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**CITY COUNCIL AGENDA
WEDNESDAY, NOVEMBER 19, 2014
250 NORTH 5TH STREET
6:30 P.M. – ADMINISTRATION 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
Moment of Silence

Presentations

Featured Development Project – Blue Star Industries

Award Presented to the Grand Junction Fire Department as the Recipient of the Children’s Hospital 2014 Award for Commitment to Pediatric Emergency Care

Certificates of Appointment

To the Planning Commission/Zoning Board of Appeals

Citizen Comments

Council Comments

Revised November 18, 2014

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

*** CONSENT CALENDAR ***®

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

Action: Approve the Minutes of the November 5, 2014 Special Meeting and Regular Meeting

2. **Setting a Hearing Amending the Zoning and Development Code (Title 21, Grand Junction Municipal Code) to add Section 21.04.030 Regarding Short-Term Rentals** [File # ZCA-2014-291] [Attach 2](#)

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to add a section regarding Short-Term Rentals, to establish development standards and procedures for Short-Term Rentals, and to amend the table in Section 21.04.010 (Use Table) to add a row for the principal use of “Short-Term Rentals”.

Proposed Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Adding Section 21.04.030, Short-Term Rentals

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for December 3, 2014

Staff presentation: Senta Costello, Senior Planner

3. **Setting a Hearing on Amending the Zoning and Development Code (Title 21, Grand Junction Municipal Code), Section 21.06.080 Regarding Outdoor Lighting** [File #ZCA-2014-355] [Attach 3](#)

Request to amend the Zoning and Development Code regarding outdoor lighting, specifically lighting under fueling station canopies, Section 21.06.080(c)(7).

Proposed Ordinance Amending the Grand Junction Municipal Code, Section 21.06.080 (C) (7) Concerning Outdoor Lighting

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for December 3, 2014

Staff presentation: Lori V. Bowers, Senior Planner

4. **Contract Award for Visitor and Convention Bureau Advertising Services**

[Attach 4](#)

This request is to award a three-year, annual renewable contract for advertising services to Hill Marketing and Advertising, Inc. dba Hill and Company/Hill Aevium, from Edwards, CO, who will work closely with the Grand Junction Visitor and Convention Bureau (GJVCB) in developing and executing tourism-related marketing strategies resulting in a positive economic impact to the area.

Action: Authorize the City Purchasing Division to Award a Contract to Hill Marketing and Advertising, Inc. dba Hill and Company/Hill Aevium in the Estimated Amount of \$340,000

Staff presentation: Barbara Bowman, Visitor and Convention Bureau Division Manager

5. **Contract Award for Visitor and Convention Bureau Website Marketing Services**

[Attach 5](#)

This request is to award a three-year, annual renewable contract for website marketing services to Miles Media Group LLLP, from Superior, CO, who will work closely with the Grand Junction Visitor and Convention Bureau (GJVCB) in developing and executing tourism-related website marketing strategies resulting in a positive economic impact to the area.

Action: Authorize the City Purchasing Division to Award a Contract to Miles Media Group LLLP for Website Marketing Services in the Estimated Amount of \$170,000

Staff presentation: Barbara Bowman, Visitor and Convention Bureau Division Manager

6. **Leach Creek Stormwater Detention Facility Grant Request**

[Attach 6](#)

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$200,000 grant with a local match of \$325,000 to complete the construction of the Leach Creek Stormwater Detention Facility. Funding for the local match will be provided from the proposed 2015 CIP budget.

Resolution No. 37-14—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Energy and

Mineral Impact Assistance Program to Complete the Leach Creek Stormwater Detention Facility

®Action: *Adopt Resolution No. 37-14*

Staff presentation: Bret Guillory, Engineering Program Supervisor
Greg Lanning, Public Works and Utilities Director

7. **Downtown Grand Junction Business Improvement District (DGJBID) 2015 Operating Plan and Budget** [Attach 7](#)

Every year the DGJBID files an Operating Plan and Budget with the City Clerk by September 30th. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City staff, the Plan was found to be reasonable.

Action: *Approve the Downtown Grand Junction Business Improvement District 2015 Operating Plan and Budget*

Staff presentation: Harry Weiss, DDA/DGJBID Executive Director
Jodi Romero, Financial Operations Director

8. **Free Holiday Parking Downtown** [Attach 8](#)

The Downtown Partnership has requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices areas and shared-revenue lots.

Action: *Vacate Parking Enforcement at Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Official Red Plastic Bag*

Staff presentation: Harry Weiss, DDA/DGJBID Executive Director

9. **Prohibition of Parking along Main Street during Parade of Lights** [Attach 9](#)

The Downtown Grand Junction Business Improvement District (DGJBID) is requesting the prohibition of parking along Main Street during the 2014 Parade of Lights, and the authorization for towing vehicles violating the prohibition. City Staff recommends approval of the prohibition of parking on Main Street and towing during the Parade of Lights.

Action: Prohibit Parking along Main Street from 3rd to 7th Streets during the Annual Parade of Lights December 6, 2014, and Authorize the Towing of Vehicles

Staff presentation: Harry Weiss, DDA/DGJBID Executive Director

10. **Lang Drive Name Change to Winair Drive, Located between Bonny Street and 2769 Riverside Parkway** [File #SNC-2014-370] [Attach 10](#)

The property owner adjoining Lang Drive between Indian Road and 2769 Riverside Parkway is requesting to change the street name from Lang Drive to Winair Drive.

Resolution No. 38-14—A Resolution Renaming Lang Drive Between Bonny Street and 2769 Riverside Parkway to Winair Drive

Action: Adopt Resolution No. 38-14

Staff presentation: Senta Costello, Senior Planner

11. **Revocable Permit for Weight Scale for Mesa Feed Mart, Located at 520 S. 9th Street** [File #RVP-2014-100] [Attach 11](#)

Mesa Feed Mart is requesting a Revocable Permit to install a weight scale within the S. 9th Street right-of-way for use by Mesa Feed Mart and the general public.

Resolution No. 39-14—A Resolution Concerning the Issuance of a Revocable Permit to Mesa Feed Mart, Located at 520 S. 9th Street

Action: Adopt Resolution No. 39-14

Staff presentation: Scott D. Peterson, Senior Planner

12. **Resolution Approving the 2014 Orchard Mesa Pool Agreement and Appointing Pool Advisory Board Representative** [Attach 12](#)

The Orchard Mesa Pool Agreement has been negotiated and the City, the County, and the School District are now in agreement as to ownership, operation, and responsibilities. The next step is to assign members to serve on the Pool Committee as outlined in the agreement.

Resolution No. 40-14—A Resolution Approving the Intergovernmental Agreement Restating and Amending the Relationship between the City of Grand Junction, Mesa County and Mesa County Valley School District 51 Concerning the Orchard Mesa Swimming Pool and Appointing and Assigning a City Councilmember to Represent the City on the Orchard Mesa Pool Advisory Board

®Action: Adopt Resolution No. 40-14 Approving the Orchard Mesa Pool Agreement, Adopt the “Pool Board” Bylaws, and Appointing Councilmember Duncan McArthur to Represent the City on the “Pool Board”

Staff presentation: John Shaver, City Attorney

***13. **Consultant Contract for Foreign-Trade Zone** [Attach 13](#)

Staff is recommending City Council authorize the City Manager to enter into a professional service contract with Barnes & Thornburg LLP to evaluate the merits of a Foreign-Trade Zone (FTZ).

Action: Authorize the City Manager to Enter into a Professional Service Contract with Barnes & Thornburg LLP to Evaluate the Possibility of Establishing a Foreign-Trade Zone not to Exceed \$50,000

Staff presentation: Elizabeth Tice, Management and Legislative Liaison
John Shaver, City Attorney

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

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

14. **Public Hearing—Salt Flats Comprehensive Plan Amendment and Rezone, Located at the Northeast Corner of 28 Road and Grand Avenue** [File #CPA-2014-230 and RZN-2014-231] [**Attach 14**](#)

A request to change the Comprehensive Plan - Future Land Use Designation from Residential High Mixed Use to Commercial on 10.09 acres and a request to rezone 26.49 acres from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, located at the northeast corner of 28 Road and Grand Avenue.

Ordinance No. 4645—An Ordinance Amending the Comprehensive Plan from Residential High Mixed Use to Commercial and Rezoning Property from C-1 (Light Commercial) to R-24 (Residential 24+ du/ac) for Property known as the Salt Flats Located at the Northeast Corner of 28 Road and Grand Avenue

®Action: Adopt Ordinance No. 4645 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Brian Rusche, Senior Planner

15. **Public Hearing—Amending Sections of the Zoning and Development Code to Create a New Form-based Zoning District and to Amend Development Standards Applicable to Form Districts** [File #ZCA-2014-283] [**Attach 15**](#)

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to create a new form district to implement the “Mixed Use Opportunity Corridor” land use designation of the Comprehensive Plan, to establish development standards for the new form district, and to amend general form districts standards.

Ordinance No. 4646—An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) to Create a New Form-Based Zoning District that will Implement the Mixed Use Opportunity Corridor Future Land Use Designation of the Comprehensive Plan and to Amend Development Standards Applicable to the Form Districts

®Action: Adopt Ordinance No. 4646 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: David Thornton, Principal Planner

16. **CNG Vehicle Purchase Grant Request** [Attach 16](#)

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$352,000 grant with a local match of \$780,195 to fund the cost difference of Compressed Natural Gas (CNG) option for the replacement of ten fleet vehicles.

Resolution No. 41-14—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Alternative Fuels Funding Program to Purchase CNG Fleet Vehicles

®Action: Adopt Resolution No. 41-14

Staff presentation: Jay Valentine, Internal Services Manager

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

18. **Other Business**

19. **Adjournment**

Attach 1

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

NOVEMBER 5, 2014

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, November 5, 2014 at 5:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, Sam Susuras, and President of the Council Phyllis Norris. Also present were City Manager Rich Englehart, City Attorney John Shaver, Deputy City Manager Tim Moore, and Fire Chief Ken Watkins.

Councilmember Chazen moved to go into Executive Session to Discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or other Property Interest Under Section 402(4)(A) of the Open Meetings Law. Councilmember Doody seconded the motion. Motion carried.

The City Council convened into executive session at 5:02 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

November 5, 2014

The City Council of the City of Grand Junction convened into regular session on the 5th day of November, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, 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. The audience stood for the Pledge of Allegiance led by Joel Hubbard for his Boy Scout Troop 358; followed by an invocation from Associate Pastor Scott Hendrickson, Liberty Baptist Church.

Presentation

Grand Junction Deputy Police Chief Mike Nordine presented a Forensic Video Analyst Certification to Jordan Huslig with the Grand Junction Police Department. Deputy Chief Nordine said recently he went to a Law Enforcement and Emergency Responders Conference where he had the opportunity to help present Jordan Huslig his certification as a forensic video analyst. This is a very rare and difficult certification to attain. There are only about 50 people in the world with this certification.

Mr. Huslig thanked the Council for their recognition and understanding of the importance of this type of training and technology in crime fighting.

Proclamations

Proclaiming the Month of November 2014 as "Pulmonary Hypertension Awareness Month" in the City of Grand Junction

Councilmember Chazen read the proclamation. Present to receive the proclamation was Kristine Green, Co-Founder/Leader, LiPHe in the Grand Valley, Western Colorado's Pulmonary Hypertension Support Group. Ms. Green thanked the City Council and then explained the disease and the causes. She challenged folks to take the straw challenge; where breathing through a small straw is used to simulate what it feels like to have the disease. Ms. Green explained the significance of the colors and pattern of the pulmonary hypertension awareness ribbon and mentioned some of the different treatments; there are no specialists in Grand Junction that treat this disease. Also present to accept the proclamation were Shawn Cadden and Jeana Hannestad. Mr. Cadden said he is a living example of the difficulties this disease creates in living and holding a job. He described his symptoms. Next Ms. Hannestad, a single mom, described her severe symptoms that

have required intravenous treatment for the last eight years. They distributed a packet of information and ribbons to the City Council.

Proclaiming the Month of November 2014 as "Hospice and Palliative Care Month" in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Present to receive the proclamation was Christy Whitney, President and Chief Executive Officer (CEO) of HopeWest of the Grand Valley. Ms. Whitney provided statistics and information about HopeWest and how it has helped the community. She thanked the City Council for their support.

Proclaiming November 11, 2014 as "A Salute to all Veterans 2014" in the City of Grand Junction

Councilmember Doody read the proclamation. Present to receive the proclamation was Rick Peterson, Major, United States Air Force (USAF) (Retired), and President of the Veterans Committee of the Western Slope. Major Peterson thanked the City Council and invited everyone to the Veteran's Day Parade on Saturday, November 8th on Main Street. He said it is a great way to connect to the Veterans. On November 11th, there will be a ceremony in Fruita at the interchange under the helicopter at 11:00 a.m.

Proclaiming November 1-7, 2014 as "National Health Professionals Week" in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Present to receive the proclamation were Theresa Bloom, Western Colorado Community College (WCCC) Instructor and Health Occupations Students of America (HOSA) Advisor along with a number of students and other representatives. Ms. Bloom thanked the City Council for the proclamation and introduced Darren Oxford, Medical Preparation Instructor at WCCC, and then described the program and the students. She said she is proud of the student's service and how they give back to the community; she described a number of events in which they participate. Each year they raise about \$40,000; this provides the funding for all the students to attend competitions. Anyone interested in helping the students raise funds can call for the Medical Preparation program at WCCC. Gene Thermon, a student, spoke on how the program has helped him grow in the medical field and as a person.

Appointments

Councilmember McArthur moved to re-appoint Steve Tolle to the Planning Commission for a three year term expiring October 2018, appoint Keith Ehlers and Dr. George Gatseos to the Planning Commission/Zoning Board of Appeals, respectively as 1st and 2nd Alternate for three year terms expiring October 2018, and appoint Aaron Miller to the

Zoning Board of Appeals for a partial term expiring October 2015. The motion was seconded by Councilmember Traylor Smith. Motion carried by roll call vote.

Citizen Comments

Bruce Lohmiller, 445 Chipeta Avenue, #25, addressed the City Council regarding several different occurrences he has discussed with City Attorney Shaver. These have been filed with the court. He also spoke to night patrols that are trying to get people off the streets. He asked the Council to assist with this.

Council Comments

Councilmember McArthur went to Central High School on October 16th to hear oral arguments for two cases from the Colorado Court of Appeals. He said it was a great educational experience, especially for the students in attendance. He provided brief descriptions of the cases that were presented to the judges. This is an excellent program and it was the first time it was held in Grand Junction.

Councilmember Boeschstein attended a Mesa Land Trust meeting on October 22nd, a meeting on the Homeless at Linden Pointe and a Museum of Western Colorado Board meeting on October 28th, and on October 30th he went on a tour of affordable housing in the Grand Valley. He thanked all the local agencies that help area residents find affordable housing. On November 5th he attended meetings for the Business Incubator and Riverview Technology Corporation.

Councilmember Chazen attended the Grand Junction Chamber of Commerce Business Showcase on October 28th that was held at Two Rivers Convention Center. He commented that it was interesting and enjoyable to see all the new businesses represented. Councilmember Chazen then reported the Associated Governments of Northwest Colorado (AGNC) will be replacing Executive Director Scott McInnis since he was elected to be a Mesa County Commissioner on November 4th. AGNC has begun recruiting for the position.

Councilmember Doody went to the groundbreaking ceremony for the John U. Tomlinson Library at Colorado Mesa University (CMU) on November 5th. He mentioned he was a founder and current board member of the Western Colorado Suicide Prevention Foundation and reminded everyone of the Foundation's role in the community. He then announced the Foundation has a part time marketing position and board positions available. Councilmember Doody encouraged everyone to attend the Veteran's Day Ceremony that will be held in Fruita at the Vietnam Veteran's War Memorial Park on November 11th. It will be a great event that will have a Silver Star recipient as the key note speaker.

Councilmember Traylor Smith attended the John U. Tomlinson Library groundbreaking ceremony at CMU and the Grand Junction Fire Department Emergency Medical Services (EMS) Academy graduation on October 25th. She commented on how diverse the students were and what a great contribution they will make.

Council President Norris also attended Colorado Court of Appeals held on October 16th at Central High School. She felt the best part was when the students were given the opportunity to come forward and give their evaluation of the session. It was a great opportunity for the students and Grand Junction. On November 5th Council President Norris attended the Grand Junction Incubator planning meeting and the CMU Library groundbreaking ceremony; she commended them both for providing opportunities for local job growth and she appreciated the invitations to attend. She also went to the EMS graduation ceremony noting the City is very fortunate to have the Academy that will help provide these graduates with the skills for EMS careers.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #10 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. Minutes of the Previous Meetings

Action: Approve the Summaries for the October 6, 2014 and the October 13, 2014 Workshops, and the Minutes from the October 15, 2014 Special Session and October 15, 2014 Regular Meeting

2. Setting a Hearing on the Salt Flats Comprehensive Plan Amendment and Rezone, Located at the Northeast Corner of 28 Road and Grand Avenue [File #CPA-2014-230 and RZN-2014-231]

A request to change the Comprehensive Plan - Future Land Use Designation from Residential High Mixed Use to Commercial on 10.09 acres and a request to rezone 26.49 acres from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, located at the northeast corner of 28 Road and Grand Avenue.

Proposed Ordinance Amending the Comprehensive Plan from Residential High Mixed Use to Commercial and Rezoning Property from C-1 (Light Commercial) to R-24 (Residential 24+ du/ac) for Property known as the Salt Flats Located at the Northeast Corner of 28 Road and Grand Avenue

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for November 19, 2014

3. **Setting a Hearing Amending Sections of the Zoning and Development Code to Create a New Form-based Zoning District and to Amend Development Standards Applicable to Form Districts** [File #ZCA-2014-283]

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to create a new form district to implement the "Mixed Use Opportunity Corridor" land use designation of the Comprehensive Plan, to establish development standards for the new form district, and to amend general form districts standards.

Proposed Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) to Create a New Form-Based Zoning District that will Implement the Mixed Use Opportunity Corridor Future Land Use Designation of the Comprehensive Plan and to Amend Development Standards Applicable to the Form Districts

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for November 19, 2014

4. **CDBG Subrecipient Contracts with West Springs Hospital and the Salvation Army for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2014-06 and 2014-07]

The Subrecipient Contracts formalize the City's award of \$31,164 to West Springs Hospital and \$25,000 to the Salvation Army allocated from the City's 2014 CDBG Program as previously approved by Council. The grant funds will be used to purchase specialized furnishings for patient rooms at West Springs Hospital and remodel the meal service kitchen at the Salvation Army's main facility.

Action: Authorize the City Manager to Sign the Subrecipient Contracts with West Springs Hospital for \$31,164 and the Salvation Army for \$25,000 from the City's 2014 CDBG Program Year Funds

5. **Contract for Leach Creek Open Channel Tree and Brush Removal 2014-2015**

This request is to award a contract for the cutting of trees in the Leach Creek drainage channel located approximately between the intersections of 25 Road and G Road, and 26 ½ Road and Catalina Drive, a distance of approximately 2.8 miles which is split into 8 sections. This contract shall include the cutting and

removal/chipping of trees within 15' on both sides of the center of the stream in the drainage channel.

Action: Authorize the City Purchasing Division to Enter into a Contract with Enviro Land Management, LLC of Whitewater, CO for the 2014-2015 Leach Creek Tree Cutting Project in the Amount of \$125,000

6. **Outdoor Dining Lease for Mesa Theater and Club, LLC, Located at 538 Main Street**

Mesa Theater and Club, LLC, is leasing the Mesa Theater property and business located at 538 Main Street from the current owner Mesa Theater and Lounge, LLC. As a new business entity, Mesa Theater and Club, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 350 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 is currently occupied by Mesa Theater and Lounge, LLC.

Resolution No. 32-14 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater and Club, LLC dba Mesa Theater and Club

Action: Adopt Resolution No. 32-14

7. **Sole Source Equipment Purchase of Digester Gas Flare Equipment at the Persigo Waste Water Treatment Plant**

This request is to approve a sole source purchase of methane gas flare equipment from LFG Specialties, LLC. Pending approval, this equipment will be installed in conjunction with the new BioCNG scrubbing equipment at the Persigo Waste Water Treatment Plant (WWTP) later this winter. The flare equipment being replaced was installed when the plant was constructed in 1983 and is well beyond its service life.

Action: Authorize the City Purchasing Division to Purchase Methane Gas Flare Equipment from LFG Specialties, LLC in the Amount of \$82,900

8. **Renewable Fuel Credit Management Services**

Blue Source will coordinate all of the activities required to generate, document, register, market, and monetize the Renewable Identification Numbers (RIN's) achieved by the Persigo Waste Water Treatment Plant BioGas project.

Action: Authorize the Purchasing Division to Enter into a Contract with Blue Source to Provide Services Required to Register, Generate, and Market Renewable Identification Numbers

9. **Horizon Drive Association Business Improvement District (HDABID) 2015 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the Horizon Drive Association Business Improvement District Board and submitted within the required timeline.

Action: Approve the Horizon Drive Association Business Improvement District's 2015 Operating Plan and Budget

10. **Vacate a 20' Sewer Easement Located at 2619 H Road**

A request to vacate a 20' sewer easement on a 3.069 +/- acres parcel in a Residential - Rural (R - R) zone district located at 2619 H Road. The easement will be relocated along the edge of the property instead of crossing diagonally.

Resolution No. 33-14 – A Resolution Vacating a 20' Sewer Easement Located at 2619 H Road

Action: Adopt Resolution No. 33-14

ITEMS FOR INDIVIDUAL CONSIDERATION

Public Hearing - Fire Station No. 4 Annexation and Zoning, Located at 2880 B ½ Road

A request to annex and zone the 4.760 acre Fire Station No. 4 Annexation, located at 2880 B ½ Road, to R-4 (Residential 4 du/ac). This property consists of 1 parcel, contains 1.21 acres of B ½ Road right-of-way, and is being annexed into the City.

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

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. She noted the surrounding zoning and uses.

Councilmember Boeschstein asked why the request is not for a Community Service Recreation zone (CSR). Ms. Costello said policy allows the choice to be zoned CSR or match the zone of the surrounding area as long as it conforms to the Comprehensive Plan. Councilmember Boeschstein noted the zoning does not indicate residential use of the property. Ms. Costello explained publicly owned property is usually zoned like the surrounding area in consideration of a future sale, and public service facilities, like fire stations, are allowed in all zone districts.

Councilmember Chazen asked if the Church property is part of the rezone request. Ms. Costello said the property was annexed as a whole and then subdivided; this zone request is for the entire property.

City Attorney Shaver explained churches are allowed in all residential zones in the City.

There were no public comments.

The public hearing was closed at 7:51 p.m.

Resolution No. 34-14 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fire Station No. 4 Annexation, Located at 2880 B ½ Road is Eligible for Annexation

Ordinance No. 4641 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fire Station No. 4 Annexation, Approximately 4.760 Acres, Located at 2880 B ½ Road and including a Portion of the B ½ Road Right-of-Way

Ordinance No. 4642 – An Ordinance Zoning the Fire Station No. 4 Annexation to R-4 (Residential 4 du/ac), Located at 2880 B ½ Road

Councilmember Susuras moved to adopt Resolution No. 34-14 and Ordinance No. 4641 and Ordinance No. 4642 on Final Passage and order them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing - Amending Industrial Pretreatment Regulations Regarding Limits for Metals in Industrial Wastewater Discharge

The Persigo Industrial Pretreatment Program is revising the Mass Based Local Limits for Metals discharged to the Persigo Wastewater Treatment Facility from local industries to continue to meet State and Federal wastewater discharge permit requirements. Federal regulations require a reading of the proposed changes to the Code, public notice by the United States Environmental Protection Agency (USEPA) and final approval at a hearing. The City adoption of the final ordinance is contingent on USEPA final approval,

anticipated in the near future. It is anticipated the revision will not result in any impacts to permitted Industrial Users, based on historical monitoring data.

The public hearing was opened at 7:54 p.m.

Greg Lanning, Public Works and Utilities Director, presented this item. He explained the purpose of the ordinance and noted the presence of a letter in the packet from the City Attorney. He referred to a white paper he provided the City Council a few weeks prior on local limits. He explained the meaning of local limits and the applicable state and federal regulations that set those limits. The purpose of the limits are safety and health. He listed the metals and elements that are limited by this proposed ordinance. All limits were reduced except chromium. After the first reading on September 19th the proposed changes were submitted to the USEPA and distributed to users that would be affected by the new limits. The USEPA was delayed issuing their notice to the Federal Register, which is why this item's final approval is contingent on the EPA's approval. In this community there are 18 discharge and 12 waste hauler permits issued, but very few of these have discharge limits particular to these metals. CAPCO, Inc. is one company that feels they will be affected by the new limits. The City's response to CAPCO is included in the report. Mr. Lanning explained how the limits were determined and noted how they allow for future industry growth, specifically CAPCO. Some concerns are future increased limit reductions and nutrient discharge. The report concluded limits would be increased if the Plant discharged directly into the river (rather than into the smaller Persigo Wash) and the Plant installed a diffuser in the river. This proposal is for the diffuser design in the budget for 2015 with the plan to install it in 2016. This is more cost effective than plant modifications.

Councilmember Boeschstein asked how many industrial pre-treatment sites there are in the system. Mr. Lanning said there are 18 discharge permits; most companies collect and recycle the metals rather than discharge them. CAPCO does have to discharge chromium as part of their process.

Councilmember Doody asked City Attorney Shaver if there have been illegal discharges in the past. City Attorney Shaver said there have been. Councilmember Doody remembered a City employee was seriously injured due to the illegal discharge. City Attorney Shaver said he was correct and this is a very serious matter. He also mentioned he had an opinion letter in the report.

Councilmember McArthur asked if this is required to be in compliance with federal regulations. City Attorney Shaver said it is.

There were no public comments.

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

Ordinance No. 4640 – An Ordinance Amending Section 13.04.370 (D) of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations Concerning Mass-Based Local Limits

Councilmember Susuras moved to adopt Ordinance No. 4640 and ordered it published in pamphlet form upon USEPA final approval. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Public Hearing - Proietti Annexation and Zoning, Located at 782 24 Road

A request to annex and zone the Proietti Annexation, located at 782 24 Road. The Proietti Annexation consists of one 8.939 acre parcel and no public right-of-way. The requested zoning is a C-1 (Light Commercial) zone district.

The public hearing was opened at 8:01 p.m.

Brian Rusche, Senior Planner, introduced this item. He described the site, location, and request. The property currently has an abandoned single family residence. Nearby development is Fellowship Church. The Comprehensive Plan established goals for this development. This is the first area that has been rezoned in this village area. This project meets numerous goals. Any site improvements will need to come through this process.

Councilmember McArthur asked if Leach Creek runs through the property. Mr. Rusche confirmed it does.

Councilmember Boeschenstein asked how the Leach Creek Floodplain will be protected. Mr. Rusche said the developing engineer will have this information in the site plan which is not yet completed. However, the building sites currently being considered are where the previous buildings were built and these locations will not be impacted by the floodplain.

There were no public comments.

The public hearing was closed at 8:10 p.m.

Resolution No. 35-14 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Proietti Annexation, Located at 782 24 Road is Eligible for Annexation

Ordinance No. 4643 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Proietti Annexation, Approximately 8.939 Acres, Located at 782 24 Road

Ordinance No. 4644 – An Ordinance Zoning the Proietti Annexation to C-1 (Light Commercial), Located at 782 24 Road

Councilmember Boeschstein moved to adopt Resolution No. 35-14 and adopt Ordinance No. 4643 and Ordinance No. 4644 on final passage and ordered them published in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Commercial Catalyst Grant Program - North Avenue Revitalization

In the continuing efforts to revitalize North Avenue, City Council will consider creating and funding a new Commercial Catalyst Grant Program to help fund streetscape and building façade projects on North Avenue. The grant program will require a 50% match from the property/business owner with grant amounts up to \$10,000 per property. Projects meeting the requirements of the program and approved by City Council will be funded on a first come first served basis.

Tim Moore, Deputy City Manager, introduced this item and explained the process that has led up to this point with Staff and the community. This project started as part of an Economic Development Plan to revitalize different areas of the community. It then transitioned into more specific projects such as the North Avenue Overlay project and was finally brought to Council at the October 6th Workshop; Council asked that the project have more of a framework and decide on how it would be managed; it was decided the Community Development Division will manage this program.

David Thornton, Principal Planner, gave a description of this project and presented everything that has taken place to date and relayed his excitement on the progress of this revitalization project thus far. This is a three part request: establish a grant program, assign a councilmember to the Catalyst Committee, and approve the funding for the grants. The program as proposed is to improve the streetscape and facades along North Avenue for safety and aesthetics. There are approximately over 200 properties and over 100 buildings that could be eligible for this program. Key aspects of the program are: a 50/50 fund match will be required; eligible projects will be awarded on a first come first served basis up to \$10,000; and City Staff will be available to assist applicants through the entire process. Funding must be used for permanent private improvements on the North Avenue side of buildings such as outdoor patios/eating areas and other pedestrian features. Up to \$1,500 of the grant may be used for design services for the improvements. Funding is also being sought to improve public streetscapes with park strips and expanded sidewalks which will also enhance the safety and looks of the public rights-of-way. A requested component of this project is to create a Catalyst Committee comprised of one staff person, one councilmember, and three members of the North Avenue Owners Association. The Committee will determine project eligibility and make recommendations to Council for funding.

Councilmember Chazen noted this program is requesting a total of \$100,000 with this \$50,000 request coming from the 2014 budget. He then asked if a separate authorization will be needed for funds to be allocated from the 2015 budget. Mr. Thornton said yes. Councilmember Chazen asked if there had been any discussion on whether funding will be available to both owners and lessees. Mr. Thornton said funds will be available to both; however the owner's signature will be required on all grant applications authorizing changes. Councilmember Chazen asked how the funds would be paid. Mr. Thornton said the applicants will be reimbursed for expenses. Councilmember Chazen then asked if there will be a public notice of this program roll out giving all those eligible the same amount of time to apply. Mr. Thornton said there have been some television ads and an open house will be scheduled on November 10th if this program is approved tonight. Additional advertising is also being considered.

Councilmember Boeschstein thanked the North Avenue Owners Association (NAOA) and City Staff for bringing this project forward. He mentioned he and his wife live close to North Avenue and this project will provide big improvements to the corridor; it is a big step forward for North Avenue. Councilmember Boeschstein said one particular aspect of this project he likes is the incentive to owners to change the type of business signs used to the monument style; this will reduce the number of signs and sign poles that disrupt the view.

Councilmember Susuras thanked Mr. Thornton who has worked on this project from the beginning, Kathy Portner, Community Services Manager, for securing a million dollar grant, and the members of the North Avenue Owners Association. He noted they have all worked hard and their efforts are appreciated. He will support this project.

Councilmember Traylor Smith asked who will maintain the vegetation along North Avenue. Mr. Thornton said maintenance of the vegetation is the owner's responsibility. Councilmember Traylor Smith asked that the type of landscaping being considered be reviewed for a proper fit before it is installed so the area is able to maintain its curb appeal in the years to come. She feels this is a great project and commended everyone involved for their good work.

Council President Norris commented that this is a great project; she is glad to see it get to this point and feels it will get better as the project moves forward. Council President Norris invited members of NAOA to speak.

NAOA board members in attendance were President Poppy Woody, Deborah Hooey, and Kevin Bray. Mr. Bray reviewed when the plan began and the initial projects. He commended and thanked Mr. Thornton and Ms. Woody on their tenacity to move this project forward and expressed how excited they are about this program. This blend of public and private sector funds is a great way to create partnerships. He encouraged Councilmembers to approve the program and attend the Open House planned for

Monday, November 10th from 4:30 to 6:30 p.m. at the Lincoln Park Hospitality Suite. Mr. Bray said after seven years it is good to see this project proceed.

Resolution No. 36-14 – A Resolution Establishing the Commercial Catalyst Grant Program for North Avenue

Councilmember Chazen moved to adopt Resolution No. 36-14. Councilmember Boeschstein seconded the motion. Councilmember Boeschstein volunteered to serve on this committee. City Attorney Shaver clarified that an affirmative vote would include the appointment of Councilmember Boeschstein to that committee. Motion carried by roll call vote.

Contract for City of Grand Junction CNG Slow-Fill/Time-Fill Fueling Station

This request is to authorize the City Purchasing Department to award a contract with Ward Alternative Energy, LLC of Commerce City, CO for the expansion of the City's CNG (Compressed Natural Gas) Fueling Station. There are currently ten time-fill stations that service 18 City CNG vehicles and four Grand Valley Transit (GVT) vehicles. Four more CNG vehicles and four more GVT vehicles are expected in the next two months.

Jay Valentine, Internal Services Manager, described the project which asks for ten additional CNG fueling stations. The current station, completed in 2011 has ten fueling slots. Since then this City program has grown to include over 20 CNG vehicles and has been recognized statewide and nationally as a leader of CNG programs. Currently, the City's CNG refueling needs have exceeded the capacity of the ten slots and if this request is approved, the capacity will double; CNG refueling for the larger vehicles is an overnight process. For this project the City has a bid from Ward Alternative Energy, LLC in the amount of \$463,361; the original estimated cost for this project was \$300,000. Some funds that will help cover the cost will come from a \$200,000 Department of Local Affairs (DOLA) grant; additional funds are being requested from DOLA for the amount over the original estimated amount. Other fund sources are from Fleet Services (\$150,000), the Solid Waste Enterprise Fund (\$100,000) and GVT (\$13,250).

Councilmember Chazen asked from where are the Fleet Services and the Solid Waste funds coming: current operations or reserves. Mr. Valentine said Fleet Services old billing model produced a balance that is more than the City felt was needed for sound financial management; the Fleet Services \$150,000 is from this fund balance. The \$100,000 from the Solid Waste Enterprise Fund is available due to the fuel cost savings accrued from using CNG versus diesel. Councilmember Chazen noted that the Fleet charges for fuel are increasing in 2015. Mr. Valentine said CNG fuel is now at a break-even price. Councilmember Chazen asked if all of the trash trucks use CNG fuel. Mr. Valentine said when the new trucks arrive all the trash trucks will use CNG.

Councilmember Chazen felt GVT should pick up a larger amount of the cost than \$13,250. Mr. Valentine has been directed to have an additional conversation with GVT regarding the shortfall in the budget.

Councilmember Traylor Smith asked what changes were made to pay for the project increase of \$160,000. Mr. Valentine said the \$150,000 from Fleet Services was added to pay for the additional cost. Councilmember Traylor Smith asked why it is difficult to find construction companies to bid on these types of projects. Mr. Valentine said it is because this technology is so new. Councilmember Traylor Smith then asked if Mr. Valentine felt more companies would be available as the technology became more main stream. Mr. Valentine said yes, but as demand for these stations increases, it will be harder to find companies available for projects, especially if they are not for the complete plant like this project (just an expansion). Councilmember Traylor Smith asked if there are any safety concerns with this project. Mr. Valentine said yes and one of the reasons this company was chosen was their successful history with this type of project. Councilmember Traylor Smith asked if this fueling station will be the final destination of the fuel line that is being built at Persigo. Mr. Valentine answered yes.

Council President Norris asked if the additional funding to be requested from DOLA is included or in addition to the \$200,000. Mr. Valentine said the City has already been approved for \$200,000; the new request will be for an additional \$81,608. Council President Norris asked, if DOLA approves the additional funding, will the amount being funded by Fleet Services be reduced? Mr. Valentine answered yes. Council President Norris then asked if the City did not want to spend that much money, could the number of fueling stations be reduced or would it be better to construct the same number of slots. Mr. Valentine said they had looked at the option of reducing the number of new stations, but that would have required changing the vehicles being refueled in the middle of the night in order to meet the demand. Council President Norris then asked if the City should be looking at constructing more refueling stations. Mr. Valentine said if the program continues to grow at the same rate it has, ten additional stations will not be enough. Right now, he is comfortable with having 20 for the next 3-5 years.

Councilmember Chazen asked if a private partnership has been explored to help defray the costs. If the City needs to install more stations in the future, is this something the City wants to be doing? Mr. Valentine said it is hoped private sector involvement will be forthcoming. Initially when the City built the stations, it was hoped this would be a catalyst to encourage private sector involvement. Although this has happened, up to this point, it has been in areas outside of the Grand Valley; he feels this will change soon which is why he is comfortable with only adding ten stations now. Councilmember Chazen asked if private funding is on the horizon, can the City get by with the current ten stations or does the City need the additional capacity now? Mr. Valentine said the City is currently past capacity and needs the additional stations constructed.

Councilmember McArthur read Goal 12 from the Staff report, "Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy". He would like comments like this considered when revising the Comprehensive Plan. He felt the current verbiage contains opinions; he questioned if this is the business of government. He read the next sentence, "This equipment will allow for continued reliable Solid Waste, street maintenance, and public transportation services to our community". Councilmember McArthur said it is not the business of government to compete with the private sector. Solid Waste alone competes with four private companies.

Councilmember Boeschstein disagreed with Councilmember McArthur. He said Grand Junction is a regional provider of goods and services that has been designated as a metropolitan area by the Census Bureau because the City has a population of 60,000 and the County 130,000; the Grand Valley is by far the largest urban area between Denver and Salt Lake City. Solid waste cannot be provided by the private sector unless they are able to build a landfill. He will support this project.

Councilmember McArthur commented that the private sector can provide landfill services and they do in some areas. There is a private land fill in Aurora. When he referenced providing goods and services he was referring to governments creating businesses that directly compete with the private sector.

Councilmember Susuras moved to authorize the City Purchasing Division to enter into a contract with Ward Alternative Energy, LLC of Commerce City, CO in the amount of \$463,361, for the Expansion of the City's CNG Fueling Station to include an additional Ten Fueling Stations. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:55 p.m.

Stephanie Tuin, MMC
City Clerk



Date: November 4, 2014
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner/x1442
 Proposed Schedule: 1st Reading November 19, 2014
 2nd Reading (if applicable): December 3, 2014
 File # (if applicable): ZCA-2014-291

Attach 2

CITY COUNCIL AGENDA ITEM

<p>Subject: Amendment to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) to add Section 21.04.030 Regarding Short-Term Rentals</p>
<p>Action Requested/Recommendation: Introduce Proposed Ordinance and Set Public Hearing for December 3, 2014</p>
<p>Presenter(s) Name & Title: Senta Costello, Senior Planner</p>

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to add a section regarding Short-Term Rentals, to establish development standards and procedures for Short-Term Rentals, and to amend the table in Section 21.04.010 (Use Table) to add a row for the principal use of “Short-Term Rentals”.

Background, Analysis and Options:

Traditionally, travelers have stayed in a hotel and/or motel. This has changed over the years to broaden the choices available when deciding where to stay while traveling. Additional options have included bed and breakfasts, resorts, time-shares and more recently short-term rentals. While most lodging options occur in commercial areas or large acreages, short-term rentals typically occur in more traditional residential neighborhoods. The Grand Junction community is also starting to see an interest in providing this additional lodging choice to travelers; however, currently the Zoning and Development Code does not have any reference to Short-Term Rentals. This Code amendment is proposed in order to provide the community the opportunity to offer the short-term rental lodging option to travelers, while protecting the integrity of the affected neighborhood.

Other communities across the country who allow short-term rentals were researched to determine what issues they had encountered and what standards and policies they had in place to mitigate any problems. Attached is a chart depicting the communities surveyed and associated standards for each.

The Town of Palisade adopted an ordinance to add Short Term Vacation Rentals to the Palisade Land Development Code November 11, 2014. The ordinance requires the following standards:

3.3.14 Short Term Vacation Rentals

A short term vacation rental use is permitted subject to the following standards:

- A. The short term vacation rental shall be subject to major site plan approval as per Section 7.7.10 of the Town of Palisade Land Development Code. The site plan shall demonstrate compliance with the standards as set forth.*
- B. No sign to identify the short term vacation rental is permitted on the property and no changes shall be made to the dwelling or site which would diminish or detract from the residential appearance in the neighborhood.*
- C. The maximum number of occupants shall not exceed two (2) persons per bedroom plus two (2) additional renters overall.*
- D. Parking shall be provided to accommodate one space per the dwelling unit plus one space for each occupied bedroom.*
- E. All vehicles shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.*
- F. The short term vacation rental shall be subject to the same safety and health inspections, licenses, registrations, fees and taxes to which other licensed businesses or places of accommodation are subject.*

The requirements for a short term vacation rental within the Town of Palisade are minimal as a request for this type of use requires approval from the Planning Commission. The City of Grand Junction ordinance proposes an administrative review and is more detailed by providing requirements for the permitting and renewal process to be used by staff in reviewing and making decisions on short-term rental applications.

Signage is also different between the Palisade ordinance and the ordinance proposed for the City of Grand Junction. Where the Palisade standards do not allow any signage, the City of Grand Junction proposed ordinance will allow for minimal signage similar to what is allowed for home occupations.

Another difference is in the area listed in item “F” above. Rather than stating that “all short term rentals are subject to the same inspections, licenses, registrations, fees and

taxes to which other licensed businesses or places of accommodation are subject”, the Grand Junction proposed ordinance reads:

(ii) The owner or responsible party shall:

(A) collect and remit all applicable local, state, and federal taxes;

(B) ensure the rental unit meets all applicable local, state, and federal regulations, including but not limited to smoke and carbon monoxide detector requirements;

(C) obtain all required permits and licenses in accordance with the City of Grand Junction Municipal Code

(D) maintain a fire extinguisher in good working order on the premises at all times;

(E) be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with the provisions of this Code and with the terms of the short-term rental permit, and shall permit such inspection upon reasonable notice.

(F) The property owner shall provide the designated responsible party with a copy of the short-term rental permit.

The proposed City of Grand Junction short-term rental ordinance has the same standards and requirements as the other standards that are in the Palisade short term vacation rental ordinance.

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

The proposed Code amendment is consistent with the following Goals and Policies of the Comprehensive Plan:

Goal 6 – Land use decisions will encourage preservation and appropriate reuse.

Policy: In making land use and development decisions, the City and County will balance the needs of the community.

Current financial situations and lifestyles choices create unique needs for property owners and their properties. The proposed addition to the Zoning and Development Code will allow additional flexibility to property owners when making decisions on options for the use/reuse of their property currently not available.

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

Policy: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

Many travelers make choices on travel destinations based on amenities available, including lodging choices and the addition of Short-Term Rentals as a lodging option in the community adds a desirable choice for visitors.

How this item relates to the Economic Development Plan:

The proposed Code amendment is consistent with the following Goal and Action Step of the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

Action Step – Review development standards and policies to ensure that they are complementary and support the common mission.

This Code amendment is proposed in order to provide the community the opportunity to offer the short-term rental lodging option to travelers, while protecting the integrity of the affected neighborhoods. This lodging option and business opportunity is currently not permitted under the Zoning and Development Code.

Board or Committee Recommendation:

The VCB Board reviewed this proposal at their September 16, 2014 meeting and they agreed that the process was appropriate.

On November 12, 2014 the Planning Commission forwarded a recommendation of approval for the request to add Section 21.04.030 regarding Short-Term Rentals.

Financial Impact/Budget:

Owners of short-term rentals will be subject to collection of the City of Grand Junction lodging tax.

Legal issues:

The City Attorney's office has reviewed the request and had no concerns.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed.

Findings of Fact/Conclusions:

After reviewing ZCA-2014-291, Amendment to add Section 21.04.030 to the Zoning and Development Code, the following findings of fact and conclusions have been determined:

1. The requested amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

Attachments:

Short-Term Rental Community Survey Chart
Proposed Ordinance

Standard/Regulation	Town/City																	
	Venice, FL	San Luis Obispo Cty, CA	Mendocino Cty, CA	Isle of Palms, SC	Sonoma Cty, CA	City of Palm Springs, CA	City of St Helena, CA	MauI Cty, HI	Glenwood Springs, CO	Grand Lake, CO	Aspen, CO	Durango, CO	Flaggway, CO	Mt Crested Butte, CO	Tillamook Cty, OR	Telluride, CO	Silverton, CO	Palmsade, CO
Zone Dist Restriction	X	X			X		X	X	X	X	X	X	X	X		X	X	X
On-Site Mgmt																		
Nearby Mgmt	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
Notice of Mgmt/Contact					X	X	X	X									X	X
Deposit																		
# of times/yr limitation	X															X		
% of units in MF									X									
Spacing req't		X										X						
Ratio long term to short term			X															
General Occupancy Limitations	X	X		X	X		X	X	X			X			X		X	X
Overnight Occupancy Limitations				X	X	X												
Daytime Occupancy Limitations					X	X												
Group Gathering Limitations							X	X										
Max # of Bedrooms					X		X	X					X					
Noise Limitations		X			X	X	X	X		X		X					X	X
Quiet Hours					X		X	X							X		X	
Trash Req'ts	X					X			X	X	X		X	X	X	X	X	
Parking Req'ts	X	X		X	X		X	X	X	X	X	X	X	X	X		X	X
Business Plan																		
Rental Agreement / Guest Registration	X					X	X	X									X	
Good Neighbor brochure for renter						X												
Important Contact/safety info posted	X	X				X			X		R			X			X	
Rules/Regs Posted/Provided				X		X	X	X		X	R	X		X	X		X	X
Compliance w/ Tax Regs		X	X		X	X	X	X	X			X	X			X	X	X
Short-term Rental Permit		X			X	X	X		X	X	X		X	X			X	X
Permit time frame (i.e. 2 yrs)							X		X	X								
Annual Review/Renewal						X				X				X			X	X
Permit only to owner; new owner-new permit			X		X	X	X	X			X						X	X
Only one permit / owner							X	D									X	
Ltd # of Permits issued at any given time							X	X										
Ability to inspect at any time							X											
Special *Resort* zone dist.								X										
Age of structure req't								X										
Public Notice							X	X		X								X
Public Hearing							D	D		D		X	D				X	D
No more than 1 renter in any given 7 days		X										X					X	
Residential Appearance		X						X		X		X					X	X
Signage Standards		X						X		X		X					X	X
Insurance						X									X		X	
Business License		X	X				X			D	X	X	X	X		X	X	
SF Only			X				X	X					X					
Increased Traffic Not allowed		X																

"X" - Required

"D" - Depends on specific circumstances of a property/neighborhood

"R" - Recommended but not a requirement

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE,
GRAND JUNCTION MUNICIPAL CODE ADDING SECTION 21.04.030, SHORT-TERM
RENTALS**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

Traditionally, travelers have stayed in a hotel and/or motel. This has changed over the years to broaden the choices available when deciding where to stay while traveling. Additional options have included bed & breakfasts, resorts, time-shares and more recently short-term rentals. While most lodging options occur in commercial areas or large acreages, short-term rentals typically occur in more traditional residential neighborhoods. Our community is also starting to see an interest in providing this additional lodging choice to travelers; however, currently the Zoning and Development Code does not have any reference to Short-Term Rentals. This Code amendment is proposed in order to provide our community the opportunity to offer the short-term rental lodging option to travelers, while protecting the integrity of our neighborhoods.

The amendments are consistent with the goals and policies of the Comprehensive Plan and implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendments, finding that:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendments will implement the vision, goals and policies of the Comprehensive Plan and promote the health, safety and welfare of the community, and should be adopted.

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

21.04.030

(v) Short-Term Rentals

(1) Purpose

The City of Grand Junction recognizes that there are benefits to permitting short-term rental of residential units within the City for periods of fewer than thirty (30) consecutive days. Short-term rentals may bring additional visitors to the City, provide a source of income for homeowners, and provide revenues for the City through additional tax collections. Short term rentals diversify the vacation and travelling professional accommodations market. However, the potential for adverse impacts from short-term rentals necessitates some special regulation to protect the health, safety, and welfare of property owners, neighbors, and visitors.

(2) Applicability

So long as the requirements of this Section 21.04.030(v) are met, short-term rental of residential property is allowed in the City in certain zone districts as shown in the Use Table, Section 21.04.010. Private covenants may restrict or prohibit short-term rentals; it is the responsibility of the property owner to ensure compliance with restrictive covenants; the City will not consider private covenants when issuing short-term rental permits.

(3) Definitions

Short-term rental means a dwelling unit rented to a given occupant or group of occupants for monetary consideration for a period of time less than thirty (30) consecutive days, not including a bed and breakfast, boarding or rooming house, hotel/motel or transient shelter. *Short-term rental* does not include offering the use of residential property where no fee is charged or collected.

(4) Permit Required.

No person or entity shall rent or advertise for rent any residential property as a short-term rental, as that term is defined above, without first having a valid short-term rental permit issued by the City. A short-term rental permit is valid for up to one year, expiring on December 31st of the year in which the permit was issued. A separate short-term rental permit is required for each short-term rental unit. A short-term rental permit may be issued only to the owner of the property used as a short-term rental. A short-term rental permit may contain conditions.

(5) General Requirements

(i) Property owner shall designate one or more person(s) who will be permanently available for immediately responding to complaints about or violations of law or of permit terms by the renters or short-term occupants. If the designated responsible party is not local, the property owner shall certify that there are local representatives available to the designated responsible party to respond to any complaints or violations. "Local" as used herein means having a permanent address within a twenty (20) mile radius from the short-term rental property and a 24-hour contact phone number. The designated responsible party may be the owner of the property.

(ii) The owner or responsible party shall:

(A) collect and remit all applicable local, state, and federal taxes;

(B) ensure the rental unit meets all applicable local, state, and federal regulations, including but not limited to smoke and carbon monoxide detector requirements;

(C) obtain all required permits and licenses in accordance with the City of Grand Junction Municipal Code

(D) maintain a fire extinguisher in good working order on the premises at all times;

(E) be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with the provisions of this Code and with the terms of the short-term rental permit, and shall permit such inspection upon reasonable notice.

(F) The property owner shall provide the designated responsible party with a copy of the short-term rental permit.

(iii) The number of occupants at any given time in an individual short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional renters overall. The Director shall specify the maximum number of occupants allowed in the unit in the permit.

(iv) On any property containing an accessory dwelling unit, either the primary dwelling or the accessory dwelling unit on the property may be eligible for a short-term rental permit, but not both.

(v) One (1) parking space shall be provided per bedroom. All vehicles shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.

(vi) If the short-term rental unit is accessed by a shared driveway, written permission for short-term renters to access the drive must be obtained from each property owner using the shared driveway.

(vii) Signage advertising, denoting or designating property as a short-term rental up to two square feet and containing only the name of the short-term rental or property owner and/or logo is allowed. A separate sign permit is not required.

(viii) Short-term rentals shall be subject to the same safety and health inspections to which other licensed places of accommodation are subject.

(ix) The owner of the property used as a short-term rental shall continuously maintain valid liability insurance specifically covering the operation of the premises as a short-term rental unit.

(x) The following information must be continuously, conspicuously and prominently displayed in visible and legible print in each short-term rental unit:

(A) City of Grand Junction applicable license(s);

(B) A copy of the short-term rental permit;

(C) Contact information for owner and/or responsible party;

(D) A phone number for 24 hour contact for property-related issues and inquiries;

(E) A map and/or narrative describing the location of fire extinguishers and emergency egress;

(F) The trash pickup location and schedule;

(G) A copy of the City's noise regulations.

(6) Application Requirements

(i) An application for a short-term rental permit shall include the following:

(A) a site sketch;

(B) The name, current address and telephone number of a designated responsible party employed or engaged by the applicant to manage, rent or supervise the short-term rental. It shall be the duty of the applicant to update such information throughout the term of the license so that City Staff always

has correct and current contact information for the designated responsible party;

(C) The number of bedrooms, approximate total square footage in the short-term rental, and the maximum number of overnight occupants;

(D) Acknowledgment that the owner, agent, and designated responsible party have read all regulations pertaining to the operation of a short-term rental and that the rental unit(s) will display all required notices;

(E) A copy of all notices that will be displayed on the premises;

(F) An illustration of what the sign will look like and where it will be located on the property, if signage is proposed,

(ii) All fees, fines and taxes owed to the City of Grand Junction at the time of the application must be fully paid before a license will be issued.

(iii) All renewal applications shall include the following:

(A) Copies of any safety or health inspections performed within the last year;

(B) Copy of a "Call for Service Report" available from the City of Grand Junction Police Department.

(7) Revocation, suspension, non-renewal and appeal.

(i) A short-term rental permit may be suspended, revoked or not renewed by the Director for any of the following reasons:

(A) The owner or designated responsible party has failed to comply with a requirement of this Section 21.04.030(v).

(B) The owner or designated responsible party has failed to comply with a condition of the short-term rental permit.

(C) The owner has failed to collect or remit lodging taxes as required by this Code.

(D) Materially false or misleading information has been provided to the City by the applicant, owner or designated responsible party on an application.

(E) Unauthorized use of the premises has occurred.

(F) The City has received excessive complaints by neighbors or affected persons that have not been adequately and timely addressed by the owner or designated responsible party.

(G) The owner or designated responsible party has been convicted within the previous 12-month period of a violation of the Zoning and Development Code relating to the property.

(H) A nuisance is present on the property or been found to be present on the property since the permit was granted, such as unnecessary noise, accumulation of trash, weeds or junk, or a nuisance has been abated on the property within the previous 24-month period.

(ii) Any aggrieved person may appeal the issuance, denial, suspension, revocation or non-renewal of a short-term rental permit to the Zoning Board of Appeals within 10 days of the issuance of the decision.

.....
The table in Section 21.04.010 (Use Table) is amended to add a row for the principle use of “Short-Term Rentals”, allowed in all zone districts where residential uses are allowed and referencing the use-specific standards of Section 21.04.020(v), as shown in the table excerpt below (additions underlined):

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																									
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.	
COMMERCIAL																									
Lodging – hotels, motels and similar establishments	Hotels and Motels													A	A	A		A	A	A					
	Bed and Breakfast (1 – 3 Guest Rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A					21.04.030(h)
	Bed and Breakfast (4 – 5 Guest Rooms)	C	C	C	C	C	C	C	A	A	A	A	A	A					A	A					See GJMC 21.03.090 21.04.030(h)
	<u>Short-Term Rental</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	21.04.030(v)

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

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

ATTEST:

 City Clerk

 Mayor



Date: November 13, 2014
Author: Lori V. Bowers
Title/ Phone Ext: Senior Planner / 4033
Proposed Schedule: 1st reading November 19, 2014
2nd Reading: December 3, 2014
File # (if applicable): ZCA-2014-355

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Amending the Zoning and Development Code (Title 21, Grand Junction Municipal Code), Section 21.06.080 Regarding Outdoor Lighting
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for December 3, 2014
Presenter(s) Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

Request to amend the Zoning and Development Code regarding outdoor lighting, specifically lighting under fueling station canopies, Section 21.06.080(c)(7).

Background, Analysis and Options:

In September 2013, City Market requested a variance from the City of Grand Junction’s outdoor lighting standards for a fueling station. That variance request was denied by the Planning Commission. The Planning Commission recommended that Staff compare other lighting ordinances in other communities and compare existing lighting within the City and come back with some options for consideration for an amended lighting ordinance.

Staff began comparing other communities’ outdoor lighting ordinances. Over 23 Colorado communities were reviewed as well as the national Model Lighting Ordinance prepared by the IESNA (Illuminating Engineering Society of North America) and the IDS (International Dark Sky Society). Some ordinances appear to be extremely cumbersome and some communities do not regulate lighting at all. It was determined that by changing the allowed under canopy foot-candles to a maximum of 30 foot-candles, would bring the Code in line with or similar to several other communities that regulate foot-candles under canopies.

A lighting engineer was contacted during the research of this Code amendment. They suggested that a light loss factor of 1.0 be added to language.

The proposed Ordinance will bring existing service station canopies into conformance where they were made non-conforming by the 2010 Code.

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

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

Amending the lighting ordinance will bring consistency and conformity in the lighting of existing service station canopies and possible future canopies.

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

A consistent lighting ordinance will enhance the visual appeal across the community by providing safe and efficient lighting for all service stations emphasizing non-glare of canopies for adequate nighttime vision. Placing a maximum of 30 foot-candles will retain consistency among fueling stations.

How this item relates to the Economic Development Plan:

Goal: Continue to develop tools that will promote economic gardening.

By amending the outdoor lighting section of the Code, not only will it bring existing fueling station canopies into conformance that were made nonconforming with the adoption of the 2010 Code, it will allow for future fueling station canopies to be well lit and safe for fueling, according to the IESNA (Illuminating Engineering Society of North America) and in line with or similar to other Colorado communities.

Board or Committee Recommendation:

Planning Commission will consider this item at their November 12, 2014 meeting. Their recommendation will be forwarded prior to the Public Hearing scheduled for December 3, 2014.

Financial Impact/Budget:

No financial impact can be identified at this time.

Legal issues:

The City Attorney has reviewed and approved the form of the proposed ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This item has not been previously presented.

Attachments:

Cover email from Western Colorado Astronomy Club
Position statement from Western Colorado Astronomy Club
Proposed Ordinance

From: Greg Moberg
To: Lori Bowers; Tim Moore
Date: 9/9/2014 2:20 PM
Subject: Re: Grand Junction City Lighting Code and Fueling Stations
Attachments: GJ_City_Lighting_Code-Service_Stations.pdf

FYI

>>> <info@wcacastronomy.org> 9/9/2014 2:06 PM >>>

Dear Sir or Madame:

Please review the attached PDF letter file in response to a recent newspaper article concerning the allowed illumination levels on pumps at service stations. We support the idea, already suggested informally by planning commissioners and others, to update the Grand Junction lighting code to bring it into line with recent recommendations of the IES. Our position is that any brightness increase in the IES Model Lighting Ordinance over the current local standard is not a problem as long as other requirements for fixture and canopy design are met. Future work on the lighting code should also consider the issue of excessively bright LED display boards that seem to be proliferating in and around the city and creating a nighttime nuisance for drivers.

Sincerely,

J. Douglas Grodt
President

Western Colorado Astronomy Club

The Grand Junction Lighting Code and Service Stations

Comments by Members of the Board of the Western Colorado Astronomy Club
September 7, 2014

Executive Summary

Concerning the allowed illumination levels on pumps at service stations, we support the idea, already suggested informally by planning commissioners and others[1], to update the Grand Junction lighting code to bring it into line with recent recommendations of the IES (a.k.a. IESNA)[2]. Any brightness increase in the IES Model Lighting Ordinance[3] over the current local standard is not problematic as long as other requirements for fixture and canopy design are met, so that light is concentrated on the pumping operations and light trespass and glare into the eyes of passersby are minimized.

Future work on the lighting code should also consider the problem of excessively bright LED display boards. These can produce more glare and light trespass than the light on the pumps.

Background

During a Grand Junction Planning Commission meeting on September 10, 2013[1], a variance request concerning the illumination of fuel pumps at a proposed City Market service station was rejected. The City's limitation on fuel pump illumination is apparently twice as strict as the national "dark-sky" recommendation[3]. City Market wanted to follow the national recommendation. The origin and basis of the City's more severe restriction is not entirely clear and it predates the national recommendation. The Planning Commission meeting ended with agreement by all or nearly all present that 1) having a local standard twice as strict as the national dark-sky recommendation makes little sense, 2) granting variances was not the proper way to fix this, and 3) the proper long-term solution would be to update the local code to be in line with the national recommendation.

We agree with these three points. "Nuisance lighting" is usually caused by bad fixture choice and canopy design rather than excessive wattage. As long as the mechanical design of the fixtures and canopy meet requirements for minimizing light trespass and glare into the eyes of passersby, most of the neighbor-friendliness and dark-sky issues are solved. We believe that the City's current limit is at the bottom end of a broader acceptable range and, if the limits prescribed in the IES Model Lighting Ordinance are somewhat brighter than the City's current limit, we have no problem with this.

As the local astronomy club for Mesa County, members of the Western Colorado Astronomy Club[4] are obviously interested in preserving the beautiful natural resource of the night sky. We also recognize the need for adequate lighting of public areas consistent with safety and their general use. Since 1989 we have worked to educate the public and advocate for better lighting techniques, which provide the necessary nighttime illumination and avoid unwanted light trespass and glare[5]. We call our approach Neighbor-Friendly Lighting[6], a term that better states the goals, and one that emphasizes this is a win-win for everyone—not just astronomers.

We are pleased that the City Market plan called for neighbor-friendly fixtures and design. However, service stations everywhere are notorious for trying to outshine one another to attract customers—like moths to flames—and this issue appeared prominently in the planning meeting minutes. These "brightness wars" are not only a form of urban blight; they create safety problems for passing motorists caught in the crossfire. Nighttime drivers need to preserve their night vision at all times in order to see pedestrians and road hazards; and their dark adaptation will be reduced in proportion to the amount of

"moth-attracting" light that strays into their eyes. Modern lighting codes stop the arms race in these brightness wars.

An issue lurking in the background is that of LED display boards. Since these are specifically aimed at readers who are off-premises, any and all excess light they produce will contribute directly to glare and light trespass. Since daylight is orders of magnitude brighter than the city at night, any such sign that is readable during the day but not dimmed at night will be orders of magnitude brighter than necessary at night. Drivers who are distracted by such signs and look at them will have their night vision burned out. Their vision of the road ahead will be impaired while looking at the sign (especially if they are watching a sign with an extended animation); and after looking back at the road, their night vision will take some time to recover.

Our Recommendations

1. Update the Grand Junction lighting code to follow the illumination engineering recommendations in the IES Model Lighting Ordinance[3].
2. The city should call "truces" in "brightness wars." Variances should not be granted for the purpose of enabling and escalating these wars, which are a public nuisance and create safety problems that are not always understood.
3. LED display boards that are brighter than necessary for readability or that distract drivers with long animations create unsafe conditions; and the lighting code should address this issue (e.g., mandate that the nighttime display brightness be some reasonable fraction (TBD) of the daytime level).

For further information, the Western Colorado Astronomy Club can be contacted through its website[4].

Footnotes

[1] Grand Junction Planning Commission, September 10, 2013 Minutes:
http://gcity.granicus.com/MinutesViewer.php?view_id=3&clip_id=836

[2] Illuminating Engineering Society (IES) a.k.a. Illuminating Engineering Society of North America (IESNA): <http://ies.org>

[3] Model Lighting Ordinance (MLO), June 15, 2011: <http://www.ies.org/redirect/MLO/MLO.html>

[4] Western Colorado Astronomy Club: <http://wcastronomy.org>

[5] "Light trespass" is stray, waste light that, instead of shining on the subject, shines off the premises into other areas where it may impair the vision of passersby ("glare"), interfere with people sleeping, etc.

[6] Principles of Neighbor-Friendly Lighting: <http://neighborfriendlylighting.com>

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING THE GRAND JUNCTION MUNICIPAL CODE, SECTION 21.06.080(C)(7) CONCERNING OUTDOOR LIGHTING

Recitals:

In September 2013, City Market requested a variance from the City of Grand Junction's outdoor lighting standards for a fueling station. That variance request was denied by the Planning Commission. The Commission recommended that Staff compare other lighting ordinances in other communities and compare existing lighting within the City and come back with some options for consideration for an amended lighting ordinance. Over twenty-three lighting ordinances within Colorado were reviewed for comparison. These comparisons resulted in the proposed changes to the foot-candles in the Code.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending Section 21.06.080(c)(7) Outdoor Lighting for the following reasons:

The amendment will allow adequate lighting for current and future lighting needs for service station canopies. It will bring non-conforming stations into compliance.

The amendment meets goals number one and eight of the Comprehensive Plan, and the Comprehensive Plan's policies.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the amendment to the lighting ordinance, Section 21.06.080(c)(7) be revised.

The Planning Commission and City Council find that the amendment is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The Section 21.06.080(c)(7) be amended to:

- (7) Canopy lights, such as service station lighting, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on

public rights-of-way or adjacent properties. Canopy lighting shall ~~not exceed an average of 10 footcandles and have~~ a maximum of ~~15~~ 30 foot-candles, with a light loss factor of 1.0. Light Loss Factor (LLF) is a correction factor used to account for the difference between laboratory test results and real world degradation of the lighting system aging over time resulting in reduced lumen output.

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

Adopted on second reading this _____ day of _____, 2014 and order published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: October 20, 2014
 Author: Debbie Kovalik
 Title/ Phone Ext: VCB Executive
Director
 Proposed Schedule: November 19, 2014
 2nd Reading (if applicable):

 File # (if applicable): _____

Attach 4
CITY COUNCIL AGENDA ITEM

Subject: Contract Award for Visitor and Convention Bureau Advertising Services
Action Requested/Recommendation: Authorize the City Purchasing Division to Award a Contract to Hill Marketing and Advertising, Inc. dba Hill and Company/Hill Aevium in the Estimated Amount of \$340,000
Presenter(s) Name & Title: Barbara Bowman, Visitor and Convention Bureau Division Manager

Executive Summary:

This request is to award a three-year, annual renewable contract for advertising services to Hill Marketing and Advertising, Inc. dba Hill and Company/Hill Aevium, from Edwards, CO, who will work closely with the Grand Junction Visitor and Convention Bureau (GJVCB) in developing and executing tourism-related marketing strategies resulting in a positive economic impact to the area.

Background, Analysis and Options:

The current advertising contract with PILGRIM Advertising, from Denver, CO, expires on December 31, 2014. PILGRIM Advertising has been the GJVCB’s current advertising agency since January 1, 2011. The three-year contract with PILGRIM was set to expire on December 31, 2013. City Council considered and approved a one-year extension of the current contract on November 19, 2013 to allow the VCB staff time to revisit the requirements and solicit competitive responses in 2014.

A Statement of Qualifications (SOQ) was advertised in the Daily Sentinel and sent to a source list of firms on BidNet’s Rocky Mountain E-Purchasing System as well a list of firms who had previously contacted the GJVCB. Ten responsive and responsible statements were received. There were no agencies from the Grand Junction area who responded to the SOQ. The responses were evaluated by representatives from the GJVCB Board, GJVCB Staff, and Purchasing. Of the 10, the evaluation team narrowed the list to three finalists. These three vendors were requested to give oral presentations to the GJVCB Board, Staff and two City Staff members on September 30, 2014. The results are as follows in order of total points:

Company	City/State	Total Points
Hill Aevium	Edwards, CO	271
Barnhart	Denver, CO	255
Pilgrim	Denver, CO	252

It has been determined that Hill Aevium has the necessary qualifications, experience, competence and creativity, has experience working with advisory committees and government boards, is financially and organizationally stable, has research capabilities, and has past experience with public and media relations. The contract will be for a period of three years, renewable annually, beginning January 1, 2015 through December 31, 2015.

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.*

This advertising contract will attract more visitors to Grand Junction by promoting the City as a visitor, meeting, and event destination for outdoor enthusiasts, wine enthusiasts, and destination travelers. The striking western landscapes, multitude of activities, and the downtown area have a unique appeal to leisure travelers as well as meetings and groups.

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

A. Through the Comprehensive Plan’s policies the City and County will improve as a regional center of commerce, culture and tourism.

This advertising contract will support the Visitor and Convention Bureau’s mission in marketing Grand Junction as a premier destination, resulting in the positive economic impact of visitor dollars.

How this item relates to the Economic Development Plan:

Marketing the Strengths of Our Community - This contract will assist the Visitor and Convention Bureau’s efforts in marketing tourism as one component of economic development. Collaborating with this advertising agency will include researching, examining, and identifying marketing strategies to achieve the goal of increasing visitor spending.

Board or Committee Recommendation:

After attending the presentations of the website marketing finalists on September 30, 2014, the Grand Junction Visitor and Convention Bureau Board of Directors recommended awarding the advertising contract to Hill Aevium.

Financial Impact/Budget:

This contract amount is included in the VCB's proposed budget for 2015.

Legal issues:

Upon approval, a formal contract will be executed. The City Attorney's office will review the documents prior to obtaining required signatures.

Other issues:

There are no issues that have been identified.

Previously presented or discussed:

This contract is discussed annually during the budget process.

Attachments:

There are no attachments.



Date: October 20, 2014
 Author: Debbie Kovalik
 Title/ Phone Ext: VCB Executive
 Director
 Proposed Schedule: November 19, 2014
 2nd Reading (if applicable):
 File # (if applicable):

Attach 5
CITY COUNCIL AGENDA ITEM

Subject: Contract Award for Visitor and Convention Bureau Website Marketing Services
Action Requested/Recommendation: Authorize the City Purchasing Division to Award a Contract to Miles Media Group LLLP for Website Marketing Services in the Estimated Amount of \$170,000
Presenter(s) Name & Title: Barbara Bowman, Visitor and Convention Bureau Division Manager

Executive Summary:

This request is to award a three-year, annual renewable contract for website marketing services to Miles Media Group LLLP, from Superior, CO, who will work closely with the Grand Junction Visitor and Convention Bureau (GJVCB) in developing and executing tourism-related website marketing strategies resulting in a positive economic impact to the area.

Background, Analysis and Options:

The Grand Junction Visitor & Convention Bureau (GJVCB) was the first visitor and convention bureau in the state to have a web site. In the past 19 years since implementation of website publishing the GJVCB has been able to collect detailed and verifiable information on Grand Junction tourism businesses which drive planning information. The current website marketing contract with Miles Media Group LLLP expires on December 31, 2014. Miles Media has been the GJVCB's current website marketing agency since January 1, 2011. The three-year contract with Miles Media was set to expire on December 31, 2013. City Council considered and approved a one-year extension of the current contract on November 19, 2013 to allow the VCB staff time to revisit the requirements and solicit competitive responses in 2014.

A Statement of Qualifications (SOQ) was advertised in the Daily Sentinel and sent to a source list of firms on BidNet's Rocky Mountain E-Purchasing System as well a list of firms who had previously contacted the GJVCB. Ten responsive and responsible statements were received. The only Grand Junction area agency who responded to the SOQ was Ryan/Sawyer Marketing. The responses were evaluated by representatives

from the GJVCB Board, GJVCB Staff, and Purchasing. Of the 10, the evaluation team narrowed the list to three finalists. These three vendors were requested to give oral presentations to the GJVCB Board, Staff and two City Staff members on September 30, 2014. The results are as follows listed in order of total points:

Company	City/State	Total Points
Miles Media Group, LLLP	Superior, CO	303
Simpleview	Tucson, AZ	234
Signature Advertising	Denver, CO	221

Miles Media Group, LLLP has been determined to be the best choice for the GJVCB. The contract will be for a period of three years, renewable annually, beginning January 1, 2015 through December 31, 2015.

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.*

This website marketing contract will attract more visitors to Grand Junction by promoting the City as a visitor, meeting, and event destination for outdoor enthusiasts, wine enthusiasts, and destination travelers. The striking western landscapes, multitude of activities, and the downtown area have a unique appeal to leisure travelers as well as meetings and groups.

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

A. Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

This website marketing contract will support the Visitor and Convention Bureau's mission in marketing Grand Junction as a premier destination, resulting in the positive economic impact of visitor dollars.

How this item relates to the Economic Development Plan:

Marketing the Strengths of Our Community – This contract will assist the Visitor and Convention Bureau's efforts in marketing tourism as one component of economic development. Collaborating with this website marketing agency will include researching, examining, and identifying website marketing strategies to achieve the goal of increasing visitor spending.

Our website, www.visitgrandjunction.com, contains over 200 articles related to area tourism, events, and activities. In addition, the website provides business listings and information on lodging properties, restaurants, wineries, orchards, and attractions,

along with event listings, deals and packages, all with the goal of attracting out-of-town visitors to local businesses.

Board or Committee Recommendation:

After attending the presentations of the website marketing finalists on September 30, 2014, the Grand Junction Visitor and Convention Bureau Board of Directors recommended awarding the website marketing contract to Miles Media Group LLLP.

Financial Impact/Budget:

This contract amount is included in the VCB's proposed budget for 2015.

Legal issues:

Upon approval, a formal contract will be executed. The City Attorney's office will review the documents prior to obtaining required signatures.

Other issues:

There are no other issues that have been identified.

Previously presented or discussed:

This contract is discussed annually during the budget process.

Attachments:

There are no attachments.



Date: Nov. 6, 2014
 Author: Kathy Portner
 Title/ Phone Ext: Community
Services Manager
 Proposed Schedule: Nov.
19, 2014
 2nd Reading
 (if applicable): _____

Attach 6
CITY COUNCIL AGENDA ITEM

Subject: Leach Creek Stormwater Detention Facility Grant Request
Action Requested/Recommendation: Adopt Resolution Authorizing City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' Energy and Mineral Impact Assistance Program to Complete the Leach Creek Stormwater Detention Facility
Presenter(s) Name & Title: Bret Guillory, Engineering Program Supervisor Greg Lanning, Public Works and Utilities Director

Executive Summary:

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$200,000 grant with a local match of \$325,000 to complete the construction of the Leach Creek Stormwater Detention Facility. Funding for the local match will be provided from the proposed 2015 CIP budget.

Background, Analysis and Options:

The Leach Creek Stormwater Detention Facility had been identified in 2000 as one of two projects needed to mitigate flood hazards in the northwest part of the City, the other being the Ranchman's Ditch project. In 2011, significant storms produced two flood events within the Leach Creek drainage basin, renewing the interest in constructing a flood control dam in the upper reaches of the basin.

The project is located on BLM land, north of the airport off of 27 ¼ Road, and includes the construction of an earthen dam, outlet, spillway, and detention basin to reduce flooding downstream. The Colorado Army National Guard, 947th Engineer Company, through the Innovative Readiness Program, completed the outlet pipe and roughly half of the earth work during training sessions in 2012, 2013 and 2014. The proposed project will complete the spillway excavation, consisting of approximately 34,000 cubic yards of material and the place approximately 66,600 cubic yards of material to complete the embankment.

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

The Leach Creek Stormwater Detention Facility project supports the following Goal from the Comprehensive Plan:

Goal 11: *Public facilities and services for our citizens will be a priority in planning for growth.*

The Leach Creek project will protect public health, safety and welfare, as well as meet the needs of existing and future growth, by reducing downstream flooding.

How this item relates to the Economic Development Plan:

The Leach Creek Stormwater Detention Facility project supports the following guiding area of emphasis from the Economic Development Plan:

1.4: *Providing Infrastructure that Enables and Supports Private Investment*

The Leach Creek project will protect a substantial amount of downstream properties from flooding, including residential, commercial and industrial property, preventing losses and enabling additional investment.

Board or Committee Recommendation:

The Leach Creek Stormwater Detention Facility project has been identified as a priority in the proposed 2015 CIP.

Financial Impact/Budget:

The local match of \$325,000 is included in the proposed 2015 CIP.

Legal issues:

If awarded, the grant funding documents shall be reviewed and approved by the City Attorney.

Other issues:

No other issues on this item.

Previously presented or discussed:

This project has been previously discussed during the October 13 budget review.

Attachments:

Resolution authorizing application to the Colorado Department of Local Affairs in accordance with the representations made in this report.

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. ____-14**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT
REQUEST TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS' (DOLA)
ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM TO COMPLETE THE
LEACH CREEK STORMWATER DETENTION FACILITY**

RECITALS.

The Leach Creek Stormwater Detention Facility had been identified in 2000 as one of two projects needed to mitigate flood hazards in the northwest part of the City, the other being the Ranchman's Ditch project. In 2011, significant storms produced two flood events within the Leach Creek drainage basin, renewing the interest in constructing a flood control dam in the upper reaches of the basin.

The project is located on BLM land, north of the airport west of 27¼ Road, on the main stem of Leach Creek. The project includes the construction of an earthen dam, outlet, spillway, that will provide detention of storm water runoff to reduce flooding downstream. The Colorado Army National Guard, 947th Engineer Company, through the Innovative Readiness Program, completed roughly half of the earth work during training sessions in 2012, 2013 and 2014. A local contractor installed the outlet pipe in conjunction with the National Guard activities during the 2013 training session. The proposed project will complete the spillway excavation, consisting of approximately 34,000 cubic yards of material and the place approximately 66,600 cubic yards of material to complete the embankment.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a \$200,000 grant request, with a local match of \$325,000, in accordance with and pursuant to the recitals stated above to the Department of Local Affairs' Energy and Mineral Impact Assistance Program to complete the Leach Creek Stormwater Detention Facility.

Adopted and approved this _____ day of _____,
2014.

Phyllis Norris
President of the Council

ATTEST:

Stephanie Tuin
City Clerk



Date: Oct 27, 2014
 Author: Harry Weiss
 Title/ Phone Ext: 256-4134

 Proposed Schedule: Nov 19,
2014
 2nd Reading
 (if applicable): _____

 File # (if applicable): _____

Attach 7
CITY COUNCIL AGENDA ITEM

Subject: Downtown Grand Junction Business Improvement District (DGJBID) 2015 Operating Plan and Budget
Action Requested/Recommendation: Approve the Downtown Grand Junction Business Improvement District 2015 Operating Plan and Budget
Presenter(s) Name & Title: Harry Weiss, DDA/DGJBID Executive Director Jodi Romero, Financial Operations Director

Executive Summary:

Every year the DGJBID files an Operating Plan and Budget with the City Clerk by September 30th. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City staff, the Plan was found to be reasonable.

Background, Analysis and Options:

In 2005, the City Council created the Downtown Grand Junction Business Improvement District (BID), approved their 2006 Operating Plan and Budget, conducted a mail ballot election to create a Special Assessment, and then turned over the board to the DDA. State Statutes (31-25-1212 C.R.S.) require business improvement districts to submit an operating plan and budget. The municipality shall approve or disapprove the operating plan and budget by December 5th so the BID can file its Special Assessment with the County Treasurer by December 10th.

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 BID supports existing and new businesses in the commercial core through coordinated marketing of the district and its members, and the production of special events that bring locals and visitors to the district throughout the year

How this item relates to the Economic Development Plan:

This item relates to the guiding area of emphasis in Economic Development through the ongoing marketing and promotion of the Central Business District as a primary hub of economic activity in the community. Marketing and special event promotion promotes the vibrancy of Downtown, and thereby “fosters and supports private investment” in existing and new businesses.

Board or Committee Recommendation:

The BID Board reviewed and approved the 2015 Operating Plan and Budget at their meeting on September 25, 2014.

Financial Impact/Budget:

The City of Grand Junction makes an annual Payment In Lieu of Tax (PILT) to the BID. In 2014 the City transferred \$13,466 to the BID; that amount remains unchanged in the 2015 proposed budget.

Legal issues:

City Council is required by 31-25-1211 CRS to approve or disapprove the BID Budget and Operating Plan. The BID must submit its assessment rate to the County Treasurer by December 10, 2014.

Other issues:

2014 marks the first year of fully consolidated fiscal operations under the aegis of the DGJBID. In prior years program expenses were divided between the DGJBID and the Downtown Association (dissolved December 2013).

City of Grand Junction Ordinance No. 3815 provides that the DGJBID shall expire on January 1, 2016, unless renewed.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

2014 Annual Report and 2015 Operating Plan and Budget

Downtown Grand Junction Business Improvement District 2014 Annual Report and 2015 Operating Plan & Budget

Annual Reporting Requirements

Pursuant to C.R.S. 31-25-1211, Business Improvement Districts shall file an operating plan and proposed budget for the coming year with the City Clerk by September 30 of each year. This report also includes summaries of activities and finances from the final quarter of 2013 through the third quarter of 2014.

History of the Business Improvement District

The Downtown Grand Junction Business Improvement District (BID) was approved in November 2005 and implemented in FY2006. The BID covers an area of approximately 40 blocks of the commercial core of the downtown area, and comprises over 600 property owners and businesses representing a mix of retail, restaurants, professional services and commercial activities. The BID is funded by district property owners who pay an annual special assessment based on square footage of ground floor space within the BID boundary. In some cases the responsibility for paying the assessment is passed through to the property tenant. Historically the assessment has generated about \$140,000 per year. Additional BID funding comes from Payments in Lieu of Taxes from the City of Grand Junction and the Downtown Development Authority (DDA), program revenues from special events, and sponsorships.

C.R.S. 31-25-1201 *et. Seq.* authorizes the following services that may be provided within a BID:

- Consulting with respect to planning or managing development activities
- Maintenance of improvements, by contract, if it is determined to be the most cost-efficient
- Promotion or marketing of district activity
- Organization, promotion, marketing, and management of public events
- Activities in support of business recruitment, management, and development
- Security for businesses and public areas located within the district
- Snow removal or refuse collection, by contract, if it is determined to be the most cost-efficient
- Providing design assistance

Establishment of the BID was accomplished by adoption of Ordinance 3815 organizing the BID and approving its initial operating plan and budget, and a concurrent TABOR ballot measure submitted to the eligible district voters approving the special assessment. Marketing and promotion/special events were identified as the initial services to be offered by the BID, but provision was made for the implementation of any of the statutorily permitted services. Where a BID is located largely within an existing DDA district, state law gives the City Council the option to designate the DDA Board of Directors as the BID Board of Directors; Grand Junction City Council selected this option in creating the BID.

Prior to the creation of the BID, in 2003 the DDA and the Grand Junction Downtown Association (DTA) entered into a Memorandum Agreement establishing the "Downtown Partnership" reflecting the common interests of the two organizations in promoting the revitalization of the downtown and setting forth a framework for collaboration. The DTA, an all-volunteer, not-for-profit 501(c)6 business association, was the precursor organization to the BID and the primary advocate for the creation of the BID in order to provide a more sustainable organizational structure and funding stream to support the continued promotion of downtown. From 2006 -

2013 the three organizations – DDA, BID, and DTA – operated collaboratively under the umbrella of the Downtown Partnership, with special event revenue and sponsorships collected by the DTA and combined with the BID assessment for the overall marketing and promotion activities.

Organizational Restructuring

In February 2013 the members of the Downtown Partnership held a joint retreat to discuss the structure of the Partnership and the overlapping missions of the three organizations. Concern had been expressed for some time that the BID and the DTA were largely duplicative in mission and purpose, and that there was persistent confusion about the role of each entity. With the BID's renewal coming up for consideration in 2015, a consensus emerged that it would be clearer and more efficient to consolidate the functions of the BID and the DTA under the single identity of the BID. The DTA unanimously voted to dissolve the organization pursuant to a Plan of Dissolution providing for the final transfer of all assets to the BID and DDA. Formal Articles of Dissolution were filed with the Colorado Secretary of State in December 2013. The DTA's final IRS 990 tax return was filed in August 2014.

Additional organizational changes remain to be implemented, particularly the revision of the BID By-Laws to establish a more formal committee structure and to reflect potential expansion of BID services in the area of business development and recruitment.

Operational Changes

Consolidation of the DTA with the BID required the absorption of the DTA's accounting functions into the BID's system integrated with the City financial operations. During the DTA's wind-down in FY2013 some expenses remained on the DTA's books, but full consolidation of budgeting and accounting functions under the BID was established at the start of FY2014.

Staff labor and benefits are apportioned between the BID and the DDA as follows:

Executive Director: 15% BID, 85% DDA

Marketing & Communications Director: 100% BID

Senior Administrative Assistant: 25% BID, 75% DDA

Adjustment of these labor allocations will be considered as part of an overall review of staffing responsibilities and potential new assignments, particularly increased DDA communications functions, as well as more accurate cost accounting.

BID Services

General District Marketing

The marketing of Downtown remains a central function of the BID. In 2014 there were three major initiatives undertaken to improve marketing efforts. The first was the consolidation of disparate print materials into a comprehensive Business Directory available both as hard copy and in downloadable form. This consolidation offered a more cost-effective use of marketing dollars for printed pieces and gave us the opportunity for a long-needed update of our business database. Concurrent with the development of the new directory, we undertook a comprehensive rebranding of the BID and launched an entirely redesigned website with improved user interface and offering greater individualization of BID businesses on the site. The third initiative was the launch of a new Downtown Gift Card program that replaced the old paper gift certificate program. The gift cards are pre-loaded VISA cards in variable denominations that unlike the paper certificates are not redeemable for cash. This guarantees that the funds must be spent in any of the 100+ participating Downtown businesses. The analytics available also allow us to track how much and where the funds are spent, both by individual businesses as

well as general categories, and lets us monitor the redemption rate. Customers have responded very positively to the new program, especially large employers who distribute gift cards to their employees. They appreciate that the funds must be spent in Downtown businesses and therefore circulate through the local economy.

The BID budgets \$70,000 annually for direct marketing expenses. In FY 2014 we incurred one-time costs associated with the website redesign, startup expenses of the gift card program, and design and production of the new consolidated directory, and new logo. These expenses were anticipated as draws against the fund balance so as not to diminish the primary marketing budget allocation.

Special Events

Downtown special events support general marketing by increasing exposure of downtown businesses to large numbers of people. Events also play an essential role in reinforcing downtown as the cultural and social center of the community.

This year we made significant changes in the format and content of BID-produced events. The Art & Music Festival was reconceived with a multiple-venue format utilizing the breezeways for simultaneous musical performances, and additional funds were invested in expanding the range and number of entertainers. Despite poor weather over the weekend (including a record-setting rain event on Sunday) the festival was well attended and the changes very well received.

Farmers Market also underwent a significant change in format. For many years Main Street businesses complained that the arrangement of booths at curbside facing into the center create a walled-off feeling along the business fronts, and channeled attendees down the middle of Main Street and away from the storefronts. This year we had the majority of booths placed in the center of the street facing the storefronts and opened the sidewalk to greater pedestrian use. Businesses reported an immediate and sustained increase in foot traffic in their establishments, making the businesses feel more integrated with the event. The BID also narrowed the type of businesses allowed in the Market, emphasizing produce, food products and Colorado-based wares. Priority is also given to Downtown businesses.

Special events remain the single largest expense in the BID budget, regularly exceeding \$150,000 every year. One third of that is contract services for event production and management. Special event revenues come primarily from vendor fees and sponsorships. Vendor fees have remained within a steady range over the years, but sponsorships have decreased dramatically during the recession. Special events are running at a \$40,000-\$50,000 loss for the current year, contributing to the projected draw-down of \$30,000 from the BID's fund balance. The BID Board is evaluating event revenues and losses to determine where financial performance can be improved or whether certain events should be phased out in coming years.

Other Activities

The Board of Directors approved the relocation of the DDA & BID offices from the Whitman School building to a storefront at 437 Colorado Avenue, co-locating with a new CMU facility housing the University art gallery and additional studio and instruction space for the Art Department. That move was completed in September. The storefront offers increased visibility and access, and serves as an enhanced platform for the distribution of information and materials about Downtown as well as the region at large. The BID is collaborating with the VCB

to install additional marketing materials and provide enhanced visitor services from this Downtown location.

2015 Objectives

The question of the renewal of the BID is an over-arching concern for the coming year. The BID will sunset on January 1, 2016, unless City Council authorizes its continuation. Renewal of the BID does not entail a vote of the BID district members, nor does it require a reauthorization of the special assessment funding mechanism. Provided the BID is renewed, its funding will continue as is. If a change in the funding mechanism is contemplated, that would require approval by a vote of the District members. The BID Board of Directors has asked that City Council to address the renewal question sooner rather than later to allow proper planning and to alleviate uncertainty about the future. Council may make a decision at any time before the January 2016 deadline; if Council chooses not to act on renewal, the BID will expire automatically by operation of law.

The BID will continue to assess how BID-sponsored events can best be managed to achieve the greatest positive impact for BID members. The BID is also providing input into the ongoing discussion of a broader special events policy for Downtown and the development of a more comprehensive event management and administrative structure to guide events of all types and produced by other parties. Depending on the outcome of those discussions, the BID may opt to bring its special event production and management functions in-house rather than contract third parties for those services as we do now.

The BID Board of Directors has given direction for the development of a program of business recruitment and retention as an area for expansion of BID services. Such a program would include some level of supporting services for existing businesses. This initiative requires further definition of program objectives, staffing requirements and financial resources to sustain its implementation.

Fund Balance Summary

The BID ended FY2013 with a fund balance of \$107,350, a very modest decrease of \$2497. We had anticipated an ending fund balance of \$75,000, but were able to secure more sponsorship revenue. The consolidation of the DTA and BID did produce a small transfer of net assets from the DTA which helped diminish the operating shortfall.

The FY2014 BID budget projected a \$42,000 draw against the fund balance, but the year-end projection is revised to \$52,000. The deficit is attributable to two primary factors: 1) event sponsorship revenue has declined steadily over the past five years reflecting the depth of the local economic downturn, and the decline accelerated in 2013-2014, and 2) the May Art & Music Festival incurred a \$20,000 loss, partly attributable to loss of sponsorship but more significantly due to bad weather that reduced attendance (and associated beer/wine sales) on Saturday, and virtually wiped out attendance on Sunday (a record setting rain event occurred on Mothers Day 2014). The FY2014 projected ending fund balance is \$54,695, and for FY2015 \$21,942.

2015 Budget

The 2015 Budget projects level spending for general marketing and special event promotions, though the latter may transform into an internal staff position rather than be out-sourced to an independent contractor. Implementing any new programmatic services or staffing adjustments will depend upon the identification of sustainable revenues to support those changes, which

would take the form of budget amendments after adoption. Once again, the question of the BID's renewal is a fundamental determining factor in budget contingencies.

DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT			
BUDGET SUMMARY	2014 BUDGET	YR END EST	2015 BUDGET
REVENUES			
Special Assessments	141,750	141,500	141,750
DDA PILT	27,500	27,500	27,500
CITY PILT	13,466	13,466	13,466
Interest	683	600	466
Market Value Adj			
Misc.		(190)	
Uncollected Revenues		(150)	
Corporate Contributions	5,000	-	
Special Events			
Income	90,000	75,000	80,000
Sponsorships	40,000	26,250	30,000
TOTAL	318,399	283,976	293,182
EXPENSES			
Labor & Benefits	90,511	86,014	86,000
Seasonal		4,497	4,500
Marketing	70,000	67,500	70,000
Operating	2,137	2,500	2,000
Treasurer's Fee	2,835	2,820	2,835
Credit Card Fees	575	1,500	2,000
Banners	10,000	2,200	2,500
Downtowner Meetings	1,500	500	1,000
Events			
Contract Services	49,650	49,000	45,000
Production Expense	121,500	110,000	105,000
Gift Certificates			
Gift Card Program	3,500	5,100	
Monthly Maintenance Fee			2,400
Card Purchases		1,350	2,200
Misc. (Interfund)	863	400	500
Website Redesign	6,500	3,250	-
TOTAL	359,571	336,631	325,935
NET INCOME	(41,172)	(52,655)	(32,753)
FUND BALANCE SUMMARY	12/31/2014	12/31/2014	12/31/2015
	66,178	54,695	21,942



Date: 11/5/2014
 Author: Harry Weiss
 Title/ Phone Ext: 256-4134

 Proposed Schedule:
11/19/2014
 2nd Reading
 (if applicable): _____

 File # (if applicable): _____

Attach 8
CITY COUNCIL AGENDA ITEM

Subject: Free Holiday Parking Downtown
Action Requested/Recommendation: Vacate Parking Enforcement at Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year’s Day, except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Official Red Plastic Bag
Presenter(s) Name & Title: Harry Weiss, DDA/DGJBID Executive Director

Executive Summary:

The Downtown Partnership has requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices areas and shared-revenue lots.

Background, Analysis and Options:

Free Holiday Parking is a very popular program customer service program that supports the vitality of downtown businesses during the critical holiday shopping season. Over the years the Free Holiday Parking regime has sought a balance between retail customer service and the need to maintain ready parking and access for visitors to major public facilities including government offices (approximately 120 out of 1,100 metered spaces) with continued enforcement of the short-term meters surrounding the Post Office (4th & White), the Federal Building (4th & Rood), the City Hall/County Administration block (5th & Rood to 6th & White), and the State Building (6th & Colorado). Additionally the shared-revenue lots at the State Building and the United Methodist Church (5th & Grand) as always are excluded from Free Holiday Parking and will continue to be enforced.

While the free parking program is intended to serve visitors and shoppers patronizing downtown during the holidays, many long-term parkers take advantage of the expanded convenience of free parking and occupy those spaces instead of their regular locations. This practice diminishes the effectiveness of the program by reducing the turnover rate of spaces. However, downtown merchants feel the benefits of providing free parking outweigh that concern. The BID has contemplated changing the free parking program

to better serve the targeted audience but does not wish to make any changes this year. The BID will mount an education and communication program with downtown workers to explain the intention and purpose of the program and to ask that they not utilize the free parking program for their long-term parking needs.

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

Plan 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. Free Holiday Parking supports the efforts of the Downtown Partnership in marketing the downtown as a retail and entertainment destination during the Holiday shopping season.

How this item relates to the Economic Development Plan:

This item relates to the area of emphasis in economic development and the role of supporting existing businesses. Free Holiday Parking supports the efforts of the Downtown Partnership in marketing the downtown as a retail and entertainment destination during the Holiday shopping season.

Board or Committee Recommendation:

The Free Holiday Parking program will be reviewed by the BID Board at its November 13, 2014, meeting.

Financial Impact/Budget:

Because Free Holiday Parking has been approved for several years, budgeted annual parking revenues are already adjusted in expectation of continued approval of the program, and therefore, there is no impact to the budget. However, the amount of revenue foregone is estimated to be approximately \$20,000.

Legal issues:

The City Council has the authority to make, impose and as necessary amend restrictions on parking. The Free Holiday Parking program is an example of that lawful authority.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The program has been in existence in the proposed form for many years.

Attachments:

None.



Date: 11/5/2014
 Author: Harry Weiss
 Title/ Phone Ext: 256-4134
 Proposed Schedule:
11/19/2014
 2nd Reading
 (if applicable): _____

 File # (if applicable): _____

**Attach 9
 CITY COUNCIL AGENDA ITEM**

Subject: Prohibition of Parking along Main Street during Parade of Lights
Action Requested/Recommendation: Prohibit Parking along Main Street from 3rd to 7th Streets during the Annual Parade of Lights December 6, 2014, and Authorize the Towing of Vehicles
Presenter(s) Name & Title: Harry Weiss, DDA/DGJBID Executive Director

Executive Summary:

The Downtown Grand Junction Business Improvement District (DGJBID) is requesting the prohibition of parking along Main Street during the 2014 Parade of Lights, and the authorization for towing vehicles violating the prohibition. City Staff recommends approval of the prohibition of parking on Main Street and towing during the Parade of Lights.

Background, Analysis and Options:

In 2013 the Downtown Partnership proposed that parking be prohibited along the length of Main Street during the annual Parade of Lights to address the growing concern for pedestrian safety during the event, and to achieve a better spectator experience. In order to insure the desired outcomes, it was determined that authorization to tow vehicles violating the prohibition would be necessary.

The Downtown Partnership worked closely with GJPD to implement procedures that would minimize the need for any towing and limit any inconvenience should towing be necessary. The 2013 Parade of Lights went off without any problems and no towing was necessary. The response from citizens attending the event about the changes was universally positive.

For the 2014 Parade of Lights we again request that the City prohibit parking along Main Street after 3:00 PM Saturday until the end of the Parade, and authorize the towing of vehicles in violation of the prohibition. The DGJBID will publicize the parking ban, and we will post signs along Main Street Friday morning before the Parade providing notice of the parking restriction and the towing provision. This arrangement is the similar to what we do for Farmers Market nights in the summer.

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

Plan 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 Annual Parade of Lights is one of the largest community events that bring thousands of citizens together to celebrate the holiday season in the heart of the community, and is one component of the DGJBID's promotion of Downtown during the holiday shopping period.

How this item relates to the Economic Development Plan:

This item relates to the area of emphasis in economic development and the roles of supporting existing businesses and investing in/developing public amenities. The Parade of Lights is a major community event that capitalizes on the public investments made in the refurbishment of Main Street to support special event production, and in the promotion of Downtown businesses during the critical holiday shopping season.

Board or Committee Recommendation:

In 2013 the DDA/DGJBID Board endorsed the implementation of parking restrictions for the Parade of Lights as an ongoing policy and event production protocol.

Financial Impact/Budget:

Vehicles violating the parking prohibition for Parade of Lights can be cited for violation with or without a fine. Individuals whose vehicles are towed are responsible for towing costs unless the City/DDA make alternate provisions with a towing service.

Legal issues:

The City may, in accordance with GJMC §§ 10.04.200 and 10.04.210 impose temporary restrictions on parking, including the temporary suspension of the meters and limitations on parking before and during the parade.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This was discussed when proposed for last year's event.

Attachments:

None.



Date: September 22, 2014
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner – x1442
 Proposed Schedule: November 19, 2014
 2nd Reading (If applicable): N/A

 File # (if applicable): SNC-2014-370

Attach 10

CITY COUNCIL AGENDA ITEM

Subject: Lang Drive Name Change to Winair Drive, Located between Bonny Street and 2769 Riverside Parkway
Action Requested/Recommendation: Adopt Resolution for the Street Name Change from Lang Drive to Winair Drive
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

The property owner adjoining Lang Drive between Indian Road and 2769 Riverside Parkway is requesting to change the street name from Lang Drive to Winair Drive.

Background, Analysis and Options:

The request originated from Riverside Parkway Investments LLC to change the name of Lang Drive between Bonny Street and 2769 Riverside Parkway to Winair Drive to make the area easier for people to find and to create continuity.

Title 21.06.010(b)(6) of the Grand Junction Municipal Code states a street naming system shall be maintained to facilitate the provisions of necessary public services and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. Existing streets and roads not conforming or inconsistent to the addressing system shall be made conforming as the opportunity occurs.

The proposed name change will not negatively impact adjacent land uses or neighborhood stability or character.

The proposal is in conformance with the goals and policies of the Comprehensive Plan and requirements of the Zoning and Development Code.

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

The request does not specifically implement Goals and Policies of the Comprehensive Plan; however, it does not conflict with any and is in conformance with the street naming standards of the Grand Junction Municipal Code Title 21.06.010(b)(6).

How this item relates to the Economic Development Plan:

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Winair is the name of a company proposing development in this industrial park and is requesting, via the current property owner, the name of the street be changed to reflect the name of their business.

Board or Committee Recommendation:

Street name change requests are only heard by City Council.

Financial Impact/Budget:

There is no financial impact other than the cost of new street signs.

Legal issues:

The City Attorney has reviewed and approved the form of the proposed resolution.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

1. Staff report/Background information
2. Request from applicant
2. Site Location Map/Aerial Photo Map
3. Comprehensive Plan Map/Existing City and County Zoning Map
4. Resolution

STAFF REPORT / BACKGROUND INFORMATION				
Location:		Lang Drive between Bonny Street and 2769 Riverside Parkway		
Applicants:		Owners: Riverside Parkway Investments LLC – Steve Voytilla as Member		
Existing Land Use:		Industrial		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Vacant Land, Single Family Residential		
	South	Vacant Land, Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	I-1 (Light Industrial)		
	East	I-2 (General Industrial)		
	West	I-1 (Light Industrial)		
Comprehensive Plan Designation:		Industrial		
Zoning within density range?		X	Yes	No

Findings of Fact/ Conclusion:

After reviewing the proposed name change of Lang Drive between Bonny Street and 2769 Riverside Parkway to Winair Drive, SNC-2014-370, Staff makes the following findings of fact, conclusions:

1. The proposed name change will not negatively impact adjacent land uses or neighborhood stability or character.
2. The proposal is in conformance with the goals and policies of the Comprehensive Plan and requirements of the Zoning and Development Code.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the Resolution renaming Lang Drive between Bonny Street and 2769 Riverside Parkway to Winair Drive.

Riverside Parkway Investments LLC.

2099 Desert Hills Rd.

Grand Junction, CO 81507

970-234-2000

**Petition of Support from Property Owners to Change
Lang Dr. to Winair Dr.**

8-13-14

2764 Lang Dr. Grand Junction, CO

Legal: Lot 2 Parkway Industrial Sub.

Owner: Riverside Parkway Investments LLC. By Steve Voytilla as Member.

2765 Lang Dr. Grand Junction, CO

Legal: Lot 3 Parkway Industrial Sub.

Owner: Riverside Parkway Investments LLC. By Steve Voytilla as Member.

As owner of both lots, I do hereby support the name change from Lang. Dr. to
Winair Dr.



Steve Voytilla

Request to change Street Name.

08-13-14

I Steve Voytilla do hereby request that Lang Dr. be changed to Winair Dr.



Steve Voytilla

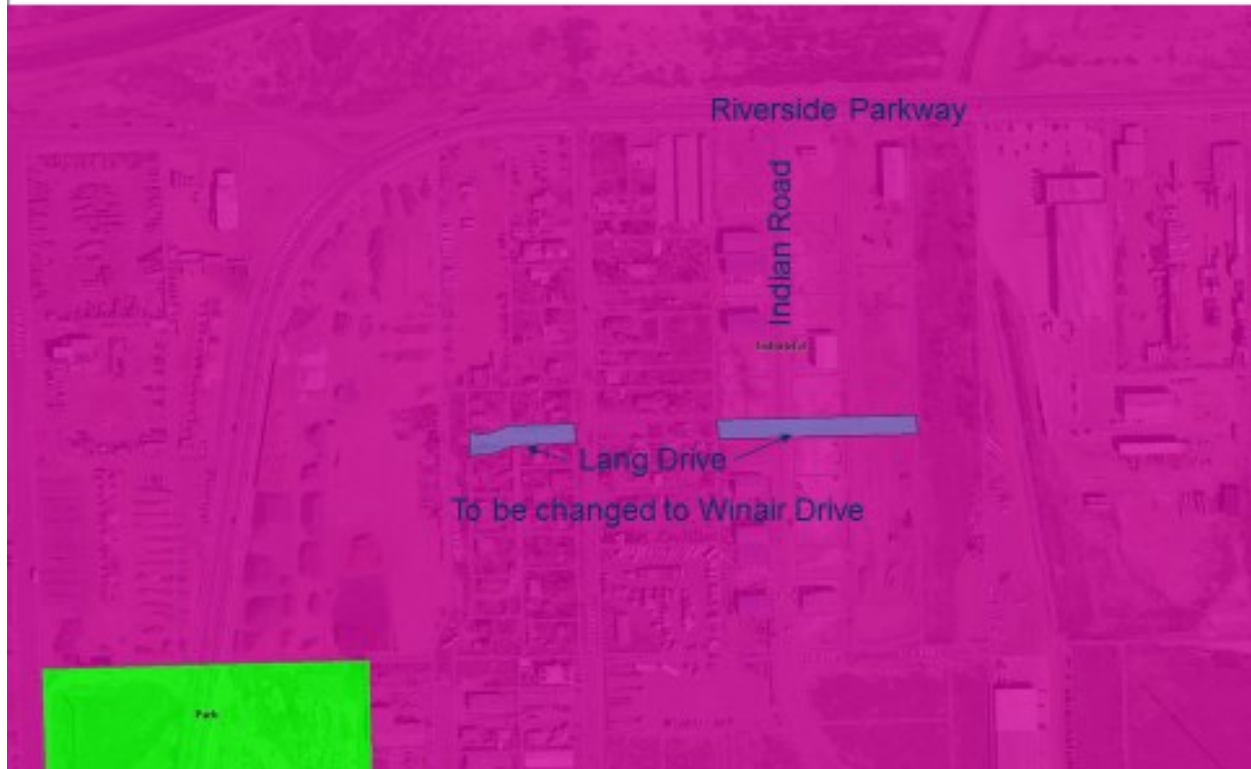
Site Location Map



Aerial Map



Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION

RESOLUTION NO. _____-14

A RESOLUTION RENAMING LANG DRIVE BETWEEN BONNY STREET AND 2769 RIVERSIDE PARKWAY TO WINAIR DRIVE

Recitals.

The request originated from Riverside Parkway Investments LLC to change the name of Lang Drive between Bonny Street and 2769 Riverside Parkway to Winair Drive to make the area easier to find. The name change would make the area easier for emergency vehicles, postal services and customers to locate the area.

Title 21.06.010(b)(6) of the Grand Junction Municipal Code states a street naming system shall be maintained to facilitate the provisions of necessary public services and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. Existing streets and roads not conforming or inconsistent to the addressing system shall be made conforming as the opportunity occurs.

The proposed name changes will not negatively impact adjacent land uses or neighborhood stability or character.

The proposal is in conformance with the goals and policies of the Comprehensive Plan and requirements of the Zoning and Development Code.

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

That Lang Drive between Bonny Street and 2769 Riverside Parkway as described in this resolution is hereby changed to Winair Drive.

ADOPTED AND APPROVED THIS _____ day of _____ 2014.

ATTEST:

Stephanie Tuin

City Clerk

President of City Council



Date: October 28, 2014
Author: Scott D. Peterson
Title/ Phone Ext: Senior Planner/1447
Proposed Schedule: November 19,
2014
File #: RVP-2014-100

Attach 11

CITY COUNCIL AGENDA ITEM

Subject: Revocable Permit for Weight Scale for Mesa Feed Mart, Located at 520 S. 9th Street

Action Requested/Recommendation: Adopt Resolution Granting a Revocable Permit to Mesa Feed Mart for a Weight Scale to be Located within the S. 9th Street Right-of-Way

Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Mesa Feed Mart is requesting a Revocable Permit to install a weight scale within the S. 9th Street right-of-way for use by Mesa Feed Mart and the general public.

Background, Analysis and Options:

Revocable Permits are needed to ensure that appropriate private development on public land is safely conducted in a manner that does not pose potential burdens on the public and documents to the public, applicant and future owners that the City may remove the private improvements, if necessary at any time.

The applicant previously had a weight scale at their former location at 715 S. 7th Street and is requesting to install a new weight scale at their current location at 520 S. 9th Street. Mesa Feed Mart primarily sells domestic and farm animal food products and lawn fertilizers. The former scale at S. 7th Street was used by both the general public as well as Mesa Feed Mart for products or vehicles to be weighed on-site instead of going elsewhere, for the purpose of knowing what to charge the customers for their commodities and also by insuring an overweight problem of a vehicle does not occur. By weighing the vehicle both empty and when loaded, the load carried by the vehicle can be calculated. According to the applicant, the majority of vehicles using the scale were passenger cars and light pick-ups, semi-trucks, local agricultural use vehicles and vehicles referred by the Department of Motor Vehicles. The City Police Department also utilized the previous weight scale on S. 7th Street to weigh vehicles on fatal or serious bodily injury traffic collisions and if a new weight scale would not be available to utilize, they would have to go the Port of Entry to weigh vehicles for re-construction of crashes.

The proposed weight scale would not interfere with existing traffic patterns as it will essentially be a mirror image at the proposed new location as was existing within the S. 7th Street right-of-way. City Staff could not find any information or if any Revocable Permit was ever issued at the former Mesa Feed Mart and Elevator located at 715 S. 7th Street for the existing weight scale.

Mesa Feed Mart is requesting the scale to be placed in the S. 9th Street right-of-way rather than on-site due to the fact that within the right-of-way would be the same format as was used at the S. 7th Street site. The location within the right-of-way makes for better visual contact with the weight scale from the office and is better suited to communicate with the drivers. If the scale was placed on-site, it would be difficult to work out parking arrangements as well as traffic patterns according to the applicant.

The proposed weight scale does not interfere with any anticipated future City improvements and would not create a site distance problem (See attached Site Sketch and Traffic Patterns Drawings). The granting of the Revocable Permit would also not inhibit the City, nor other utility companies from maintaining their required infrastructure, if necessary. Presently the right-of-way for S. 9th Street contains a 12" and 8" water line, 15" storm sewer, a 10" sanitary sewer line, natural gas line and an overhead power line, however none of these utilities are located within the area requested for the Revocable Permit nor would these existing utilities have to be relocated to accommodate the weight scale. As a condition of approval, if the City or other utility companies need to repair any of their infrastructure, the applicant will be responsible for replacing and repairing the damaged weight scale if applicable, not the City.

Presently the right-of-way width for S. 9th Street is 80' with an approximate 40' +/- paved width driving surface that includes a center turn lane.

The applicant has also been notified regarding City Street Department maintenance along S. 9th Street. With no sidewalk in place on the east side of S. 9th Street, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash onto the proposed weight scale and falling into the area defined within this revocable permit. The permittee has been advised that these are normal, preexisting maintenance activities and the City will be held harmless from any claims arising from any property damaged by any of these maintenance activities.

All utility review agencies (Grand Valley Drainage District, Xcel Energy), City Development Engineer, City Transportation Engineer, City Fire Department and City Utility Engineer, Persigo Wastewater Treatment Facility have reviewed the application and have no objection with the issuance of the Revocable Permit.

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

Granting the Revocable Permit allows the applicant to utilize a portion of the right-of-way for expansion of their business offerings to the public, supports the development of the downtown area and meets the following goals from the Comprehensive Plan.

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.

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

Economic Development Plan:

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed Revocable Permit for Mesa Feed Mart meets with the goal and intent of the Economic Development Plan by supporting an existing business within the community as it expands their business offerings at its current location to serve area residents.

Board or Committee Recommendation:

There is no committee or board recommendation.

Financial Impact/Budget:

No financial impact for this item.

Legal issues:

City Legal Staff has reviewed the requested Revocable Permit application.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Comprehensive Plan Future Land Use Map / Existing Zoning Map
4. Site Sketch Plan
5. Traffic Patterns Sketch
6. Weight Scale Layout and Details Sheet
7. Resolution
8. Revocable Permit
9. Agreement

BACKGROUND INFORMATION					
Location:		520 S. 9 th Street			
Applicant:		Mesa Feed Mart			
Existing Land Use:		Right-of-Way			
Proposed Land Use:		Truck/Vehicle Weight Scale			
Surrounding Land Use:	North	General commercial properties			
	South	Railroad tracks			
	East	Mesa Feed Mart			
	West	Vacant land			
Existing Zoning:		I-1 (Light Industrial)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	C-2 (General Commercial)			
	South	I-2 (General Industrial)			
	East	I-1 (Light Industrial)			
	West	I-1 (Light Industrial)			
Future Land Use Designation:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

Section 21.02.180 of the Grand Junction Zoning and Development Code:

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.

Granting the Revocable Permit allows the applicant to expand the services offered by their present business and allows commercial and private vehicles to be weighed on-site rather than going elsewhere. The existing area of right-of-way is not needed at this time for future road expansion therefore, the applicant's proposed use is acceptable and benefits the community by economic development business expansion. This criterion has been met.

- b. There is a community need for the private development use proposed for the City property.

Granting the Revocable Permit allows the applicant to expand the services offered by their present business and allows commercial and private vehicles to be weighed on-site rather than going elsewhere. The existing area of right-of-way is not needed at this time for future road expansion therefore, the

applicant's proposed use is acceptable and benefits the community by economic development business expansion. This criterion has been met.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The proposed weight scale does not interfere with any anticipated future City improvements and would not create a site distance problem. The granting of the Revocable Permit does not inhibit the City or other utility companies from maintaining their required infrastructure, if necessary. As a condition of approval, if the City or other utility companies need to repair any of their infrastructure, the applicant will be responsible for replacing and repairing the damaged weight scale if applicable, not the City. This criterion has been met.

- d. The proposed use shall be compatible with the adjacent land uses.

All adjacent properties are zoned light industrial or general commercial. The proposed weight scale is compatible with all allowed land uses within the I-1 zone district. This criterion has been met.

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

The proposed weight scale does not negatively interfere with any anticipated future City improvements, traffic circulation or neighborhood stability or character and would not create a site distance problem. The proposed weight scale does not interfere with existing traffic patterns as it will essentially be a mirror image at the proposed new location as was existing on the S. 7th Street right-of-way. The existing area is also located outside of the floodplain or natural hazard area. This criterion has been met.

- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The proposal conforms to all standards, codes and regulations. See previous section regarding Comprehensive Plan and Economic Development Plan compliance. This criterion has been met.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

The application complies with all submittal requirements for a Revocable Permit. This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS

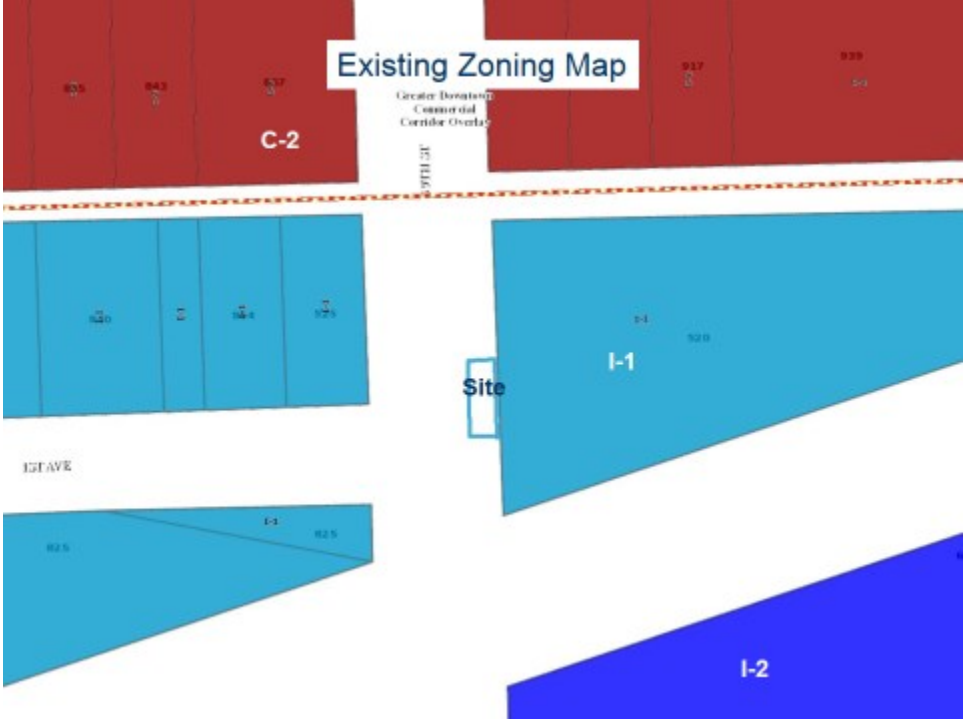
After reviewing the Mesa Feed Mart application, RVP-2014-100 for the issuance of a Revocable Permit for a weight scale, City Staff makes the following findings of fact, conclusions and conditions of approval:

1. The review criteria in Section 21.02.180 of the Grand Junction Municipal Code have all been met.
2. Presently the right-of-way of S. 9th Street contains a 12" and 8" water line, 15" storm sewer, a 10" sanitary sewer line, natural gas line and an overhead power line. If the City or other utility companies need to repair any of their infrastructure, the applicant will be responsible for replacing and repairing the damaged weight scale if applicable, not the City.
3. The applicant has also been notified regarding City Street Department maintenance along S. 9th Street. With no sidewalk in place on the east side of S. 9th Street, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash onto the proposed weight scale and falling into the area defined within this revocable permit. The permittee has been advised that these are normal, preexisting maintenance activities and the City will be held harmless from any claims arising from any property damaged by any of these maintenance activities.
4. Obtain all applicable Planning Clearance's from City Planning and Building Permits from the Mesa County Building Department.

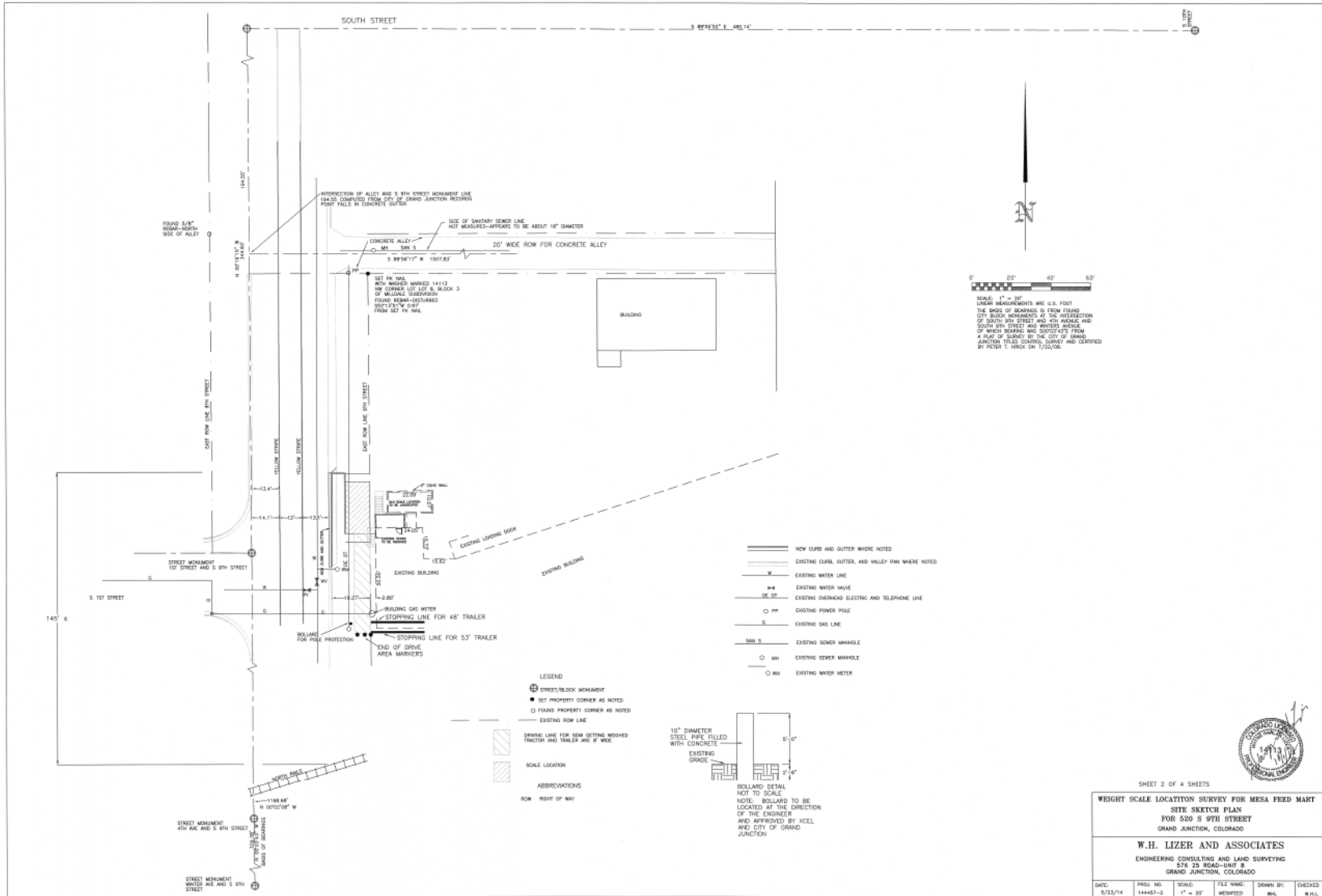
STAFF RECOMMENDATION:

City Staff recommends that the City Council approve the requested Revocable Permit for Mesa Feed Mart, RVP-2014-100 with the findings of fact, conclusions and conditions of approval.



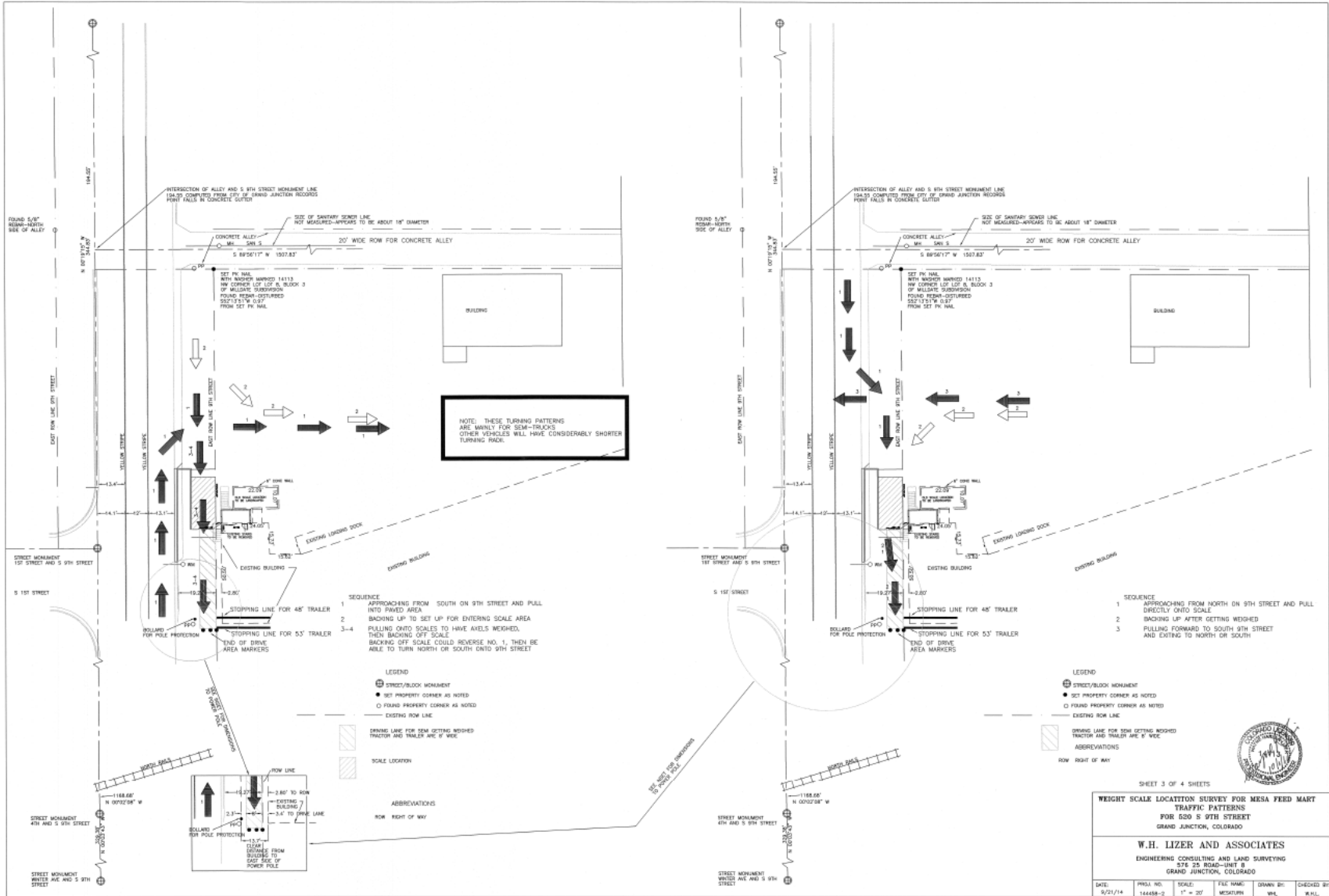


SITE SKETCH



PLAN

TRAFFIC PATTERNS SKETCH



RESOLUTION NO. _____

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
MESA FEED MART LOCATED AT 520 S. 9TH STREET**

Recitals.

A. Mesa Feed Mart, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

All of Block 3 of Milldale Subdivision; Together with the North-South alley between Lots 1 through 7 and Lot 8 as vacated by instrument recorded November 20, 1972 at Reception No. 1035768 in Book 986 at Page 209; Except the East 334 feet of said Lot 8 more particularly described as commencing at the Northeast corner of Lot 8, Block 8, Milldale Subdivision; thence South 73 degrees 36' 54" West 348.15 feet; thence North 98.13 feet; thence East 334 feet to the Point of Beginning and identified by Mesa County Tax Schedule Number 2945-231-01-009.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a weight scale within the following described public right-of-way:

A Parcel of Land being part of Lot 8, Block 3 of the Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, and being more specifically described as follows:

Commencing at the northwest corner of Lot 8, Block 3 of the Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, said point being on the east right-of-way line of South 9th Street, and considering a line between City Block Monuments located at the intersection of South 9th Street and 4th Avenue, and South 9th Street and Winters Avenue to bear S00 Degrees 03'43"E with all other bearings contained relative thereto;
thence S 00Degrees 19'15"E 100.77 feet along said east right-of-way line of South 9th Street to the point of beginning;
thence continuing along said right-of-way line S00 Degrees 19'15"E 34.00 feet to a point;
thence leaving said right-of-way line S89 Degrees 40'45"W 12.35 feet to a point;
thence N00 Degrees 19'15"W 34.00 feet to a point;
thence N89 Degrees 40' 45"E 12.35 feet to the point of beginning (See Exhibit A).

containing 4199 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-100 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2014.

Attest:

President of the City Council

City Clerk

EXHIBIT A



SCALE: 1" = 10'



LEGEND



ACTUAL WEIGHT SCALE LOCATION



RIGHT-OF-WAY



PK NAIL WITH WASHER MARKED 14113

NOTE:

ADDITIONAL AREA REQUIRED IN ORDER TO MATCH EXISTING PAVEMENT AS SCALE IS LOCATED ON A SLOPE AND RETAINING WALLS ARE REQUIRED IN ORDER TO SET THE SCALE ON A HORIZONTAL PLANE.

LINEAR MEASUREMENTS ARE U.S. FOOT

THE BASIS OF BEARINGS IS FROM FOUND CITY BLOCK MONUMENTS AT THE INTERSECTION OF SOUTH 9TH STREET AND 4TH AVENUE AND SOUTH 9TH STREET AND WINTERS AVENUE OF WHICH BEARING WAS S00°03'43"E FROM A PLAT OF SURVEY BY THE CITY OF GRAND JUNCTION TITLED CONTROL SURVEY AND CERTIFIED BY PETER T. KRICK ON 7/22/08.

TRANSITION BACK TO EXISTING V-PAN

SOUTH 9TH STREET

PROPOSED EXTENSION OF CURB AND GUTTER

EXISTING 4' WIDE V-PAN

AREA REQUIRED TO MATCH EXISTING PAVEMENT

N 89°40'45" E 12.35'

ALLEY

NORTHWEST CORNER OF LOT 8, BLOCK 3 OF MILLEDALE SUBDIVISION

100.77' TIE

S 00°19'15" E

EAST RIGHT-OF-WAY LINE OF SOUTH 9TH STREET

POINT OF BEGINNING

SOUTH 9TH STREET RIGHT OF WAY LINE

8"

N 00°19'15" W 34.00'

PROPOSED SCALE LOCATION

S 00°19'15" E 34.00'

CONCRETE LANDING FOR BUILDING ENTRANCE
PROJECT BENCH MARK
SOUTHWEST CORNER OF LANDING
ELEVATION = 100.00

2.65'

EXISTING BUILDING

S 89°40'45" W 12.35'

AREA REQUIRED TO MATCH EXISTING PAVEMENT

**WEIGHT SCALE LOCATION SURVEY FOR MESA FEED MART
FOR 520 S 9TH STREET
GRAND JUNCTION, COLORADO**

W.H. LIZER AND ASSOCIATES

ENGINEERING CONSULTING AND LAND SURVEYING
576 25 ROAD-UNIT B
GRAND JUNCTION, COLORADO

DATE: 5/23/14	PROJ. NO. 144457-2	SCALE: 1" = 10'	FILE NAME: MESA-EXH	DRAWN BY: WHL	CHECKED BY: W.H.L.
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REVOCABLE PERMIT

Recitals.

A. Mesa Feed Mart, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

All of Block 3 of Milldale Subdivision; Together with the North-South alley between Lots 1 through 7 and Lot 8 as vacated by instrument recorded November 20, 1972 at Reception No. 1035768 in Book 986 at Page 209; Except the East 334 feet of said Lot 8 more particularly described as commencing at the Northeast corner of Lot 8, Block 8, Milldale Subdivision; thence South 73 degrees 36' 54" West 348.15 feet; thence North 98.13 feet; thence East 334 feet to the Point of Beginning and identified by Mesa County Tax Schedule Number 2945-231-01-009.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a weight scale within the following described public right-of-way:

A Parcel of Land being part of Lot 8, Block 3 of the Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, and being more specifically described as follows:

Commencing at the northwest corner of Lot 8, Block 3 of the Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, said point being on the east right-of-way line of South 9th Street, and considering a line between City Block Monuments located at the intersection of South 9th Street and 4th Avenue, and South 9th Street and Winters Avenue to bear S00 Degrees 03'43"E with all other bearings contained relative thereto;
thence S 00Degrees 19'15"E 100.77 feet along said east right-of-way line of South 9th Street to the point of beginning;
thence continuing along said right-of-way line S00 Degrees 19'15"E 34.00 feet to a point;
thence leaving said right-of-way line S89 Degrees 40'45"W 12.35 feet to a point;
thence N00 Degrees 19'15"W 34.00 feet to a point;
thence N89 Degrees 40' 45"E 12.35 feet to the point of beginning (See Exhibit A).

containing 4199 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-100 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning

holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

7. Presently the right-of-way of S. 9th Street contains a 12" and 8" water line, 15" storm sewer, a 10" sanitary sewer line, natural gas line and an overhead power line. If the City or other utility companies need to repair any of their infrastructure, the applicant will be responsible for replacing and repairing the damaged weight scale if applicable, and for all costs associated therewith, not the City.

8. The permittee has been notified that City street maintenance along S. 9th Street may impact the applicant's weight scale. The City is not and shall not be responsible for such impacts or any costs incurred thereby or associated therewith, including but not limited to any actual or consequential damages. With no sidewalk in place on the east side of S. 9th Street, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash onto the proposed weight scale and be deposited into the area that is subject to this revocable permit. The permittee will hold the City harmless from any claims arising from any property damaged by any street maintenance activities, whether such activities are routine or exceptional.

9. Permittee shall obtain all applicable Planning Clearance's from City Planning and Mesa County Building Department.

Dated this _____ day of _____, 2014.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

City Clerk

City Manager

Acceptance by the Petitioner:

Mesa Feed Mart

EXHIBIT A



SCALE: 1" = 10'



LEGEND



ACTUAL WEIGHT SCALE LOCATION

RIGHT-OF-WAY



PK NAIL WITH WASHER MARKED 14113

NOTE:

ADDITIONAL AREA REQUIRED IN ORDER TO MATCH EXISTING PAVEMENT AS SCALE IS LOCATED ON A SLOPE AND RETAINING WALLS ARE REQUIRED IN ORDER TO SET THE SCALE ON A HORIZONTAL PLANE.

LINEAR MEASUREMENTS ARE U.S. FOOT
 THE BASIS OF BEARINGS IS FROM FOUND CITY BLOCK MONUMENTS AT THE INTERSECTION OF SOUTH 9TH STREET AND 4TH AVENUE AND SOUTH 9TH STREET AND WINTERS AVENUE OF WHICH BEARING WAS S00°03'43"E FROM A PLAT OF SURVEY BY THE CITY OF GRAND JUNCTION TITLED CONTROL SURVEY AND CERTIFIED BY PETER T. KRICK ON 7/22/08.

SOUTH 9TH STREET

EXISTING 4' WIDE V-PAN

TRANSITION BACK TO EXISTING V-PAN

PROPOSED EXTENSION OF CURB AND GUTTER

AREA REQUIRED TO MATCH EXISTING PAVEMENT

N 89°40'45" E
12.35'

ALLEY

NORTHWEST CORNER OF LOT 8, BLOCK 3 OF MILLEDALE SUBDIVISION

100.77'
TIE

EAST RIGHT-OF-WAY LINE OF SOUTH 9TH STREET

POINT OF BEGINNING

SOUTH 9th STREET RIGHT OF WAY LINE

8"

PROPOSED SCALE LOCATION

N 00°19'15" W 34.00'

12.35'

S 89°40'45" W

8"

2.65'

8"

2.65'

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2.65'

CONCRETE LANDING FOR BUILDING ENTRANCE
 PROJECT BENCH MARK
 SOUTHWEST CORNER OF LANDING
 ELEVATION = 100.00

2.65'

EXISTING BUILDING

AREA REQUIRED TO MATCH EXISTING PAVEMENT

**WEIGHT SCALE LOCATION SURVEY FOR MESA FEED MART
 FOR 520 S 9TH STREET
 GRAND JUNCTION, COLORADO**

W.H. LIZER AND ASSOCIATES
 ENGINEERING CONSULTING AND LAND SURVEYING
 576 25 ROAD-UNIT B
 GRAND JUNCTION, COLORADO

DATE: 5/23/14	PROJ. NO. 144457-2	SCALE: 1" = 10'	FILE NAME: MESA-EXH	DRAWN BY: WHL	CHECKED BY: W.H.L.
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AGREEMENT

Mesa Feed Mart, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2014.

Mesa Feed Mart

By: _____
Dick Pierle

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2014, by Dick Pierle, of Mesa Feed Mart.

My Commission expires: _____
Witness my hand and official seal.

Notary Public



Date: November 12, 2014
 Author: John Shaver
 Title/ Phone Ext: City Attorney,
1508
 Proposed Schedule:
November 19, 2014
 2nd Reading
 (if applicable): _____

 File # (if applicable): _____

Attach 12

CITY COUNCIL AGENDA ITEM

Subject: Resolution Approving the 2014 Orchard Mesa Pool Agreement and Appointing Pool Advisory Board Representative
Action Requested/Recommendation: Adopt Resolution Approving the Orchard Mesa Pool Agreement, Adopt the “Pool Board” Bylaws, and Appoint Councilmember Duncan McArthur to Represent the City on the “Pool Board”
Presenter(s) Name & Title: John Shaver, City Attorney

Executive Summary:

The Orchard Mesa Pool Agreement has been negotiated and the City, the County, and the School District are now in agreement as to ownership, operation, and responsibilities. The next step is to assign members to serve on the Pool Committee as outlined in the agreement.

Background, Analysis and Options:

In the early 1980’s, the City and the County agreed to build a public indoor pool on the Orchard Mesa Middle School property. In the last few years it has been decided that a more specific agreement is desired that defines ownership, financial support, operation, the cost of utilities, and the funding of capital repairs and improvements. All parties agree to the importance of this community asset and have determined the proposed agreement is necessary for the future operation.

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

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

This community pool serves the valley and is a partnership with the City, the County, and the School District.

How this item relates to the Economic Development Plan:

1.6 Investing in and Developing Public Amenities. Action Step – Identify and invest in key facilities, recreation, amenities, arts and culture and infrastructure that promote

our community and attract visitors. – This is the community’s only year round public pool.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

The agreement calls for a fifty-fifty split of all capital improvements between the City and the County. All capital improvements will be decided by the to-be-formed Pool Committee. The School District will pay for the electric and gas bills.

Legal issues:

The proposed agreement is attached. The agreement defines the interests of the parties and their various responsibilities.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The has been discussed at the Joint Meetings with the County Commissioners on November 10, 2014, January 16, 2014, and July 31, 2013.

Attachments:

Proposed Resolution
Proposed Orchard Mesa Pool Agreement
Draft Pool Board Bylaws

RESOLUTION NO. __-14

A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT
RESTATING AND AMENDING THE RELATIONSHIP BETWEEN THE CITY OF GRAND JUNCTION,
MESA COUNTY, AND MESA COUNTY VALLEY SCHOOL DISTRICT 51 CONCERNING THE ORCHARD MESA
SWIMMING POOL AND APPOINTING AND ASSIGNING A CITY COUNCILMEMBER TO REPRESENT THE CITY
ON THE ORCHARD MESA POOL ADVISORY BOARD

Recitals:

The City, Mesa County and School District 51 are currently parties to a 1982 agreement together with subsequent amendments concerning the operation and maintenance of the Orchard Mesa Pool. The old agreements have served well since their inception in 1982; however, a comprehensive restatement of the terms concerning the Pool would be beneficial.

The City, the County and the School District have negotiated and agreed to restate and amend their relationship concerning the Pool and with this new agreement the various roles and responsibilities of the City, the County are better defined. With the new agreement the County, the District and the City will clearly understand and agree on such important topics as ownership, continued operations and have a method for reviewing and recommending a budget for the continued operation and maintenance of the Orchard Mesa Pool.

Aquatic recreation is important to the public in general and specifically to those persons that utilize the Pool and with the agreement the City has stated its intention to support the continued success of the Pool.

The agreement calls for the creation of a "Pool Board" comprised of one elected official from the City, the School Board and the Mesa County Board of Commissioners. The Orchard Mesa Pool is within Council District E; Councilmember Duncan McArthur represents District E and has volunteered to serve on the Pool Board.

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

The intergovernmental agreement restating and amending the relationship between the City of Grand Junction, Mesa County and Mesa County Valley School District 51 concerning the Orchard Mesa swimming pool is approved; and

FURTHERMORE THAT:

Duncan McArthur is appointed to the Orchard Mesa Pool Advisory Board to serve until replaced.

PASSED AND ADOPTED THIS _____ day of _____ 2014.

Phyllis Norris, President of the City Council

ATTEST:

Stephanie Tuin

City Clerk

**INTERGOVERNMENTAL AGREEMENT RESTATING AND AMENDING THE
RELATIONSHIP BETWEEN THE CITY OF GRAND JUNCTION, MESA COUNTY AND
MESA COUNTY VALLEY SCHOOL DISTRICT 51 CONCERNING THE ORCHARD
MESA SWIMMING POOL**

THIS AGREEMENT ("Agreement") is made and entered into by and between MESA COUNTY, hereinafter called "County," MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51 hereinafter called "District" and THE CITY OF GRAND JUNCTION, hereinafter called "City," collectively the City, the County and the District may be referred to as the "Parties." The Agreement shall be effective on the date that it is signed by all Parties.

RECITALS:

The City, County and District are currently parties to a 1982 agreement together with subsequent amendments ("Old Agreement(s)") concerning the operation and maintenance of the Orchard Mesa Pool ("Pool" or "the Pool"), the floor plan of which is depicted in the attached Exhibit "A", the northern edge of which abuts a common hallway shared with Orchard Mesa Middle School. The parties agree that this shared hallway and the Orchard Mesa Middle School are the District's sole responsibility.

The Old Agreement(s) have served the Parties well since their inception in 1982; however, the arrangement(s) together with the amendments thereto that have been made over time, in totality, are not perfectly clear and a comprehensive restatement of the terms concerning the Pool would be beneficial to the Parties.

Beginning in 2010 the County determined that it would no longer participate in funding the Pool as it had for many years in accordance with the Old Agreement(s). Despite the County's decision, the Old Agreement(s) were never terminated and recently the County re-considered its position and agreed that it would again fund the Pool on condition that the Old Agreement(s) be restated and amended by the Parties. It is the Parties' intent that this new agreement supersedes and replaces the previous agreement between the Parties.

Each party, the City, the County and the District have certain obligations under the Old Agreement(s) that could be better defined. With better definition the Parties will clearly understand and agree on such important topics as 1) ownership, 2) continued operations and 3) a method for setting a budget and expending funds for the continued operation and maintenance of the Pool.

In the main the Parties agree that the provision of aquatic recreation is important to the public in general and specifically to those persons utilizing the Pool. With that understanding and for the general purposes of meeting the needs of the community, the Parties enter into this agreement as authorized by § 18, Article XIV of the Colorado Constitution, § 29-1-203, C.R.S., § 22-32-122(1), C.R.S. and other applicable law.

The Parties individually and collectively do hereby express their present and future intentions to support the continued success of the Pool on the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other valuable consideration, the sufficiency of which is acknowledged for both the formation and enforcement of this Agreement, the Parties agree as follows:

1. The term of this Agreement will be for 5 years commencing on the date that it is signed by all parties and ending 5 years thereafter. On mutual agreement of the Parties this Agreement, together with amendments if any, may be renewed for 3 additional 5 year terms. The Agreement is subject to annual appropriation by the Parties of the funds necessary to defray the expenses arising out of or under the Agreement and/or operation of the Pool. In the event of non-appropriation the agreement shall terminate. The Parties agree that consideration paid and given is sufficient to support this Agreement and the enforcement of the same.

2. The Parties agree that because the Pool is located on District property that the District is and shall be the owner of the Pool. As the owner the District shall provide property loss coverage for the Pool/pool building. The City and/or the County may separately procure property coverage(s) insuring their own interests.

3. The City and County shall have no claim to the Pool and/or the real property on which it is located. The Parties may upon expiration or termination agree to a disposition of the Pool and/or equipment but absent an agreement, the District as owner shall have the sole right to use, sell or otherwise dispose of the Pool premises, including but not limited to the real property, as it determines in its sole and absolute discretion. Improvements made to the Pool including but not limited to fixtures as defined by Colorado law shall accrue to the District upon expiration or termination of the Agreement.

4. The Parties shall jointly establish a board or committee ("Pool Board") to provide policy direction relating to the funding and management of the Pool during the term of this Agreement or any extension thereof. The Pool Board shall be comprised of one member of City Council, one member of the Board of Commissioners and one member of the District 51 School Board. The Parties shall each respectively designate and assign a member to the Pool Board.

Appointment shall be by and in a manner customary to each appointing entity. City personnel, as the managers of the Pool shall serve as staff to the Pool Board. Bylaws and/or procedural rules deemed necessary or required for the conduct of the Pool Board shall be drafted and approved by it.

5. The Pool Board shall recommend an annual budget and capital improvement plan(s) to the City Council, the Board of County Commissioners and the School Board; in the event that all three do not agree on a budget the last approved budget shall control until a new budget is approved or this Agreement is terminated. The annual review and budget recommendation by the Pool Board may include but not necessarily be limited to recommending changes to programming, scheduling and/or alternative approach(es) to management such as privatization, creation of a district and/or other alternatives; however, no recommendation shall be effective until formally adopted by the City, the County and the District.

6. The City and the County shall equally share the cost, less the expenses paid by the District, of the operation and maintenance of the Pool. Expenses shall be reviewed by the Pool Board and a budget shall be recommended by the Pool Board for adoption by each member.

a) The Pool Board shall compare the expenses for operation and management services with the revenue derived from the operation of the Pool and the budgeted subsidies and shall recommend the subsequent years' budget(s) such that expenses do not exceed revenue (including a subsidy from the City and County as recommended by the Pool Board and as the same is annually budgeted as provided in paragraphs 4 and 5.)

b) For purposes of this Agreement expenses is defined as and includes City inter-fund charges, which are the costs associated with the City's overhead and management of the operations including, information technology, finance, legal, risk management and other , fees and costs of operation and maintenance of the Pool and all direct staff costs, indirect staff costs of the Recreation Supervisor and Recreation Coordinator assigned to manage and oversee the Pool operations and serve as staff to the Pool Board, hiring costs incurred by the City, lifeguard certification and training (currently Ellis and Associates) fees, mileage and uniform costs.

c) The Pool Board shall recommend the fees and charges for Pool usage to the governing bodies of the City, County and District. All fees and charges collected by the City above and beyond the expenses (except for fees charged by District 51 for its use as the same is further described in paragraph 17) shall be considered revenue for the use and benefit of the Pool Board's recommendation of a budget for the operations and maintenance of the Pool.

7. The Parties acknowledge and agree that the City staff will occasionally recommend major capital expenditures related to the Pool facilities and/or necessary to provide the services referenced in this Agreement. The Pool Board shall consider capital expenditures as part of the annual budget process.

8. The Pool Board shall consider, and if a majority thereof deems it advisable, recommend the establishment of a capital maintenance fund for the Pool. Any and all supplemental budget requests shall first be presented to the Pool Board for its consideration. If and/or when budgeted the City and County shall contribute equally to the maintenance fund in order to maintain the Pool and pool building in a safe and useful condition. The City, as staff to the Pool Board, will make recommendations for improvements that:

a) are planned;

b) will keep the Pool in reasonable compliance with the Americans with Disabilities Act ("ADA"), 42 U.S.C. 1201 *et seq.* and the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. 8001 *et seq.* and all other applicable legal and safety standards;

c) fund emergency repairs, pending the payment of insurance claim(s), if any; and,

d) fund necessary capital maintenance.

9. All supplies and equipment reasonably required by the City and the cost of the Ellis and Associates Comprehensive Aquatic Risk Management Program ("Ellis") or a comparable program, which shall be purchased by the City and County and shall be accounted for as expenses. A list of supplies and equipment necessary or required to operate the Pool is provided in Exhibit "B" – OM Pool Maintenance – Supplies.

10. In its operation of the Pool the City shall apply the standards and customary practices it requires together with those required by the Ellis Program or a comparable successor to Ellis. , called for in the program. A description of the Ellis program is attached as Exhibit C and incorporated by this reference as if fully set forth herein.

11. The City shall promptly notify the Pool Board and the District's Chief Operations Officer if the physical condition of the Pool is not conducive to the safe conduct of any programmed activity in the Pool and/or if maintenance practices may impact in any way, the scheduling of activities in the Pool.

12. With and through the budget process the Pool Board shall be responsible for reviewing and recommending changes to the funding and/or operations of the Pool. In the event that a budget is not approved by the Pool Board or one or more of the governing bodies (City, District or the Board of County Commissioners) then the Pool Board may recommend that the Pool be closed, [or privatized; any recommendation that results in the permanent

closure, or fundamental change to the operation of the Pool as contemplated by this Agreement shall a) require unanimity of the Pool Board and b) absent an emergency as defined herein occur no sooner than 12 months after the recommendation is made to the District, the City and the Board of County Commissioners.

13. For purposes of this Agreement an emergency is:

a) an Act of God or the declaration of a local, state or federal emergency that directly effects the continued ability to operate the Pool; and/or

b) an unforeseen event, such as contamination by bacteria, communicable disease or some other happening and/or order by an agency having authority following an event or happening to close the Pool and/or render it unusable;

c) lacking the occurrence of a) or b) above a failure of any Party to budget and/or fund the Pool is not an emergency.

14. The District agrees to allow the City and County to use the Pool during the term of this Agreement or any extension thereof without need or requirement of compensation to the District; during the term of this Agreement or any extension thereof the District's sole financial obligations to the Pool's operating expenses shall be the payment of premiums for property insurance covering the Pool, internet access in the Pool area (recurring charges and network connection(s) for use by the City for scheduling), and payment for all gas and electric utilities, water and trash service reasonably necessary for operation of the Pool.

15. The City agrees to provide all required labor for the operation of the Pool. Labor for purposes of this Agreement is lifeguards, janitorial staff, swim instructors, guest service representatives and pool managers. The City will pay as an expense of the operation of the Pool all wages, salaries, benefits and workers' compensation insurance premiums and inter-fund charges for the required labor and operations of and for the Pool. Personnel who will work on District property are required to meet the same requirements for background checks, CBI criminal history and fingerprinting as District personnel.

16. The City will provide basic daily maintenance and janitorial services.

17. The City will manage the Pool for and schedule all open swim, swim lesson and special event participants, including for District sponsored uses. The City staff will collect the revenues generated by public swim, swim lessons, private parties and special events and concessions and the revenue shall be used to pay the expenses of the Pool. Fees and charges for District-sponsored users (i.e., physical education classes, swim team practice/meets and District-sponsored events) shall be determined by the District; the District shall not be required to pay the City and/or County for use of the Pool for District purposes.

Fees, if any, collected by the City for the District shall be promptly paid to the District in the amount agreed and determined by the District and the City. District-sponsored uses shall have priority over use by the general public during normal school hours.

18. The City will pay as an expense of the operation of the Pool the liability insurance premiums, for coverage with limits and deductibles to be agreed-upon by the Parties but in any event in amounts no less than the most current limits established by the Colorado Governmental Immunity Act, 24-10-101 *et seq.*, C.R.S., as from time to time amended. The County and the District shall be named as loss payees, with insurance declaration sheets provided to them.

19. As part of the budget the Pool Board shall budget for and create an insurance reserve account for the purposes of paying the property and casualty deductible(s) incurred in the event of a claim(s). The City shall maintain the account for the use and benefit to the parties.

20. The Parties understand and agree that each and every one of them may be protected by, and will rely on and do not waive or intend to waive by any provision of this Agreement, the limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, 24-10-101 *et seq.*, C.R.S., as from time to time amended.

21. To the extent authorized by law and/or insurance the City agrees to indemnify and hold harmless the County and the District and their officers and employees, from and against all liability, claims, demands and expenses, including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the operations and programming work to be performed by the City under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission, or other fault of the City or any officer or employee of the City.

22. Any person(s) employed by the City, the County or the District that performs work hereunder shall be and remain the employee(s) of the respective party and not agent(s) or employee(s) of another party.

23. No party may assign or delegate its obligations under this Agreement or any portion thereof without the prior written consent of the other Parties.

24. Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either Party should fail or refuse to perform according to the terms of this Agreement; such party may be declared in default.

25. This Agreement may, absent an emergency, only be terminated by giving the other parties written notice of no less than three hundred sixty-five (365) days advance notice of termination. In the event of an emergency the Pool

Board shall recommend a means for termination or suspension of this Agreement. Termination shall not prevent any party from exercising any other legal remedies which may be available to it. Any party's failure to appropriate the funds necessary to defray the expenses assumed by each through the adopted budget shall constitute a default and be cause for termination of the agreement.

26. The Parties shall reasonably comply with the applicable provisions of the ADA and any and all other applicable federal, state or local laws and regulations.

27. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. Only an instrument in writing signed by the parties may amend this Agreement.

28. The traditional rule that ambiguities shall be construed against the drafter is waived.

29. Venue for any action arising out of or occurring under this Agreement shall be in the District Court for Mesa County, Colorado. The agreement shall be controlled by, construed and interpreted in accordance with the law of the State of Colorado.

30. The Parties agree that any and all disputes, claims or controversies arising out of or relating to this Agreement shall be submitted for mediation, and if the matter is not resolved through mediation, then the parties may proceed to District Court.

This Agreement has been negotiated and agreed to by, with and through the common effort of the Parties and as such each waives and foregoes the customary rule that ambiguities are construed against the drafter.

In the event of any ambiguities the Parties agree to a liberal construction of the Agreement and to give meaning, purpose and effort to attempting to resolve the ambiguity(ies) in favor of continuing the Agreement for the benefit of the communities that they serve.

The Parties, individually and collectively, intending to be bound to the terms and conditions hereof do sign and bind the entity for which he/she/they sign.

City of Grand Junction – date
_____ Title

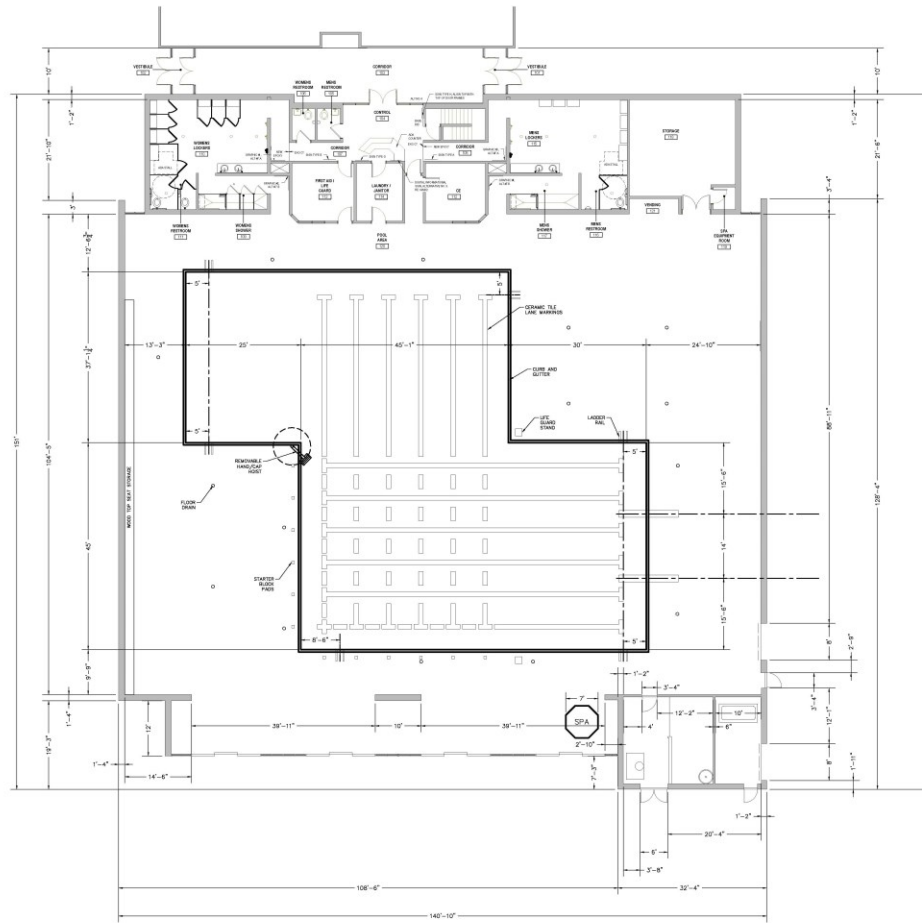
Mesa County Board of Commissioners - date

_____Title

Mesa County Valley School District 51 – date

_____Title

Exhibit A



REVISION	DESCRIPTION	DATE	DRAWN BY	DATE	SCALE: 1/32"=1'-0"
REVISION A			pmc	2014	
REVISION B					
REVISION C					
REVISION D					



**PUBLIC WORKS
AND PLANNING
ENGINEERING DIVISION**

ORCHARD MESA POOL ILC

Exhibit B

Orchard Mesa Community Center Pool Operating Supply/Equipment List

Cost of Goods Sold

- Swim diapers, goggles, and miscellaneous resale items
- Lifeguard supplies

Food Stuffs

- Pre-packaged concession items for resale

Operating Supply

- Life vests
- Cleaning supplies (brushes, cleaners, detergent, etc.)
- Lifeguard textbooks
- Lifeguard renewal fees
- Rescue equipment
- Wristbands
- Office supplies (printer paper, receipt paper, pens, etc.)

Uniforms/Clothing

- Shorts, shirts, and swimsuits
- Whistles and lanyards
- Fanny packs and hats

Chemicals/Fertilizers

- Calcium hypochlorite, shock, muriatic acid, etc.

Repairs/Maintenance

- Plumbing repair and equipment
- Door repair and equipment
- Boiler, solar pump, slide, hot tub, and all other pool mechanical repair and maintenance
- HVAC repair and maintenance
- Window repair and maintenance
- Lighting repair and maintenance

Telephone

- *Monthly service fees
- Air cards for back-up internet access

Utilities

- Gas
- Sewer
- Solid Waste
- Water

Professional Development

- Safety School registration and travel expense
- Lifeguard instructor training registration and travel expense

Contract Services/Maintenance

- Ellis & Associates operational audits
- Ellis & Associates retainer fee
- Alarm fees
- Pest control
- Armored car service
- Fire alarm inspection
- Health Department inspection
- Chemical system service

Data Processing

- **Annual and replacement IT related charges

Exhibit B cont.

* Telephone includes basic telephone service, voice lines, and long distance service based on the two phones assigned to the pool.

** Includes equipment replacement accrual to replace PCs, laptops, and tablets. PC's and Laptops are replaced every 4 years so the accrual amount each year is 1/4 of the estimated replacement cost for each PC or laptop, and basic charges which is a share of the costs for network infrastructure and support, help desk, desktop software, and copier/printer charges and is based on the number of PCs assigned to each department/division. Two computers are assigned to the facility.

Exhibit C

Ellis & Associates, Inc. (E&A)

Jeff Ellis & Associates, Inc. (E&A) was founded in 1983 with the express purpose of reducing the loss of life due to drowning. Since that time the Mission statement has progressed toward “elimination of drowning events through Proactive Aquatic Risk Management”. This began through the creation of a unique lifeguard training, today known as the International Lifeguard Training Program™ (ILTP®). Over the years, Ellis & Associates has built upon the implementation of this training and developed the Comprehensive Aquatic Risk Management Program™ (CARMP™). CARMP™ utilizes the ILTP® Training as a foundation for the overall aquatic safety protection systems deployed at client facilities.

Comprehensive Aquatic Risk Management Program™ (CARMP™)

CARMP™ is the flagship program, providing aquatics risk management consultation that goes way beyond simply “lifeguard training”. Its unique services along with 24 hour a day, year round access to resources and experts gives facilities who are serious about aquatic safety all the tools needed to be successful. Among the many services included is the onsite aquatic facility operational safety audit. Audits are designed to identify potential risk exposures before they become catastrophic followed by consultation to reduce or eliminate the identified exposure. Ellis & Associates’ CARMP™ client facilities have an unmatched performance record and include some of the largest recreational aquatic venues in the world, hosting millions of visitors each season.

International Lifeguard Training Program™ (ILTP®)

The ILTP® is a comprehensive course that includes complete CPR/Emergency Oxygen/First Aid/AED Training. Practical hands-on training, in conjunction with scenario based training, provides for an experiential training content. When practicing rescue skills for an unconscious Guest in Distress, participants are practicing water skills, and also implementing AR/CPR/FBAO, First Aid skills, Oxygen Administration/BVM/Manual Suction and AED use, all in a single scenario based emergency simulation. All of the skills are integrated – CPR/First Aid/AED/Oxygen/BVM are not strictly classroom based. The textbook information is covered in a classroom setting, however, these skills are then integrated and practiced repeatedly, in scenario based simulated emergencies. These simulated events are never the same; all elements of the skill base must be utilized in order to be successful, and lifeguards must complete given tactile, hands-on, practice with simulated events and real people.

Accomplishments of Ellis & Associates

The REACH of Ellis & Associates:

- E&A works with over **600 organizations** in the United States and around the world, servicing approximately **100 million guests** annually.
- E&A clients and training centers train over **37,000 lifeguards** every year.
- E&A conducts over **1,500 Aquatic Safety Operational Audits** every year.

The INNOVATION of E&A:

The first training organization to develop equipment based rescues, utilizing the **rescue tube**.

Exhibit C cont.

- This increased not only the effectiveness of the rescue, but it made it significantly safer for the rescuer and the guest.
- Other training organizations, such as the American Red Cross have since adopted the use of the rescue tube after it was proven effective by E&A.

The first training organization to incorporate proactive elements to lifeguard training that could be measured and evaluated such as the 10/20 Protection Standard.

- Lifeguards required to be able to see all parts of their Zone of Protection® area and spotting a guest in distress within 10 seconds and subsequently be able to reach the guest in distress within 20 seconds of recognition.

The first training organization to include **in-water rescue breathing** as part of its training and rescue protocol.

- Other training organizations have since included similar protocol as an option, but not as standard practice.
- The American Heart Association, in its 2010 ECC Guidelines, highlighted the effectiveness of in-water rescue breathing to a guest in distress who can be recognized and reached quickly – something E&A lifeguards are uniquely qualified to do!

Uniquely recognize the need for site-specific training techniques that are appropriate for the many environments and staffing situations. E&A helps our clients, **“Make it work!”**

- For example, lifeguards are taught techniques to perform **suspected spinal injury management** with a large team or with two lifeguards regardless of depth of water. They then extend beyond this ability with innovative use of backboard equipment to extricate guests from a pool safely that makes the most effective use of available staff and maximizes the safety of the guest.
- While other training organizations have adopted some of these procedures, they default to a “one size fits all” approach that limits the practical application of skills in unique environments.

The first training organization to include all required training elements in **one comprehensive training course**, requiring one textbook.

- Other training organizations have since combined some course elements, but E&A remains the only that covers all content in a single textbook.

As of 2005, the first training organization to have a **blended-learning course** option that includes both an online learning portion and an in-person practical test out.

- Years later, other training organizations have added an online course option to their offerings.

As of 1996, the first training organization to require **supplemental oxygen support** as a training component and rescue protocol.

- Despite years of evidence that emergency supplemental oxygen is effective treatment of a guest who has been rescued after a submersion event, other training organizations still maintain this as optional.

As of 2000, the first training organization to require the use of **automated external defibrillators (AED)** as training and rescue protocol.

Exhibit C cont.

- This was instituted years before it became commonplace to even see AED equipment in public places.
- E&A is proud of the role it has played in raising awareness and training in the use of AED equipment for over 14 years.

The first and only training organization that incorporates a one-of-a-kind **Comprehensive Aquatic Risk Management Program (CARMP)** that works with the lifeguard training to provide systems that create and maintain a culture of safety, reducing or eliminating risk exposures, and ultimately keeping guests safe.

- This accountability-based program focuses on key objective accomplishment with protocols that meet both uniform standards and site-specific needs of each unique aquatic environment.

The first training organization to include accountability audits of lifeguards – **Aquatic Safety Operational Audits**.

- Lifeguards at E&A CARMP facilities receive a license that requires that all aspects of their position be demonstrable at a “test-ready” level at all times.
- Lifeguards are secretly video recorded while they are performing their lifeguarding duties and evaluated on their ability to maintain the 10/20 Protection Standard, professionalism, protection from the environment, and other behavior components designed to maximize the lifeguard’s effectiveness in preventing an incident from occurring in the first place. Next, those lifeguards are subjected to on-the-spot evaluation of their rescue abilities, followed by an administrative evaluation for supervisor and facility. If problems are discovered at any point, they are remediated thus mitigating risk before a catastrophic event can take place.

The first and only training organization that maintains long term data on rescue trends and outcomes, allowing E&A to adjust or refine training when the evidence suggests this is needed.

- Most other training organizations rely on theoretical opinions while we seek to constantly test the norms to ensure that we are always providing the best care possible.

As of 2001, the first and only training organization that evaluates and measures the effectiveness of its lifeguards in both qualitative and quantitative manners. This is accomplished through the **Vigilance Awareness Training Program** (VAT).

- E&A has utilized its VAT program to train and condition lifeguards to recognize guests in distress at the surface, below the surface and on the bottom of a pool in the actual conditions the lifeguard will be expected to perform. This is then evaluated at the facility and audit levels to make sure the standard is being maintained.

E&A continues to innovate its training and risk management to provide the cutting edge in aquatic safety and education to its clients and ultimately, the industry.

**Bylaws of the Orchard Mesa Pool Advisory Board
City of Grand Junction
Mesa County
Mesa County Valley School District 51**

Article 1 – Purpose, Board, Place of Business

- A. The Orchard Mesa Pool Advisory Board (“Pool Board”) has been jointly established to provide policy direction relating to the operation of the Orchard Mesa Pool (“Pool” or “the Pool”.) The Board shall make recommendations to the Board of County Commissioners, the City Council and the School Board principally concerning the budget for the operation and maintenance of the Pool; however, the Pool Board may hear complaints from citizens and/or address service and policy matters. No budget or policy shall be effective until formally adopted by the City Council and the Board of County Commissioners. The Pool Board duties shall include but not necessarily be limited to setting goals and objectives; reviewing and recommending capital improvement plans and annual operating budgets; and, reviewing and recommending rates, fees and charges; adopting and/or amending rules and regulations.
- B. The Pool Board, in accordance with the intergovernmental agreement by and between the District, the City and the County shall give written and oral recommendations and serve in an advisory capacity to the City, County and District.

Article 2 – Appointment of Members

- A. The Pool Board shall be three members, with the City Council, the Board of County Commissioners and the District each appointing one member of each to serve. Service on the Pool Board shall be consistent with these bylaws and the intergovernmental agreement.
- B. The City Manager shall designate staff to serve the Board.
- C. The Pool Board shall meet on the first Friday of each month at 8:00 A.M. at a designated location.
- D. The terms of service will coincident with each members term which he/she was elected for with service on the Pool Board being for no longer than three (3) years. Board members are limited to two (2) consecutive terms so long as

he/she is serving as an elected official for the entity that appointed him/her to the Pool Board.

- E. Members shall be selected without regard to race, color, religion, sex, age, sexual orientation, national origin, marital status or physical handicap.

Article 3 – Vacancies

Vacancies to the Pool Board shall be filled in the manner set forth herein for appointment and following the respective policies and procedures set forth by the City Council, the Board of County Commissioners and the School Board for appointment to a board or commission.

Article 4 – Officers

- A. At the first meeting of the Pool Board each calendar year, the Board members shall elect a chairperson.
- B. The chair shall serve as the informal head of the Pool Board and preside at meetings of the Pool Board. In the absence of the Board chairperson, the members in attendance shall designate a temporary chairperson who shall preside at the Board meeting and perform the duties of the chair and when so acting, shall have the authority and duties of the chair.
- C. The assigned City staff shall record the affairs of the Board and shall see to the correspondence and other communications of the Board.

Article 5 – Conflicts, Compensation, Expenses

- A. No compensation shall be paid to any member of the Pool Board for his/her services. The Pool Board shall not enter into any contract with any member or pay or authorize any remuneration to any member. The rules and requirements of the City Code and Charter and state law applicable to elected officials regarding conflicts of interest, disclosure, gifts and appearances of impropriety shall apply to each member of the Pool Board.
- B. A member may be reimbursed for his/her extraordinary expenses that are 1) allowed by motion of the Board and 2) the motion allowing the reimbursement of extraordinary expenses is approved prior to the expenses being incurred. Expenses so authorized must be incurred in the performance of the Board member's duties. All such expenses shall be budgeted and paid with authorized funds.

Article 6 – Meetings, Notice, Open Meetings

- A. Regular meetings shall be held as provided herein or otherwise established in writing.
- B. Any member may call a special meeting and it shall then be the duty of the City staff to cause notice of such meeting to be properly given. Special meetings may be held at any place within the City of Grand Junction.
- C. Notice of any meeting of the Pool Board, including the purpose thereof, shall be made in writing to each member by mail, facsimile, e-mail at least 72 hours before the scheduled meeting. Attendance by a member at any meeting of the Pool Board shall be acceptance of notice by him/her of the time, place, and purpose thereof. Any lawful business of the Pool Board may be transacted at any meeting for which proper notice has been given.
- D. Any meeting may be held by telephone or video conference call upon approval of a majority of the Board.
- E. Affairs of the Pool Board shall be governed by the Open Meetings Law and the Open Records Act, as amended.

Article 7 – Quorum

A majority of the members of the Pool Board shall constitute a quorum. The act of a majority of the members present at a meeting in which a quorum is present shall be the act of the Board.

Article 8 – Authority

The Pool Board has no authority to bind the City, the County or the School District.

Article 9 – Notices

Any notice of claim, demand or other legal process served on or received by the Pool Board or any of its members for matters arising out of or under the members' service on the Pool Board should be immediately delivered to the City Attorney.

Article 10 – Legal Advice and Insurance

The City Attorney shall serve as the legal advisor for the Pool Board. Each Pool Board member shall insure or cause him/herself to be insured by the council, board or commission that appointed him/her.

Adopted this ____ day of _____, 2014.



Attach 13

CITY COUNCIL AGENDA ITEM

Date: 11/18/14

Author: E. Tice

Title/ Phone Ext: Management & Legislative Liaison

Proposed Schedule:
Workshop 11/17; Council Consent Calendar 11/19

2nd Reading

Subject: Consultant Contract for Foreign-Trade Zone
Action Requested/Recommendation: Authorize the City Manager to Enter into a Professional Service Contract with Barnes & Thornburg LLP to Evaluate the Possibility of Establishing a Foreign-Trade Zone not to Exceed \$50,000
Presenter(s) Name & Title: Elizabeth Tice, Management and Legislative Liaison John Shaver, City Attorney

Executive Summary:

Staff is recommending City Council authorize the City Manager to enter into a professional service contract with Barnes & Thornburg LLP to evaluate the merits of a Foreign-Trade Zone (FTZ).

Background, Analysis and Options:

Foreign-Trade Zones are approved areas in the United States where manufacturers and distributors can import raw materials and/or merchandise with preferential duty treatment. Duties are not paid on items as they are delivered into the zone, but rather when the goods are transferred out of the zone into commerce in the United States. The FTZ program was created by the federal government in the 1930's to facilitate international trade and increase the global competitiveness of US based companies.

Establishing a Foreign-Trade Zone would have benefits for existing businesses in Grand Junction who import goods or raw materials. In addition, it is a very competitive economic development advantage in attracting new firms. Foreign-Trade Zones are primarily utilized by manufacturing and distribution companies.

Staff recommends hiring a consultant with expertise in foreign trade zones and international trade to assist in a due diligence analysis to examine the costs and benefits of establishing a foreign trade zone and detail the process of obtaining approval.

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

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

Authorizing the contract to evaluate the potential of establishing a foreign-trade zone will analyze the benefits to existing businesses and also the opportunity to attract new investments which will help in developing and enhancing a healthy, diverse economy.

How this item relates to the Economic Development Plan:

Support Existing Businesses and Keeping Costs Transparent, Predictable and as Low as Possible

Authorizing the contract to evaluate the potential of establishing a foreign-trade zone will determine the extent to which local businesses would be supported by establishing a zone.

Board or Committee Recommendation:

The City Council discussed the FTZ at its November 17, 2014 work session and scheduled further consideration for its November 19, 2014 City Council meeting.

Financial Impact/Budget:

The contract with Barnes & Thornburg LLP is not to exceed \$50,000. That amount is in Council's 2014 Economic Development budget.

Legal issues:

The professional services to be provided if Council authorizes the City Manager to proceed are described in the firm's Standard Terms of Engagement for Legal Services. Staff has reviewed those terms and finds them to be an appropriate statement of the relationship and the services to be provided.

Other issues:

No other issues.

Previously presented or discussed:

The FTZ concept has been previously discussed at the City Council workshops on August 18 and November 17, 2014, and with the County Commissioners on September 9, 2014.

Attachments:

None.



Attach 14

CITY COUNCIL AGENDA ITEM

Date: October 31, 2014
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner x. 4058
 Proposed Schedule: 1st Reading:
Wednesday, November 5, 2014
 2nd Reading (if applicable): Wednesday,
November 19, 2014
 File #: CPA-2014-230 and RZN-2014-231

Subject: Salt Flats Comprehensive Plan Amendment and Salt Flats Rezone, Located at the Northeast Corner of 28 Road and Grand Avenue.
Action Requested/Recommendation: Adopt Proposed Ordinance Amending the Comprehensive Plan and Rezoning the Salt Flats Property, and Order Publication of the Ordinance in Pamphlet Form
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to change the Comprehensive Plan - Future Land Use Designation from Residential High Mixed Use to Commercial on 10.09 acres and a request to rezone 26.49 acres from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, Located at the Northeast Corner of 28 Road and Grand Avenue.

Background, Analysis and Options:

The subject property is north of the terminus of Grand Avenue on the east side of 28 Road. The property is often referred to as the "Salt Flats" due to the presence of alkali on the surface of the property. The property was annexed to the City as part of the Files Annexation in 1972. Despite its central location, development has essentially passed over this parcel.

The property is currently zoned C-1 (Light Commercial), which permits a wide variety of land uses, including retail, office, multi-family residential, and light manufacturing. In 2010, the Comprehensive Plan designated the future land use of the property as Residential High Mixed Use. This designation rendered the existing zoning inconsistent with the future land use map.

In 2011, the future land use designation of the Mesa Gardens neighborhood on the west side of 28 Road was changed from Residential High Mixed Use to Residential Medium High (Ordinance 4485). The justification for this change was preservation of the existing character of the neighborhood, along with the presence of vacant property with the same designation (the subject property) across 28 Road. This action reduced the amount of land available in the community for higher density residential uses.

The property is bounded on all four sides by public right-of-way (ROW). 28 Road is a minor arterial from the signalized intersection at the I-70 Business Loop north to its merger with east/west Orchard Avenue. Other ROW includes an abandoned stretch of

Grand Avenue on the south, a half-section of Gunnison Avenue on the north, and an unbuilt route for 28 ¼ Road on the east. The 28 ¼ Road alignment is significant in that, once built, will create an arterial from the I-70 Business Loop north to Patterson Road and into Matchett Park. It is anticipated that the existing signalized intersection at 28 Road would be moved to 28 ¼ Road to facilitate creation of this route.

In 2012, an amendment to the Grand Valley Circulation Plan was adopted that represents a preferred alternative to provide access through the subject property. This amendment created a curvilinear connection from Grand Avenue to Chipeta Avenue (approximately 1/8 of a mile), endorsed a connection between 28 and 28 ¼ Road along the Gunnison Avenue alignment (1/4 mile north of Grand), as well as an undefined north/south connection between these two east/west routes. This amendment, coupled with 28 Road on the west and the 28 ¼ Road arterial on the east, divided the property into three “quadrants”.

The purpose of this proposal is to bring the zoning into conformance with the future lands use map, while preserving the property owner’s development potential. To that end, this application proposes the following:

- 1) Amend the Comprehensive Plan change the Future Land Use Designation for that area south of the adopted Grand Avenue extension from Residential High Mixed Use to Commercial, encompassing approximately 10.041 acres. This amendment would leave the existing C-1 (Light Commercial) zoning in place, which would be consistent with a Commercial future land use if the amendment is adopted.
- 2) Rezone approximately 28.055 acres, which is the balance of the property, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district. This rezone, if adopted, would implement the Residential High Mixed Use future land use designation.

After a review of the request, the Planning Commission found that the review criteria in Section 21.02.130 and Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report for additional detail.

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

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

The proposed amendment and associated rezone attempt to balance the potential addition of more residential units while retaining sufficient area for service and commercial uses.

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.

There is very little vacant land that is centrally located and zoned for higher density residential development. The proposed rezone will provide additional area for infill development with access to transportation and commercial services.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle...and freight movement while protecting air, water and natural resources.

The amended Grand Valley Circulation Plan addresses this criterion and the concerns of the adjacent neighbors. This amendment and rezone honor the decision made relative to circulation and will align the land use designations with the Plan to achieve this goal.

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

The proposed amendment will maintain sufficient commercial development area to service the added residential density anticipated by the proposed rezone. Reducing the overall commercial area will reduce the potential cannibalization of existing commercial development on North Avenue, as well as provide additional rooftops (customers) for the remaining commercial space.

How this item relates to the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development. The proposed amendment and rezone is the proper forum for addressing this problem and, if adopted, will eliminate this inconsistency. The owners of the property have been contemplating for years the need to divide the property, which they can proceed to do with certainty if the proposed changes are approved.

Board or Committee Recommendation: On October 14, 2014 the Planning Commission forwarded a recommendation of approval of both requests.

Financial Impact/Budget: Property tax levies and municipal sales/use tax will be collected, as applicable, for any new development on the property.

Legal issues: The form of the ordinance has been reviewed and approved by the City Attorney.

Other issues: A neighborhood meeting was held on May 7, 2014. The majority of the questions were about the potential closure of the 28 Road/I-70 Business Loop

signalized intersection and how that would impact access to the neighborhoods on the west and business on 28 Road.

The Grand Valley Circulation Plan does not address who or how the proposed configuration will be constructed. The future developers of the subject property will participate in making these improvements, likely in conjunction with the City and the Colorado Department of Transportation (CDOT). Future development and/or capital improvement projects will include notice to neighbors per established policies.

Previously presented or discussed:

First Reading of the Ordinance was November 5, 2014.

Attachments:

1. Staff Report
2. Neighborhood Meeting summary
3. Written Comments
4. Site Location Map
5. Aerial Photo
6. Grand Valley Circulation Plan Map
7. Comprehensive Plan - Future Land Use Map
8. Blended Residential Map
9. Zoning Map
10. Ordinance

BACKGROUND INFORMATION					
Location:		North of Grand Avenue between 28 and 28 ¼ Road			
Applicants:		Mountain Property Holdings LLC			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential and Commercial			
Surrounding Land Use:	North	Residential and Commercial			
	South	Commercial			
	East	Industrial			
	West	Residential			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		C-1 (Light Commercial) on 10.09 acres R-24 (Residential 24 du/ac) on 26.49 acres			
Surrounding Zoning:	North	C-1 (Light Commercial) PD (Planned Development) - Niagara Village			
	South	C-2 (General Commercial)			
	East	I-1 (Light Industrial)			
	West	R-8 (Residential 8 du/ac)			
Future Land Use Designation:		Residential High Mixed Use Adjacent to Commercial on the south side of Grand			
Blended Residential Land Use Categories Map (Blended Map):		Residential High (16-24+ du/ac)			
Zoning within density/intensity range?		X	Yes – using adjacency rule		No

ANALYSIS:

Background:

The subject property consists of approximately 38 acres at the terminus of Grand Avenue on the east side of 28 Road. The property is often referred to as the “Salt Flats” due to the presence of alkali on the surface of the property.

Development pattern and existing conditions:

Aerial photos indicate that the property was home to some type of track during the 1950s and 60s. The property was annexed to the City as part of the Files Annexation in 1972. The property has been completely vacant since the late 1980s.

Mesa Gardens, a single-family residential neighborhood, developed on the west side of 28 Road in the late-1950s at what was then the edge of the City. To the south is the former home of Grand Valley Power (originally the Rural Electric Association or REA), built in 1950. Industrial development with access to the I-70 Business Loop exists to the east. North Avenue, also known as US Highway 6, saw commercial development during the 1960s and 1970s. Multi-family development, including apartments and manufactured home parks, filled in lands between Belford and Gunnison Avenues through the mid-1990s.

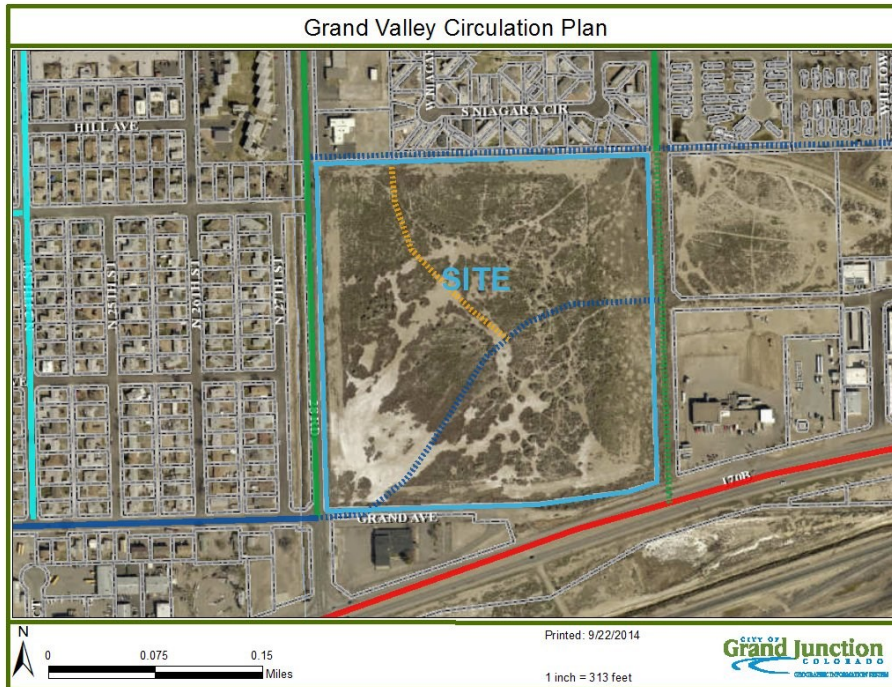
Land use decisions:

The 1996 Growth Plan designated the future land use of the subject property as commercial. The property is currently zoned C-1 (Light Commercial), which permits a wide variety of land uses, including retail, office, multi-family residential, and light manufacturing. Despite its central location, development has essentially passed over this parcel. In 2010, the Comprehensive Plan designated the future land use of the property as Residential High Mixed Use. This designation rendered the existing zoning inconsistent with the future land use map. In 2011, the future land use designation of the Mesa Gardens neighborhood and adjacent parcels, totaling 37.25 acres, was changed from Residential High Mixed Use (same as the subject parcel) to Residential Medium High (Ordinance 4485). The justification for this change was preservation of the existing character of the neighborhood, along with the presence of vacant property with the same designation (the subject property) across 28 Road. This action reduced the amount of land available for higher density residential uses.



Transportation:

One reason development has eluded this property is the relative lack of accessible transportation infrastructure. The property is bounded on all four sides by public right-of-way (ROW). 28 Road is a minor arterial from the signalized intersection at the I-70 Business Loop north to its merger with east/west Orchard Avenue. This is the only constructed road that abuts the property and it does not meet the standards of a minor arterial, as it clearly lacks sidewalks, bike lanes, and center turn lanes between Grand and North Avenues. Other ROW includes an abandoned stretch of Grand Avenue on the south, a half-



section of Gunnison Avenue on the north behind Niagara Village, and an unbuilt through route for 28 1/4 Road on the east. The 28 1/4 Road alignment is significant, in that it is anticipated that the existing signalized intersection with I-70 Business Loop will eventually move to 28 1/4 Road, thereby creating an arterial from the highway north to Patterson Road and even

further north, depending on the outcome of the Matchett Park development.

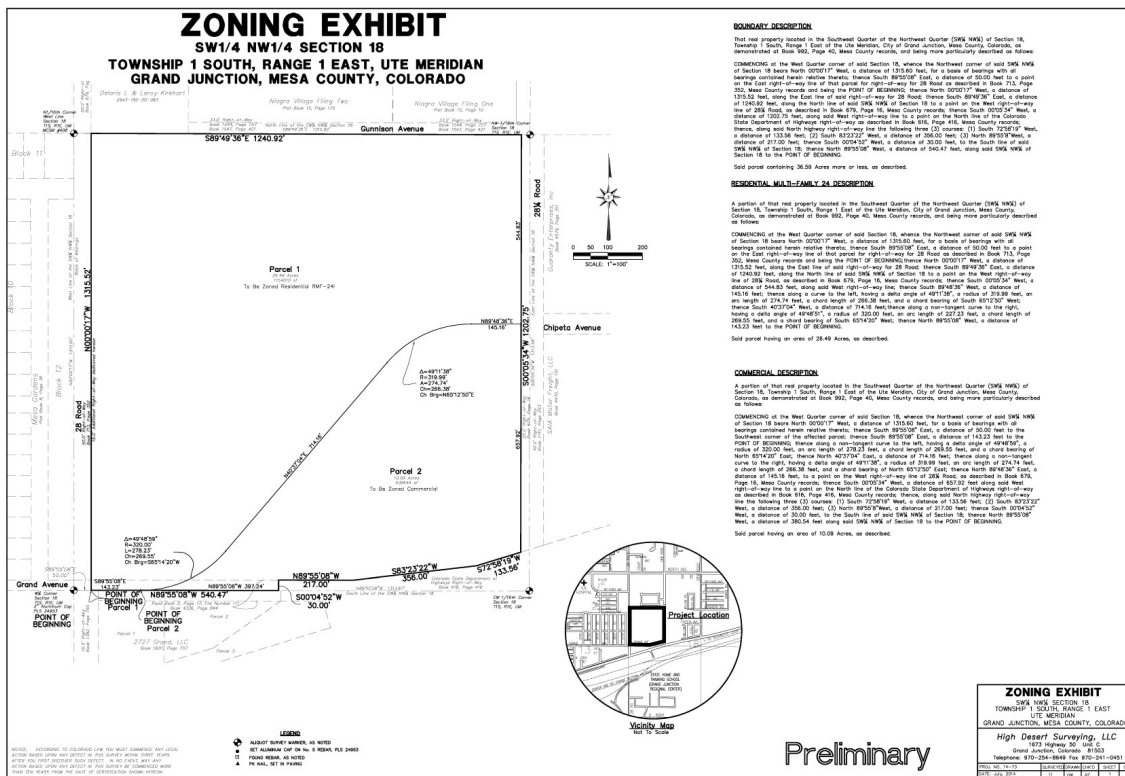
In 2012, an amendment to the Grand Valley Circulation Plan was adopted that represents a preferred alternative to provide access to and through the subject property. This amendment created a curvilinear connection from Grand Avenue to Chipeta Avenue (approximately 1/8 of a mile), endorsed a connection between 28 and 28 1/4 Road along the Gunnison Avenue alignment (1/4 mile north of Grand), as well as an undefined north/south connection between these two east/west routes. This amendment, coupled with 28 Road on the west and the 28 1/4 Road arterial on the east, divided the property into three "quadrants".

It is important to note that the Grand Valley Circulation Plan is adopted by both the City and the County, with input from the Regional Transportation Planning Office (RTPO). It is, however, a plan and does not address who and how these roads will be constructed.

Goal:

The purpose of this proposal is to bring the zoning into conformance with the future lands use map, while preserving the property owner's development potential. To that end, this application proposes the following:

- 1) Amend the Comprehensive Plan change the Future Land Use Designation for that area south of the adopted Grand Avenue extension from Residential High Mixed Use to Commercial, encompassing approximately 10.041 acres. This amendment would leave the existing C-1 (Light Commercial) zoning in place, which would be consistent with a Commercial future land use if the amendment is adopted.
- 2) Rezone approximately 28.055 acres, which is the balance of the property, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district. This rezone, if adopted, would implement the Residential High Mixed Use future land use designation.



Neighborhood Meeting:

A neighborhood meeting was held on May 7, 2014. The majority of the questions were about the potential closure of the 28 Road intersection with I-70 Business Loop and how that would impact access to the neighborhoods on the west and business on 28 Road. As noted above, the Grand Valley Circulation Plan does not address who and how the proposed configuration will be constructed. The future developers of the

subject property will participate in making these improvements, likely in conjunction with the City and the Colorado Department of Transportation (CDOT). Future development and/or capital improvement projects will include notice to neighbors per established policies.

Consistency with the Comprehensive Plan:

This request is consistent with and furthers the following Goals and Policies of the Comprehensive Plan:

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

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

While not specifically designated a “center” on the Future Land Use Map, the property is centrally located with residential and industrial uses adjacent. The proposed amendment and associated rezone attempt to balance the potential addition of more residential units while retaining sufficient area for service and commercial uses.

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

Policy B: Encourage mixed-use development and identification of locations for increased density.

There is very little vacant land that is centrally located and zoned for higher density residential development. The proposed rezone will provide additional area for infill development with access to transportation and commercial services.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle...and freight movement while protecting air, water and natural resources.

Policy E: When improving existing streets or constructing new streets in residential areas, the City...will balance access and circulation in neighborhoods with the community’s need to maintain a street system which safely and efficiently moves traffic throughout the community.

The amended Grand Valley Circulation Plan addresses this criteria and the concerns of the adjacent neighbors. This amendment and rezone honor the decision made relative to circulation and will align the land use designations with the Plan to achieve this goal.

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

Policy B: The City will provide appropriate commercial...development opportunities.

The proposed amendment will maintain sufficient commercial development area to service the added residential density anticipated by the proposed rezone. Reducing the overall commercial area will reduce the potential cannibalization of existing commercial development on North Avenue, as well as provide additional rooftops (customers) for the remaining commercial space.

Consistency with the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan (Page 9).

The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development. The proposed amendment and rezone is the proper forum for addressing this problem and, if adopted, will eliminate this inconsistency. The owners of the property have been contemplating for years the need to divide the property, which they can proceed to do with certainty if the proposed changes are approved.

Section 21.02.130 and 21.02.140 of the Grand Junction Municipal Code

Pursuant to Section 21.02.130(d)(1)(v), the Director has the authority to process a rezone without a separate plan amendment if the property is adjacent to the land use designation that would support the requested zone district. The southern portion of this property abuts the Commercial designation.

A plan amendment is proposed as part of this request in order to maintain consistency within the Plan. Section 21.02.130(c)(1) provides criteria for amending the Comprehensive Plan. These criteria are the same as those cited in Section 21.02.140, which applies to rezone requests. Therefore, the criteria will address both the plan amendment and rezone.

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

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

The Comprehensive Plan, adopted in 2010, designated the property as Residential High Mixed Use.

The Comprehensive Plan was intended to provide flexibility with land use designations. This is a property that could have been designated with several

different possible future land uses and been consistent with the goals and policies of the Comprehensive Plan.

The existing zoning on the property is C-1 (Light Commercial), which was based on the 1996 Growth Plan designation of Commercial. The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development.

The 2012 amendment to the Grand Valley Circulation Plan divided the property into three “quadrants”.

The purpose of this proposal is to bring the zoning into conformance with the future land use map, while preserving the property owner’s development potential. The combination of a plan amendment and rezone, using the circulation plan as the boundary, will eliminate the inconsistency and allow the owner to proceed with development options.

This criterion has been met.

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

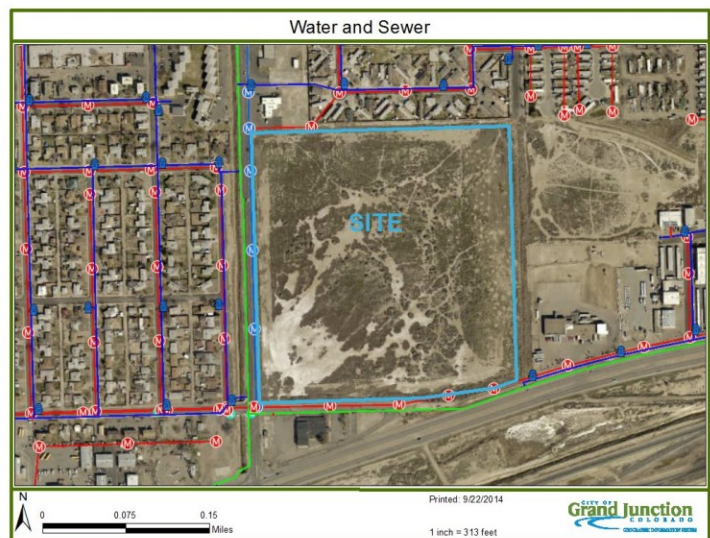
The property is surrounded by single family and multi-family residential, commercial and industrial uses. Despite its central location, development has essentially passed over this parcel. One reason is the relative lack of improved transportation infrastructure, despite being bounded on all four sides by public right-of-way (ROW).

The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development. The owners of the property have been marketing the property, but future development can proceed with certainty only if the proposed changes are approved.

This criterion has been met.

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

28 Road is a minor arterial from the signalized intersection at the I-70 Business Loop north to its merger with east/west Orchard Avenue. Other ROW includes an abandoned stretch of Grand Avenue on the south,



a half-section of Gunnison Avenue on the north behind Niagara Village, and an unbuilt through route for 28 ¼ Road on the east. The 28 ¼ Road alignment is significant, in that it is anticipated that the existing signalized intersection with I-70 Business Loop will eventually move to 28 ¼ Road, thereby creating an arterial from the highway north to Patterson Road and even further north, depending on the outcome of the Matchett Park development.

There are public utilities with capacity to serve future development, including potable water provided by the City of Grand Junction, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains are adjacent to the subject parcel and can be utilized and/or upgraded as necessary by the developer to facilitate new use(s) or construction that may occur as a result of the proposed zoning.

This criterion has been met.

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

The City of Grand Junction Economic Development Plan, adopted by the City Council in May 2014, identifies 1167 acres of C-1 (Light Commercial) zoned property within the city limits, the largest category of Mixed Use Districts representing 38.2% of all commercially zoned land area (including Planned Development).

In 2011, the future land use designation of the Mesa Gardens neighborhood and adjacent parcels, totaling 37.25 acres, was changed from Residential High Mixed Use (same as the subject parcel) to Residential Medium High (Ordinance 4485). The justification for this change was preservation of the existing character of the neighborhood, along with the presence of vacant property with the same designation (the subject property) across 28 Road. This action reduced the amount of land available for higher density residential uses.

The proposed amendment will maintain sufficient commercial development area to service the added residential density anticipated by the proposed rezone. Reducing the overall commercial area will reduce the potential cannibalization of existing commercial development on North Avenue, as well as provide additional rooftops (customers) for the remaining commercial space.

There is very little vacant land that is centrally located and zoned for higher density residential development. The proposed rezone will provide additional area for infill development with access to transportation and commercial services.

This criterion has been met.

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

As discussed earlier, the proposed amendment and rezone is consistent with and further Goals 3, 5, 9, and 12 of the Comprehensive Plan and goals of the Economic Development Plan.

This criterion has been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential High Mixed Use for the subject property:

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

If the proposed Comprehensive Plan amendment to Commercial is approved, the following zone districts would also be consistent with that Comprehensive Plan designation, in addition to retaining the C-1 (Light Commercial) zoning for the subject property:

- a. R-O (Residential Office)
- b. B-1 (Neighborhood Business)
- c. C-2 (General Commercial)
- d. MU (Mixed Use)

The Comprehensive Plan was intended to provide flexibility with future land use designations. This is a property that could have been designated with several different possible future land uses and been consistent with the goals and policies of the Comprehensive Plan. As a result, there are plenty of options available for zoning the property using the authority found in Section 21.02.130(d)(1)(v) if the property is adjacent to the land use designation that would support the requested zone district.

It is my professional opinion that the proposed amendment and rezoning is the best option for resolving the inconsistency between the Comprehensive Plan and the zoning of the property, while preserving the property owner's development potential.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATIONS:

After reviewing the Salt Flats Comprehensive Plan Amendment – CPA-2014-230, a request to Amend the Comprehensive Plan change the Future Land Use Designation

for that area south of the adopted Grand Avenue extension from Residential High Mixed Use to Commercial, encompassing approximately 10.041 acres, the following findings of fact and conclusions have been determined:

5. The proposed amendment to the Commercial designation on the Future Land Use Map is consistent with the goals and policies of the Comprehensive Plan;
6. The review criteria in Sections 21.02.130 and 21.02.140 of the Grand Junction Municipal Code have been met.

After reviewing the Salt Flats Rezone – RZN-2014-231, a request to Rezone approximately 28.055 acres, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, the following findings of fact and conclusions have been determined:

7. The requested R-24 Zone District is consistent with the goals and policies of the Comprehensive Plan and the Residential High Mixed Use Future Land Use designation; and
8. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.



Neighborhood Meeting Notice Letter

Mailing Date: April 22, 2014

RE: A Neighborhood Meeting for the 36 acres of vacant land on the northeast corner of 28 Road and Grand Avenue

Dear Property Owner:

This letter is to notify you that on **Wednesday (May 7th, starting at 5:30 pm**, a neighborhood meeting will be held to update you on a proposed change to the **Future Land Use Plan and Zoning** for the above noted property at 28 Road and Grand Avenue, Grand Junction, Colorado. This meeting will be held at **Garden Village Apartments** in the **Community Building, 2601 Belford Avenue**, Grand Junction, Colorado 81501.

Currently on this property, the Future Land Use Plan designation of RHMU (36 acres of Residential High Mixed Use) and the current Zoning of C1 (36 acres of Commercial) are in conflict. This project proposes a correction of this conflict through a mixture of approximately 26 acres of Residential (R24) and 10 acres of Commercial (C1), requiring changes to both the Future Land Use Plan and the Zoning Plan.

The neighborhood meeting is an opportunity for adjacent property owners to learn more about the project, ask questions, and submit written statements to the Owners Representative (Clavonne Roberts & Associates, Inc.), and the City of Grand Junction staff.

The applicant (Mountain Property Holdings, Inc.) will be submitting applications for this project to the City of Grand Junction for the noted changes to the Future Land Use Plan, along with the corresponding Rezone. As a neighbor of this property you will be notified of public hearings and pending development applications (if any) by mail.

The list of property owners being notified for this neighborhood meeting was supplied by the City of Grand Junction and derived from current records of the Mesa County Assessors. As those records are not always current, please feel free to notify your neighbors of this meeting date so that all may have the opportunity to participate.

If you are not available to attend this meeting, you can provide written comment to ted@ciavonne.com or the City of Grand Junction Planning Department at brianr@gjcity.org.

We look forward to seeing you at this meeting.

Sincerely,

Ted Ciavonne, PLA
Clavonne, Roberts and Associates, Inc

MDC 40 Neighborhood Meeting Notes
Wednesday, May 7th 2014 @ 5:30 PM

Out of 160 notices, 9 people were in attendance, not including Ciavonne, Roberts and the City of Grand Junction staff.

The questions during the meeting were:

- What is the estimated time of completion of the new roads? Would they come first, or would the development come first?
- Are there any subdivision plans yet?
- Is Gunnison to go thru to 28 road?
- Will there be commercial/retail allowed on the residential/high mixed use side?
- When would be the soonest the development could start?
- Could 28 Road stay open for a right in, right out only situation? Worried for businesses on 28 Road if closed at I-70 business loop...

28 Road & Grand Avenue
Neighborhood Meeting Sign-In Sheet
May 7, 2014

Name	Address	Phone #
DAN WILSON	607 25 RD #201	248 5800
Gray Lupp	2624 GUNNISON	242 1103
Dee Zuehlhart	1176 28 Rd	243-6026
LeRoy Zuehlhart	476 28 Rd	243-6026
John Kuschy	3442 G Rd	464 2268
Joe Audino	2420 GUNNISON	250-6508
Roger Lutkiewicz	549 N 27 th	243-2229
CIMONNE ROBERTS & Assoc.	222 N th 7 th	241-0745
Rosean Chaparro	519 N 27 th	242-8188

From: Dee Kirkhart <dee.kirkhart@gmail.com>
To: <brianr@gjcity.org>
Date: 11/13/2014 3:48 PM
Subject: An email for City Council and Brian Rusche

Dear Council members and Mr. Rusche,

In reference to SSU-412-MDC 40 Subdivision - 28 Road at Grand Avenue

We, as owners of the Brass Rail, 476 28 Road, are totally against the closing of 28 Rd to I-70 Bus Loop through to North Avenue. We are not against the proposed subdivision and we understand the desire to continue 28 1/4 Rd through to I-70 Bus, but we believe the city has long ignored businesses at this end of North Avenue and the city. This through traffic has added to our business tremendously! The folks drive by, see the cars parked here and make a note to come back or stop and see what's going on and find mostly pool leagues and dart leagues and maybe have lunch or watch football games and have their private parties. We have had to do very little advertising because 28 Rd does it for us. We think the closing of the National Guard Armory and the empty buildings at 28 and North ave. have hurt our property values already and the closing of 28 Road would be a detriment to our business! We have been in business for 41 years and we would like to sell it and finally retire.

Right now we have a viable business to sell but if this road closes we will be just another empty building along the north avenue corridor.

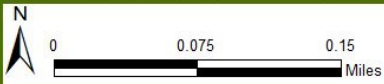
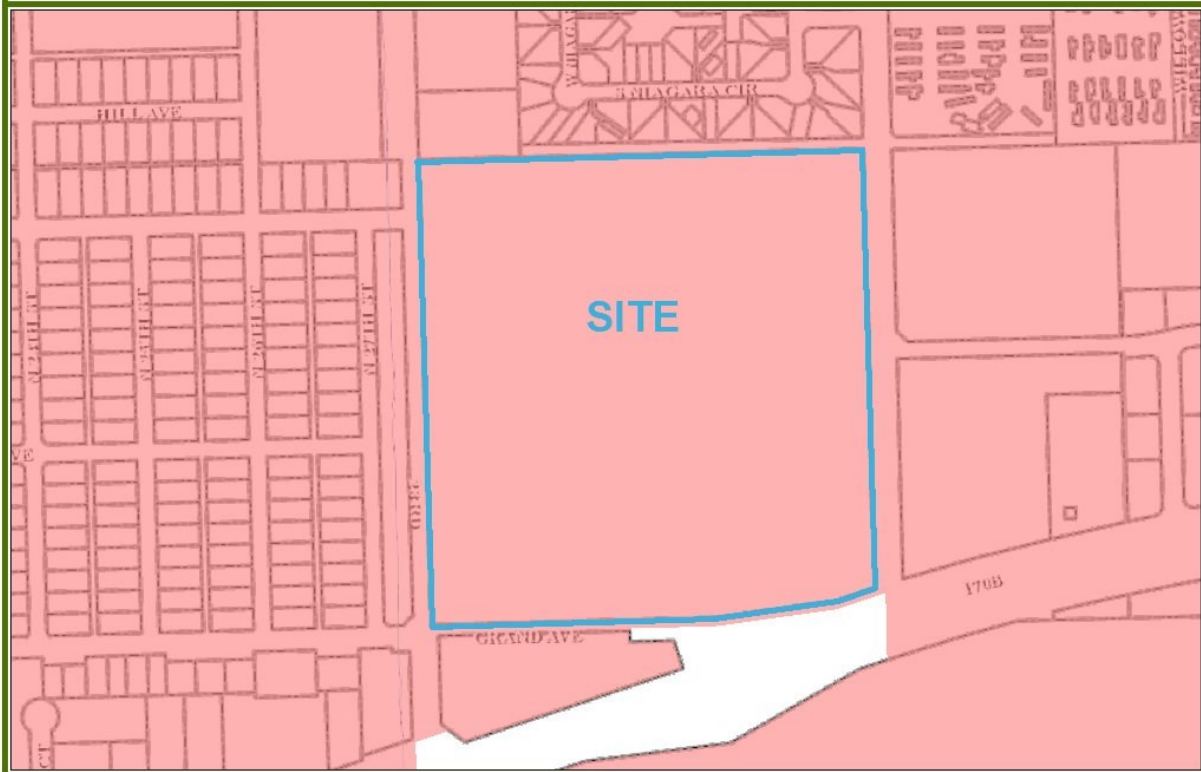
We would appreciate your consideration,

Sincerely,
Dennis and Deloris Kirkhart

The Brass Rail
476 28 Road Grand Junction

--
In God We Trust

Location Map

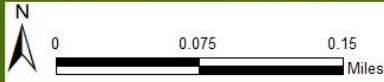


Printed: 9/22/2014

1 inch = 313 feet



Aerial Photo (2014)

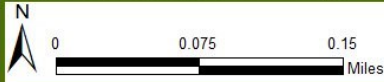


Printed: 9/22/2014

1 inch = 313 feet



Grand Valley Circulation Plan

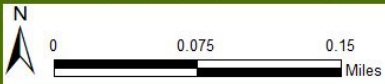


Printed: 9/22/2014

1 inch = 313 feet



Blended Residential Land Use Category

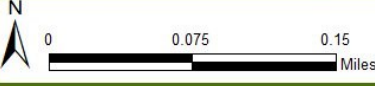


Printed: 9/22/2014

1 inch = 313 feet



Zoning Map



Printed: 9/22/2014

1 inch = 313 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
FROM RESIDENTIAL HIGH MIXED USE TO COMMERCIAL**

AND

**REZONING PROPERTY FROM C-1 (LIGHT COMMERCIAL)
TO R-24 (RESIDENTIAL 24 + DU/AC)**

**FOR PROPERTY KNOWN AS THE SALT FLATS
LOCATED AT THE NORTHEAST CORNER OF 28 ROAD AND GRAND AVENUE**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the Comprehensive Plan designation from Residential High Mixed Use to Commercial, encompassing approximately 10.09 acres, finding that the proposed amendment is consistent with the goals and policies of the Comprehensive Plan and meets the criteria found in Section 21.02.130 of the Grand Junction Municipal Code.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of rezoning approximately 26.49 acres, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, finding that it conforms with the land use designation of Residential High Mixed Use as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing, the Grand Junction City Council finds that the Comprehensive Plan designation of Commercial is in conformance with the stated criteria in the Comprehensive Plan for an Amendment to the Land Use Map and the criteria in Title 21 Section 02.130 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-24 (Residential 24 + du/ac) zone district is in conformance with the stated criteria of Sections 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be designated Commercial on the Future Land Use Map of the Comprehensive Plan:

COMMERCIAL DESCRIPTION

A portion of that real property located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18 bears North 00°00'17" West, a distance of 1315.60 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89°55'08" East, a distance of 50.00 feet to the Southwest corner of the affected parcel; thence South 89°55'08" East, a distance of 143.23 feet to the POINT OF BEGINNING; thence along a non-tangent curve to the left, having a delta angle of 49°48'59", a radius of 320.00 feet, an arc length of 278.23 feet, a chord length of 269.55 feet, and a chord bearing of North 65°14'20" East; thence North 40°37'04" East, a distance of 714.16 feet; thence along a non-tangent curve to the right, having a delta angle of 49°11'38", a radius of 319.99 feet, an arc length of 274.74 feet, a chord length of 266.38 feet, and a chord bearing of North 65°12'50" East; thence North 89°48'36" East, a distance of 145.16 feet, to a point on the West right-of-way line of 28 $\frac{1}{4}$ Road, as described in Book 679, Page 16, Mesa County records; thence South 00°05'34" West, a distance of 657.92 feet along said West right-of-way line to a point on the North line of the Colorado State Department of Highways right-of-way as described in Book 616, Page 416, Mesa County records; thence, along said North highway right-of-way line the following three (3) courses: (1) South 72°58'19" West, a distance of 133.56 feet; (2) South 83°23'22" West, a distance of 356.00 feet; (3) North 89°55'8" West, a distance of 217.00 feet; thence South 00°04'52" West, a distance of 30.00 feet, to the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18; thence North 89°55'08" West, a distance of 380.54 feet along said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18 to the POINT OF BEGINNING.

Said parcel having an area of 10.09 Acres, as described.

The following property shall be zoned R-24 (Residential 24 + du/ac):

RESIDENTIAL DESCRIPTION

A portion of that real property located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18 bears North 00°00'17" West, a distance of 1315.60 feet, for a basis of bearings with all bearings contained herein relative thereto;

thence South 89°55'08" East, a distance of 50.00 feet to a point on the East right-of-way line of that parcel for right-of-way for 28 Road as described in Book 713, Page 352, Mesa County records and being the POINT OF BEGINNING; thence North 00°00'17" West, a distance of 1315.52 feet, along the East line of said right-of-way for 28 Road; thence South 89°49'36" East, a distance of 1240.92 feet, along the North line of said SW¼ NW¼ of Section 18 to a point on the West right-of-way line of 28¼ Road, as described in Book 679, Page 16, Mesa County records; thence South 00°05'34" West, a distance of 544.83 feet, along said West right-of-way line; thence South 89°48'36" West, a distance of 145.16 feet; thence along a curve to the left, having a delta angle of 49°11'38", a radius of 319.99 feet, an arc length of 274.74 feet, a chord length of 266.38 feet, and a chord bearing of South 65°12'50" West; thence South 40°37'04" West, a distance of 714.16 feet; thence along a non-tangent curve to the right, having a delta angle of 49°48'51", a radius of 320.00 feet, an arc length of 227.23 feet, a chord length of 269.55 feet, and a chord bearing of South 65°14'20" West; thence North 89°55'08" West, a distance of 143.23 feet to the POINT OF BEGINNING.

Said parcel having an area of 26.49 Acres, as described (Zoning Exhibit Attached).

INTRODUCED on first reading the 5th day of November, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

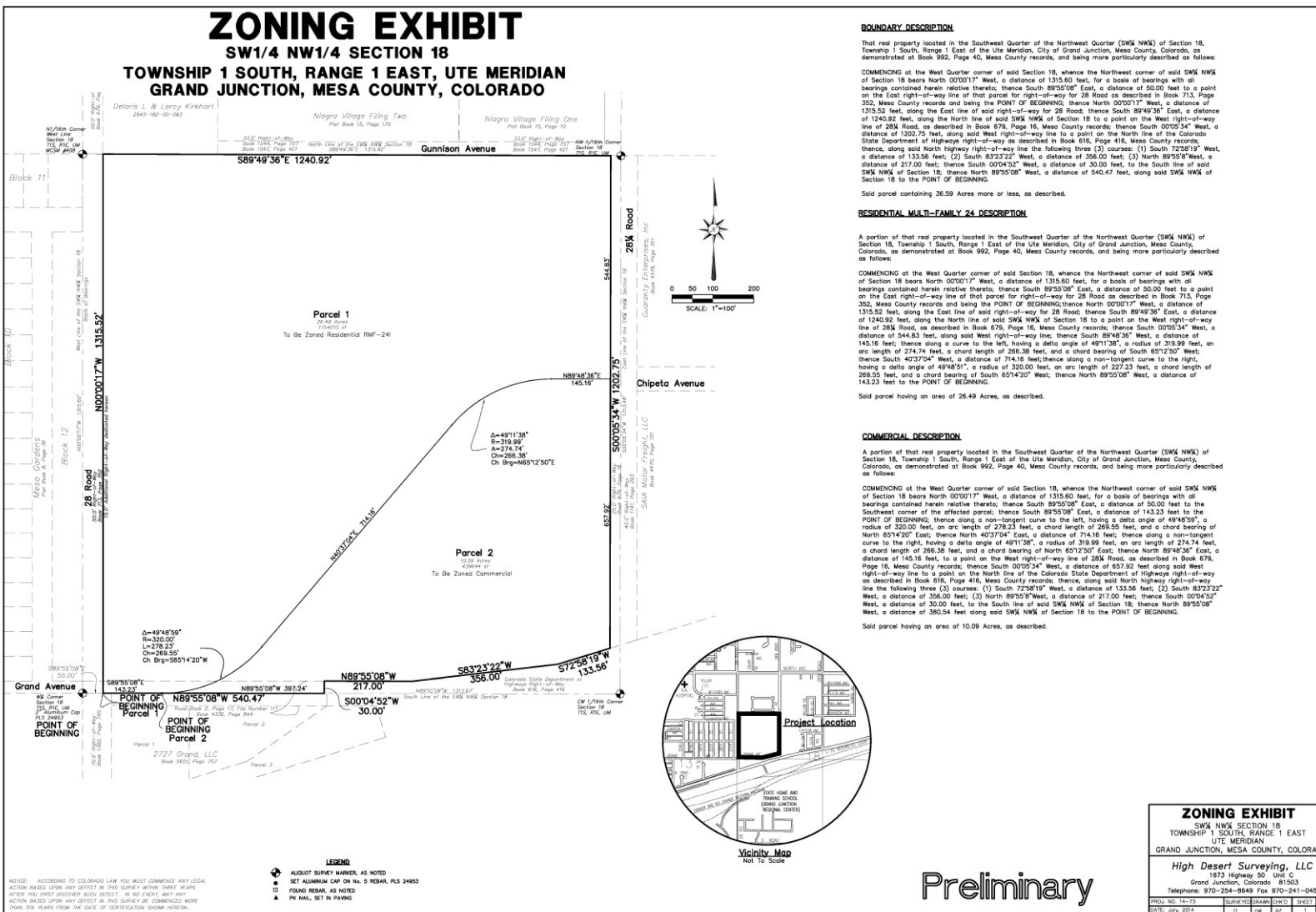
ATTEST:

President of the Council

City Clerk

ZONING EXHIBIT

SW1/4 NW1/4 SECTION 18
TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE MERIDIAN
GRAND JUNCTION, MESA COUNTY, COLORADO



BOUNDARY DESCRIPTION

That real property located in the Southwest Quarter of the Northwest Quarter (SW4 NW4) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW4 NW4 of Section 18 bears North 00°00'17\"

RESIDENTIAL MULTI-FAMILY 24 DESCRIPTION

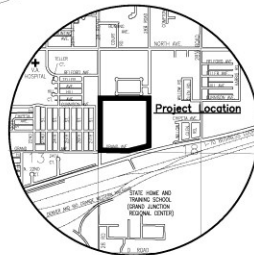
A portion of that real property located in the Southwest Quarter of the Northwest Quarter (SW4 NW4) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW4 NW4 of Section 18 bears North 00°00'17\"

COMMERCIAL DESCRIPTION

A portion of that real property located in the Southwest Quarter of the Northwest Quarter (SW4 NW4) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW4 NW4 of Section 18 bears North 00°00'17\"



Vicinity Map
Not To Scale

LEGEND

- ⊕ ADJUST SURVEY MARKER, AS NOTED
- SET ALUMINUM CAP ON NO. 5 REBAR, PLS 24863
- FOUND REBAR, AS NOTED
- ▲ PERMANENT SET IN PAVERS

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU HAVE RECEIVED NOTICE OF THE DEFECT. IF NO NOTICE WAS ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN SIX YEARS FROM THE DATE OF DISTRIBUTION OF THIS REPORT.

ZONING EXHIBIT			
SW4 NW4 SECTION 18			
TOWNSHIP 1 SOUTH, RANGE 1 EAST			
UTE MERIDIAN			
GRAND JUNCTION, MESA COUNTY, COLORADO			
High Desert Surveying, LLC			
673 Highway 50 Unit C			
Grand Junction, Colorado 81503			
Telephone: 970-254-8649 Fax: 970-241-0451			
PROJ. NO. 14-73	SURVEY NUMBER	DATE	SHEET
	17	Jan 2017	1

Preliminary



Date: November 6, 2014
 Author: David Thornton
 Title/ Phone Ext: Principal Planner / 1450
 Proposed Schedule: November 5, 2014
 2nd Reading: November 19, 2014

 File # ZCA-2014-283

Attach 15

CITY COUNCIL AGENDA ITEM

Subject: Amending Sections of the Zoning and Development Code to Create a New Form-based Zoning District and to Amend Development Standards Applicable to Form Districts
Action Requested/Recommendation: Adopt Proposed Ordinance Amending the Zoning and Development Code and Order Publication of the Ordinance in Pamphlet Form
Presenter(s) Name & Title: David Thornton, Principal Planner

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to create a new form district to implement the “Mixed Use Opportunity Corridor” land use designation of the Comprehensive Plan, to establish development standards for the new form district, and to amend general form districts standards.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning and Development Code. The proposed amendments will enhance the responsiveness of the Code to the concerns of citizens and enhance its effectiveness. City Council also recently developed an Economic Development Plan. The proposed amendments will help to implement this Plan by providing more options for mixed use development along the Mixed Use Opportunity Corridors.

Form Districts

The Form District section of the GJMC was adopted as part of the 2010 Code update. Prior to the 2010 adoption, form-based zoning was not an option in the City of Grand Junction.

The purpose of adding Form Districts to the GJMC was to create zones that implemented several new Future Land Use designations of the Comprehensive Plan including the Neighborhood Center, Village Center, Downtown Mixed Use and Mixed Use Opportunity Corridors.

Form-based zoning differs from conventional zoning in several unique ways. Conventional zones (R-4, C-1, I-1, etc.) traditionally focus on the separation of land-uses and regulating development intensity through dimensional standards (e.g., dwellings per acre, height limits, setbacks, parking ratios, etc.). This type of zoning regulation encourages the utilization of single use applications (R-4 for single family residential, C-1 for retail sales and services and I-1 for general industrial) making conventional zones more “use” focused. Required parking standards combined with minimum building setback requirements encourage parking to be placed in the front of buildings creating developments that are more autocentric and less pedestrian friendly.

Form-based codes encourage a connection between streets, buildings and public spaces. This connection is accomplished through consideration of such things as building form, scale and massing rather than strict adherence to dimensional standards. Moreover, form-based codes encourage the mixing of uses on a single site. By reducing front setbacks and bringing the building forward to the street a more pedestrian-friendly development is achieved that can be less autocentric.

The existing form-based zoning districts in the Zoning and Development Code are the Mixed Use Residential (MXR), Mixed Use General (MXG) and Mixed Use Shopfront (MXS) form districts. Within the three types of form districts five building types are allowed: Shopfront, General, Apartment, Townhouse and Civic. These three form districts are designed to implement the Neighborhood Center, Village Center and Downtown Mixed Use future land use designations of the Grand Junction Comprehensive Plan by creating pedestrian-friendly urban areas where higher density mixed uses and mixed but compatible building types promote less dependence on the automobile when used in combination with each other to create mixed use centers that transition in scale (intensity and density) to existing neighborhoods.

Mixed Use Opportunity Corridors

The Mixed Use Opportunity Corridors established in the Comprehensive Plan include several major arterial roads in the urban area including Patterson Road, 29 Road, 30 Road and 32 Road (see map on next page). These corridors are automobile-dependent with existing residential neighborhoods built along and behind them and do not generally follow the same development pattern contemplated for the Mixed Use Centers. To accommodate the automobile corridor environment, a different type of form-based zoning is being requested to implement the Mixed Use Opportunity Corridor concept of the Comprehensive Plan.



New zoning - Creating a new Form District - MXOC

The City organized a committee that met several months that included representatives from the development community, two City Council members, and staff. The Committee looked at the form-based zone districts and how they are working. Along the Mixed Use Opportunity Corridors there has been interest in developing commercial and residential projects. With the existing three form districts (MXR, MXG and MXS) they found the three districts do not recognize these corridors as arterial streets and therefore do not accommodate development in ways that is more automobile oriented with less emphasis on being pedestrian oriented that is otherwise crucial in the village and neighborhood centers and downtown.

Committee Recommendations

The Committee’s recommendation is to create a fourth form district exclusively for the Mixed Use Opportunity Corridor. Exclusive in that future rezoning along these corridors would no longer rezone to the other three Form Districts. The proposed new district, called Mixed Use Opportunity Corridor (MXOC), is a three-story district, meaning that building height would be capped at 3 stories. This 3 story cap is already in place along the Mixed Use Opportunity Corridors with the three form districts and is not proposed to change with the new form district.

The proposed amendments (see attached Ordinance) to the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code are intended to add the new MXOC form district and apply it only to the Mixed Use Opportunity Corridors. In

addition, changes have been made affecting all form district standards. The proposed MXOC zoning district will also have the following standards and requirements amending Code Section 21.03.090

The Mixed Use Opportunity Corridor (MXOC) district is intended to:

- (1) Create mixed use development(s) along the corridor in a pedestrian friendly environment.
- (2) Provide for a transition from nonresidential to existing neighborhood residential uses.
- (3) Recognize these corridors as Arterials Streets and therefore auto centric. As such a front entry door facing the street is not required, but encouraged for pedestrian traffic.

Proposed standards include:

- (1) Combine access between two or more sites whenever possible and limit access on the Arterial Street.
- (2) Establish standards for access.
 - (i) When the site is adjacent to a Local or Collector Street, the primary access shall be provided on the lower order street. Additional access points may be allowed based on traffic safety.
- (3) Establish standards for parking, deliveries and pick up areas, and trash service.
 - (i) Parking, Deliveries/Pick up Areas and Trash Service areas are not permitted between the building and the primary street.
- (4) Establish standards for signage.
 - (i) Signage Standards shall conform to the sign code except all freestanding signs shall be monument style signs with a maximum height of 15 feet.
- (5) Establish architectural standards.
 - (i) Architectural Standards: Any façade of a new building along the corridor shall have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect the desired vision of constructing buildings at a human scale with urban design features attractive to the motoring public, the surrounding neighborhood, as well as those on bike and foot. The building façade shall exhibit a minimum of three of the following seven architectural design elements.
 - (A) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.
 - (B) Façade articulation/variation such as recessed or projecting bays or pilaster / column projections a minimum of every 30 feet for all sides of the building.

(C) Variation in roof lines/roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs/eaves, recesses/projections, raised cornice parapets over doors or bays and peaked roof forms.

(D) Façade feature(s) on the primary street side (corridor) that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or material.

(E) Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).

(F) Ground story transparency of at least 50% in the form of windows and/or door(s) for facades facing all public street frontages.

(G) Other architectural and landscaping features that achieve the goals of the overall form base code vision/concept as determined by the Director.

The proposed amendments also include:

1. Establishing the proposed MXOC as a form district in the Code. See section 21.03.020(c).
2. Adding the MXOC form district and the Mixed Use Opportunity Corridors land use designation to the table found in 21.03.020(d) "Districts to Implement the Comprehensive Plan". Additional text to clarify this table has also been added to section 21.03.020(d).
3. Amending Section 21.02.140(c) to reference the new MXOC form district and to clarify where in the corridors the MXOC is an appropriate zone and where other form districts are preferred.
4. Allowing all five building types (Shopfront, General, Apartment, Townhouse and Civic) in the proposed MXOC district. See section 21.03.090(f)
5. Requiring all form-based zone districts to screen mechanical equipment regardless of location, roof or ground. See section 21.03.090(f)(10) for new requirement.
6. Requiring no maximum Front Setback for the MXOC district, with use of the setback area regulated by 21.03.090(h)(2).
7. Removing drainage facilities, waterways and pedestrian areas from the calculation of required street façade in all 4 form districts. See 21.03.090(g)
8. Establishing no minimum ground floor transparency in the MXOC district. This will be regulated by 21.03.090(h)(4)(ii) where it will be an optional choice of the seven architectural design elements. Also see 21.03.090(g).
9. Not requiring a street facing entrance in the MXOC district. See 21.03.090(g).
10. Not requiring the MXOC district to adhere to Section 21.03.090(i) regarding additions and new buildings on nonconforming sites.
11. Landscaping standards for the proposed MXOC district will be the same as required in the other 3 form districts. See section 21.06.040(i)
12. Buffering standards for the MXOC district will be the same as those required for the Residential Office (RO) zone district. See section 21.06.040(k)

Findings of Fact/Conclusions:

After reviewing ZCA-2014-283, Amendments to the Zoning and Development Code (Title 21 of the GJMC) to add the Mixed Use Opportunity Corridor (MXOC) form district, the following findings of fact and conclusions have been determined:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.
3. The Staff report adequately addresses in writing the reasons for the proposed amendments.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

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

Policy 3B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Current standards discourage mixed use developments along Mixed Use Opportunity Corridors which limits opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled. The proposed amendments would provide a specific form district (MXOC) that respects the corridor and neighborhood surrounding it. The vision of the Comprehensive Plan is to become the most livable community west of the Rockies by 2025. Achieving this vision includes providing limited neighborhood commercial opportunities near existing residential neighborhoods. Establishing commercial activity at a few locations along the City's major arterials streets provides shopping opportunities and reduces distance and travel time for residential areas a short distance away.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

The proposed MXOC Zone District will be required to meet the same quality buffering standards found in the City's Residential Office (RO) zone district

How this item relates to the Economic Development Plan:

The amendments to the Form Districts supports the City's 2014 Economic Development Plan; specifically Section 1.5 Supporting Existing Business: Streamline processes...while working within the protections that have been put in place through the Comprehensive Plan. Action Step: Be proactive and business friendly and review

development standards and policies to ensure that they are complimentary and support the common mission.

Board or Committee Recommendation:

On October 14, 2014, the Planning Commission recommended approval of the proposed amendments with the findings, facts and conclusions listed in the staff report.

Financial Impact/Budget:

No financial impacts have been identified.

Legal issues:

The City Attorney has reviewed and approved the form of the ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This proposed text amendment has not been discussed or previously presented to the full City Council.

Attachments:

1. Planning Commission draft minutes
2. Proposed Ordinance

GRAND JUNCTION PLANNING COMMISSION
October 14, 2014 MINUTES
6:00 p.m. to 6:54 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Planning Supervisor), David Thornton, Principal Planner, and Senta Costello (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 2 citizens in attendance during the hearing.

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

Public Hearing Items

On the following item(s) the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.

7. New MXOC Form District Text Amendment - Zoning Code Amendment

Forward a recommendation to City Council to amend the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code, to create a new form district to implement the "Mixed Use Opportunity Corridor" land use designation, to establish development standards for the new form district and to amend form districts standards.

FILE #: ZCA-2014-283
APPLICANT: City of Grand Junction
LOCATION: City Wide
STAFF: Dave Thornton

Staff's Presentation

David Thornton, Principal Planner, provided a PowerPoint presentation addressing the two proposed amendments to the Zoning Code. The first amendment will establish a

new and exclusive Form District that will be used only along the Mixed Use Opportunity Corridors. The second amendment is proposed for the other Form Districts to:

1. Establish screening requirements for building mechanical equipment; and
2. Remove drainage facilities, waterways and pedestrian areas from the required street façade calculation.

Mr. Thornton stated that the Mixed Use Opportunity Corridors were established by the Comprehensive Plan in 2010 and include four arterial streets - 29 Road, 30 Road, 32 Road and Patterson Road. The applicable form based zone districts include MXR-3, MXG-3, and MXS-3 with three story height restrictions.

Mr. Thornton explained that the land uses generally allowed in the Form Districts includes service, retail and office (no outdoor storage) that serve the immediate surrounding area as well as residential land uses.

Mr. Thornton described the location of the Mixed Use Opportunity Corridors as;

- 1 Patterson Road running from Mesa Mall to Clifton
- 2 29 Road south of I-70 to Highway 50
- 3 30 Road from the Business Loop I-70 to Patterson Road and,
- 4 32 Road which runs from the Colorado River to the Clifton interchange.

Mr. Thornton stated that Form Districts were established by the Comprehensive Plan in 2010. They are zoning districts which emphasize the character of the built environment (building form) with less emphasis on the separation of land uses. These districts implement the Neighborhood Center, Village Center and Downtown Mixed Use Future Land Use designation, as well as the Mixed Use Opportunity Corridors. The Form Districts are intended to create pedestrian urban areas that promote less dependence on the automobile.

Mr. Thornton stated that the three form districts; MXR, MXG and MXS, were established in 2010. Within these Form Districts there are five building types; The Shopfront, Apartment, General, Townhouse and Civic. Mr. Thornton displayed a matrix of which building types were allowed in each of those Form Districts.

Mr. Thornton explained that MXR-3, MXG-3 and MXS-3 are the current Form Districts that implement the Mixed Use Opportunity Corridor option. The maximum height is 3 stories (50 feet) and all five building types are an option along the mixed use corridors.

Mr. Thornton explained that the existing form districts don't fit as well along high volume, auto-centric mixed use corridors. The proposed solution would be to create a new Form District that better addresses these mixed use corridors.

The proposed Mixed Use Opportunity Corridor (MXOC) zoning is intended to create mixed use developments along 4 mapped arterial corridors while both keeping it

pedestrian friendly and accommodating the more automobile-centric nature of these busy corridors. The MXOC will provide a transition from nonresidential to existing neighborhood residential uses. The intent is to also combine access between two or more sites whenever possible to provide safety and traffic capacity to the motoring public. This zoning will establish standards that reflect the somewhat more automobile-centric nature compared to the other form districts. These standards address; access, parking, delivery and pickup areas, trash service, signage, building entry and architecture.

Mr. Thornton pointed out that the MXOC zoning will only be a zoning option for the Mixed Use Opportunity Corridors, not in the Centers. It allows for service, retail and office (no outdoor storage) that serve the immediate surrounding area as well as residential. The requirement for a front door facing the corridor would become optional. This zoning does not require a maximum 10 ft. front setback. However, within the setback area, parking, delivery and pick-up and trash service areas are not allowed. All landscaping requirements will be the same as other Form Districts. All buffering standards will be the same as those required for the Residential Office (RO) zone district.

Mr. Thornton explained that the MXOC zoning limits freestanding signs to monument signs, with a maximum height of 15 feet. Ground story transparency is not required. Architectural standards are regulated by a menu of choices requiring 3 out of the 7 design elements. Access is regulated to the side street or based on traffic safety. Mr. Thornton displayed a matrix showing that all five building types will be allowed under the proposed MXOC zone district.

Mr. Thornton explained the architectural standards in the MXOC zone district. New building facades along the corridor shall have visually interesting architectural features designed to reduce mass and scale and reflect the desired vision of the form district.

Mr. Thornton showed a slide of the seven architectural design elements as follows:

1. Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces.
2. Façade articulation/variation at a minimum of every 30 feet for all sides of the building.
3. Variation in roof lines/roof materials in order to add interest and reduce the scale of building or expanses of blank wall.
4. Façade features on the primary street (corridor) that emphasize the primary building entrance through projecting or recessed forms, detail, color and/or materials.
5. Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).
6. Ground story transparency of at least 50% in the form of windows and/or doors(s) for facades facing all public street frontages.

7. Other architectural and landscaping features that achieve the goals of the overall form district vision or concept, as determined by the Director.

Mr. Thornton recapped that there are two changes proposed to all the Form Districts. The first one is mechanical equipment is required to be screened regardless of location, roof or ground. The second change is in calculating the required length of the building facade to not include areas used for drainage facilities, waterways and pedestrian areas (85% for Primary street & 40% for Side street.)

Finding of Facts/Conclusions:

Mr. Thornton stated that after reviewing ZCA-2014-283, Amendments to the Zoning and Development Code (Title 21 of the GJMC) to add the Mixed Use Opportunity Corridor (MXOC) form district, and other changes to the form districts, the following findings of fact and conclusions have been determined:

2. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.
3. The Staff report adequately addresses in writing the reasons for the proposed amendments.

Questions for Staff

Commissioner Wade inquired of the existing three special zoning districts that we have now, how many actually exist within the City. Mr. Thornton noted that there weren't many although there was a request on Patterson that was denied by Planning Commission and City Council a couple of years ago. Mr. Thornton explained that this zoning is truly an opportunity and not a zoning by right.

Commissioner Wade asked if someone owning land in the Mixed Use Opportunity Corridor, would they still be able to request MXR, MXG or MXS as well as the proposed MXOC. Mr. Thornton explained that they could rezone to one of those, however, the proposed amendment would limit the MXR, MXG and MXS to the Village or Neighborhood Centers. Mr. Thornton described an example on 29 Road and Patterson Road where there is a Mixed Use Opportunity Corridor over-writing a land use designation of Neighborhood Center. On that corner for example, one could ask for an MXG or MXS based on the fact it is a Neighborhood Center.

Chairman Reece asked if there were foreseeable circumstances that would trigger the requirement to utilize the MXOC zoning in an Opportunity Corridor. Mr. Thornton stated that there would not be a requirement. Chairman Reece asked if the underlying zoning of Commercial or Residential along these Opportunity Corridors could stay in place in perpetuity if a property owner so chose, but if a developer wanted to have more flexibility in their building design, they could opt into, or voluntarily rezone to an MXOC. Mr. Thornton responded that this is correct, it is an opportunity to provide more flexibility in these particular Corridors. Chairman Reece asked if a site plan review would be

required. Mr. Thornton stated that the review of site plans, which are currently approved administratively for other zone districts, would be the same for the new Form Districts.

Public Comment

Chairman Reece opened the meeting for the public comment portion and asked anyone in favor of the project to line up at the podium.

Mr. Ted Ciavonne stated that he was speaking as a resident, a professional and as a member of the advisory committee that worked on the amendment. Mr. Ciavonne noted that he had previously worked on a couple of projects that ran into problems with the requirements of the MXS and MXG zoning. Mr. Ciavonne commented that he felt the proposed amendment is the result of a good representation of professionals in the field with similar concerns and the flexibility is another tool in the toolbox for development options. Mr. Ciavonne stated that he recommends approval.

Chairman Reece asked for those against the proposal to sign in and speak. With no one wishing to speak against the proposal, Chairman Reece closed the Public Comment portion of the hearing for this item.

MOTION: Commissioner Eslami - Madam Chairman, on file ZCA-2014-283, Amendments to Section 21.02.140(c) Mixed Use Opportunity Corridor, 21.03.020 Zoning Map; 21.06.040(i) Landscaping Requirements; 21.06.040(k) Buffering Requirements; and 21.03.090 Form Districts of the Zoning and Development Code (Title 21, GJMC) to create the new Mixed Use Opportunity Corridor (MXOC) form district and provide standards applicable to the district, I move that the Planning Commission forward a recommendation of approval of the proposed amendments with the findings, facts and conclusions listed in the staff report.

Commissioner Wade seconded the motion. A vote was called and the motion passed by a vote of 6-0.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) TO CREATE A NEW FORM-BASED ZONING DISTRICT THAT WILL IMPLEMENT THE MIXED USE OPPORTUNITY CORRIDOR FUTURE LAND USE DESIGNATION OF THE COMPREHENSIVE PLAN AND TO AMEND DEVELOPMENT STANDARDS APPLICABLE TO THE FORM DISTRICTS

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions. The City Council has also recently developed an Economic Development Plan and desires that the zoning and development code be reviewed and amended where necessary and possible to facilitate economic development.

Form-based zoning districts, or form districts, are zoning districts which emphasize the character of the built environment more than separation of uses as the organizing principle for compatible development. The form districts provided in the Zoning and Development Code implement the Neighborhood Center, Village Center and Downtown Mixed Use future land use designations of the Comprehensive Plan. These areas are planned as pedestrian-friendly urban centers where higher density mixed uses and mixed but compatible building types promote less dependence on the automobile.

The Comprehensive Plan also designates Mixed Use Opportunity Corridors, which are areas designated for mixed use, but they are along major arterial streets, such that the existing form district standards do not quite fit the concept of the Mixed Use Opportunity Corridors, which are more automobile-centric than the neighborhood, village and downtown centers.

Therefore it is desirable to amend the Zoning and Development Code to create a new form district to implement the Mixed Use Opportunity Corridors which accommodate mixed uses but with a somewhat more automobile-centric concept and layout.

Due to significant interest in developing along these corridors, a committee of developers, two City Council members and City staff worked together to create the Mixed Use Opportunity Corridor (MXOC) form district and applicable standards for such development.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended adoption of the proposed amendments, finding the proposed amendments consistent with the vision, goals and policies of the Comprehensive Plan.

Following public notice and a public hearing as required by applicable law, the Grand Junction City Council finds and determines that the proposed amendments implement the vision, goals and policies of the Comprehensive Plan, and that they are in the best interest of the community and its citizens, and should be adopted.

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

Subsection 21.02.140(c)(2) is amended to as follows (deletions struck through, additions underlined):

(2) Mixed Use Opportunity Corridors. Areas Residentially-zoned property within a Mixed Use Opportunity Corridor designated on the Future Land Use Map in the Comprehensive Plan that are currently zoned for residential purposes may be rezoned ~~for more intense use (including nonresidential uses); provided, that to~~ the Mixed Use Opportunity Corridor form district (MXOC) if the property is not also within a Village or Neighborhood Center, or to one of the other form districts of GJMC 21.03.090 if the property is also within a Village or Neighborhood Center, are utilized so long as ~~and~~ the depth of the lot measured perpendicular to the corridor is at least 150 feet. ~~During consideration of the application of~~ When considering a rezone to a form district, the City Council shall consider the following:

- (i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and
- (ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.

All other parts of Section 21.02.140(c) shall remain in full force and effect.

Subsection 21.03.020(c) (Table of Zoning Districts) and Subsection 21.03.020(d) (Table of Districts to Implement the Comprehensive Plan) are amended as follows (deletions struck through; additions underlined):

(c) Districts.

Residential Districts	
R-R	Residential - Rural
R-E	Residential - Estate
R-1	Residential - 1
R-2	Residential - 2
R-4	Residential - 4
R-5	Residential - 5
R-8	Residential - 8
R-12	Residential - 12
R-16	Residential - 16
R-24	Residential - 24
Mixed Use Districts	
R-O	Residential - Office
B-1	Neighborhood Business
B-2	Downtown Business
C-1	Light Commercial
C-2	General Commercial
CSR	Community Services and Recreation
M-U	Mixed Use
BP	Business Park Mixed Use
Industrial Districts	
I-O	Industrial/Office Park
I-1	Light Industrial
I-2	General Industrial
Form Districts	
MXR-	Mixed Use Residential
MXG-	Mixed Use General
MXS-	Mixed Use Shopfront
<u>MXOC</u>	<u>Mixed Use Opportunity Corridor</u>

(d) Districts to Implement the Comprehensive Plan. The following table shows which zoning district(s) appropriately implement(s) a given future land use designation of the Comprehensive Plan. A dot indicates that the zone district implements the corresponding future land use designation and is therefore an appropriate option for zoning or rezoning of land within that designated area on the future land use map of the Comprehensive Plan; the absence of a dot indicates that the zone district is not an appropriate option for zoning or rezoning of land within the corresponding future land use designation.

		Comprehensive Plan Land Use Designation																	
		RESIDENTIAL							NONRESIDENTIAL										
		Low			Medium		High												
Zoning District		Rural	Estate	RL	RML	RM	RMH	RH-MU	UR RH-MU	Commercial	NC-MU	VC-MU	DT-MU	MIXED USE OPPORTUNITY CORRIDOR	Industrial	C/I	BP-MU	P & OS	Conservation/Mineral
RR		•	•	•	•														•
R-E		•	•	•	•														
R-1		•	•	•	•														
R-2		•	•	•	•														
R-4		•	•	•	•	•	•												
R-5		•	•	•	•	•	•												
R-8						•	•				•	•						•	
R-12						•	•				•	•						•	
R-16							•				•	•	•					•	
R-24+								•	•			•	•					•	
R-O						•	•	•	•	•	•	•	•					•	
B-1									•	•	•	•							
B-2													•						
C-1										•	•	•	•						
C-2										•						•			
CSR		•																•	•
M-U										•						•			
BP																•	•		
I-O															•	•	•		
I-1															•	•			
I-2															•				
MXR-3											•	•	•						
MXG-3																			
MXS-3																			
MXR-5												•	•						
MXG-5																			
MXS-5																			
MXR-8													•						
MXG-8																			
MXS-8																			
MXOC														•*					

*The Mixed Use Opportunity Corridor future land use designation of the Comprehensive Plan "overlays" other future land use designations, according to and as shown on the

Comprehensive Plan Future Land Use Map. Therefore, in addition to the MXOC form district, other zone districts which implement the *underlying* future land use designation may also be appropriate in a given area of the Mixed Use Opportunity Corridor. Also, implementation of the Mixed Use Opportunity Corridor future land use designation is limited by Section 21.02.140(c)(2).

All other parts of Section 21.03.020 shall remain in full force and effect.

Section 21.03.090(a) (Form Districts - Intent) is amended as follows (deletions struck through; additions underlined):

21.03.090 Form districts.

(a) **Intent.** The form districts are intended to implement the Neighborhood Center, Village Center, Downtown Mixed Use future land use designations and Mixed Use Opportunity Corridors of the Comprehensive Plan. The form districts are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. The form districts are intended to be used in combination to create mixed use centers. The centers are intended to transition in scale to existing neighborhoods. The Comprehensive Plan Neighborhood Center designation is implemented with the three-story districts, the Village Center designation is implemented with the three- and five-story districts, and the Downtown Mixed Use designation is implemented with the three-, five- and eight-story districts. The Mixed Use Opportunity Corridor designation is implemented with the MXOC, a three-story form district districts as limited by Section 21.02.140(c)(2); in addition, because the Mixed Use Opportunity Corridor overlays other future land use designations as shown on the Comprehensive Plan Future Land Use Map, other zone districts which implement the underlying future land use designation would also be appropriate zoning options in a given area of the Mixed Use Opportunity Corridor.

Section 21.03.090 (e), (f), (g), (h) and (i) are amended to create a new subsection “(e)” generally describing the Mixed Use Opportunity Corridor (MXOC) form district and to add standards applicable to the form districts and particularly the MXOC form district; also, accordingly, subsection designations (e), (f), (g), (h) and (i) are changed to (f), (g), (h), (i) and (j) to accommodate the new subsection “(e),” as follows (deletions struck through, additions underlined):

(e) Mixed Use Opportunity Corridors (MXOC) district is intended to:

(1) Create mixed use development(s) along the corridor in a pedestrian friendly environment while accommodating the more automobile-centric nature of the areas due to the fact that these corridors are primarily along arterial streets;

(2) Provide a transition from nonresidential to existing neighborhood residential uses, and respect the limitations set forth in Section 21.02.140(c)(2);

(3) Combine access between two or more sites whenever possible to restrict the number of access points along the arterial street; and

(4) Establish standards for access, parking, delivery and pickup areas, trash service, signage, building entry, and architecture that reflect the somewhat more automobile-centric nature compared to the other form districts.

(e f) District Standards.

(1) Building Type by District.

District	Building Type				
	Shopfront	General	Apartment	Townhouse	Civic
Mixed Use Residential (MXR-)			•	•	•
Mixed Use General (MXG-)		•	•	•	•
Mixed Use Shopfront (MXS-)	•				
<u>Mixed Use Opportunity Corridor (MXOC)</u>	⋮	⋮	⋮	⋮	⋮

(2) Height.

Intensity	District	Height Stories (min.)	Height Stories (max.)	Height Feet (max.)
Low	MXR-3, MXG-3, MXS-3, <u>MXOC</u>	1	3	50
Medium	MXR-5, MXG-5, MXS-5	2	5	65
High	MXR-8, MXG-8, MXS-8	2	8	100

(3) Building Entrances. The following building entrance requirements apply to shopfront, general and apartment building types:

- (i) An entrance providing both ingress and egress, operable during normal business hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

(ii) The entrance separation requirements provided for the building type must be met for each building, but are not applicable to adjacent buildings.

(iii) An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements, provided any applicable entrance spacing requirements can still be met.

(iv) A minimum of 50 percent of a required entrance must be transparent.

(v) A required fire exit door with no transparency may front on a primary, side, or service street.

(vi) A street-facing entrance is not required in the MXOC.

(4) Parking.

(i) On-site surface parking must be located behind the parking setback line.

(ii) Structured parking must contain active uses on the ground story along any primary street for the first 30 feet of the building measured from the street-facing facade.

(iii) The required street frontage may be interrupted to allow for a maximum 30-foot-wide vehicular entrance to a parking structure or area.

(5) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard, behind the parking setback line.

(6) Open Space.

(i) Public Parks and Open Space Fee. The owner of any multifamily or mixed use project in a form district shall be subject to the required parks impact fee.

(ii) Open Space Requirement. Multifamily or mixed use developments in a form district shall be required to pay 10 percent of the value of the raw land of the property as determined in GJMC 21.06.020(b).

(7) Outdoor Storage and Display. Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

(8) Awning Standards. Awnings and other façade enhancements are encouraged. One or more awnings extending from the building may be erected. Awnings shall be at least 8 feet above the sidewalk and shall be at least 4 feet

wide, along the building frontage, and shall not overhang into the right-of-way more than 6 feet. Awnings shall otherwise meet with the requirements of the Grand Junction Municipal Code and Colorado Department of Transportation (CDOT) regulations.

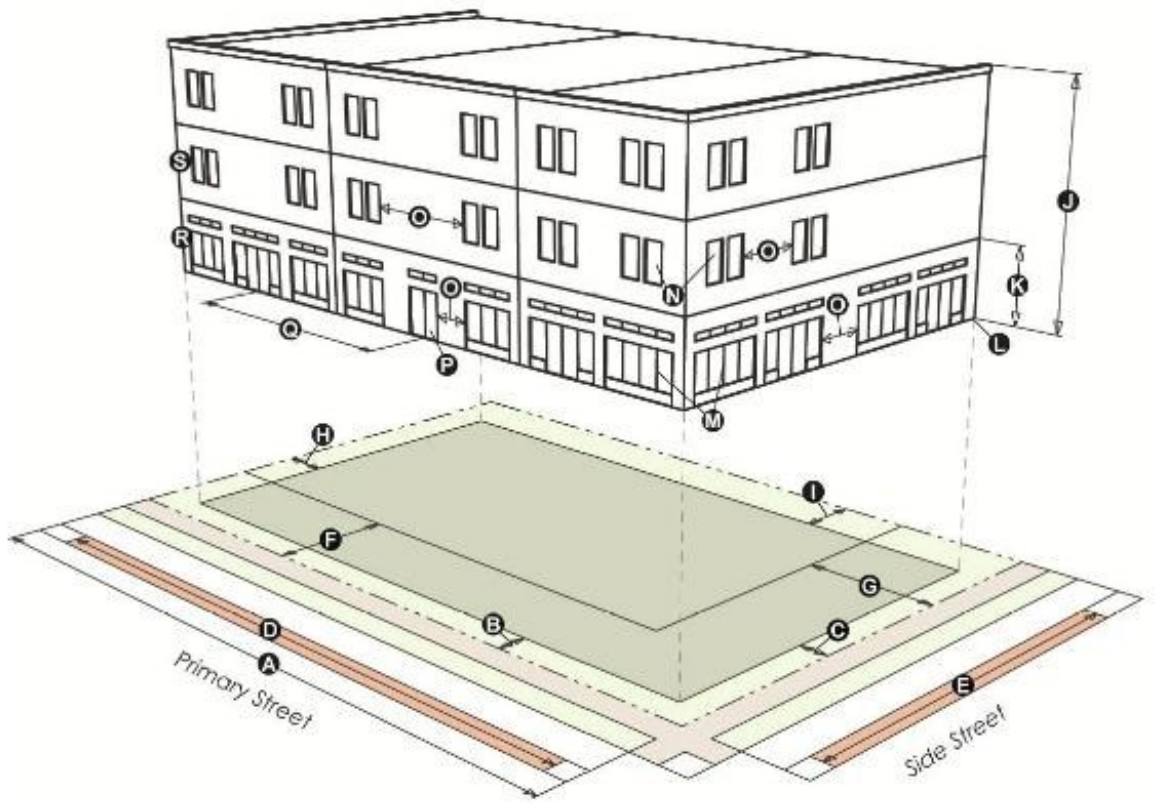
(9) Landscaping and Buffering.

- (i) No landscaping / screening buffer is required between adjacent properties zoned Mixed Use.
- (ii) No street frontage landscaping is required when the setback for a building is ten (10) feet or less.
- (iii) Street trees are required at a rate of one tree per eighty (80) feet. Street trees may be planted in the right-of-way with City approval.
- (iv) All other landscaping regulations of the Grand Junction Municipal Code shall apply.

(10) Mechanical Equipment. Screening of mechanical equipment either located on the roof or on the ground is required.

(f g) **Building Types.** See the building types on the following pages.

(1) Shopfront. A building form intended for ground floor retail sales and service uses with upper-story residential or office uses. Lodging and indoor recreation and entertainment uses would also be allowed. High transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing except that street-facing entrances are optional in MXOC.



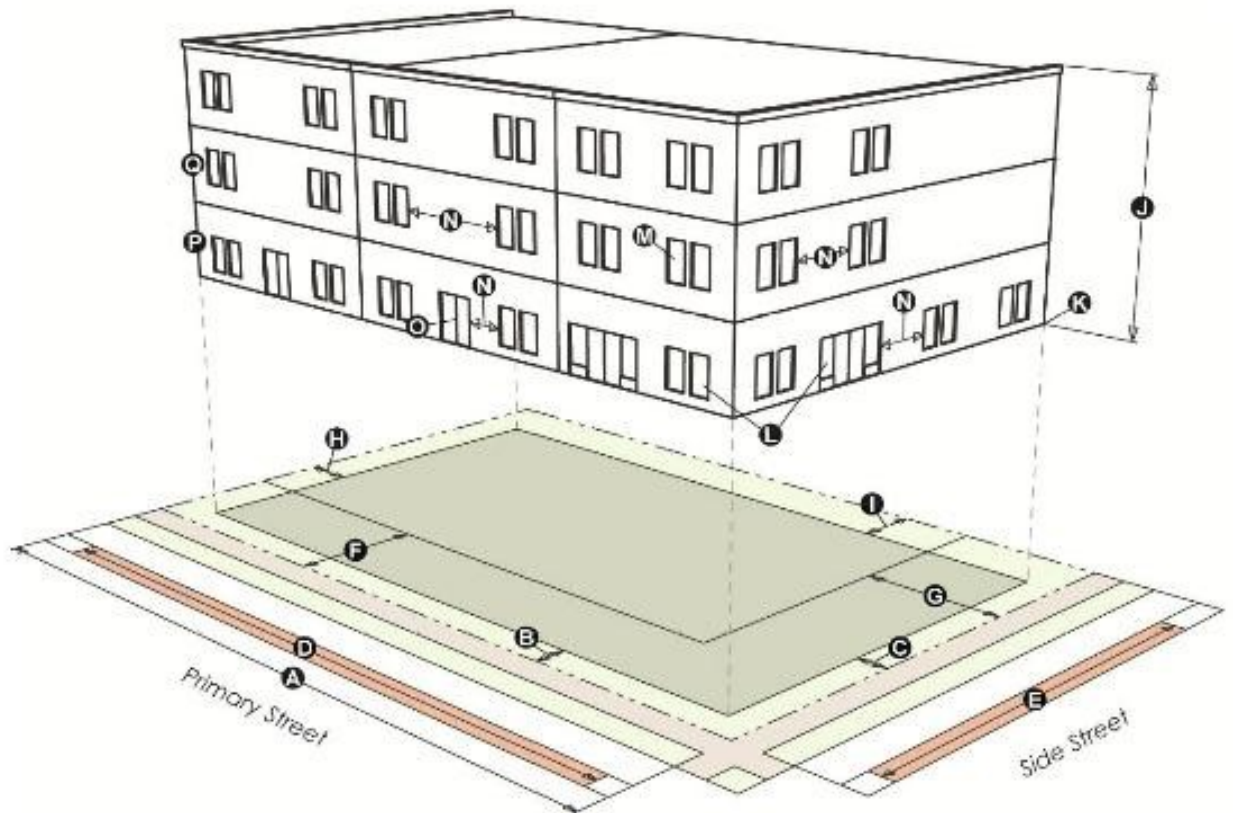
	MXS- 3 MXOC	MXS- 5	MXS- 8		MXS-3 MXOC	MXS- 5	MXS- 8
LOT				HEIGHT			
Area (min. ft. ²)	4,000	5,000	n/a	Ⓜ Stories (max.)	3	5	8
Ⓐ Width (min. ft.)	40	50	n/a	Ⓜ Feet (max.)	50	65	100
Lot coverage (max.)	75%	75%	n/a	Ⓝ Ground story height (min. ft.)	15	15	15
				Ⓞ Ground story elevation (min. ft.)	0	0	0
FRONT SETBACK AREA							
Ⓟ Primary street (min./max. ft.) *	0/10	0/10	0/10	BUILDING façade			
Ⓠ Side street (min./max. ft.)	0/10	0/10	0/10	Ⓜ Ground story transparency (min.) ***	60%	60%	60%
				Ⓝ Upper story transparency (min.)	20%	20%	20%
REQUIRED STREET FAÇADE **				Ⓞ Blank wall area (max. ft.)	30	30	30
Ⓡ Primary street (min.)	85%	85%	85%	Ⓟ Street-facing entrance required ***	yes	yes	yes
Ⓢ Side street (min.)	40%	40%	40%	Ⓠ Street entrance spacing	n/a	n/a	50
PARKING SETBACK							
Ⓣ Primary street (min. ft.)	30	30	30	ALLOWED USE			
Ⓤ Side street (min. ft.)	10	10	10	Ⓡ Ground story	Commercial, Institutional and Civic		
SIDE/REAR SETBACKS				Ⓢ Upper story	Commercial, Institutional and Civic, Residential		
Ⓡ Side, interior (min. ft.)	5	5	5				
Ⓢ Rear (min. ft.)	15	10	0				

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(2) General. A building form intended for ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) with upper-story residential or office. Transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space; however, required transparency is lower than that for a shopfront building form. Primary entrances are prominent and street facing except that street-facing entrances are optional in MXOC.



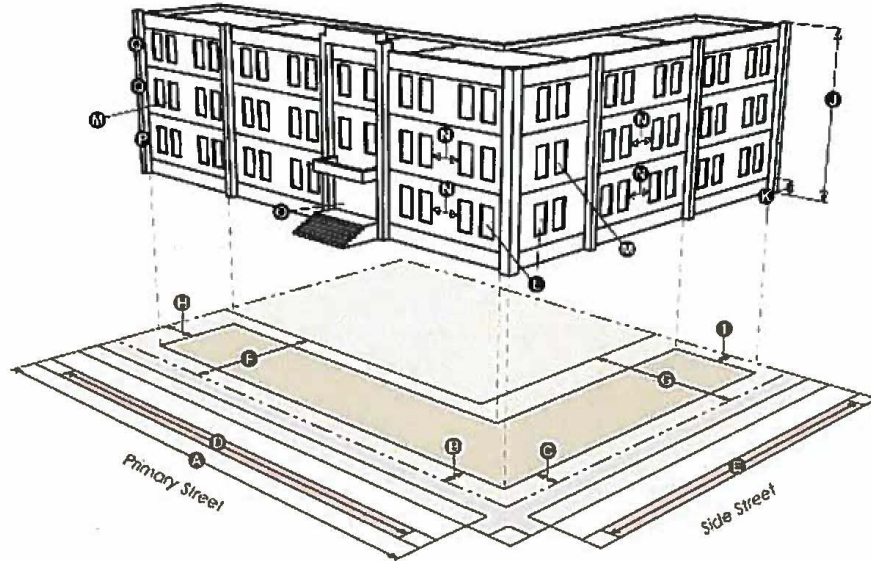
	MXG-3	MXG-5	MXG-8		MXG-3	MXG-5	MXG-8
	MXOC				MXOC		
LOT				HEIGHT			
Area (min. ft. ²)	4,000	5,000	n/a	Ⓜ Stories (max.)	3	5	8
Ⓜ Width (min. ft.)	40	50	n/a	Ⓜ Feet (max.)	50	65	100
Lot coverage (max.)	75%	75%	n/a	Ⓜ Ground story elevation (min. ft.)	0	0	0
FRONT SETBACK AREA				BUILDING façade			
Ⓜ Primary street (min./max. ft.)*	0/10	0/10	0/10	Ⓜ Ground story transparency *** (min.)	40%	40%	40%
Ⓜ Side street (min./max. ft.)	0/10	0/10	0/10	Ⓜ Upper story transparency (min.)	20%	20%	20%
				Blank wall area (max. ft.)	30	30	30
REQUIRED STREET FAÇADE **				Street-facing entrance required ***	yes	yes	yes
Primary street (min.)	80%	80%	80%	ALLOWED USE			
Side street (min.)	40%	40%	40%	Ground story	Commercial, Institutional and Civic		
PARKING SETBACK				Upper story	Commercial, Institutional and Civic, Residential		
Primary street (min. ft.)	30	30	30				
Side street (min. ft.)	10	10	10				
SIDE/REAR SETBACKS							
Side, interior (min. ft.)	5	5	5				
Rear (min. ft.)	15	10	5				

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(3) Apartment. A building form containing three or more dwelling units consolidated into a single structure. An apartment contains internal common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance. Primary building entrance is generally through a street-facing lobby.



	MXG- 3 MXR- 3 <u>MXOC</u>	MXG- 5 MXR- 5	MXG- 8 MXR- 8
LOT			
Area (min. ft. ²)	6,000	6,000	6,000
Width (min. ft.)	60	60	60
Lot coverage (max.)	75%	75%	75%
FRONT SETBACK AREA			
Primary street (min./max. ft.)*	0/15	0/15	0/15
Side street (min./max. ft.)	0/15	0/15	0/15
REQUIRED STREET FAÇADE **			
Primary street (min.)	75%	75%	75%
Side street (min.)	35%	35%	35%
PARKING SETBACK			
Primary street (min. ft.)	30	30	30
Side street (min. ft.)	10	10	10
SIDE/REAR SETBACKS			
Side, interior (min. ft.)	5	5	5
Rear (min. ft.)	15	10	5

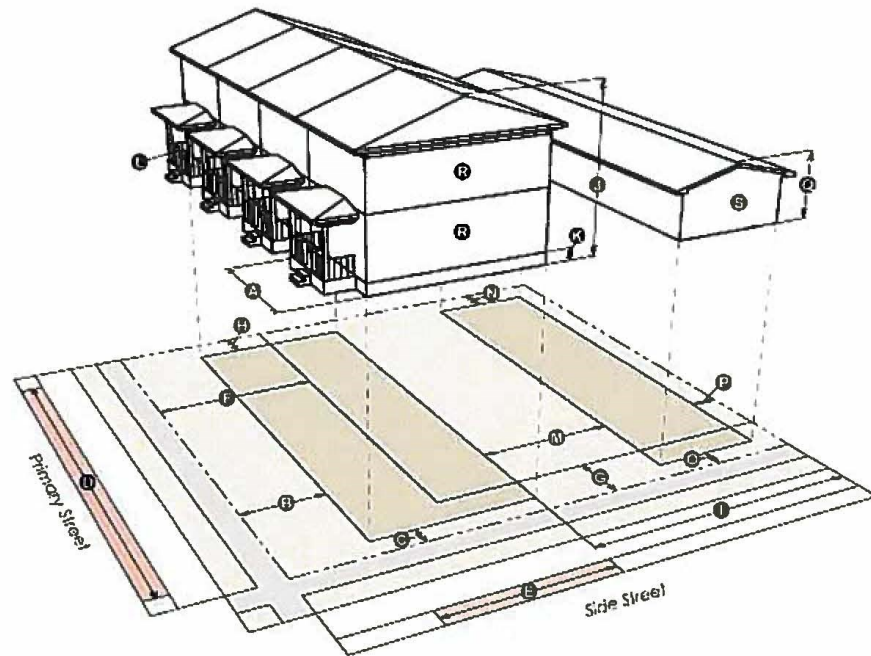
	MXG- 3 MXR- 3 <u>MXOC</u>	MXG- 5 MXR- 5	MXG- 8 MXR- 8
HEIGHT			
Stories (max.)	3	5	8
Feet (max.)	50	65	100
Ground story elevation (min. ft.)	0	0	0
BUILDING façade			
Ground story transparency (min.)***	20%	20%	20%
Upper story transparency (min.)	20%	20%	20%
Blank wall area (max. ft.)	30	30	30
Street-facing entrance required***	yes	yes	yes
ALLOWED USE			
Ground story	Residential		
Upper story	Residential		

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(4) Townhouse. A building form with multiple dwelling units located side-by-side on a single zone lot and consolidated into a single structure that relates to the scale of surrounding houses. Each unit is separated by a common side wall. Units are not vertically mixed. Each unit has its own external entrance.



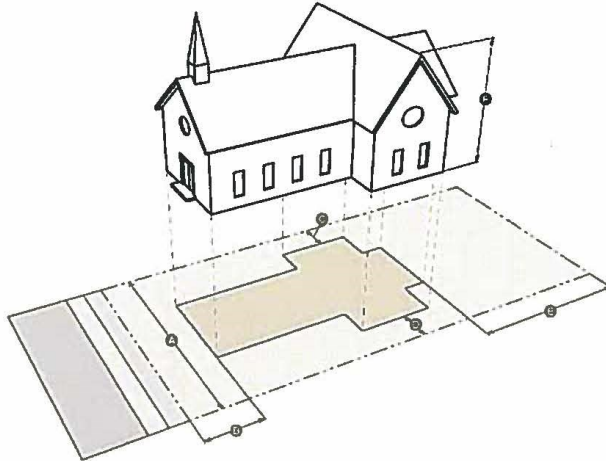
	MXG-3, MXR-3, MXOC		MXG-3, MXR-3, MXOC
LOT		HEIGHT	
Area (min. ft. ²)	1,200	Stories (max.)	3
Unit width (min. ft.)	16	Feet (max.)	50
Lot coverage (max.)	75%	Ground story elevation (min. ft.)	1.5
FRONT SETBACK AREA		BUILDING FACADE	
Primary street (min./max. ft.) *	0/15	Street-facing entrance required ***	yes
Side street (min./max. ft.)	0/15	ACCESSORY STRUCTURE SETBACKS	
REQUIRED STREET FAÇADE		Separation from primary structure (min. ft.)	10
**		Side, interior (min. ft.)	5
Primary street (min.)	75%	Side, street (min. ft.)	10
Side street (min.)	35%	Rear (min. ft.)	5
PARKING SETBACK		ACCESSORY STRUCTURE HEIGHT	
Primary street (min. ft.)	30	Stories (max.)	2
Side street (min. ft.)	10	Feet (max.)	30
SIDE/REAR SETBACKS		ALLOWED USE	
Side, interior (min. ft.)	5	All stories	Residential
Rear (min. ft.)	10	Accessory structure	Accessory uses, Accessory dwellings

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(5) Civic. A building form containing civic, religious, institutional or public uses. In order to provide a visual landmark, the civic building form is permitted to be set back further than other building forms. Civic buildings are commonly placed on prominent sites.



MXG-3 MXG-5 MXG-8
 MXR-3 MXR-5 MXR-8
MXOC

LOT			
Area (min. ft. ²)	10,000	10,000	10,000
A Width (min. ft.)	100	100	100
Lot coverage (max.)	80%	80%	80%
SETBACKS			
B Front (min. ft.)	15	15	15
C Side, interior (min. ft.)	5	5	5
D Side, street (min. ft.)	10	10	10
E Rear (min. ft.)	15	15	15
HEIGHT			
F Stories (max.)	3	5	8
F Feet (max.)	50	65	100
ALLOWED USE			
All stories	Institutional and Civic		

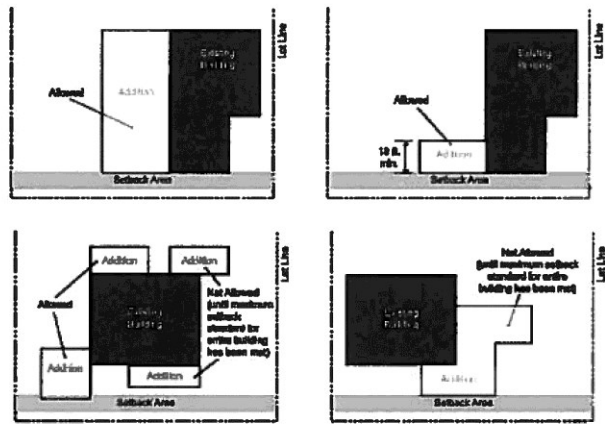
(g h) Mixed Use Opportunity Corridors. See GJMC 21.02.140(c)(2). In addition to the standards established in subsections 21.03.090(f) and (g) above, except as specifically modified therein for the MXOC zone district, standards for the MXOC shall be as follows:

- (1) Access. When the site is adjacent to a local or collector street, the primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety, as determined by the City's development engineer. Whenever possible, access between two or more sites shall be combined and access points restricted on arterial streets.
- (2) Parking, delivery/pick-up areas, trash service. Parking, delivery and pick-up, and trash service areas are not permitted between the building and the primary street (corridor).
- (3) Signage. Signage shall conform to Section 21.06.070(g)(3) except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.
- (4) Architectural standards.
 - (i) Any façade of a new building along the corridor shall have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect the desired vision of construction; buildings at a human scale with urban design features attractive to the motoring public, the surrounding neighborhood, bicyclists and pedestrians.
 - (ii) The building façade shall exhibit a minimum of three of the following seven architectural design elements:
 - (A) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.
 - (B) Façade articulation/variation such as recessed or projecting bays or pilaster / column projections at a minimum of every 30 feet for all sides of the building.
 - (C) Variation in roof lines / roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs, eaves, recesses, projections, raised cornice parapets over doors or bays and peaked roof forms.
 - (D) Façade features on the primary street (corridor) that emphasize the primary building entrance through projecting or recessed forms, detail, color and/or material.
 - (E) Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).
 - (F) Ground story transparency of at least 50% in the form of windows and/or door(s) for facades facing all public street frontages.

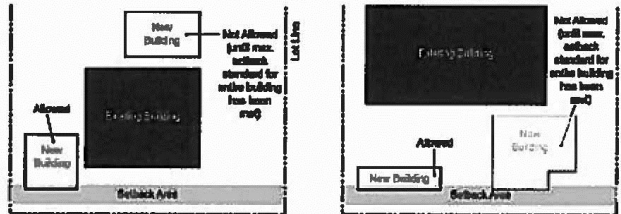
(G) Other architectural and landscaping features that achieve the goals of the overall form district vision or concept, as determined by the Director.

(h j) **Additions and New Buildings on Nonconforming Sites.**

- (1) **Applicability.** This subsection (i) applies to any development in a form district where a maximum setback applies, except in MXOC.
- (2) **Permitted Additions.** Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire addition as set forth below.
 - (1) **Applicability.** Any development in a form district where a maximum setback applies.
 - (2) **Permitted Additions.** Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire addition as set forth below.



(3) Permitted New Buildings. Where a new building is being constructed on a site with a nonconforming existing building, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire new building as set forth below.



(i) **Use Categories Allowed in Form Districts.** For the purposes of the form districts, the following use restrictions specific to the form districts are established. The references are to the use categories included in the use table in GJMC 21.04.010.

- (1) Residential. Allows household living; home occupation; and group living use categories.
- (2) Institutional and Civic. Includes colleges and vocational schools; community service; cultural; day care; hospital/clinic; parks and open space; religious assembly; funeral homes/mortuaries/crematories; safety services; schools; utility, basic; utility, corridors use categories, but not detention facilities use category.
- (3) Commercial. Includes entertainment event, major; lodging; office; recreation and entertainment, outdoor; recreation and entertainment, indoor; and retail sales and service (except adult entertainment) use categories. Does not include self-service storage; vehicle repair; vehicle service, limited; parking, commercial; or entertainment event, outdoor use categories.
- (4) Industrial. Includes only the telecommunications facilities use category, but not manufacturing and production, industrial services, contractors and trade shops, oil and gas support operations, junk yard, impound lot, heavy equipment storage/pipe storage, warehouse and freight movement, waste-related use, wholesale sales, agricultural, aviation or surface passenger terminal, mining use categories.

All other parts of Section 21.03.090 shall remain in full force and effect.

Section 21.06.040(i), Landscaping Requirements (table) is amended to add MXOC, as follows (addition underlined):

21.06.040(i) Landscaping Requirements.

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on
Single-family residential (R zones)	As required for uses other than single-family residential; and as required in subsections (b)(16) and (g) of	As required for uses other than single-family residential; and landscape buffer and public right-of-way
R-5, R-8, R-12, R-16, R-24, R-0, B-1, C-1, C-2, I-O, CSR, MU	One tree per 2,500 square feet of improved area, with no more than 20 percent of the total being ornamental trees or evergreens. One five-gallon shrub per 300 square feet of improved area	Buffer, parking lot, street frontage perimeter, foundation plantings and public right-of-way
B-2	One tree per 2,500 square feet of improved area, with no more than 20 percent of the total being ornamental trees or evergreens. One five-gallon shrub per 300 square feet of improved area	Parking lot, park strip (in right-of-way)
I-1, I-2	As required in subsection (h) of this section and in other subsections of this section where applicable	Street frontage, parking lots, buffers and public right-of-way
<u>MXR, MXG, MXS, MXOC</u>	One tree per 3,000 square feet of improved area, with no more than 20 percent of the total being ornamental trees or evergreens. One five-gallon shrub per 300 square feet of improved area. Plantings must be evenly distributed throughout the	Buffer, parking lot, street frontage perimeter, foundation plantings and public right-of-way
Facilities: mining, dairy, vineyard, sand or gravel operations, confined animal feeding operation, feedlot, forestry commercial, aviation or surface passenger	One tree per 5,000 square feet of improved area. One five-gallon shrub per 600 square feet of improved area	Perimeter, buffer and public right-of-way

All other parts of Section 21.06.040 shall remain in full force and effect.

Section 21.06.040(k) shall be amended to add MXOC, as follows (addition underlined):

21.06.040(k) Buffering Between Zoning Districts.

Zoning of Proposed Development	Zoning of Adjacent Property																	
	SF	R-5	R-8	R-12 R-16	R-24	R-O & MXOC	B-1	B-2	C-1	C-2 I-O	I-1	I-2	M-U	CSR	BP	MXR-	MXG-	MXS-
SF (Subdivisions)	-	-	-	-	-	-	F	-	F	W	W	W	F	-	F	-	-	-
R-5	-	-	-	-	-	-	F	-	F	W	W	W	-	-	F	-	-	-
R-8	-	-	-	-	-	F	F	-	F	W	W	W	F	-	F	A	-	-
R-12 & R-16	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-
R-24	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-
RO & MXOC	A	A	A	A	A	-	A or F	-	A or F	W	W	W	A or F	-	A or F	A	-	-
B-1	F	F	F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	A or F	-	A or F	A	-	-
B-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C-1	A&W	W	W	W	W	W	-	-	-	-	-	-	-	-	-	-	-	-
C-2 & I-O	W	W	W	W	W	W	F	-	-	-	-	-	A or F	A or F	A or F	A&W	-	-
I-1	W	W	W	W	W	W	F	-	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F
I-2	B&W	W	W	W	W	W	F	-	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F
M-U	A or F	A or F	A or F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	-	-	-	-	-	-
CSR3 ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BP	A or F	A or F	A or F	A or F	A or F	A or F	A or F	-	-	-	-	-	-	-	-	A or F	A or F	A or F
MXR-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
MXG-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
MXS-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-

Notes

- A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet.
- Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.
- The Director may modify this table based on the uses proposed in any zone district.

¹ Gravel operations subject to buffering adjacent to residential.

All other parts of Section 21.06.040 shall remain in full force and effect.

INTRODUCED on first reading the 5th day of November, 2014 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2014 and

ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: Nov. 6, 2014
 Author: Kathy Portner

 Title/ Phone Ext: Community Services Manager
 Proposed Schedule: Nov. 19, 2014
 2nd Reading
 (if applicable): _____

 File # (if applicable): _____

Attach 16

CITY COUNCIL AGENDA ITEM

Subject: CNG Vehicle Purchase Grant Request
Action Requested/Recommendation: Adopt Resolution Authorizing City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' Alternative Fuels Funding Program to Purchase CNG Fleet Vehicles
Presenter(s) Name & Title: Jay Valentine, Internal Services Manager

Executive Summary:

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$352,000 grant with a local match of \$780,195 to fund the cost difference of Compressed Natural Gas (CNG) option for the replacement of ten fleet vehicles.

Background, Analysis and Options:

The Colorado Department of Local Affairs recently launched the Alternative Fuels Colorado grant program in partnership with the Colorado Energy Office and Colorado Department of Transportation. The \$20 million grant program was created to support use of more locally produced fuel products in Colorado's energy portfolio by diversifying fuel sources and fueling options for Coloradans. Grand Junction's leadership and success in launching a CNG program was the inspiration for DOLA's involvement in the development of this program.

The City currently has 24 CNG fleet vehicles and has identified 10 vehicles in the proposed 2015 fleet replacement plan that could be upgraded to CNG. The Alternative Fuels grant program will fund the incremental upgrade cost, with the base cost of the replacement vehicle as the match. The total estimated base cost of the vehicles is \$780,195 and the total CNG add-on increment is \$352,000.

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

Goal 11: *Public facilities and services for our citizens will be a priority in planning for growth.*

Policy A: *The City will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.*

The proposed project will expand the use of CNG in the City's fleet.

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

Policy A: *Through the Comprehensive Plan policies the City will improve as a regional center of commerce, culture and tourism.*

The proposal will enhance and expand the opportunities to be a regional center for the utilization of CNG as a vehicle fuel.

In addition, the project is in accordance with Resolution No. 112-07 supporting the efforts of GJ CORE to promote conservation and use of our resources, which, in part, states:

Local governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use by influencing land use, transportation, building construction, waste management and management of City facilities and operations. Local government actions taken to conserve resources and increase energy efficiency provide multiple local benefits by decreasing pollution, creating jobs, reducing energy expenditures, enhancing urban livability and sustainability, and saving money for the City government, its businesses and its citizens.

How this item relates to the Economic Development Plan:

1.4: Providing Infrastructure that Enables and Supports Private Investment

Goal: *Continue to make investments in capital projects that support commerce and industry and provide for long term economic competitiveness.*

The City's continued investment in CNG infrastructure enhances the opportunities to be a regional center for the utilization of CNG as a vehicle fuel.

Board or Committee Recommendation:

None

Financial Impact/Budget:

The funds for the base amount of the vehicles, which will be used as the match, is in the proposed Fleet Replacement Fund budget for 2015. The ten vehicles proposed to be replaced are listed below.

Project Expenses	Grant Request	City Match	Total Project
4 Dump Trucks	240,000	505,320	745,320
Flat Bed Boom Truck	60,000	147,450	207,450
2 Pick Up Trucks	28,000	49,375	77,375
Long Bed Pick Up	14,000	30,800	44,800
2 Impalas	10,000	47,250	57,250
Total	\$352,000	\$780,195	\$1,132,195

Legal issues:

If awarded, the grant funding documents shall be reviewed and approved by the City Attorney.

Other issues:

No other issues on this item.

Previously presented or discussed:

This specific project has not been previously presented or discussed.

Attachments:

Resolution authorizing application to the Colorado Department of Local Affairs in accordance with the representations made in this report.

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. ____-14**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT
REQUEST TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS' (DOLA)
ALTERNATIVE FUELS FUNDING PROGRAM TO PURCHASE CNG FLEET
VEHICLES**

RECITALS.

The Colorado Department of Local Affairs recently launched the Alternative Fuels Colorado grant program in partnership with the Colorado Energy Office and Colorado Department of Transportation. The \$20 million grant program was created to support use of more locally produced fuel products in Colorado's energy portfolio by diversifying fuel sources and fueling options for Coloradans. Grand Junction's leadership and success in launching a CNG program was the inspiration for DOLA's involvement in the development of this program.

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Project Expenses	Grant Request	City Match	Total Project
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Long Bed Pick Up	14,000	30,800	44,800
2 Impalas	10,000	47,250	57,250
Total	\$352,000	\$780,195	\$1,132,195

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a \$352,000 grant request, with a local match of \$780,195, in accordance with and pursuant to the recitals stated above to the Department of Local Affairs' Alternative Fuels Funding Program to purchase CNG fleet vehicles.

Adopted and approved this _____ day of _____, 2014.

Phyllis Norris
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

