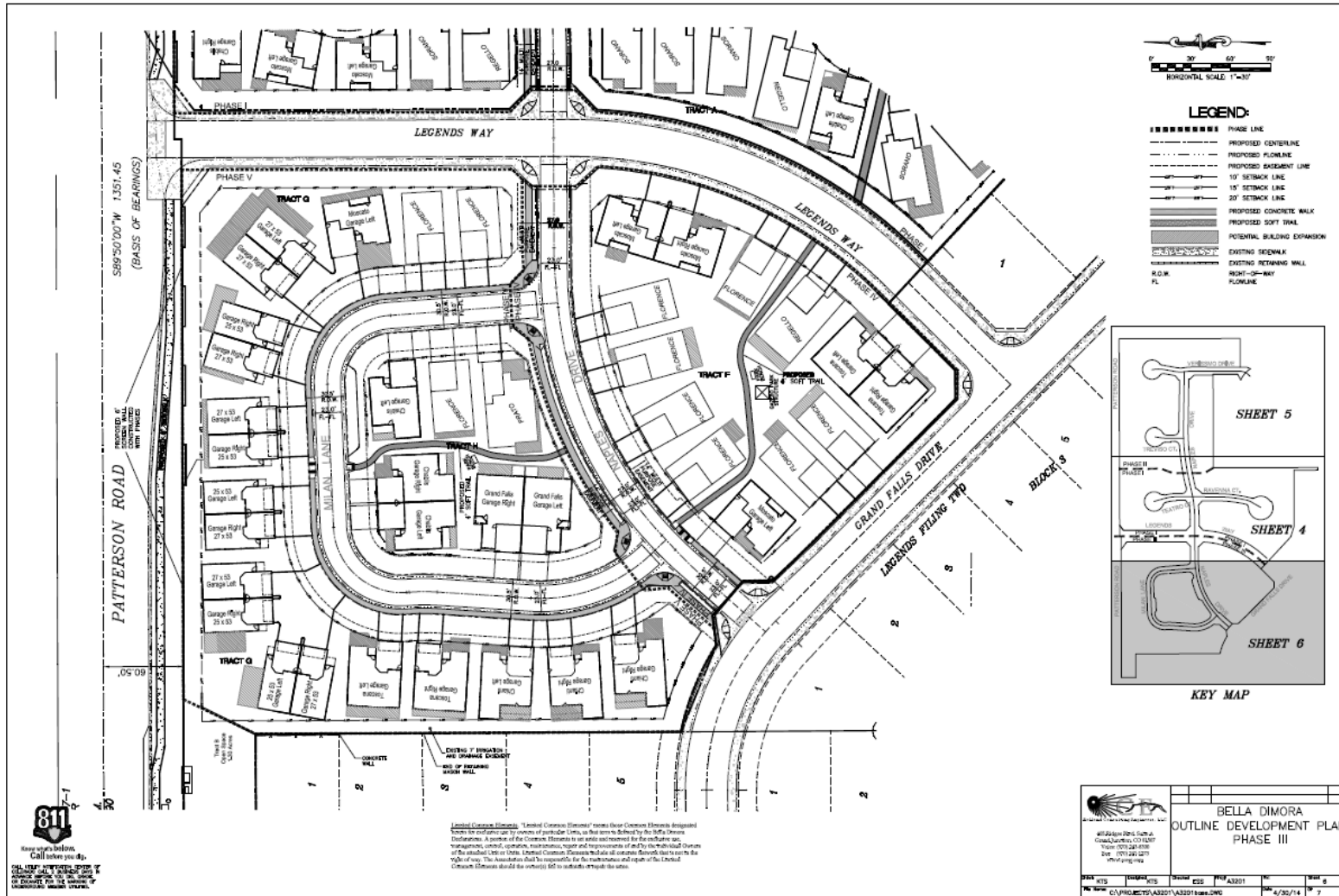


EXHIBIT B





Attach 3

CITY COUNCIL AGENDA ITEM

Date: May 23, 2014

Author: Harry M. Weiss

Title/ Phone Ext: DDA Exec Director / 256-4134

Proposed Schedule: June 4, 2014

2nd Reading: _____

File # _____

Subject: Outdoor Dining Lease for MZ Entertainment, LLC, dba Thunderstruck Valley, Located at 436 Main Street

Action Requested/Recommendation: Adopt Proposed Resolution

Presenter(s) Name & Title: Harry M. Weiss, DDA Executive Director

Executive Summary:

MZ Entertainment, LLC, located at 436 Main Street, is a new tenant occupying the former location of Boomers nightclub. As a new business entity, MZ Entertainment, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 288 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The outdoor dining area comprises the same enclosed sidewalk dining area that was occupied by Boomers.

Background, Analysis and Options:

Council approved the expansion of sidewalk dining with liquor service in July 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under the business’s individual liquor license. In Spring 2012 Council approved a newly revised standard Lease Agreement that is being used in this instance. Approval of this lease will allow the applicant to apply for expansion of its premises through the proper State and City agencies.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 4: *Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.*

The addition of outdoor dining areas continues to support the vibrant atmosphere of the downtown area, and offers a significant business opportunity for increased sales and greater customer satisfaction.

Board or Committee Recommendation:

No board or committee has reviewed the request. The recommendation is being put forward by the DDA Executive Director.

Financial Impact/Budget:

The annual lease rate for the public sidewalk area is \$1.00 per square foot, due at commencement of the lease term.

Legal issues:

No legal issues have been identified. The legal department approved the lease form when it was authorized for use in 2012.

Other issues:

The liquor license will be transferred through a temporary permit issued once the outdoor dining lease is approved. The applicant goes before the Liquor Hearing Officer on June 18, 2014.

Previously presented or discussed:

This has not been previously presented or discussed.

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way to MZ Entertainment, LLC, with supporting document

RESOLUTION NO. __-14

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK
RIGHT-OF-WAY TO MZ ENTERTAINMENT, LLC DBA THUNDERSTRUCK VALLEY**

Recitals:

The City has negotiated an agreement for MZ Entertainment, LLC, to lease a portion of the sidewalk right-of-way located in front of 436 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to MZ Entertainment, LLC.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the City-owned sidewalk right-of-way for an initial term commencing June 13, 2014, and terminating in 2015 on the date concurrent with the expiration of Lessee's Tavern Liquor License, for the rental sum of \$288.00, to MZ Entertainment, LLC.

PASSED and ADOPTED this _____ day of _____, 2014.

President of the Council

Attest:

City Clerk

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of this 18th day of June 2014, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter "City") and, MZ ENTERTAINMENT, LLC, dba Thunderstruck Valley, as Lessee, (hereinafter "Lessee"), and the Grand Junction Downtown Development Authority as Lessor's Administrative Agent, (hereinafter "DDA").

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority, the City Council and the DDA desire to make certain areas of the sidewalk in the DSP and at other locations as authorized available by lease to proximate land owners and/or lessees that want to make use of a portion of the public way for outdoor dining with or without alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. Demise of Premises.

Option B: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 288 square feet of the public way located in front of and immediately abutting the Lessee's business. The Premises and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

A brief description of the Lessee's business is attached as Exhibit B.

2. Term.

The term of this Agreement shall commence on June 13, 2014. Upon signature by all parties this Agreement supersedes all prior leases, and terminates in 2015 on the date concurrent with the expiration of Lessee's Tavern Liquor License.

3. Rental.

Lessee shall pay rent to Lessor in the total sum of \$ 288.00, which sum shall be payable in advance at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

Lessee agrees to use the Premises for the purpose of selling and dispensing food and/or beverages to the public. The Premises may be open to the public during Lessee's normal business hours, but in no event shall food and/or beverage service extend beyond 1:00 A.M. Service of alcoholic beverages shall be permitted provided Lessee holds a valid State and City liquor license. Tableside preparation of food shall be permitted pursuant to applicable health

and safety regulations; however, fuel-based cooking or food preparation is expressly prohibited in the Premises. Live acoustic music performance is permitted on the Premises, provided any amplification utilized shall not result in a sound level exceeding 55 decibels measured at a distance of 20 feet from any of the Premises boundaries.

5. Assignment or Subletting Prohibited.

Lessee shall not have the right to assign the lease or to sublet the Premises in whole or in part without the prior written consent of the City.

6. Compliance with Legal Requirements.

Lessee shall comply with all applicable requirements of any governmental or quasi-governmental body including City, County, State or Federal agencies, boards, councils and commissions having jurisdiction respecting any operation conducted on the Premises by Lessee or any equipment, installations or other property placed upon, in or about the Premises by Lessee.

Lessee further agrees to comply with all rules of the DDA relating to the use of the Premises. Prior to commencing alcohol service in the Premises, Lessee shall include the Premises in the licensed service area as required by the liquor laws of the State and City.

Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

7. Taxes.

Lessee shall timely list for taxes and pay all tax assessments of whatever kind or nature assessed against or on Lessee's possessory interest, improvements, furnishings, fixtures, inventory, equipment and other property situated or placed upon, in or about the Premises. All such amounts shall be paid prior to delinquency.

8. Utilities.

Lessee shall make arrangements for all utilities, if any, needed at the Premises and is responsible for payment of the fees and charges arising out of the provision and/or use of the utility service(s).

9. Improvements and Personal Property.

All construction, improvements, installations, furniture, fixtures and/or equipment on the Premises shall comply with the following:

a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for

any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.

b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.

c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.

d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code, and ii) umbrellas that display the Lessees business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.

e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.

f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

Lessee shall at all time keep the Premises in good repair and free from all litter, dirt, debris, snow, and ice, and in a clean and sanitary condition. Lessee shall not permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Premises or by any injury or accident occurring thereon. Lessee shall be responsible, subject to applicable law regulating the discharge of contaminants to the sewer for power-washing or steam cleaning the sidewalk surface of the Premises twice yearly.

11. Lessor and Agent not Liable for Damages or Injuries.

Lessor and its Administrative Agent shall not be responsible to Lessee or to any other person

or entity for damages or injuries arising out of the Lessee's use of the Premises. Lessor and/or its Administrative Agent are not an insurer for Lessee's activities and Lessee shall obtain appropriate insurance against potential damages, injury, lost profit or advantage and any and all other claims as determined in the Lessee's sole and absolute discretion. Lessee shall indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Premises.

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

13. Inspection, Access and Improvements by City and/or DDA.

Lessee agrees to permit the City, its designated representatives, and/or the DDA to enter upon the Premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof. Lessee further agrees that if the City shall determine to make changes or improvements affecting the Premises which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to promptly remove any furniture, fixtures, equipment and structures as necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes that continue for a period in excess of 14 continuous days during a lease period.

14. Delivery and Condition of Premises upon Expiration or Termination.

Lessee agrees to surrender and deliver up the possession of the Premises in substantially the same condition as received, ordinary wear and tear and approved improvements excepted, promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

15. Limitation of Rights Demised.

The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are described herein and retains all title thereto.

16. Sale or Transfer of Lessee's Business Interest

Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting or approximate property and agrees that on sale or other transfer of such interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

17. Attorney's Fees.

If legal action is taken by either party hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees. If the City and/or DDA uses in-house counsel to prosecute or defend any action arising out of or under this Agreement the City and/or DDA shall be entitled to recover the value of those services at the prevailing rate of private litigation counsel in Grand Junction.

18. Waiver.

No failure by Lessor to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of Lessor's right to subsequently exercise same. Lessee shall gain no rights nor become vested with any power to remain in default under the terms hereof by virtue of Lessor's failure to timely assert his rights. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

19. Default.

a. Each and every one and all of the following events shall constitute an Event of Default:

i) If Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;

ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;

iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;

iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;

v) if Lessee vacates or abandons the Premises;

vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;

vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

b. Upon the occurrence of any Event of Default as set forth above, Lessor shall have the right, at its option, to utilize any one or more of the following rights:

i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or

ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against Lessee as set forth herein; and/or

iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or

vi) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.

c. In the event of any conflict between any of the provisions hereof regarding the amount of time that must elapse without cure after notice of breach before the same constitutes an Event of Default, then the provisions establishing the least amount of time to cure after notice shall prevail.

d. Upon any breach hereof, regardless of whether such breach is, or becomes, an Event of Default; Lessor shall be reimbursed by Lessee for any reasonable attorney's fees incurred by Lessor in connection with such breach.

20. Notices and Written Consents.

All notices and written consents required under this Agreement shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

To Lessor: City of Grand Junction c/o City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

To Lessee: MZ ENTERTAINMENT, LLC
436 Main Street
Grand Junction, CO 81507.

To Agent: Downtown Development Authority, c/o Executive Director
248 South 4th Street
Grand Junction, CO 81501

Notices shall be deemed served upon posting the same s addressed above and sent as First Class United States mail.

21. Binding Effect and Complete Terms.

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are

merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Lessor and Lessee. This Lease supersedes all prior leases between Lessor and Lessee.

22. Construction of Lease.

This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

23. Performance Standards.

It is the intention of all parties hereto that the obligations hereunder and actions related hereto will be performed in accordance with the highest standards of commercial reasonableness, common sense and good faith.

24. Authorization of Parties.

Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership and that reasonable evidence of such authorization will be provided to the other party upon request.

25. Administrative Agent.

In conformance with the City's delegation of management responsibilities and authority concerning the Downtown Shopping Park and others areas of the public way in downtown Grand Junction, the City designates the DDA to serve as its Agent for the administration and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement, this day and year first above written.

Lessor: City of Grand Junction

Lessee:

By: Richard Englehart, City Manager

MZ ENTERTAINMENT, LLC
By:

Agent: Downtown Development Authority

By: Harry M. Weiss, Executive Director

Exhibit A: Proposed Lease Area (include dimensions and a sketch)

The area of sidewalk immediately in front of and abutting 436 Main Street, Grand Junction, CO (Mesa County Parcel Number 2945-143-16-017) more particularly described in the dimensioned sketch below:

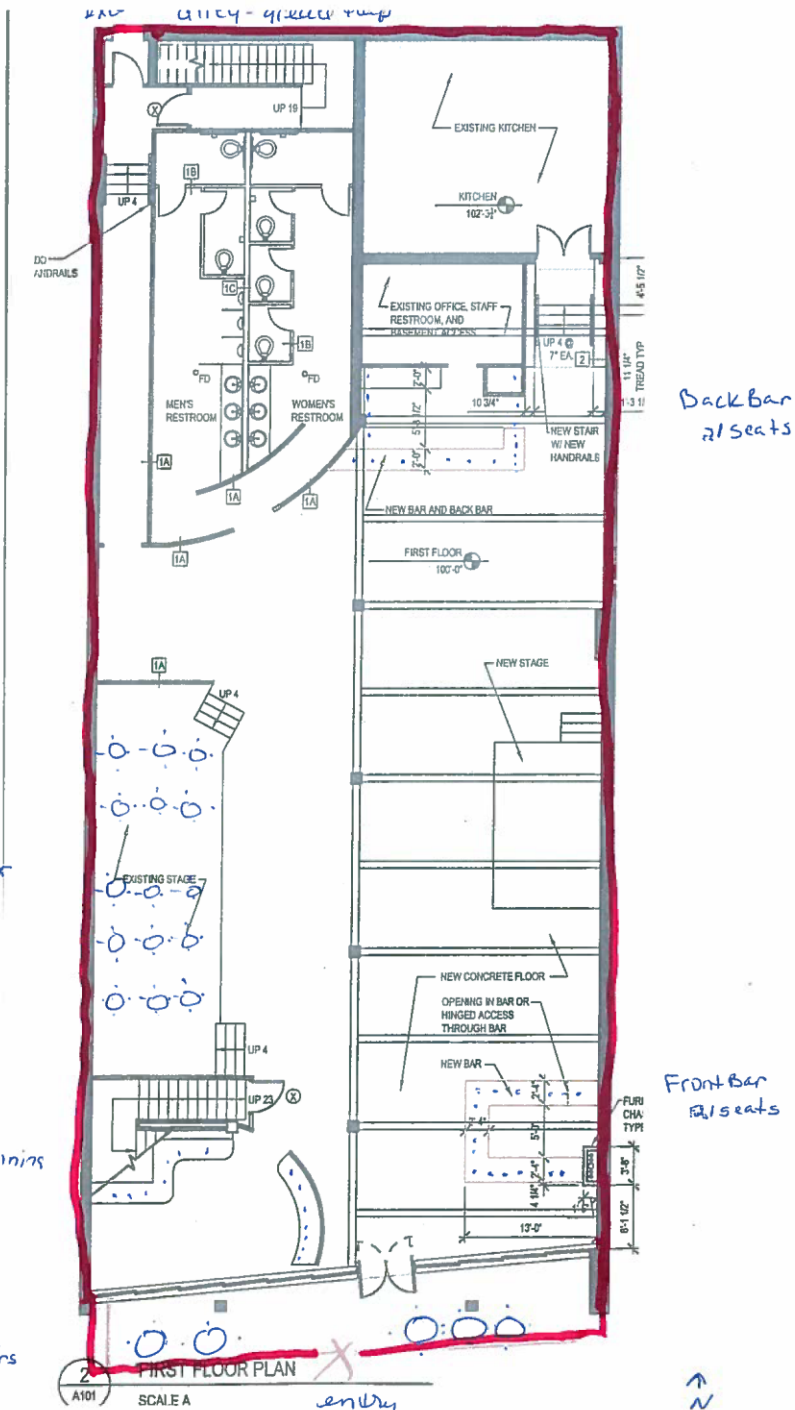


Exhibit B: Brief Description of Business / DDA Certification: include date, who prepared and lessee signature or initials

Business Name (name of insured): _____

DBA (if needed): _____

Applicant / Relationship to Business: _____

Contact Phone and Email: _____

Type of Food/Beverage to be served in leased area: _____

Days of Operation / Operating Hours: _____

How this operation will benefit Downtown Grand Junction:

Number of tables to be used in the leased area: _____

Number of chairs to be used in the leased area: _____

Semi-permanent or movable structures including carts, stands, signs, etc: _____

Describe any musical or vocal presentations or effects to be used in the leased area:

Copies of Current

Permits & Licenses Obtained: State Sales Tax _____

City Sales Tax _____

Liquor License _____

Restaurant/Food Service _____

Proof of Liability Insurance Coverage Provided? _____

DDA Certification: The Downtown Development Authority hereby finds that this application is proper, that all applicable permits have been obtained or will be obtained, that it is in compliance and will further the goals and objectives of the Plan of Development for Downtown Grand Junction, and that no current application exists for this location.

Signed: _____

Date: _____

If denied, state reason:

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

The Applicant assures the Downtown Development Authority and the City of Grand Junction that if a lease is issued, s/he will comply with all of the requirements and provisions of Grand Junction City Ordinance 3609, all other applicable ordinances and laws, and the Plan of Development for Downtown Grand Junction. The applicant further assures that s/he has obtained or will obtain all of the necessary and required permits or licenses to engage in the business or activity proposed.

I, _____, applicant for a Lease to conduct activities in the Downtown Shopping Park area, agree that I shall:

- (a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and
- (b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

I realize that consideration for this release is the granting of a lease to me by the City of Grand Junction, and I realize and agree that this Hold Harmless/ Indemnity Agreement shall take effect whenever I begin to conduct the type of activities for which the lease has been applied or when the permit is issued, whichever is earlier. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of this lease.

Executed this ____ day of _____, 20__.

Signed: _____