

**GRAND JUNCTION CITY COUNCIL
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET
AGENDA**

WEDNESDAY, JANUARY 19, 2000, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Rocky Shrable, Sonrise Church of God

APPOINTMENTS

APPOINTMENTS TO PLANNING COMMISSION BOARD OF APPEALS/
ALTERNATES

CITIZEN COMMENTS

Dr. John Bull and Ruth Michaels, Mesa County Substance Abuse Task Force, to discuss the upcoming Mesa County Substance Abuse Summit.

***** CONSENT CALENDAR *****

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the Regular Meeting December 15, 1999 and Regular Meeting January 5, 2000

2. **Setting a Hearing on Vacating a Portion of Right-of-Way on South Commercial Drive** [File #VR-1999-288]

[Attach 2](#)

The City of Grand Junction is requesting vacation of a 10' portion along the west side of a 60' right-of-way known as South Commercial Drive.

Proposed Ordinance Vacating a Portion of the Public Right-of-Way for South Commercial Drive between West Pinyon Avenue and Northgate Drive

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 2, 2000

Staff presentation: Patricia Parish, Associate Planner

3. **Setting a Hearing on Rezoning the Northwest Corner of Patterson Road and 1st Street (Community Hospital Medical Park) to Amend the List of Permitted Uses in a Planned Business Zone District** [File #RZ-1999-278]

[Attach 3](#)

First reading of an ordinance to amend the list of permitted uses in the PB, Planned Business zone district, to allow hospitals.

Proposed Ordinance Amending the Permitted Uses in a PB Zone Located at the Northwest Corner of 1st Street and Patterson Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 2, 2000

Staff presentation: Lisa Gerstenberger, Senior Planner

4. **Setting a Hearing on Zoning the Rump Property (Portions of the Desert Hills Annexation) to RSF-R, Located on South Broadway** [File #GPA-1999-275]

[Attach 4](#)

First reading for a Zone of Annexation of RSF-R for the Rump Property located on South Broadway. The Rump property consists of three parcels totaling 29.378 acres located on South Broadway, and was recently annexed by the City at its December 15, 1999 meeting as a part of the Desert Hills Estates Annexation.

Proposed Ordinance Zoning the Rump Property to RSF-R, 5 Acres per Unit

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 2, 2000

Staff presentation: Lisa Gerstenberger, Senior Planner

- 5.*** **Defense of Officer John Kiesler**

[Attach 13](#)

A resolution acknowledging the defense of Officer John Kiesler in Civil Action No. 99 CV 510.

Resolution No. 14-00 – A Resolution Acknowledging Defense of Officer John Kiesler in Civil Action No. 99 CV 510

**Action: Adopt Resolution No. 14-00*

Staff presentation: John Shaver, Assistant City Attorney

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

6. **Public Hearing – Creating and Establishing Sanitary Sewer Improvement District No. SS-43-99 (Marsh Lane) and Awarding the Construction Contract**

[Attach 5](#)

The owners of real estate located in the vicinity of Marsh Lane, east of 27 Road, south of Interstate 70 and west of Bookcliff Country Club, have petitioned the City Council to create an improvement district for the installation of sanitary sewer facilities. The public hearing, proposed resolution and contract award are the final steps in the formal process required to create the proposed improvement district.

a. Creating the District

Resolution No. 08–00 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-43-99 within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities, and Adopting Details, Plans and Specifications for the Same

Action: Adopt Resolution No. 08–00

b. Award of Contract

The following bids were received:

Continental Pipeline Construction	\$67,253.00
Skyline Construction	\$67,479.40
Bogue Construction	\$67,684.10
Engineer's Estimate	\$86,120.00

Action: Award Contract for the Construction of Sanitary Sewer Improvement District No. SS-43-99 to Continental Pipeline Construction in the Amount of \$67,253

Staff presentation: Tim Woodmansee, Real Estate Manager

7. **Public Hearing - High Pointe Estates Annexation Located at 2462, 2462 ½ and 2464 Broadway** [File #ANX-1999-228]

[Attach 6](#)

The High Pointe Estates Annexation area consists of land owned solely by the applicant and a portion of Broadway right-of-way. The applicant has signed a petition for annexation.

a. Resolution Accepting Petition

Resolution No. 11-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as High Pointe Estates Annexation is Eligible for Annexation, Located at 2462, 2462 ½ and 2464 Broadway

Action: Adopt Resolution No. 11-00

b. Annexation Ordinance

Ordinance No. 3221 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, High Pointe Estates Annexation, Approximately 17.21 Acres, Located at 2462, 2462 ½ and 2464 Broadway

Action: Adopt Ordinance No. 3221 on Second Reading

Staff presentation: Lisa Gerstenberger, Senior Planner

8. **Public Hearing – Zoning High Pointe Estates Annexation PR-2, Located at 2462, 2462 ½ and 2464 Broadway** [File #ANX-1999-228]

[Attach 7](#)

Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

Ordinance No. 3222 – An Ordinance Zoning High Pointe Estates Annexation PR-2

Action: Adopt Ordinance No. 3222 on Second Reading

Staff presentation: Lisa Gerstenberger, Senior Planner

9. **Public Hearing – Coventry Club Annexations No. 1, No. 2 and No. 3, Located on Arlington Drive, North of Quincy Lane** [File #MS-1999-247]

[Attach 8](#)

The 4.32 acre Coventry Club Annexation consists of one parcel of land, approximately 2.86 acres, subdivided into 50 separate existing townhouse lots. Also included is a small portion (.06 acres) of right-of-way obtained from B ½ Road and a portion of Arlington Drive (.31 acres). This subdivision is located on Arlington Drive, north of Quincy Lane.

a. Resolution Accepting Petitions

Resolution No. 12–00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Coventry Club Annexations No. 1, No. 2 and No. 3 is Eligible for Annexation, Located at the Northeast Corner of Quincy Lane and Arlington Drive

Action: Adopt Resolution No. 12–00

b. Annexation Ordinances

- (1) Ordinance No. 3223 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coventry Club Annexation No. 1, Approximately .06 Acres, Located 50 Feet along B ½ Road to Arlington Drive
- (2) Ordinance No. 3224 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coventry Club Annexation No. 2, Approximately .31 Acres, Located along the East and West Right-of-Way of Arlington Drive
- (3) Ordinance No. 3225 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coventry Club Annexation No. 3, Approximately 3.95 Acres Located along a Portion of the Width of the Right-of-Way of Quincy Lane, Including the Existing Coventry Club Subdivision

Action: Adopt Ordinances No. 3223, No. 3224 and No. 3225 on Second Reading

Staff presentation: Lori Bowers, Associate Planner

10. **Public Hearing - Zoning Coventry Club Annexation to PR-17.83, Located at Arlington Drive, North of Quincy Lane** [File #MS-1999-247] [Attach 9](#)

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.86 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is PR. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-17.83.

Ordinance No. 3226 – An Ordinance Zoning the Coventry Club Annexation to PR-17.83

**Action: Adopt Ordinance No. 3226 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

11. **Public Hearing - Broome Annexation Located at 3090 I-70 B** [File #ANX-1999-263] [Attach 10](#)

The 2.12 acre Broome Annexation area consists of two parcels of land, Lots 3 and 6, of the 31 Road Business Park Subdivision. The owners of the property have signed a petition for annexation.

a. Resolution Accepting Petition

Resolution No. 13–00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Broome Annexation, Located at 3090 I-70 B, is Eligible for Annexation

**Action: Adopt Resolution No. 13–00*

b. Annexation Ordinance

Ordinance No. 3227 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Broome Annexation, Approximately 2.12 Acres, Located at 3090 I-70 B

**Action: Adopt Ordinance No. 3227 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

12. **Public Hearing – Zoning Broome Annexation to C-1, Located at 3090 I-70B** [File #ANX-1999-263]

[Attach 11](#)

The Broome Annexation area consists of two parcels of land, Lots 3 and 6, 31 Road Business Park Subdivision, 2.12 acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

Ordinance No. 3228 – An Ordinance Zoning the Broome Annexation to C-1 (Light Commercial)

**Action: Adopt Ordinance No. 3228 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

13. **Public Hearing - Rezoning Garrett Estates from PR-21 to RSF-8, Located at the Northeast Corner of 25 Road and F ½ Road** [File #RZP-1999-252]

[Attach 12](#)

In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55-lot subdivision, the applicant requests to rezone the parcels from PR-21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future Land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivision to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

Ordinance No. 3229 – An Ordinance Rezoning Property to be Known as the Garrett Estates, Located at the Northeast Corner of 25 Road and F ½ Road, from PR-21 to RSF-8

**Action: Adopt Ordinance No. 3229 on Second Reading*

Staff presentation: Bill Nebeker, Senior Planner

14. **NON-SCHEDULED CITIZENS & VISITORS**

15. **OTHER BUSINESS**

16. **ADJOURNMENT**

Attach 1

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

December 15, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of December, 1999, at 7:35 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Joe E. Jones, Redlands Pentecostal Church of God.

PROCLAMATION DECLARING THE YEAR 2000 AS "COLORADO RIVERFEST 2000" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS TO PLANNING COMMISSION

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried, Paul Dibble was appointed to an unexpired term and Jim Nall was appointed to a four-year term to the Planning Commission.

APPOINTMENTS TO HISTORIC PRESERVATION BOARD

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried, Philip Born and David Bailey were reappointed to the Historic Preservation Board for three-year terms.

CITIZEN COMMENTS

Telecommunication Towers

Gary Curry, 359 Colorado Avenue, Cleartalk Wireless, discussed the recent Ordinance regarding Telecommunication Towers. He reviewed his concerns about the recently adopted ordinance regulating telecommunication towers. He said he would like some relief from the ordinance. His reasons being he is local company providing jobs for local residents, they will be providing a lower cost service, and the system is being built to minimize the number of communication sites needed in the City. He has been operating under the criteria that were in place at the time of his application. There were some delays in the site selection

due to some misinformation provided by the City. He proceeded over a month following the old criteria and a large amount of money (\$30,000) and effort was invested when the criteria was changed. The impact of the ordinance has been a denial of his project as it does not meet the expanded setback requirements because of non-conforming residential use of commercial property. That is where he would like relief. He has incurred a loss in postponing their launch until after Christmas, and further delay will mean further losses.

Charter Amendment Ballot Title

Brian Franklin, 2702 Del Mar Drive, Grand Junction Police Officer, discussed the Charter Amendment Ballot Title. Officer Franklin spoke representing the petition signers for the collective bargaining petition submitted by the Police and Firefighters Association. He said they were disappointed with the wording of the ballot initiative to go before the voters in February, 2000. They understood the City Charter does not obligate City Council to seek their input, but felt the wording is not neutral and is a scare tactic to confuse the voters and discourage them from voting for the amendment. Although the statement "...providing no penalties if strike occurs" is correct, the proposal also says no strikes are allowed. It is already understood that it makes it illegal for police officers or firemen to participate in a work slowdown, a work strike or anything similar. The Grand Junction Personnel Manual for city employees states such actions are a violation of policy as well as the Grand Junction Police Department Operating Procedures. Any violation of such policies subjects employees to the disciplinary process. The oaths of office preclude them from doing that. He asked that the ballot title be worded with something more neutral. They knew Council did not have to change the wording but hoped they will not abuse the power entrusted to them by putting the question out in this manner. He requested the wording of the ballot title be changed.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Calendar items # 1 through 11 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting December 1, 1999

2. **Advertising Services for Visitors & Convention Bureau**

The contract with Hill & Tashiro Marketing and Advertising is for a period of three years, renewable annually. This is the final renewal of the 3-year contract approved in 1998. A new Request for Proposal for advertising services will be issued in the second quarter of 2000.

Action: Approve Advertising Contract with Hill & Tashiro Marketing and Advertising for the Period January 1, 2000 to December 31, 2000

3. **Colorado Council on the Arts Grant to the Arts Commission in the Year 2000**

The Commission would like approval to accept a \$3,200 grant from the Colorado Council on the Arts. This funding will be added to the existing \$20,000 annual Commission support for local arts and cultural events, projects and programs.

Action: Authorize the City Manager to Sign the Contract with the Colorado Council on the Arts for a \$3,200 Grant to the Arts Commission

4. **GOCO Grant for Playground Equipment and Safety Surface Installation at Westlake Park**

The City has been awarded a \$75,000 GOCO (Great Outdoors Colorado) grant for playground equipment and safety surface installation at Westlake Park. The new equipment will be comprised of modular units and the surfacing will be a wood fiber, and will conform to the latest safety standards and ADA accessibility requirements.

Action: Authorize the City Manager to Sign the \$75,000 Grant Contract with Great Outdoors Colorado (GOCO)

5. **Parks and Recreation Fees and Charges Policy for the Years 2000-2001**

The Parks and Recreation Advisory Board is recommending the City Council pass a resolution adopting the 2000-2001 Parks and Recreation Fees and Charges Policy.

Resolution No. 149-99 – A Resolution Establishing the 2000-2001 Fees and Charges Policy for the Grand Junction Parks and Recreation Department

Action: Adopt Resolution No. 149-99

6. **Grand Junction Rural Fire Protection District Contract for the Year 2000**

The memorandum of agreement between the City and District calls for the provision of certain services by the Fire Department to citizens of the District. Pursuant to and defined in the agreement, the District pays the City

an allocated portion of the annual budget for services. The projected cost of services for 2000 is \$1,133,788.

Action: Authorize the City Manager to Sign the Emergency Services Agreement with the Grand Junction Rural Fire Protection District

7. **Intent to Create Sanitary Sewer Improvement District No. SS-43-99 (Marsh Lane), and Giving Notice of Hearing**

The owners of real estate located in the vicinity of Marsh Lane, east of 27 Road, south of Interstate 70 and west of Bookcliff Country Club golf course, have submitted a petition requesting an improvement district be created for the installation of sanitary sewer facilities. The proposed resolution is the first step in the formal process of creating the proposed improvement district.

Resolution No. 150-99 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Sanitary Sewer Improvement District No. SS-43-99, Authorizing the City Engineer to Prepare Details and Specifications for the Same, and Giving Notice of Hearing

Action: Adopt Resolution No. 150-99 and Set a Hearing for January 19, 2000

8. **24 Road Sewer Line Replacement**

The following bids were received on December 7, 1999:

<u>Contractor</u>	<u>Schedule A</u>	<u>Schedule C</u>
Father & Son Excavating, Olathe	\$486,691.75	No Bid
Mountain Valley Contracting, Grand Junction	No Bid	\$555,109.50
Sorter Construction, Grand Junction	\$566,100.00	No Bid
M.A. Concrete Construction, Grand Junction	\$587,346.50	No Bid
Spallone Construction, Gunnison	\$659,747.00	\$707,543.15
Triad Western Construction, Cortez	\$866,897.00	\$678,056.00
R.W. Jones, Fruita	No Bid	\$828,560.89
K.R. Swerdfeger, Pueblo West	No Bid	\$875,000.00
Engineer's Estimate	\$540,659.00	\$389,698.00

Schedule A is replacing the existing line by trenching in a new line. Schedule C is replacing the sewer line with a combination of pipe bursting and trenching.

Action: Award Contract for Construction of the 24 Road Sewer Line Replacement to Mountain Valley Contracting of Grand Junction in the Amount of \$555,109.50 Using the Schedule C Option

9. **Design of Persigo Wastewater Treatment Plant Final Clarifier Addition**

The following firms were interviewed on December 6, 1999:

<u>Firm</u>	<u>Order Based on Submitted Lump Presentation Sum Fee</u>		<u>Percentage of Project Budget Of \$1,815,000</u>
Carollo Engineers, Broomfield	1	\$170,300	9.4%
Sear Brown Group, Denver	2	\$78,600	4.3%
HDR, Inc., Denver	3	\$92,500	5.1%

Action: Award Contract for the Design of the Final Clarifier Addition to the Persigo Wastewater Treatment Plant to Sear-Brown Group of Denver in the Amount of \$78,600

10. **Replacement of Commercial Trash Truck**

Commercial Trash Truck Unit 2110 is scheduled for replacement in the year 2000. This unit consists of a 1992 Mack cab and chassis with a Lodal solid waste trash compactor. To receive this unit in 2000 it is necessary to order the unit as soon as possible.

Action: Approve Purchase of a 34-Yard Lodal Compactor from Kois Brothers for \$69,705 and the Purchase of the Mack Cab and Chassis for \$89,764 for a Total Purchase Price for the Complete Unit of \$159,469

11. **1999 CDBG Subrecipient Contract with the Grand Valley Catholic Outreach**

This contract formalizes the City's award of \$16,000 to the Catholic Outreach for operation of the Homeless Day Center located at 302 Pitkin Avenue. These funds come from the City's 1999 Community Development Block Grant Program.

Action: Authorize the City Manager to Sign the 1999 CDBG Subrecipient Contract with the Grand Valley Catholic Outreach

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

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

PUBLIC HEARING - HILL ANNEXATION LOCATED AT 323, 323 1/2 AND 325 SOUTH REDLANDS ROAD [FILE #ANX-1999-229]

The 14.41 acre Hill Annexation area consists of one parcel of land and portions of C ¼ Road, 25 ¾ Road, C ½ Road, Rosevale Road and South Redlands Road. The owner of the property has signed a petition for annexation.

The hearing was opened at 7:48 p.m.

Lori Bowers, Community Development Department, reviewed this item. The petition was signed by 100% of the property owners. The two unsubdivided lots are along S. Redlands Road and contiguity is obtained from C ¼ Road, 25 ¾ Road, C ½ Road, Rosevale Road and S. Redlands Road. The petition meets the requirements for annexation and is eligible for annexation. Ms. Bowers read a portion of the Colorado Revised Statutes regarding contiguity and other requirements: "Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. Contiguity shall not be affected by the existence of platted street or alley, a public or private right-of-way, public land where they are owned by the State, the United States or an agency thereof, a lake, reservoir, stream or other natural or artificial waterway between the annexing municipality and the road proposed to be annexed." Ms. Bowers said Staff recommends acceptance of the Hill Annexation petition.

The Mayor reminded the public that this public hearing is only on the annexation.

Public comments were solicited at this time.

Pierry Smith, 330 S. Redlands Road, wondered how the inclusion into the sewer area will affect the area, and how the variance for sewer will be addressed. The land is on a hill, with a wetlands area below the hill that can flood out the area. She asked when will sewer be required for the S. Redlands area. She asked if currently there is an engineering plan to serve the area, and at what cost to the area homeowners. She wondered if an environmental study has been done in the area since it provides a considerable drainage area. She also expressed concerns about the road.

Mayor Kinsey said the sewer variance will be considered in the next item.

Mark Hudson, Bruner's Water Service, 2541 D Road, said they supply the potable water in that area. He said with annexation comes the requirement for fire protection of 6" waterlines with 500 gpm and 20# of residual pressure; none of which they have or can supply. He wondered how these requirements will be addressed in the future as a result of this annexation.

John Shaver, Assistant City Attorney, said fire protection is not a requirement of annexation but may be a condition for development.

Michael Klaisher, 333 1/2 Rosevale Road, said he is not interested in being part of the City since he doesn't use the facilities of the City. He wished to go on record that he did not want to be in the City.

Councilmember Terry said this is for new development, and Council is not intentionally creating an enclave.

Councilmember Theobald said roads do not create an enclave and it would take extensive annexations to create an enclave in Mr. Klaisher's area.

Mark Hudson, Bruner's Water Service, asked what is the advantage for Mr. Hill to petition for annexation. Councilmember Theobald said because he wants to develop his property. Mr. Hudson said Mr. Hill can develop the property under the County guidelines. Councilmember Theobald said he cannot since he is within the 201 sewer boundary. The Persigo Agreement requires development to go through the City's development process and annexation.

Mr. Hudson asked if there has been development north of G Road where they are in the 201 Sewer Persigo Wash Agreement, but they still installed septic systems, and did not ask for annexation. Councilmember Theobald said he was not aware of anyone within the 201 area that has a new septic system.

Assistant City Attorney John Shaver said there may be certain exceptions but as a general legal practice and policy, that would not be the case.

Councilmember Terry asked Mr. Hudson to site a particular case, then Council would research it and get back to him.

David Rand, 340 Rosevale Road, did not wish to be annexed into the City. He doubted this area will be urbanized in the near future.

There were no other public comments. The hearing was closed at 8:02 p.m.

a. Resolution Accepting Petition

Resolution No. 151-99 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Hill Annexation, is Eligible for Annexation, Located at 323, 323 ½ and 325 South Redlands Road

b. Annexation Ordinance

Ordinance No. 3215 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hill Annexation, Approximately 14.41 Acres, Located at 323, 323 ½ and 325 South Redlands Road

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 151-99 was adopted and Ordinance No. 3215 was adopted on second reading and ordered published.

PUBLIC HEARING – ZONING HILL ANNEXATION RSF-E, LOCATED AT 323, 323 ½ AND 325 SOUTH REDLANDS ROAD AND A REQUEST FOR A SEWER VARIANCE [FILE #ANX-1999-229]

The 14.41 acre Hill Annexation area consists of one parcel of land. The requested zoning is RSF-E. The applicant has received final approval for a 3 lot minor subdivision, and a recommendation from the Planning Commission for approval of the sewer variance.

The hearing was opened at 8:03 p.m.

The petitioner was not present.

Councilmember Theobold was concerned that the petitioner was not present. Assistant City Attorney John Shaver said there is no requirement that the petitioner be present.

Councilmember Terry suggested they go forward with the Staff presentation and decide later whether to postpone this item and defer action.

Lori Bowers, Community Development Department, reviewed this item. She stated the reason for the hearing is the applicant wants to create a new lot, triggering the Persigo Agreement. The RSF– E (residential single-family estate) is consistent with the Growth Plan, and complies with Sections 4-4-4 and 4-11 of the Zoning & Development Code. The proposal maintains the integrity and character of the established low residential area. Staff and the Planning Commission recommends approval.

Councilmember Theobold asked when did the three lot subdivision become final. Assistant City Attorney John Shaver said it was approved by the Planning Commission in November, 1999.

Councilmember Theobold said the 14 acres could be 7 lots rather than 3. Under the County zoning, it could be 51 or more units.

Councilmember Terry asked about the hillside and the contours of the land. Ms. Bowers displayed the proposed subdivision overlays. She said the building lots envelopes are very restrictive due to the topography.

Councilmember Spehar said in the absence of sewer, the installation of septic systems would still be subject to the Health Department requirements.

Ms. Bowers then reviewed the sewer variance. The applicants are requesting a waiver from the required public sanitary sewer collection system required by Section 5-4-5 of the Zoning & Development Code. The request is due to the distance to any sanitary sewer facility. There are plans to extend sewer in this area, but not in the near future. If the variance is granted, special plat language will be required on the plat. The applicant has received such language. The language would say when sewer is provided within the area, they will be required to connect at that time. The Planning Commission recommended the variance be approved with four criteria: (1) exceptional topographic conditions peculiar to the site; (2) an undue hardship would be created; (3) such hardship is not created by any action of the applicant; and (4) such variance would not be detrimental to the public welfare or impair the intent and purpose of this section. Staff acknowledges there are exceptional topographic conditions on this site and the closest sewer line is 1800 feet away. The applicant did not create this hardship and due to the size of the proposed lots, there is no detriment to public welfare if individual septic systems are provided. Staff and the Planning Commission recommend approval of the sanitary sewer variance on the condition that when sewer becomes available within 400 feet of any portion of the lots, the required hookup will occur.

Councilmember Spehar asked if that meant immediate hook-up and not subject to failure. Assistant City Attorney Shaver said that is correct. Ms. Bowers said yes, as soon as sewer is available.

Councilmember Terry asked about the affect on the adjacent property owners. Utilities Engineer Trent Prall said a preliminary study has been done in that area for the extension of approximately 5500 feet with a main that will eventually benefit about 84 properties. It will cost approximately \$560,000 to \$875,000 to construct just the mains. The average cost to homeowners is estimated from \$9,000 to \$12,500 per lot, including the trunk extension of plant investment fees. That would get sewer to the property line. They would still need to go from where their house is located back out to the sewer service line. For future lot owners, when sewer is available within 400 feet of those lots, they will be required to extend the sewer at their cost, from that point to their property and connect to the sewer at that time. The other properties are subject to the code requirement but it is not enforced in practice if their septic is working.

Councilmember Theobald said the 400 foot requirement is also State and County Health regulations. Councilmember Terry asked if the ordinance requires the connection in spite of the fact that there may or may not be failure of an existing septic. Mr. Prall said no, it has just been the City's practice.

Councilmember Terry asked where the sewer line would be located for future installation. The sewer line is currently at Rosevale Road and C ½ Road on the north side of the Redlands Diversion Canal, (the lift station at Highway 340), then further south on Rosevale Road and further west along the south side of Heatheridge.

Councilmember Theobold asked if the sewer extension has been approved. Mr. Prall said it has only looked at for cost estimates. It would be based on the citizens petitioning to create a sewer district to extend the mains.

Councilmember Theobold said the sewer extension will only happen if the residents petition to form a district. It could happen in either the City or the County. Mr. Prall said they are two different processes, but agreed. To utilize the City's sewer improvement district process, it would require annexation, but to utilize the County's local improvement district process, they would not be required to annex.

Councilmember Theobold asked if there are plans for the City and County to jointly extend the sewer line. Mr. Prall said no.

Councilmember Theobold said the two southern lots (Lots 1 and 2) are a long way from the sewer line and asked for an estimated cost to get a private line for their benefit from the street to their homes. Mr. Prall said several thousand dollars each, approximately \$7,000 to \$8,000 just to get it from the street.

Councilmember Theobold was uneasy with a \$15,000 requirement as part of a deed restriction (\$8,000 when the neighborhood does this plus another \$7,000 or \$8,000 per lot to connect) when people purchase property in this area.

Councilmember Terry asked if typically this is how a variance for sewer connection is granted. Mr. Prall said the three sewer variances he has been associated with have been handled in the same manner as this one. If Council wants to waive that particular requirement, he said the City would not oppose waiving that requirement due to the size of the lots and the topography. The other variances that have been granted have been for much smaller parcels (one-half acre to three-quarter acre).

Councilmember Terry asked if it is conditioned upon failure. Assistant City Attorney Shaver said that is a given.

Mayor Kinsey solicited public comments at this time.

Piery Smith again asked how many more variances will be allowed within the area. Mr. Shaver said the variance process is dictated by the Zoning Code criteria on a case by case basis. There are a lot of safeguards built in. There is no absolute number, but as indicated by Mr. Prall, it is an infrequent procedure.

Councilmember Terry said Staff can provide Ms. Smith with the criteria, and noted that topographic problems often times lead Council to the variance issue. Council does not wish to make a practice of approving such requests.

Councilmember Theobold asked about the sewer variance criteria (a through d). He said criteria a. "There are exceptional topographic, soil or other subsurface

conditions or conditions peculiar to the site.” He asked what the conditions are for this site that make a sewer variance appropriate. Trent Prall responded topographical restraints typically are gravity and flow.

Councilmember Theobald referred to criteria d. “Variance would not be detrimental to the public welfare....” He asked if there are concerns about the soil conditions and proximity to the river. Trent Prall said the Mesa County Health Department rules and regulations would apply to the installation of septic systems and leech fields. Due to the size of the lots there is some place on the property that could handle a leech field. The Mesa County Health Department also requires a second site in case of failure of the first one in the future.

Councilmember Theobald said criteria d. depends on the Health Department for a safe design.

Councilmember Terry wanted to make sure Council answered all the audience questions.

There were no questions voiced from the audience.

Assistant City Attorney John Shaver said the the 201 question and extension question were answered. The stormwater question would be addressed at the site review. Due to the lot size, it is doubtful there will be an adverse impact. Regarding the environmental impact statement, under the Code none is required. If there is any impact on wetlands then a permit would be required. It would be deferred to the Army Corps of Engineers.

Councilmember Theobald said the rest of neighborhood would be required to hook on only if a majority of the neighbors petition for a district to construct a sewer line. There were no other comments. The hearing was closed at 8:31 p.m.

a. Zoning Ordinance

Ordinance No. 3216 – An Ordinance Zoning the Hill Annexation RSF-E

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3216 was adopted on second reading and ordered published.

b. Sewer Variance

There was further discussion on the sewer variance and the options for Council. Waiving the immediate requirement to hook onto sewer or denying the development was Council’s dilemma. Making failing systems the requirement makes it contentious when one system fails and others don’t.

Regarding the notice issue to a potential lot owner, Assistant City Attorney John Shaver suggested inputting an estimated cost amount in today's dollars which may increase in the future. It could be crafted into the notice.

Councilmember Theobold said whatever the notice amount is will have an affect on the perceived value of the property. The property owner may disagree with the City's estimate.

Councilmember Spehar said Council is not going to be able to take every uncertainty out of a private transaction. At some point there is a responsibility with the buyer and the seller and their agents. He felt the bigger issue is the integrity of the sewer system, and the fact that Council has partners in the Persigo Agreement that have made such requirements. He was comfortable requiring immediate hook-up. Councilmember Scott disagreed.

Mayor Kinsey said if the owner had left the property as two lots with two septic tanks and it would be in the County, Council would not be having this discussion. The owner has changed it from two lots to three lots; thus requiring an additional septic system.

Councilmember Theobold was uncomfortable with allowing sewer variances within the 201 sewer boundary.

City Manager Achen said the Persigo Agreement contemplates that there will be an attempt to sewer all areas in the 201 that are currently on septic systems. Mesa County wants the City to develop policies that would encourage the neighborhood to endorse the expansion of the sewer system, and to do so without annexation. To promote that goal, he felt Council would want to make sure these property owners would not be obstacles to extending sewer. Strategies could be taken to assure those property owners are required to support the creation of a district if there is an attempt to create a district by their neighbors. That could be done separately from a decision of whether they would actually have to hook up to the system immediately when it was constructed, or whether they would have to hook up at the time their septic system failed.

Councilmember Theobold interpreted City Manager Achen's comment as meaning a requirement that would bind the owner. Assistant City Attorney Shaver said binding successive owners is where the problem arises.

Councilmember Spehar said this owner wants to create a third lot so Council doesn't need to make the process painless for the developer. The ease of selling those lots and building on them is not Council's issue.

Councilmember Terry asked if the developer is going to build on all three lots immediately, or are they only going to be platted, then sold. Assistant City

Attorney Shaver said he did not know and it was not discussed at the December Planning Commission meeting.

City Attorney Dan Wilson said, in supplement to John Shaver's comments, the beginning of the 400 foot rule and the question of to hook on now or not, the City ordinance and County resolution says the City "may" send a notice requiring hook-up. The City exercises the discretion when the septic fails. The County law is on the books the same as the City law, and they have been implemented consistently. The key issue is to sewer everything within the 201, but the Persigo Agreement acknowledges it's too expensive to do it today. Council could make provision for hookup to sewer. The Power of Attorney that caused grief in the past was driven by the City's decision-making. In this case it will be the landowners in the area. It doesn't bind future Councils. He recommended notice to the lot owners. He felt a landowner would rather know beforehand of major costs rather than afterwards, even if it does affect the title. Some notation needs to be made that the situation is unusual, will be expensive, and consulted before purchasing.

Councilmember Terry thought the wording on the condition that was going to be placed on the plat was "will". Mr. Wilson said the ordinance allows for discretion and the Planning Commission exercised that will.

Councilmember Theobold asked if Council could attach a requirement to the variance a requirement that all three lots install a dry line which takes out a substantial part of the future cost.

City Manager Achen said Councilmember Theobold was referring to a twist on what Council viewed as dry lines which would have been the system in the public roadway. He thought Councilmember Theobold was talking about the service line getting down to the roadway so that when the roadway gets its sewer line, there would be a dry service line available. Councilmember Theobold said it cuts in half the cost the buyer will have to face, as well as the cost of retrofitting.

Mr. Achen assumed this would be a gravity feed with no pumping requirement. Mr. Prall said yes.

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by a voice vote, the sewer variance was granted adding the requirement for the construction of dry service lines from the right-of-way to each home on each lot in order to develop the property.

RECESS

The Mayor declared a recess at 8:50 p.m. Upon reconvening at 9:00 p.m., all members of Council were present.

PUBLIC HEARING – DESERT HILLS ESTATES ANNEXATION NO. 1 AND NO. 2 LOCATED AT 2114 DESERT HILLS ROAD AND SOUTH BROADWAY

[FILE #ANX-1999-204]

The Desert Hills Estates No. 1 and No. 2 Annexation area consists of land owned solely by the applicants, and a portion of South Broadway road right-of-way. The applicants have signed a petition for annexation.

At this time City Attorney Dan Wilson took his place at the dais.

The hearing was opened at 9:00 p.m.

Mayor Kinsey reminded the audience this hearing is on the annexation only. The zoning of Desert Hills Estates Annexation is a separate issue.

Lisa Gerstenberger, Community Development Department, reviewed this item. She stated the petition complies with State Statutes and the property is eligible for annexation. Staff recommends approval.

Rob Katzenson, LanDesign, 259 Grand Avenue, representing the petitioner, concurred with Staff completely. He addressed the map briefly, clarifying where Annexation No. 1 is located. He concurred with the annexation.

Mayor Gene Kinsey then solicited public comments.

Dawn Maiella, 2112 Desert Hills Road, pointed out this area has been considered rural by the Growth Plan and the properties in the area are agricultural. She objected to the annexation. She said there is little open space between Grand Junction and Fruita. She felt buffer zones need to be maintained between the two cities.

Harley Armstrong, 2840 Hartford Avenue, was familiar with paleontology at Riggs Hill. There are four localities that have finds near Annexation No.1. Dinosaurs have been found in the area, and pointed to areas south of the property. The Dakota formation, the north slope of Riggs Hill, has produced over 20 dinosaur footprints, and might be a dinosaur track superhighway.

Mayor Kinsey asked how it is affected by annexation. Mr. Armstrong said with annexation comes the encroachment of buildings close to the one-mile trail and it may be difficult to preserve the area.

Councilmember Terry asked if Mr. Armstrong felt this property should be preserved for future museum interests. Mr. Armstrong said he was speaking as a paleontologist and the area could produce fossils. Annexation could make it impossible to collect some of the fossils in the area.

Councilmember Theobald asked if Riggs Hill was inside the city limits. City Manager Mark Achen said Riggs Hill was annexed as part of the Tiara Rado Golf Course annexation.

Councilmember Terry asked if Mr. Armstrong has spoken to the Rump family. They are asking for annexation and development. She felt Mr. Armstrong should approach them about these issues.

Jeanna Odel, 2084 S. Broadway, asked if the petitioner's representative could give some clarification on Annexation No. 2 and exactly what comes across S. Broadway. She asked if it encroaches onto Wildwood Drive. Mr. Katzenson said it does not.

Darlene Gunnerson, living across the street from Riggs Hill, asked what part of Broadway was being annexed. The traffic has gotten bad and felt there was no need for more roads cutting through onto Broadway. Mr. Katzenson said it is a one foot wide piece of property that runs perpendicular to the right-of-way where it crosses the roadway.

Ms. Gunnerson said the Museum of Western Colorado owns Riggs Hill and no building is allowed on the property. She said they don't want to be annexed to the City.

Councilmember Theobald said her property could only be annexed if the majority of her neighborhood votes for annexation. Councilmember Terry said another way to have annexation occur is if the properties are completely surrounded by other City properties which would create an enclave. She pointed out that the roads do not count.

Ms. Gunnerson felt adding more houses to this area will create a serious traffic hazard.

Carol Kissinger, 449 High Tiara Court, asked if Council could guarantee that the transportation fees will be used to improve S. Broadway only. Mayor Kinsey said in general, the cost of improvement of a major street is much more than the fees which are collected. Ms. Kissinger said she would like to see those monies stay in that area.

City Attorney Dan Wilson said the ordinance on transportation fees identifies the areas to be very broad. Anything on the Redlands would qualify constitutionally because there are capital needs. The funds acquired from the transportation fees are nominal (only 1% or 2 % of the actual cost).

Councilmember Terry said there are no fees associated with annexations. Any development and road improvements will be addressed under the zoning portion

on this item. She said Council will enlighten the audience when they get to that part of the hearing tonight.

Warner Kurzbuch, 2021 Coyote Court, The Seasons, noted omissions on the diagram. He felt all of Riggs Hill area is not shown.

City Manager Mark Achen said the map is based on property lines, not the topography of the hill itself.

Mr. Kurzbuch said the actual hill extends further north. He said Dinosaur Hill is further to the north and is not shown on the diagram. There is a significant area of wetlands in the middle of Annexation No 1. He asked that Council consider all three of these areas. He learned about Dr. Riggs and Riggs Hill before he knew where Grand Junction was. Riggs Hill is of great historic and scientific importance. He asked Council to study all the impacts of annexation on this area.

Rob Katzenson said Dinosaur Hill is also owned by the Museum of Western Colorado, and is adjacent to the City of Fruita, not on this site. The squiggly line is the centerline of No. 2 Redland irrigation canal, not a location of a wetlands.

There were no other public comments. The hearing was closed at 9:25 p.m.

Councilmember Theobald noted the access issue previously identified has been resolved.

Councilmember Terry asked the City Attorney to elaborate on Council's agreements with Mesa County. City Attorney Wilson gave an overview. The basic assumption of the Persigo Agreement is that if a property owner wishes to develop his property, he must petition for annexation. The City then has the ability to make the land use decisions. The agreement defines the break point as 2 acres or larger, not urban, and everything in the 201 boundary should be less than 2 acres. There are some exceptional areas. Land use should not be considered at annexation.

Councilmember Theobald said the previous access was down Desert Hills Road, a road which the City did not want to improve.

Councilmember Terry said, based upon the legal analysis, there was no option but to annex. Based upon Council's interest in following through with its agreement with Mesa County to make good urban planning and land use management, Councilmember Terry felt Council should accept the annexation.

Councilmember Spehar agreed with Councilmember Terry. There will be more public comments under the next segment regarding the issues of the quality and density of the development.

a. Resolution Accepting Petition

Resolution No. 152–99 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Desert Hills Estates Annexation No. 1 and No. 2, A Serial Annexation, is Eligible for Annexation, Located at 2114 Desert Hills Road, South Broadway and Including a Portion of South Broadway Right-of-Way

b. Annexation Ordinances

Ordinance No. 3217 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Desert Hills Estates Annexation No. 1, Approximately 78.21 Acres, Located at 2114 Desert Hills Road and Including a Portion of South Broadway Right-of-Way

Ordinance No. 3218 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Desert Hills Estates Annexation No. 2, Approximately 8.26 Acres, Located on South Broadway

Upon motion by Councilmember Scott, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 152–99 was adopted and Ordinances No. 3217 and No. 3218 were adopted on second reading and ordered published.

PUBLIC HEARING – GROWTH PLAN AMENDMENT AND ZONING A PORTION OF DESERT HILLS ESTATES ANNEXATION NO. 1 LOCATED AT 2114 DESERT HILLS ROAD, WEST AND NORTH OF RIGGS HILL PR [FILE #ANX-1999-204]

Request for (1) Growth Plan Amendment from Residential Rural designation to Residential Estate designation; and (2) request for a zone of annexation of PR, with a density not to exceed 1 dwelling unit per 2.5 acres for Desert Hills Estates, consisting of 22 single family lots on approximately 56 acres. Zoning for the remainder of the annexation will be considered at a later date.

The hearing was opened at 9:30 p.m.

David Woodward, manager of Tierra Ventures LLC, the property owner, requested approval of the Growth Plan amendment and zoning. As a partial owner, he wanted to live there himself, and wished to deal responsibly with the sensitive issues of density, access, wildlife, wetlands and other environmentally and emotionally sensitive issues. They intend to develop 22 lots of approximately 1.5 acres each, and establish a conservation easement on all of the wetlands (the western border of the property), giving an overall density of approximately 1 unit/2.5 acres and leaving nearly 18 acres of open space. The majority of the open space will be at the north end of the property. They have met with Planning Department, Planning Commission, City Council, the neighbors, the Museum of

Western Colorado, and the Redlands Water and Power Company. They have negotiated right-of-way so as not to use Desert Hills Road. They invited the Audobon representative to make recommendations to protect wildlife, fauna and flora, and improve habitability for wildlife. They have also recommended the reintroduction of native plant species such as the Fremont cottonwood, species of plants that will attract more wildlife. Mr. Woodward said their company goal is the preservation and enhancement of wildlife habitat for the enjoyment of future generations by creating a conservation easement. They are also committed to building homes for people of all income brackets.

Rob Katzenson, LanDesign, said the request is for a Growth Plan amendment changing rural to estate, and the zoning of 2.5 acres per unit. He identified the areas for zoning tonight. They are not zoning the Rump property at this time. He gave some background of past actions regarding this property. The Planning Commission has recommended approval of the Growth Plan Amendment. They have met all City recommendations and requests. As of December 14, an opposition flyer has been circulating, and focuses on preliminary plan and design issues which are not to be contemplated at tonight's hearing. The request is consistent with one of the Growth Plan goals which states: "Insures land use compatibility and a balance between urban and open spaces." This application satisfies that condition. It also requires they maintain more compact development patterns and they satisfy that condition. They are required to insure adequate public facilities for residents and businesses. The Growth Plan amendment satisfies this condition. It maintains equitable funding strategies for public facilities and services. It enhances the visual appeal of major road corridors, and focuses on the unique needs in each community's neighborhoods, a preferred alternative would read – new urban development limited to within the urban growth boundary, use clustering, smart growth tools. Tierra Ventures recognizes these tools and meets or exceeds every design requirement. A group of citizens have asserted that the plans prepared by Tierra Ventures are "bad" development. He felt this application is the best plan and a model for development of this parcel. Carving this property into five acre lots would not preserve any of the natural features. The estate designation of 2-5 acres/lot would offer more options for the preservation of wetlands and steep slope areas. The applicant is also providing substantial open space.

Mr. Katzenson then reviewed the Growth Plan amendment requirements. He referred to an aerial photo and map showing County zones. He explained the surrounding zones. The future land use map was displayed and Mr. Katzenson explained. It was his belief that the future land use map contained an oversight for this property, creating an inconsistency between the 201 Agreement and the future Land Use Map. A revision to the Growth Plan is needed for this property to be consistent with the 201 Persigo Agreement.

1. Based on discussions with Grand Junction Staff, this application should be decided by the City of Grand Junction;

2. They have already petitioned and secured annexation;
3. They have requested zoning from County R-2 to City PR-2.5;
4. Project was first reviewed by Mesa County who determined it should be developed according to the City of Grand Junction's Development Codes;
5. Tierra Ventures has fully complied with the Memorandum of Understanding dated March 3, 1999;
6. The Growth Plan Amendment is consistent with the overall purpose and intent of the Plan;
7. There is no rationale for the rural designation;
8. The Growth Plan Amendment has been recommended for approval by the City and County staff.

Mr. Katzenson detailed all permits and studies for the development. There are numerous properties in the general vicinity that have been developed which justifies the request. It benefits the City's tax base by increasing the density. He reiterated they have complied with every requirement and stipulation set forth by the City.

For the rezone request, Mr. Katzenson gave responses to criteria in Section 4-4-4 of the Zoning & Development Code. Mayor Kinsey stated those items are already detailed in the staff report. Mr. Katzenson said again, the application meets every single requirement and request.

Councilmember Terry said Council is being asked to approve a planned zone without the ability to review the plan, even though she knew it had been approved but she would like to see that. They are also being asked to approve a Growth Plan Amendment that is based upon principles that Mr. Katzenson cited and are contained in the plan. So she would like to see a copy of the plan.

Lisa Gerstenberger, Community Development Department, displayed the plan for Council.

Mr. Katzenson said the plan contains a 22-unit clustered development using standard conservation-based principles. He explained the highlights of the development. He said 40% of the 56 acres is open space. They have decreased the size of the building envelopes for Lots 19 through Lots 22. They are dedicating outlot C (formerly the Desert Hills right-of-way) to the City for the placing and upsizing the force main.

Councilmember Terry asked if the conservation easement area would have public access. Mr. Katzenson said it is private now, and will probably remain private.

Lisa Gerstenberger, Community Development Department, reviewed this item and gave a summary. The Growth Plan designates this area as rural. The petitioner wants the property to be designated as estate. The property has varied

topography with a steep knoll to the north and wetlands along the west property line. She addressed the 7 issues for a Growth Plan Amendment. The adjacent Rump property is being annexed because the owners are a party to the development application for the Desert Hills Estates Subdivision. It's part of the Rump property that supplies access from South Broadway to the Desert Hills development. At this time a separate Growth Plan Amendment has been submitted for the Rump property, however, a development plan has not. For this reason, Staff recommends the zone of annexation for the Rump property be delayed until the Growth Plan Amendment has been considered by City Council at a later meeting.

Ms. Gerstenberger continued by stating the rezone criteria in Sections 4-4-4 and 4-11 were addressed earlier, and have been met. Staff recommends approval of the Growth Plan Amendment and the zoning request. The Planning Commission recommended approval unanimously. Ms. Gerstenberger presented a letter from Leland Cofer, 446 Wildwood Lane, expressing concern for the entrance onto the property. The letter was received today. She provided copies for City Council.

Councilmember Terry asked Ms. Gerstenberger to identify the area on the map shown in white. Ms. Gerstenberger said it is private property.

Councilmember Enos-Martinez asked about the dark green area. City Manager Mark Achen said it was BLM property and is adjacent to the Colorado National Monument.

Mayor Kinsey solicited public comments at this time.

Joan Rossman, 482 Seasons Court, wanted to know where the Persigo tap at Tiara Rado is located. There is a tap in her roadway. It serves the entire Seasons area. She asked what was meant by the statement "The Seasons sewer will be connected." Councilmember Theobald said Council can't confirm this information as Ms. Rossman was reading from a flyer that Council knew nothing about. They had just seen the flyer tonight. The flyer was not written by the City.

Ms. Rossman was upset about more development in her area. She was also concerned with the traffic conditions on S. Broadway.

Trent Prall, Utilities Engineer, showed the location of the Persigo tap and identified where the flow will go. A new lift station is proposed with lines through the Keesee property and will eventually eliminate the lift station in the cul-de-sac in the Seasons.

City Attorney Wilson asked if eventually all the area will be gravity fed. Mr. Prall said, with future development, sewer lines will eliminate the need for the lift station as well, running all the sewage into the Tiara Rado Interceptor, thereby eliminating that lift station in the very distant future.

Mark Relph, Public Works Director, said regarding South Broadway, the issue with the City and County is to realign those 90 degree curves. The City has made improvements clear to the city limits. The Council also agreed to spend an extra \$90,000 in widening the pavement section to provide some temporary relief to the pedestrian/bicycle issues in that corridor. The County agrees discussion is needed regarding solutions.

Councilmember Scott asked if they were running a sidewalk at Riggs Hill. Mark Relph said it is a widened pavement shoulder for bicycles and pedestrians.

City Manager Achen said Mesa County tried to design safety improvements for the section to the west but the neighborhood could not agree and the County was unwilling to condemn the property to obtain the required right-of-way.

Mark Relph said this development will also have a pedestrian access that will connect to S. Broadway.

Councilmember Terry said in regard to roadways in the City, some improvements have been done to widen the shoulder, and new alignment will take cooperation on the part of the property owners. Mr. Relph concurred.

Councilmember Terry asked if the northern part of this property has public access going north to Broadway. Mr. Relph said no.

Councilmember Theobald asked about spacing of the access on S. Broadway. Public Works Director Relph said it is slightly less than the recommendation in the TEDS manual. The reason is for stacking for left turn lanes, and the spacing is adequate.

City Attorney Wilson said if Wildwood and other properties were left in the 201 for future development, would Mr. Relph's answer change on Wildwood and the separation. Mr. Relph said possibly, but only if there is enough density such as 4 units per acre.

Councilmember Theobald said they could add 200 homes in the Wildwood area. Mr. Relph said it depends on spacing of intersections between this proposal and Wildwood. With that many homes, there would be a need for a secondary access.

John Williams, attorney with Coleman, Joufflas & Williams, 2452 Patterson, representing a number of the owners on Desert Hills Road, said there was a failure to communicate to the public that the Preliminary Plan has already been passed, although he felt it was relevant to point out things on the Plan and how they relate to the Growth Plan Amendment. His clients oppose this application out of concern with the crossing of the wetlands for access across Desert Hills Road. This opposition hasn't dissipated with the new access. The sewer still crosses the

wetlands, and the maintenance to the lift station requires access across the wetlands. During the first application, it was thought the lots sat down in a bowl. Houses won't sit down in the a bowl as there is a substantial increase in elevation in the area. He is hoping that will be solved by decreasing the building envelopes, but in fact, their measurements put that at 55 to 60 feet. The covenants of the development allow height restrictions on the houses of 32 feet. Those were the two main objections of his clients. He noted the Growth Plan has a policy statement which cautions that amendments should not be taken lightly.

City Attorney Wilson asked Mr. Williams who were his clients. Mr. Williams said the Antons and Cunninghams.

Mr. Williams then discussed the criteria for a Growth Plan Amendment.

1. It claims there is an error in the original plan – The Development Department did not find an error. Staff said it could have been because of the unique limitations of the property. It was not an error that this was designated rural.
2. Subsequent events invalidate designation – All subdivisions proliferated were already planned at the time of the Growth Plan adoption.
3. Change in condition or character of the neighborhood – There has been no change since 1996. It is not the only rural designated area. There is a substantial amount of rural designated properties in this vicinity.
4. Consistent with goals and policies of the Growth Plan – This plan does not preserve the vistas. There are 90 feet between the road and the top of the property when considering a 32-foot building height limit. Also in Chapter 5, there is a greater level of commitment when the word “will” is used. He cited policies which state “will” limit development on slopes, and more hazardous areas, “will” preserve vistas as views. He interpreted the word “will” as being more of a command, and felt Council should try to preserve the term.
5. Public facilities available – He said yes, water and sewer are available in this vicinity, however, it was not feasible to pump sewage up with a holding tank, and an emergency pit in case generators or pumps fail. His clients were concerned because of the wetlands and in case of a failure.
6. Adequate supply of land designated similarly - Mr. Williams said yes there is a fair amount of estate designated land in the plan.
7. Will it benefit the surrounding area – He disagreed except for the sewer system that will gravity feed the sewer so it can be pumped back up, giving access to future parcels to be developed. It won't give existing homes on S. Broadway any more access to a sewer system.

In summary, Mr. Williams wanted Council to consider those seven criteria. It must be determined whether there was an error. If there was an error, the City needs to find it and then change it. If there has been a change in the character of the

neighborhood or a change in circumstance, once again, it's appropriate to change the Growth Plan. Mr. Williams didn't think either is there.

Councilmember Spehar asked Trent Prall to address the pit and the pumping issue. Trent Prall said pumping is generally through a gravity main as much as possible but in some areas it's not always possible. Mr. Williams was correct in stating that it will flow down Desert Hills Road, but will be intercepting some other flow coming in from the south. There are certain topographical constraints that don't work with a sewer main without having to lift it occasionally, especially on The Redlands.

Councilmember Spehar asked again about the pit issue. Trent Prall said there is no pit, but there is an enclosed vault that sits underneath the lift station. There is a small lag volume at the bottom that is never fully gotten rid of. In order for the pumps to keep their "prime", there is an operating volume that when it gets to a certain level when sewage is coming in, the pumps kick on and eject the sewage. There is emergency volume that is reserved for approximately two hours worth of detention time if power goes out. An alarm goes off at Persigo, and someone is on site within 45 minutes with vacuum trucks. The City maintains 30 other lift stations with people on call 24 hours a day, 7 days a week, 365 days a year. There have been three spills recently in the summer of 1998. They all have been retrofitted with generators now.

City Manager Mark Achen asked about the two hour time on design flows. Mr. Prall said it will be based on design flows and will take into account The Seasons. The real time relative to the current flow will probably have a detention time in excess of 8 hours.

Councilmember Theobald asked if there is a sewer line in Desert Hills Road now. Mr. Prall said no.

Councilmember Theobald asked if a sewer line will be built for the Keesee development. Trent Prall said yes. If the Keesee development doesn't happen in a timely fashion, the City will cost share on the trenching expenses with a reimbursement provision from the Keesee property when they do develop.

Jan Whiting, 478 Seasons Court, said the plan is not her concept of clustered zoning. She wondered if City Council felt any responsibility of protecting Riggs Hill and the very important and historical formations in the area.

Richard Ennis, 2110 ½ Desert Hills Road, said there is water that goes down this basin where the wetlands is located. On three occasions it has flooded the basins quickly. Two lakes were washed out and excessive floodwater could have an affect on the sewer vault. The holding space is for 500 homes and he felt it will not fit there. He asked for protection from water or sewage running through the wetlands.

Jeana O'Dell, 2084 S. Broadway, talked about the road situation. The shoulder goes to the east side of Riggs Hill, it does not extend all the way to the entrance of the proposed development. Councilmember Terry said it will extend eventually.

Ms. O'Dell asked about the alignment between Wildwood Drive and the proposed entrance. Since there is no shoulder in that area, she felt accel/decel lanes are needed. There is a blind curve to the east of Riggs Hill, and it's hard to turn left out of Wildwood Lane. This entrance is even closer to that curve. She felt consideration should be given to decreasing the number of units to reduce the traffic on S. Broadway.

Warner Kercival, The Seasons, spoke regarding the traffic. There is a cliff along S. Broadway as one approaches the proposed entranceway. Visibility is very limited. He asked who has responsibility for traffic control, the City or the County. Neither entity has been willing to claim responsibility. He was concerned with the environmental impact on the area. There are consequences of a major sewer spill into wetlands. Deer will be driven out of the area. He questioned who would pay for possible action by the EPA if a lawsuit should be filed.

Terry Dixon, 423 Wildwood Drive, read from the file an Army Corps of Engineers letter that suggests the access should be obtained to the north of the property. The access onto S. Broadway causes her concerns about safety. There have been five accidents. There is a bridge by S. Broadway. Part of the flooding washes out this area and is caused partially by debris under the bridge. Wildwood Drive has been completely washed out because of flooding in the area. A road in the immediate vicinity would be the only access for this subdivision. It would jeopardize the initial lots as planned. Regarding estate planning, 2.5 acres unit were emphasized, but some of the lots are just over 1 acre in size.

Dane Ennis, 2110 ½ Desert Hills Road, was concerned about the lift station. There are two lakes and two other ponds in the area. The area has quite a few brownouts, two or three that have lasted more than two hours. They enjoy fishing in the ponds. The elevation of the homes will block their views. The aesthetic value of the property means a lot to him.

Michael Maiella, 2112 Desert Hills Road, said at Planning Commission hearing to approve the Preliminary Plan, it was stated that new access had been obtained on S. Broadway and with that the roadway would be so wide, a lift station would be installed, etc. This piece of property at the wetlands will be deeded to the City and would not be part of the development. Rumors since that meeting are that due to the sewer line, there is a need for a gravel service road and a bike path up Desert Hills Road. He was concerned with the Desert Hills access. Any access is still tearing up the wetlands which was the previous problem with Council. The zone does give some expectations. The petitioner keeps using 2114 Desert Hills Road

as their address. If the developer is sincere about not using Desert Hills Road as an access, that address should not be used.

Dawn Maiella, 2112 Desert Hills Road, spoke representing the Antons and was concerned with damage or disturbance to the wetlands, and requested it be avoided at all costs. They didn't want to stifle development, but felt bad development should not be allowed.

Jan Whiting, 478 Seasons Court, said the water table is high in the area. She has talked to builders that say any development should be built on pylons. She felt such construction building would require much higher building costs.

Harley Armstrong, was concerned with the proposed access to S. Broadway. There is a bad "s" curve there because of Riggs Hill. He was afraid if accidents occur at that intersection, there may be pressures to bulldoze out that curve and straighten it out.

Martha Haven, 463 Seasons Drive, said Al Look is the paleontologist who found these dinosaurs on Riggs Hill and felt if Mr. Look were alive he would not agree with the development in the area.

Floyd Unfred, 2107 Desert Hills Road, was concerned with the elevation difference between the bottom of Lime Kiln Gulch and the gravity sewer at Tiara Rado. He asked if the lift station is capable of lifting the sewer 80 feet. The needs for sewer at the Desert Hills location are all west of the S. Broadway/Desert Hills intersection. Only two homes would be served currently if the sewer were to go down Desert Hills Road. He also wondered if the Army Corps of Engineers will allow tearing up the wetlands when it's not necessary. He also asked if the City is going to allow construction of the utilities to the property prior to the Final Plat Plan approval.

Warner Kercival said some of the previous discussion leads him to believe that a lot of talk about sewage flow by gravity is conjecture at this point. He drove into the area this afternoon and found a survey crew at work. The crew said they were determining the grade of the land to see if it is feasible for sewage to flow by gravity. He felt a lot of the facts regarding sewer given tonight may not be necessarily so.

Maggie Unfred, 2107 Desert Hills Road, asked who is responsible for making Desert Hills Road a viable roadway if the sewer is built. Councilmember Theobold said it is a County road. It is a City/County sewer, but not a City road. He suggested she talk to the County Commissioners about maintenance of the road.

Matt Cunningham, S. Rim, owner of 18 acres north of this property, a developer, said the real question goes back to the Growth Plan. He felt this plan is not good planning, but about money. This plan is too dense. The real density on this

property is 1.5 acres per home, not 2.5 acres per home. The Growth Plan designated this property at 5 to 35 acres per lot. This was not a mistake. Mr. Cunningham did not like speaking against growth because growth is inevitable. This property, however, is unique. Statements have been made about the paleontology value of this property, wetlands and drainage. He is restoring wetlands on his property. This application for a Growth Plan Amendment is doubling the density, and will allow him to build 7 houses on his property. He pointed out the original application that was denied was for 19 lots. They now have 22 lots. There are great visual impacts on the entire area and there are significant soil and drainage problems. There is no detention pond on this property, and it defies all the development rules. He guaranteed Council they will receive future applications as a result of approval of this application.

Roxanne Lewis, 2183 Canyon View Drive, said she uses Riggs Hill often. Dinosaur findings are relevant to the tourism in the Grand Valley. She asked the developer to use an archaeologist at the time of excavation in case there are any finds in order to hold off on development at that time. She agreed with Mr. Cunningham that the plat does not show cluster development. If the density is approved, she felt the developer should pay for the road improvements from the development to South Camp Road.

There were no other public comments.

Rich Livingston, attorney for the petitioner, said there is significant confusion on this property. Some felt the property was owned by BLM, others thought it was part of Riggs Hill, and some thought it was owned by the City. He felt that the lack of knowledge about the true ownership of this 56-acre tract is absolute proof that there was an error at the time the Growth Plan and Future Land Use Map were adopted. Such confusion could have easily led to an erroneous rural designation for this parcel. Once the property is annexed, the City must zone the property within 90 days. A planned zone puts the controls to the City with the ability to address every one of the development concerns voiced this evening. The applicant presented the application under the City's procedures. They did not intend to avoid or hide from Council or the public how they plan to develop the property. The Planning Commission and Staff recommend approval, and the City's Public Works Director has indicated the traffic standards have been met and the Traffic Impact Fees will be paid. He felt the City's Utilities Engineer's comments on the sewer system indicate that assuming appropriate authority can be received from all regulatory agencies, including the Army Corps of Engineers, a system can be installed in that location with a line down the right-of-way for Desert Hills. The applicant has no intention of doing any development on the Desert Hills Road right-of-way. He said the right-of-way west of Lots 4 and 5 is an open-space tract deeded to the City of Grand Junction if the plat is approved. The installation of the sewer line is the responsibility of the developer. Once the warranty period has expired, the sewer line will belong to the City, and any future maintenance of the line is the responsibility of the City of Grand Junction. Mr. Livingston said both

the Growth Plan and the Persigo Agreement must be considered in the context and the timing of how both evolved. When Council entered into the Persigo Agreement, they agreed with Mesa County that all property within the 201 was to be developed to urban standards, and pursuant to Grand Junction's codes, rules, regulations and agreements. If the rural zone stays, then there are eleven parcels and sewer will have to be installed. He felt it made sense to deal with sewer for the entire basin and work a system that will handle the entire area. He asked Council to consider what is the affect on a failing septic system on the wetlands versus putting a sewer system in place that is properly designed and engineered that will carry the sewage for treatment to Persigo.

There were no other comments. The hearing was closed at 11:45 p.m.

Councilmember Spehar asked about the accel/decel lanes and capacity issues on S. Broadway related to existing developments in the area. Public Works Director Mark Relph said engineering design standards has specific criteria for accel/decel lanes. It is based on the amount of vehicles in the area as well as the speed. The development does not even come close to approaching the need for accel/decel lanes. Regarding the spacing of the left turn pockets, the Wildwood left turn pocket is probably more important because there is a lot of flexibility in the actual pockets between the two intersections. The City and County have looked at the capacity of S. Broadway. It is a collector street, not an arterial. The traffic volumes, long term, will not approach anything like they are on Broadway. A two-lane road section with left turn pockets at intersections will be sufficient for many years to come. There are alignment problems with some of the curves, but for the most part, they are considering a collector street section for S. Broadway long term.

Councilmember Spehar asked about the water flow in the vault, and potential problems with flooding. Trent Prall said the lift station will not be placed in the wetlands, it will be adjacent to the wetlands as delineated by the Army Corps of Engineers. Being outside the 100-year floodplain will be determined by the project engineer. The spills that have occurred on the very largest lift stations in the Valley. The only way the 500 homes would come up in this basin would be if the 201 amendment did not delete the area south of Wildwood and the current zoning on those properties was acknowledged. The City is taking precautions with the power system. The impact of the lift station will be somewhat minimal. He said Mr. Livingston was correct as far as the existing septic systems in the area. The wetlands would be an ideal place for spills to occur because it breaks down pollutants from storm drainage and leach fields.

Councilmember Theobald asked about the gravel access road through the wetlands. Mr. Prall said the City is not interested in such a road. The only access would come from inside the subdivision to the site. Any access to the manholes would be Desert Hills Road.

Councilmember Scott asked if they are asking for 1 dwelling every 2.5 acres. Mr. Cunningham had said none of the lots were large enough. Councilmember Theobold said the 2.5 acres is a gross density. Dividing the 56 acres by 22 units would give an average lot size that will reflect a net density that is smaller than 2.5 acres.

Councilmember Terry said the real issue is should the Growth Plan be amended. She felt it was an important issue and a big decision for Council, and is not taken lightly. Council tries to adhere to the Growth Plan as much as possible. She believed the Plan was not wrong. It was difficult for her to agree that this should be two acre parcels. It conflicts with the Persigo Agreement. There are insurmountable topographical concerns in the area. She felt Council should stay with the original designation. She had seen no good reason to approve the proposed plan at 2 to 5 acres.

Councilmember Theobold said Council must either amend the Growth Plan or remove this area from the 201 boundary. Councilmember Terry agreed that is a possibility. However, there are dilemmas presented to Council that prevent them from adhering strictly to the two-acre parcels. Councilmember Theobold didn't see any latitude.

Councilmember Spehar said if Council has no gray area, then it is unfortunate because there are unique areas. He felt Council needs to allow some discretion. It was hard for him to agree with a Growth Plan Amendment. The property owner knew the zone was in place when it was purchased. There is no shortage of estate zoning across the community. There are other rural areas scattered around. He accepted the statistics on the road but was still concerned with some of the issues. He didn't consider this plan compatible with the surrounding zones. He didn't see an error in the original characterization. He didn't see substantial change. The rezone criteria have created room for a variety of densities. He considered this a unique area and could not support the Growth Plan Amendment.

Councilmember Theobold said the latitude he has spoken of is not a zoning issue but a lot size issue. The urban density, as defined by the Persigo Agreement, is a two- acre lot or smaller. The average net lot size is still two acres or less. That development concept would meet the Persigo Agreement tenets. If it is to be left at no smaller than five acres, 11 homes instead of 22, it can't meet the Persigo Agreement with five-acre lots. The topography of this parcel would not allow it to be divided into five-acre lots.

Mayor Kinsey said the City's practice is to zone annexed property to the current County zoning which is 4 units/acre. Even though they are asking for an increased designation in the land use plan, they are actually asking for a considerable downzone. He felt that was good. The County zoning is 4 units per acre. He said Monday night Council was considering taking properties out of the 201, residents from the Wildwood and this area said the Growth Plan does not count, the zoning

counts. Tonight everyone is saying the zoning doesn't count, but the Growth Plan does. It depends on the situation.

City Attorney Wilson said the net affect of a straight zone will cause the loss of the Broadway access. It is an existing platted dedicated road right-of-way. From a legal perspective on a straight zone, the developer has the option of going south if they reached a deal with the Rump property owners. They have legal access to the west. Also the fact that the developer submitted a plan at Staff direction which actually gave the opposition more ammunition to oppose the Growth Plan Amendment. Regarding the Persigo Agreement, he endorsed the less than two acre lot size, but there is flexibility.

Councilmember Payne said he would rather amend the Growth Plan than go against the Persigo Agreement. What difference will 11 homes versus 22 homes with sewer make. This is a downzone from RSF-4 to 2.5 acres per unit. He supported this plan.

Councilmember Enos-Martinez said the property could be left as open space if the property owners buy it and leave it open. She was more inclined to amend the Growth Plan rather than go against the Persigo Agreement.

Councilmember Scott agreed with amending the Growth Plan.

a. Growth Plan Amendment

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote with Councilmembers **SPEHAR** and **TERRY** voting **NO**, the Growth Plan was amended to change the designation from Residential Rural to Residential Estate for Desert Hills Estates.

Councilmember Terry said as strongly as she supports the Persigo Agreement, she knew she is not in violation. If there is agreement to not do what Council just accomplished in its motion, she supported removing this property from the 201 boundary. She felt it is an appropriate property to not be in the 201 boundary.

b. Zoning Ordinance

Discussion

Councilmember Theobold said this is private property and Council can't take it away. The issue is not about view protection, or about somebody making money. The City can't buy every property that neighbors don't want developed. The wildlife is a valid point, but it was everywhere before other homes were built. He saw this as a clustered development because this plan leaves a tremendous amount of open space, far more than the normal requirement.

Councilmember Spehar asked if Council has the ability to deal with acreage requirement in the PR zone. City Attorney Wilson answered yes.

City Attorney Dan Wilson said the nature of a planned zone is dealing with bulk requirements. A decision must be consistent with the Preliminary Plan because of the City's process.

Councilmember Theobald said Council needs some guiding language in its Code and process to deal with unbuildable areas or limited buildable areas.

Kathy Portner, Community Development Department, said the zoning ordinance could contain bulk standards, setting overall density. They could meet the 2 acres or less. A minimum lot size would kill the plan.

Ordinance No. 3219 – An Ordinance Zoning a Portion of the Desert Hills Estates Annexation No. 1 to PR

Upon motion by Councilmember Theobald, seconded by Councilmember Spehar and carried by roll call vote with Councilmembers **TERRY and KINSEY** voting **NO**, Ordinance No. 3219 was adopted on second reading, with a maximum lot size of less than 2 acres, per the Persigo Agreement, and ordered published.

ANNUAL APPROPRIATIONS FOR THE YEAR 2000

The year 2000 total appropriation for all thirty-five accounting funds as budgeted by the City (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$84,029,683. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution. Fund balances are projected to decline over the two-year period (1/1/2000 through 12/31/2001) as planned expenditures are \$1.25 million higher than projected revenues. Also included is the City-County joint resolution approving the 2000-2001 Biennial Budget for the Joint Sewer System.

The hearing was opened at 12:35 a.m., on Thursday, December 16, 1999.

Ron Lappi, Administrative Services Director, reviewed the ordinance briefly.

Councilmember Terry noted that Council has spent many hours previous to this hearing discussing this item.

There were no public comments. The hearing was closed at 12:35 a.m.

a. Appropriations Ordinance

Ordinance No. 3220 - Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand

Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2000, and Ending December 31, 2000

b. Resolution Adopting Budget for 2000 and 2001

Resolution No. 153-99 – A Resolution Adopting the Budget for the Purpose of Defraying the Expenses and Liabilities for the Fiscal Years Ending December 31, 2000 and 2001

c. Resolution Adopting 2000-2001 Budget for Persigo Sewer System

Resolution No. 154–99 – A Resolution Approving the 2000-2001 Biennial Budget for the Persigo Sewer System, Including Charges and Fees

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3220 was adopted on second reading and ordered published, and Resolutions No. 153-99 and No. 154-99 were adopted.

OTHER BUSINESS

Mayor Kinsey said Council needs to address the year-end evaluations and suggested scheduling an executive session for the first meeting of the year 2000.

ADJOURNMENT

The meeting adjourned at 12:38 a.m. on Thursday, December 16, 1999.

Stephanie Nye, CMC
City Clerk

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

January 5, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of January, 2000, at 7:35 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Steve Johnson, Living Hope Evangelical Free Church.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS TO NEWLY APPOINTED PLANNING COMMISSION MEMBERS

PRESENTATION OF CERTIFICATES TO NEWLY REAPPOINTED HISTORIC PRESERVATION BOARD MEMBERS

REAPPOINTMENTS TO VISITORS & CONVENTION BUREAU BOARD OF DIRECTORS

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried, Robin Kleinschnitz and Wade Haerle were reappointed to the Visitor and Convention Bureau Board of Directors for three-year terms.

CITIZEN COMMENTS

Mesa County Substance Abuse Summit

Dr. John Bull and Ruth Michaels, Mesa County Substance Abuse Task Force, to discuss the upcoming Mesa County Substance Abuse Summit. Neither speaker was present for comment.

Homeless

Mary Salinas stated she has been homeless for two years. She is the only spokesperson for the homeless. She came with a message of hope regarding the homeless. She said dollars are being spent on the homeless but they aren't getting any of it. She felt no one locally realizes the scope of things. She felt cheap housing is needed.

Mayor Kinsey said Council recently approved a CDBG contract specifically for a homeless shelter. The Housing Authority is collaborating with several agencies throughout the City to build a new homeless shelter. He said the Housing Authority is aware of the need for affordable housing and they work on it constantly. He felt Ms. Salinas should contact that agency. He said Council will continue to emphasize the importance of providing refuge for the homeless to the Housing Authority. He appreciated Ms. Salinas's concern for the homeless. Ms. Salinas thanked Council for their time.

CONSENT ITEMS

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, the following consent items #1 through #13 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Special Meeting December 13, 1999

2. **Annual Designation of the Location for the Posting of Meeting Notices, the 2000 City Council Meeting Schedule and the Special Meeting Procedure**

State law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-00 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule and the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-00

3. **Notice of Election for the Special Election to be Held on February 1, 2000**

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 02-00 – A Resolution Setting Forth the Notice of Election for the Special Municipal Election to be Held on February 1, 2000 in the City of Grand Junction

Action: Adopt Resolution No. 02-00

4. **Renewal of Hazardous Materials Intergovernmental Agreement**

Since 1992, the County has provided funding for the City to respond to emergency incidents involving releases of hazardous materials in the County as the Designated Emergency Response Authority (DERA). The County also provides funding for the City to manage the federally mandated Superfund Amendment Reauthorization Act (SARA) program that deals with hazardous materials in manufacturing, transportation, and storage in controlled environments.

Action: Approve the Renewal of the Hazardous Materials Intergovernmental Agreement

5. **Growth Plan Amendment for Desert Hills Estates Located at 2114 Desert Hills Road** [File #ANX-1999-204]

Request for a Growth Plan Amendment from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit for Desert Hills Estates, consisting of 22 single family lots on approximately 56 acres.

Resolution No. 07-00 Amending the Growth Plan of the City of Grand Junction (Desert Hills Estates)

Action: Adopt Resolution No. 07-00

6. **Setting a Hearing on Zoning High Pointe Estates Annexation PR-2, Located at 2462, 2462 ½ and 2464 Broadway** [File #ANX-1999-228]

Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

Proposed Ordinance Zoning High Pointe Estates Annexation PR-2

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000

6. **Setting a Hearing on Zoning Coventry Club Annexation to PR-17.83, Located at Arlington Drive, North of Quincy Lane** [File #ANX-1999-247]

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a

residential unit, therefore increasing the number of units to 51. The requested zoning is PR. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-16.83.

Proposed Ordinance Zoning Coventry Club Annexation to PR-17.83

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000

7. **Setting a Hearing on Zoning Broome Annexation to C-1, Located at 3090 I-70B** [File #ANX-1999-263]

The Broome Annexation area consists of two parcels of land, Lots 3 and 6, 31 Road Business Park Subdivision, 2.12 acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

Proposed Ordinance Zoning Broome Annexation to C-1

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000

8. **Setting a Hearing on Crowe Annexation, Located at the Southeast Corner of I Road and 26 ½ Road** [File #ANX-1999-271]

The 41.51-acre Crowe Annexation area consists of one parcel of land located at the southeast corner of I Road and 26 ½ Road and including portions of the I Road and 26 ½ Road rights-of-way. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment.

a. **Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 04-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Crowe Annexation Located at the Southeast Corner of I Road and 26 ½ Road and Including a Portion of the I Road and 26 ½ Road Rights-of-Way

Action: Adopt Resolution No. 04-00 and Set a Hearing for February 16, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crowe Annexation, Approximately 41.51 Acres, Located at the Southeast Corner of I Road and 26 ½ Road and Including Portions of the I Road and 26 ½ Road Rights-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000

10. **Setting a Hearing on Webb Crane Annexation, Located at 761 23 ½ Road** [File #ANX-1999-277]

The 24.75-acre Webb Crane Annexation area consists of three parcels of land located at 761 23 ½ Road. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment and rezoning of this parcel.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 05-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Webb Crane Annexation Located at 761 23 ½ Road and Including a Portion of the 23 ½ Road and I-70 Right-of-Way

**Action: Adopt Resolution No. 05-00 and Set a Hearing for February 16, 2000*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Annexation, Approximately 24.75 Acres, Located at 761 23 ½ Road and Including a Portion of the 23 ½ Road and I-70 Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000

11. **Setting a Hearing on Robertson Annexation, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way** [File #ANX-1999-269]

The 3.80-acre Robertson Annexation area consists of two parcels of land. The southern most parcel contains a single family residence and is proposing adjusting its northern most property line to acquire additional real estate. The remaining parcel, which has one single family residence existing, will be subdivided into 3 residential lots. The owners of the properties have signed a petition for annexation.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 06-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Robertson Annexation Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

Action: Adopt Resolution No. 06-00 and Set a Hearing for February 16, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Robertson Annexation, Approximately 3.80 Acres, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000

12. **Setting a Hearing on Rezoning Garrett Estates from PR-21 to RSF-8, Located at the Northeast Corner of 25 Road and F ½ Road**
[File #RZP-1999-252]

In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55-lot subdivision, the applicant requests to rezone the parcels from PR-21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivision to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

Proposed Ordinance Rezoning Property to be Known as the Garrett Estates, Located at the Northeast Corner of 25 Road and F ½ Road, from PR-21 to RSF-8

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000

13. **Ratifying Acceptance of GOCO Grant for Westlake Park**

At the December 15, 1999 City Council meeting, the Council authorized the City Manager to sign the \$75,000 Grant Contract with Great Outdoors Colorado (GOCO). This resolution ratifies that action in order to satisfy grant funding requirements.

Resolution No. 10-00 – A Resolution Authorizing and Ratifying an Agreement between the City of Grand Junction and the State Board of the Great Outdoors Colorado Trust Fund

Action: Adopt Resolution No. 10-00

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

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

OPPOSING FEDERAL LEGISLATION PROHIBITING THE COLLECTION OF STATE AND LOCAL SALES AND USE TAXES ON REMOTE SALES

Electronic commerce, growing rapidly in popularity with consumers, has begun to impact state and local sales tax revenue. Steps need to be taken to ensure that the City can continue to provide quality services to its citizens and that out-of-town vendors do not have an unfair tax advantage over local retailers.

Ron Lappi, Administrative Services Director, reviewed this item. He explained that this is an important issue. The resolution was prepared at the request of the Colorado Municipal League with added support from various national government organizations. These organizations serve the needs of citizens and taxpayers at the State and local level. The issue is the potential and continued significant loss of local sales and use tax revenue on remote sales, both catalog sales and internet sales which is the fastest growing form of commerce today. The remote sellers have no duty to collect the sales and use taxes that are due. Local governments such as the City have no ability to force that collection since the sellers have no presence in the community. It is not a tax on the internet at all. It is requiring remote vendors to collect the tax that is already due from the consumption of tangible, personal property. It is unfair to the bricks and mortar stores that do collect the tax.

Sales tax is Grand Junction's most important source of revenue. Approximately \$30 million is collected representing 70% of the City's general government resources. It is used to fund most of the City's common services. Colorado's most reliant tax source is sales and use tax, not property tax or income tax. Many legislators don't realize the importance of the sales and use tax to local

governments. They believe cities are either being greedy or really don't need the funding. This is untrue. It is a material loss of revenue. The City is not instituting a new tax on any type of commerce. The tax is already due, there just is no ability to collect it.

The resolution opposes federal legislation that prohibits the collection of such taxes. He explained one method by which such taxes might be collected through a third party organization that will calculate the tax due, accept the remittance and then distribute it to the various jurisdictions appropriately. The CML believes this is a viable solution as long as the federal government does not pass legislation saying cities cannot collect sales and use tax from interstate commerce or from catalogue sales.

Councilmember Scott inquired if the third party vendor would charge a small fee. Mr. Lappi said yes, as is done already with vendors. The merchants are currently paid 3.33% for collecting and remitting the City's sales tax.

Councilmember Payne said TV sales should also be included. Mr. Lappi said remote sales over the TV, credit card phone calls, and all remote commerce will be treated the same as bricks and mortar local businesses.

The State government would also be affected as sales tax is a major revenue source at that level, affecting the ability to fund education and important highway projects throughout the state. A twelve-fold increase in interstate internet commerce in the next five years is really significant.

Councilmember Theobald noted that since the federal government does not deal with sales tax they don't care about this issue. He said the time could come when every local merchant will set up a computer in their store and a customer would walk over to the computer and buy it on the internet, and nobody will be collecting sales tax. Mayor Kinsey said the federal government may some day determine that these sales are interstate commerce and will also tax it.

Councilmember Terry thought the City should send correspondence to local businesses, School District #51, the Chamber of Commerce, and the Downtown Association to educate them on the issue to prompt some discussion with them. Councilmember Spehar thought other jurisdictions that rely on sales tax revenue should also be advised of Grand Junction's actions. Councilmember Theobald said Club 20 should also be advised. Mr. Lappi said he would prepare such correspondence for the Mayor's signature.

Resolution No. 03-00 – A Resolution Opposing Federal Legislation Prohibiting the Collection of State and Local Sales and Use Taxes on Remote Sales

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Resolution No. 03-00 was adopted.

EMINENT DOMAIN ACTIONS

Determining the necessity of and authorizing acquisition of certain real properties.

Dan Wilson, City Attorney, reviewed these items. He explained that one action had been settled prior to this meeting. Both these items were scheduled six weeks ago and oral agreement was reached with the attorneys for both sides. It was removed from the Council agenda believing a final arrangement had been agreed to. Mr. Wilson said they are still in agreement, but one other signature is still needed on the second item. Signatures were received on the first item this afternoon. It is thought the second item will still be resolved but this authorizes going forward if necessary. The project is such that the City does not have time to wait for the last signature. Independently, the City needs to be able to file the lawsuit. If Council authorizes the resolution, it will take one or two additional days to obtain signatures. A complaint will then have to be filed asking the District Court to give a date for the immediate possession hearing so the project can go forward without delaying the schedule.

Councilmember Spehar clarified that the right-of-way acquisitions along 24 Road have been resolved. Still at issue is the project planned at approximately G Road and 27 Road. City Attorney Wilson concurred.

a. For Construction of 24 Road

Resolution No. 08-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Real Property Owned by WDM Corporation Located at the Southwest Corner of G Road and 24 Road

(This item was settled this afternoon with final signatures, thus no need for adoption of Resolution No. 08-00.)

a. For Property at Horizon Drive, G Road and 27 ½ Road

Resolution No. 09-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Real Property Owned by Emanuel Epstein and Jimmy Etter for Property Located at the Southern Intersection of Horizon Drive, G Road and 27 ½ Road

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 09-00 was adopted.

EXECUTIVE SESSION

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried, Council went into executive session to discuss personnel issues at 8:05 p.m. with Council not intending to reconvene.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Stephanie Nye, CMC
City Clerk

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 10, 2000

Author: Patricia Parish

Title: Associate Planner

Presenter Name: Same

Title: Same

Subject: VR-1999-288, Right-of-Way Vacation – South Commercial Drive

Summary: The City of Grand Junction is requesting vacation of a 10' portion along the west side of a 60' right-of-way known as South Commercial Drive.

Background Information: The applicant, the City of Grand Junction, is requesting vacation of the western 10' of a 60' right-of-way. This right-of-way is known as South Commercial Drive. Due to an error on the site plan approved for the Senior Care Services expansion, located at 565 South Commercial Drive, the parking and landscaping were incorrectly installed. After Staff's research into the area, it was discovered that a theme of non-compliance existed along the entire length of the road.

Planning Commission forwarded a positive recommendation for the right-of-way vacation to the City Council at its January 11, 2000 meeting.

Budget: N/A

Action Requested/Recommendation: Adopt the ordinance formally vacating the 10' right-of-way.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? {14} No Yes, When _____

Placement on agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop

site plan approved for the Senior Care Services expansion, located at 565 South Commercial Drive, the parking and landscaping were incorrectly installed. Because of this condition, the Certificate of Occupancy was not signed-off by the Planning Staff. After Staff conducted more research into the area, a theme of non-compliance, when measuring the landscaping and parking from the right-of-way along South Commercial Drive appeared to have been repeated the entire length of the road. The utility companies, US West and TCI Cablevision, have commented that utility lines exist in the right-of-way and the City of Grand Junction will reserve a multi-purpose easement for the 10' width of the proposed vacated right-of-way.

Findings of Review:

The vacations must meet several criteria as set forth in Section 8-3 of the Zoning and Development Code. The response to these criteria is listed below:

- **Landlocking** – Vacation of a portion of the right-of-way will not landlock any parcel of land.
- **Restrictive Access** – The vacation of a portion of the right-of-way will not restrict access to any parcel.
- **Quality of Services** – The proposed vacation of a portion of the right-of-way will not have adverse impacts on health, safety, and/or welfare of the community and does not reduce the quality of public services provided to any parcel of land.
- **Adopted Plans and Policies** – There are no adopted plans and policies pertinent to this type of vacation request.
- **Benefits to the City** – There will be no effective change to the City since no City utility lines are in the right-of-way. Although Public Service of Colorado, US West and TCI lines are within the 10' right-of-way, when the City reserves the multi-purpose easement, this will not affect the communities' benefits from these services. Other service providers have no objection.

The project meets the criteria for a right-of-way vacation.

STAFF RECOMMENDATION: Approval of the request to vacate the western 10' of the 60' right-of-way known as South Commercial Drive (see Exhibit A) with the condition that the City reserve a multi-purpose easement.

PLANNING COMMISSION RECOMMENDATION: A positive recommendation subject to the condition recommended by Staff.

CITY OF GRAND JUNCTION

Ordinance No.

VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR SOUTH COMMERCIAL DRIVE BETWEEN WEST PINYON AVENUE AND NORTHGATE DRIVE

Recitals:

This ordinance vacates the western 10 feet of a 60-foot wide right-of-way on South Commercial Drive. All relevant utility companies have agreed to the vacation and the Staff recommends approval with the condition that a multi-purpose easement be reserved by the City prior to the vacation being effective.

The Planning Commission has heard and considered the request and found that the criteria of the Code has been met. The Planning Commission recommends that the vacation be approved.

NOW, THERE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION;

1. That the following described public right-of-way is hereby vacated:

That portion of an existing 60 foot right-of-way situated on South Commercial Drive in the City of Grand Junction, more particularly described as:

A strip of land currently dedicated as a part of South Commercial Drive as platted on Westgate Park Subdivision, situate in the NW $\frac{1}{4}$ of Section 10, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the southeast corner of Lot 1 of Commonwealth Subdivision as found recorded in Plat Book 15 at Page 173 of the records of the Mesa County Clerk and Recorder (said southeast corner of Lot 1 also being the northeast corner of Lot 8, Block 5 of Westgate Park Subdivision as found recorded in Plat Book 12 at Page 134 of the records of said Mesa County Clerk and Recorder); thence N 00°06'00" W along the west right of way line for South Commercial Drive a distance of 137.01 feet to a point; thence 31.38 feet along said west right of way line and arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 89°54'00" and a long chord bearing N 45°02'52" W a distance of 28.26 feet to a point; thence leaving said west right of way line N 90°00'00" E a distance of 22.36 feet to a point; thence along a line 10.00 feet east of and parallel with the west right of way line for said South Commercial Drive the following 3 courses:

- 1) 21.84 feet along the arc of a curve concave to the southwest, having a radius of 30.00 feet, a delta angle of 41°42'37" and a long chord bearing S 20°57'19" E a distance of 21.36 feet to a point;
- 2) S 00°06'00" E a distance of 645.70 feet;
- 3) 18.90 feet along the arc of a curve to the right, having a radius of 30.00 feet, a delta angle of 36°05'43" and a long chord bearing S 17°56'52" W a distance of 18.59 feet;

thence leaving said line S 84°11'06" W a distance of 22.36 feet to a point north right of way line for West Pinyon Avenue; thence along the west right of way line for South Commercial Drive the following 2 courses:

- 1) 29.42 feet along the arc of a curve concave to the northwest, having a radius of 20.00 feet, a delta angle of 84°17'06" and a long chord bearing N 42°02'33" E a distance of 26.84;
- 2) N 00°06'00" W a distance of 508.70 feet to the point of beginning, containing 6906.82 square feet more or less.

2. That the City hereby reserves and retains unto the City a Perpetual Multi-Purpose Easement, on, along, over, under, through and across the entire portion of the hereinabove described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as a perpetual easement for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, water lines, telephone lines, storm drainage facilities, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities, street lighting and grade structures.

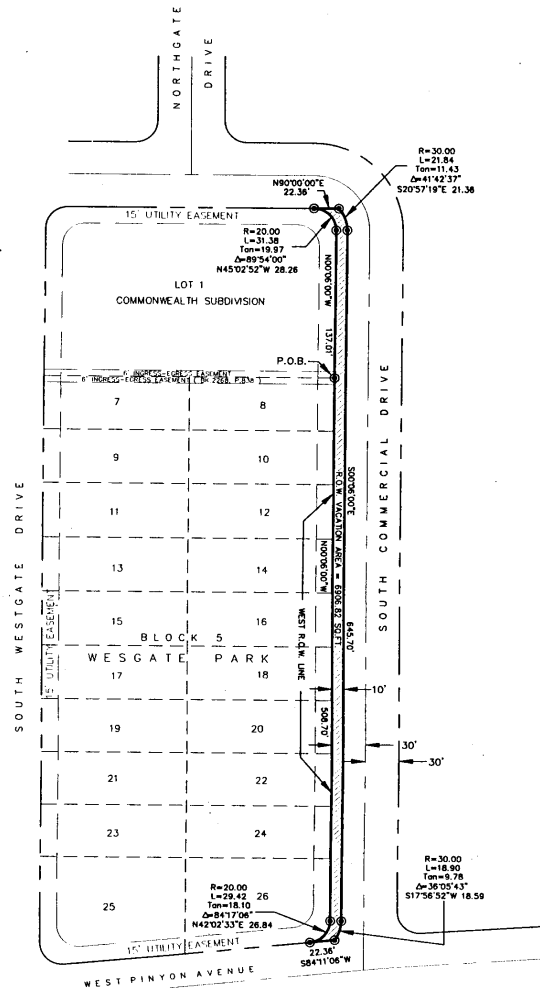
PASSED and ADOPTED this ____ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

EXHIBIT "A"



DRAWN BY: SRP
 DATE: 11-23-99
 SCALE: 1" = 100'
 APPR. BY:
 FILE NO: patricia2.dwg

RIGHT-OF-WAY DESCRIPTION MAP
 SOUTH COMMERCIAL DRIVE R.O.W. VACATION

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION

Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 19, 2000

Author: Lisa Gerstenberger

Title: Senior Planner

Presenter Name: same

Title:

Subject: File No. RZ-1999-278, Community Hospital Medical Park.

Summary: First reading of an Ordinance to amend the list of permitted uses for the PB, Planned Business zone district, for Community Hospital Medical Park, to include a day surgery center.

Background Information: See attached

Budget: N/A

Action Requested/Recommendation: Approval of ordinance.

Citizen Presentation: Yes No. If yes,
Name

Purpose _____

Report results back to Council? No Yes, When _____

Placement on agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration Workshop

CITY OF GRAND JUNCTION

DATE: January 19, 2000

CITY COUNCIL

STAFF PRESENTATION:

Lisa Gerstenberger

AGENDA TOPIC: RZ-1999-278, Community Hospital Medical Park-First reading of an ordinance to amend the list of permitted uses in the PB, Planned Business zone district.

SUMMARY: First reading of an ordinance to amend the list of permitted uses in the PB, Planned Business zone district, to allow hospitals.

ACTION REQUESTED: Approval of first reading of the ordinance.

BACKGROUND INFORMATION:

Location: NW corner of 1st Street and Patterson Road

Applicant: Community Hospital

Existing Land Use: Vacant

Proposed Land Use: Phase One: Day surgery center

Surrounding Land Use:

North: Residential

South: Patterson Road

East: 1st Street

West: Meander Drive

Existing Zoning: PB, Planned Business

Proposed Zoning: PB, Planned Business, amended to allow a day surgery center

Surrounding Zoning:

North: R1A (County)

South: Patterson Road, PR-10

East: 1st Street, PR-12.7 and PR-4

West: Meander Drive, PB, Planned Business

Relationship to Comprehensive Plan: The Growth Plan Future Land Use Map designates this area as Commercial. The proposal is consistent with the Growth Plan.

Staff Analysis:

Project Background/Summary

The proposed site of the Community Hospital day surgery center was annexed and zoned PB, Planned Business in 1991. The property is bounded by existing residential development on the northern property line which is zoned R1A (County), and has road frontage on the southern, eastern and western property lines. The Future Land Use Map of the Growth Plan designates this area as Commercial. When the property was annexed, the Annexation Agreement specified the list of permitted uses for the PB zone district with some listed exceptions. A day surgery center, which is considered to be similar to a hospital in terms of services provided and the potential for overnight patient care, is not listed as a permitted use, and therefore must be approved and added as a permitted use by City Council.

The 5.57 acre site will be developed as a two-phase development. Phase One will consist of a day surgery center of 14,300 square feet on a two acre site. The conceptual plan for Phase Two is for an outpatient diagnostic imaging office and medical office building totaling 45,700 square feet on a 2.90 acre site. (Proposed uses for phase two are currently listed as permitted uses for the PB zone district.)

REZONE CRITERIA:

The Rezone request to amend the list of permitted uses to allow a day surgery center for Phase One must be evaluated using the criteria of Section 4-4-4 of the Zoning and Development Code. The criteria are as follows for Section 4-4-4:

- A. Was the existing zone an error at the time of adoption?** There does not appear to have been an error in the zone of annexation at the time the property was annexed into the City. The list of permitted uses was thought to have been comprehensive for the site at the time of adoption of the zone of annexation to PB, Planned Business; however, it was determined that the proposed use did not meet the definition of any of the permitted uses as originally described in the 1991 Annexation Agreement. The proposed use is in keeping with the list of permitted uses, and in fact may actually have less of an impact than other permitted uses currently allowed for the PB zone district.
- B. Has there been a change in character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The area around this property is used for single family residential uses, commercial use, or is vacant.
- C. Is there an area of community need for the proposed rezone?** The Growth Plan designates this property for Commercial use which would indicate a community need.
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** The proposed rezone is compliant with City

requirements for new development and would not pose adverse impacts to the surrounding areas.

- E. Will there be benefits derived by the community, or area, by granting the proposed rezone?** Yes. The proposed development would provide community services with less impact to the surrounding area than other uses currently allowed in the PB zone district.
- F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?** Yes, the proposed development has been designed to be compliant.
- G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?** Adequate facilities are available in the area and could be reasonably be extended.

STAFF RECOMMENDATION

Staff recommends approval of the Rezone request to amend the list of permitted uses to allow a day surgery center.

PLANNING COMMISSION RECOMMENDATION

Approval of the PB, Planned Business, list of permitted uses amended to allow a day surgery center for the following reasons:

- The amendment meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- The amendment meets the criteria found in Sections 4-4-4 of the Zoning and Development Code.

CITY OF GRAND JUNCTION, COLORADO

Ordinance No.

**AMENDING THE PERMITTED USES IN A PB ZONE
LOCATED AT THE NW CORNER OF 1ST STREET AND PATTERSON ROAD**

Recitals:

The property located at the NW corner of 1st Street and Patterson Road was zoned PB (Planned Business) at the time of annexation. A list of permitted uses was identified in the annexation agreement for the property. Those uses included those allowed in the B-1, B-2 and C-1 zone districts with some listed exceptions. Community Hospital is now proposing to develop the property as a day surgery center and medical offices. This ordinance will clarify the uses allowed in the PB zone district.

The Planning Commission has considered the request and has recommended approval of the proposed uses.

The City Council, having considered the Planning Commission recommendation, finds that the proposed day surgery center and medical offices is in conformance with the Growth Plan and the Zoning and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ALLOWED USES FOR THE PROPERTY DESCRIBED BELOW SHALL BE GENERAL OFFICES, MEDICAL OFFICES AND HOSPITALS:

Lots 1,2,3,4,5 and 6 in Willowdale Subdivision and Beginning 245' N of the SE cor Sec 3 T1S R1W of the UM; N 136.16'; S 87d41'W 178.05'; S 129.97'; S 89d57'E 177.9' to POB; except the E 30' thereof for 1st Street; and except tracts of land conveyed to the City of Grand Junction in deeds recorded April 10, 1989 in Bk 1737 Pg 746 and April 10, 1989 Bk 1737 Pg 747 Mesa County CO.

INTRODUCED for FIRST READING this 19th day of January, 2000.

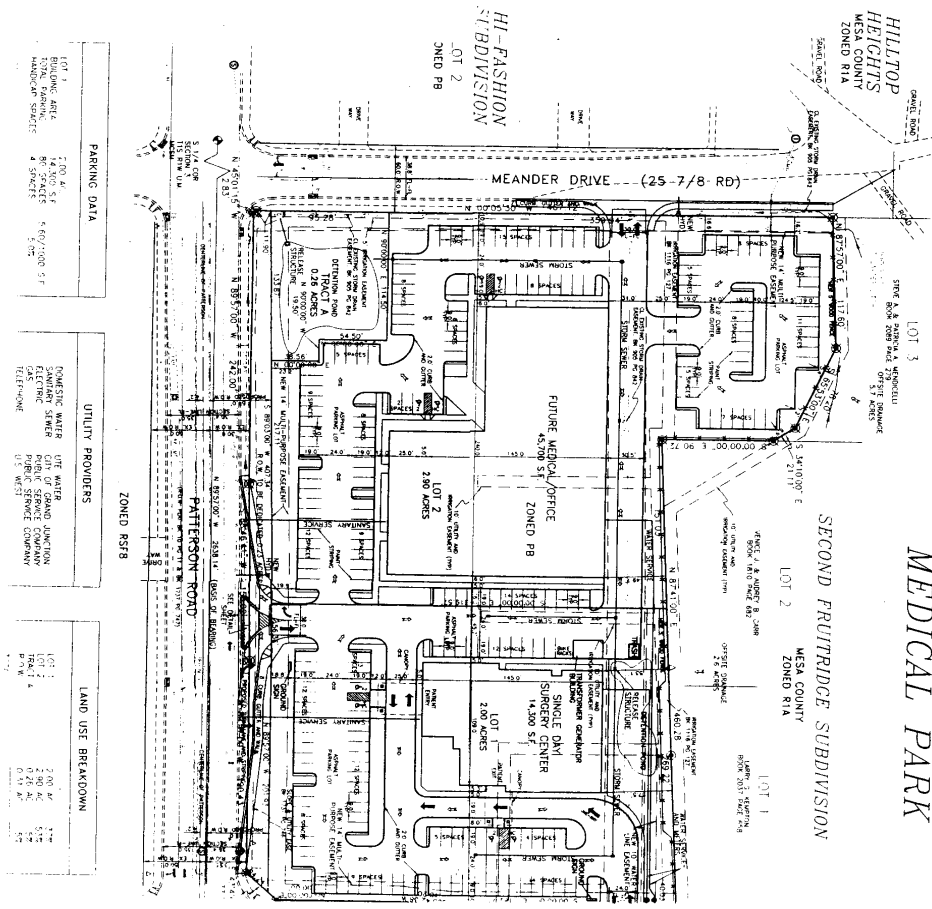
PASSED and ADOPTED on second reading this day of February, 2000.

ATTEST:

City Clerk

President of City Council

COMMUNITY HOSPITAL MEDICAL PARK



PARKING DATA

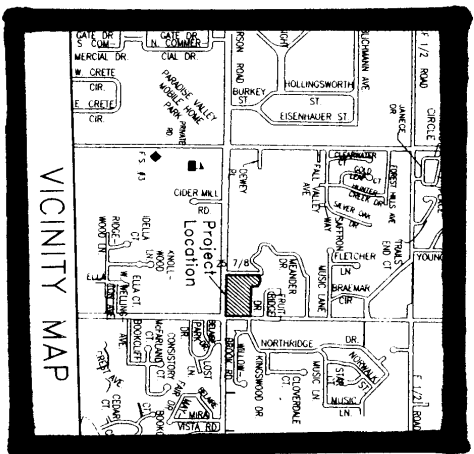
LOT 1	7,000
BUILDING AREA	14,200 SF
TOTAL PARKING	86 SPACES
RESERVED SPACES	8 SPACES

UTILITY PROVIDERS

DOMESTIC WATER	UTI WATER
SEWER	SEWER
ELECTRIC	ELECTRIC
TELEPHONE	TELEPHONE

LAND USE BREAKDOWN

LOT 1	2.00 AC	1.7%
LOT 2	2.00 AC	1.7%
LOT 3	2.00 AC	1.7%
TOTAL	6.00 AC	5.1%



Attach 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date:

January 19, 2000

Date Prepared: January 19, 2000

Author: Lisa Gerstenberger

Title: Senior Planner

Presenter Name: same

Title:

Subject: File No. GPA-1999-275. Zone of Annexation for the Rump Property.

Summary: First reading of the Zone of Annexation ordinance for the Rump Property located on South Broadway.

Background Information: See attached

Budget: N/A

Action Requested/Recommendation: Approval of first reading of the Zone of Annexation ordinance.

Citizen Presentation: Yes No. If yes,
Name
Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration Workshop

CITY OF GRAND JUNCTION **DATE:** January 19, 2000

CITY COUNCIL

STAFF PRESENTATION:

Lisa Gerstenberger

AGENDA TOPIC: GPA-1999-275, Rump Property—First reading of the Zone of Annexation ordinance.

SUMMARY: First reading for a Zone of Annexation of RSF-R for the Rump Property located on South Broadway.

ACTION REQUESTED: First reading of the Zone of Annexation ordinance.

BACKGROUND INFORMATION:

Location: South Broadway

Applicant: Marjorie Rump, Trustee/Marilyn K. Shiveley/Susan Steinbach

Existing Land Use: Vacant

Proposed Land Use: Single Family Residential

Surrounding Land Use:

North: Single Family Residential/Vacant

South: Vacant/Riggs Hill/Single Family Residential

East: Vacant/Single Family Residential

West: Vacant/Riggs Hill/Single Family Residential

Existing Zoning: R-2 (County); R1B (County)

Proposed Zoning: RSF-R, 1 unit per 5 acres

Surrounding Zoning:

North: R-2 (County)

South: R-2 (County)

East: R-2 (County)

West: R-2, PR-4 (County)

Relationship to Comprehensive Plan: The adopted Growth Plan Future Land Use Map designates this area as Residential Rural, 5-35 acres per unit, Park and Residential Low, 1/2 -2 acres per unit. The applicant has requested a Growth Plan Amendment to redesignate this property as Residential Estate, 2-5 acres per unit. The requested Growth Plan amendment is currently under review and will be considered by City Council at its February 2, 2000, meeting.

Staff Analysis:

The Rump property consists of three parcels totaling 29.378 acres located on South Broadway, and was recently annexed by the City at its December 15, 1999, meeting as a part of the Desert Hills Estates Annexation. The three parcels have varied topography which includes steep hillsides with slopes of 30%, wetlands and gently sloping terrain.

ZONE OF ANNEXATION

The applicant has requested a Zone of Annexation for the Rump property as follows: 1) Rump Parcel #1 from R-2 (County) to RSF-E, 1 unit per 2 acres; 2) Rump Parcel #2 from R-2 (County) to RSF-E, 1 unit per 2 acres; and 3) Rump Parcel #3 from R1B (County) to RSF-E, 1 unit per 2 acres.

REZONING CRITERIA:

The Zone of Annexation must be evaluated using the criteria noted in Sections 4-4-4 and 4-11 of the Zoning and Development Code. The criteria are as follows for Section 4-4-4:

- H. Was the existing zone an error at the time of adoption?** This would be a new City zone of annexation with no previous zoning actions taken by the City, therefore, no error in zoning is apparent.
- I. Has there been a change in character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The area around this property is used for single family residential uses or is vacant.
- J. Is there an area of community need for the proposed rezone?** The Growth Plan designates this property for Residential use. The applicant has not provided sufficient information to demonstrate that there is a community need for the requested zones of annexation.
- K. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** The applicant has not provided sufficient information to determine whether or not higher densities could be achieved for the Rump parcels given the physical constraints of the property without imposing adverse impacts.
- L. Will there be benefits derived by the community, or area, by granting the proposed rezone?** The Rump parcels would be developed as infill development, therefore, there could be benefits derived by the community. It is possible that the property could be developed under existing land use designations, with the exception of Rump Parcel #2, which should be redesignated from Park to a more appropriate land use classification.
- M. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive**

Plan), and other adopted plans and policies? The applicant has not provided sufficient information to demonstrate that the requested zones of annexation would meet the policies and intents of the City Code and Master Plan.

- N. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?** Adequate facilities are available in the area and could be reasonably be extended; however, it would be expensive to provide sewer service to Parcel #3.

The criteria are as follows for Section 4-11:

- A. Adverse impacts to the developed density of established neighborhoods shall be considered.** The applicant has not provided sufficient information to demonstrate that higher densities could be achieved other than what is currently permitted.
- B. The relationship of the property to the urban core area or to established subcores shall be considered.** The applicant has not provided sufficient information to demonstrate that higher densities could be achieved for Parcels #1 and #2.

Rump Parcel #1

The only point of access for Parcel #1 would be through the proposed Desert Hills Circle, which is to be constructed with the Desert Hills Estates subdivision. The City of Grand Junction TEDS manual restricts the total number of lots that may be served by Desert Hills Circle to 25 lots. Desert Hills Estates will have 22 lots, which would allow only three lots to be developed on Rump Parcel #1.

The applicant has not demonstrated how a higher density could be achieved for Parcel #1 than what is currently permitted under the existing land use designation. The applicant has not demonstrated how the request for the RSF-E zone of annexation meets the criteria of Section 4-4-4 and 4-11.

Given the limitation of being able to develop only 3 lots, and that the property could be developed under the current Rural designation with a zone of annexation of RSF-R, it is the recommendation of staff that a zone of annexation of RSF-R be assigned to Parcel #1.

Rump Parcel #2

Property to the north of Parcel #2 is currently designated as Residential Rural, 5-35 acres per unit; property to the east is designated as Residential Low, ½-2 acres per unit. Constraints with access and topographical concerns given proximity to Riggs Hill provide challenges to the development of Parcel #2. The applicant has not provided sufficient information to demonstrate how the property could be

developed at densities permitted under a zone of annexation of RSF-E. The applicant has not demonstrated how the request for the RSF-E zone of annexation meets the criteria of Section 4-4-4 and 4-11.

Upon analysis, staff recommends that a zone of annexation of RSF-R be assigned to Parcel #2.

Rump Parcel #3

Property to the west of Parcel #3 is currently designated as Residential Rural, 5-35 acres per unit; property to the south is designated as Residential Low, 1/2-2 acres per unit. Driveways would most likely be restricted or prohibited off South Broadway for lots developed from Parcel #3. There may be areas of wetlands that will present challenges to development and provision of utilities. The applicant has not demonstrated how the request for the RSF-E zone of annexation meets the criteria of Section 4-4-4 and 4-11.

Upon analysis, staff recommends that a zone of annexation of RSF-R be assigned to Parcel #3.

STAFF RECOMMENATION:

Zone of Annexation: Based on information available at this time, it is the recommendation of staff that a zone of annexation of RSF-R would be the most appropriate zone classification, given the physical and topographical constraints with the Rump property. The RSF-R classification still offers the opportunity for the applicant to present a plan for a higher density if it can be shown that higher densities can be achieved. Density requirements are calculated as gross densities and would still allow cluster development on the Rump parcels. Until such time as the applicant submits a development plan for the parcels, staff would not be supportive of a zone of annexation with a higher density than RSF-R.

PLANNING COMMISSION RECOMMENDATION:

Discussion from the Planning Commission was concerned with having some flexibility for the applicant to be able to come back with a development plan that would support a higher density. In the absence of a development plan that demonstrated otherwise, the Commission was concerned that a zone of annexation of RSF-E, as requested by the applicant, had a density level that could not be achieved with the physical and topographical constraints of the Rump property. The RSF-R zone district density level could be achieved, and would still allow the applicant to return with a development plan showing how a higher density could be accomplished.

The Planning Commission recommends approval of the RSF-R, 5 acres per unit, zone of annexation for the Rump property for the following reasons:

- RSF-R zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RSF-R zone district meets the criteria found in Sections 4-4-4 and 4-11 of the Zoning and Development Code.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Ordinance Zoning the Rump Property to the following:

RSF-R, 5 acres per unit

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 applying a RSF-R zone district to this annexation for the following reasons:

- The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area.
- The zone district meets the criteria found in Section 4-4-4 and Section 4-11 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-R zone district be established.

The Planning Commission and City Council find that the RSF-R zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 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 zoned RSF-R, 5 acres per unit, zone district:

Parcel #1: A parcel of land located in the Northwest Quarter of Section 26, Township 11 South, Range 101 West of the 6th P.M., being more particularly described as follows:

Commencing at the North Quarter corner of Section 26, Township 11 South, Range 101 West of the 6th P.M.; Thence South 00 degrees 24 minutes 48 seconds West, a distance of 7.74 feet to the POINT OF BEGINNING; Thence South 00 degrees 25 minutes 20 seconds East, a distance of 1015.10 feet; Thence South 89 degrees 55 minutes 07 seconds West, a distance of 5.00 feet; Thence South 89 degrees 55 minutes 07 seconds West, a distance of 681.63 feet; Thence North 24 degrees 50 minutes 00 seconds West, a distance of 222.64 feet; Thence North 57 degrees 43 minutes 57 seconds West, a distance

of 121.84 feet; Thence South 34 degrees 35 minutes 47 seconds West, a distance of 332.76 feet; Thence South 05 degrees 32 minutes 07 seconds West, a distance of 354.33 feet; Thence South 19 degrees 25 minutes 37 seconds West, a distance of 160.13 feet; thence along the arc of a curve to the left having a delta angle of 5 degrees 22 minutes 37 seconds, with a radius of 325.00 feet, an arc length of 30.50 feet, a chord bearing of North 08 degrees 38 minutes 44 seconds West,, and a chord length of 30.49 feet; Thence North 11 degrees 20 minutes 03 seconds West, a distance of 185.15 feet; thence along the arc of a curve to the right having a delta angle of 12 degrees 41 minutes 09 seconds, with a radius of 275.00 feet, an arc length of 60.89 feet, a chord bearing of North 04 degrees 59 minutes 28 seconds West,, and a chord length of 60.76 feet; Thence North 01 degrees 21 minutes 06 seconds East, a distance of 136.58 feet; thence along the arc of a curve to the right having a delta angle of 16 degrees 31 minutes 42 seconds, with a radius of 175.00 feet, an arc length of 50.48 feet, a chord bearing of North 09 degrees 36 minutes 57 seconds East,, and a chord length of 50.31 feet to a point on the northwesterly Right-of-way line of the Redlands Water and Power Canal; Thence, along said Right-of-way line the following courses; Thence North 17 degrees 52 minutes 48 seconds East, a distance of 54.15 feet; thence along the arc of a curve to the right having a delta angle of 21 degrees 26 minutes 57 seconds, with a radius of 275.00 feet, an arc length of 102.95 feet, a chord bearing of North 28 degrees 36 minutes 16 seconds East,, and a chord length of 102.35 feet; Thence North 39 degrees 19 minutes 45 seconds East, a distance of 120.81 feet; thence along the arc of a curve to the left having a delta angle of 10 degrees 32 minutes 25 seconds, with a radius of 1046.00 feet, an arc length of 192.42 feet, a chord bearing of North 28 degrees 49 minutes 38 seconds East,, and a chord length of 192.15 feet; Thence North 23 degrees 33 minutes 26 seconds East, a distance of 52.65 feet; Thence North 23 degrees 33 minutes 26 seconds East, a distance of 59.85 feet; thence along the arc of a curve to the right having a delta angle of 21 degrees 09 minutes 37 seconds, with a radius of 379.00 feet, an arc length of 139.97 feet, a chord bearing of North 34 degrees 08 minutes 14 seconds East,, and a chord length of 139.18 feet; Thence North 44 degrees 43 minutes 02 seconds East, a distance of 70.46 feet; thence along the arc of a curve to the right having a delta angle of 36 degrees 13 minutes 59 seconds, with a radius of 360.00 feet, an arc length of 227.66 feet, a chord bearing of North 61 degrees 30 minutes 19 seconds East, and a chord length of 223.88 feet; thence along the arc of a curve to the right having a delta angle of 7 degrees 03 minutes 06 seconds, with a radius of 360.00 feet, an arc length of 44.31 feet, a chord bearing of North 83 degrees 08 minutes 52 seconds East,, and a chord length of 44.28 feet; thence along the arc of a curve to the right having a delta angle of 10 degrees 53 minutes 13 seconds, with a radius of 360.00 feet, an arc length of 68.40 feet, a chord bearing of South 87 degrees 52 minutes 59 seconds East,, and a chord length of 68.30 feet; Thence South 82 degrees 26 minutes 23 seconds East, a distance of 143.16 feet; thence along the arc of a curve to the left having a delta angle of 68 degrees 11 minutes 28 seconds, with a radius of 213.50 feet, an arc length of 254.10 feet, a chord bearing of North 63 degrees 27 minutes 53

seconds East,, and a chord length of 239.37 feet; Thence North 29 degrees 22 minutes 09 seconds East, a distance of 46.50 feet; Thence North 29 degrees 22 minutes 09 seconds East, a distance of 116.02 feet; Thence North 31 degrees 00 minutes 04 seconds East, a distance of 66.86 feet; to the POINT OF BEGINNING. Said parcel containing an area of 16.018 Acres, as described.

Parcel #2: Rump Parcel #2 Located at NW Corner of South Camp and South Broadway,

A parcel of land located in the Northeast Quarter and Northwest Quarter of Section 26, Township 11 South, Range 101 West of the 6th P.M., being more particularly described as follows: BEGINNING at the Southeast corner of the Northeast Quarter Northwest Quarter of Section 26, Township 11 South, Range 101 West of the 6th P.M.; Thence North 89 degrees 46 minutes 44 seconds East, a distance of 1434.54 feet to the Northeast corner of G.L.O. Lot 2; Thence South 00 degrees 17 minutes 56 seconds East, along the East line of said Section 26, a distance of 477.62 feet to a point on the north Right-of-way line of South Broadway; Thence North 89 degrees 46 minutes 36 seconds West, along said North Right-of-way line, a distance of 456.54 feet; Thence North 00 degrees 19 minutes 46 seconds West, a distance of 469.04 feet; Thence South 89 degrees 46 minutes 24 seconds West, a distance of 982.58 feet; Thence North 00 degrees 25 minutes 01 seconds West, a distance of 307.42 feet; Thence North 89 degrees 55 minutes 07 seconds East, a distance of 4.67 feet; Thence South 00 degrees 26 minutes 46 seconds East, a distance of 302.28 feet; to the POINT OF BEGINNING. Said parcel containing an area of 5.1 Acres, as described.

Parcel #3: Located at approximately South Broadway and Riggs Hill also referred to as the Desert Hills Estates Annexation No. 2. A parcel of land situated in the SE1/4 NW1/4 and in G.L.O. Lot 2 of Sec 26 T11S R101W of the 6th PM, Mesa County, CO, described as follows: Commencing at the NW 1/16th corner of Sec 26 S00°55'00"E along the West line of the SE1/4 NW1/4 of Sec 26 386.36' to a point on the South ROW line for South Broadway; along the South ROW line for South Broadway the following three courses: S75°35'04"E 452.83'; 204.04' along the arc of a curve to the left having a radius of 848.51' and a long chord bearing S82°28'43"E 203.55'; S89°22'04"E 865.67' to a point on the West ROW line for Meadows Way; S00°39'56"W along the West ROW line for said Meadows Way 128.18' to a point; leaving said west ROW line S68°43'00"W 354.38' to a point; S81°38'00"W 177.90' to a point; N82°10'00"W 627.50' to a point; N82°53'00"W 156.20' to a point; N53°30'00"W 272.00' to a point on the West line of said SE1/4 NW1/4 167.64' to the NW 1/16th corner of said Sec 26 and POB, containing 8.26 acres more or less.

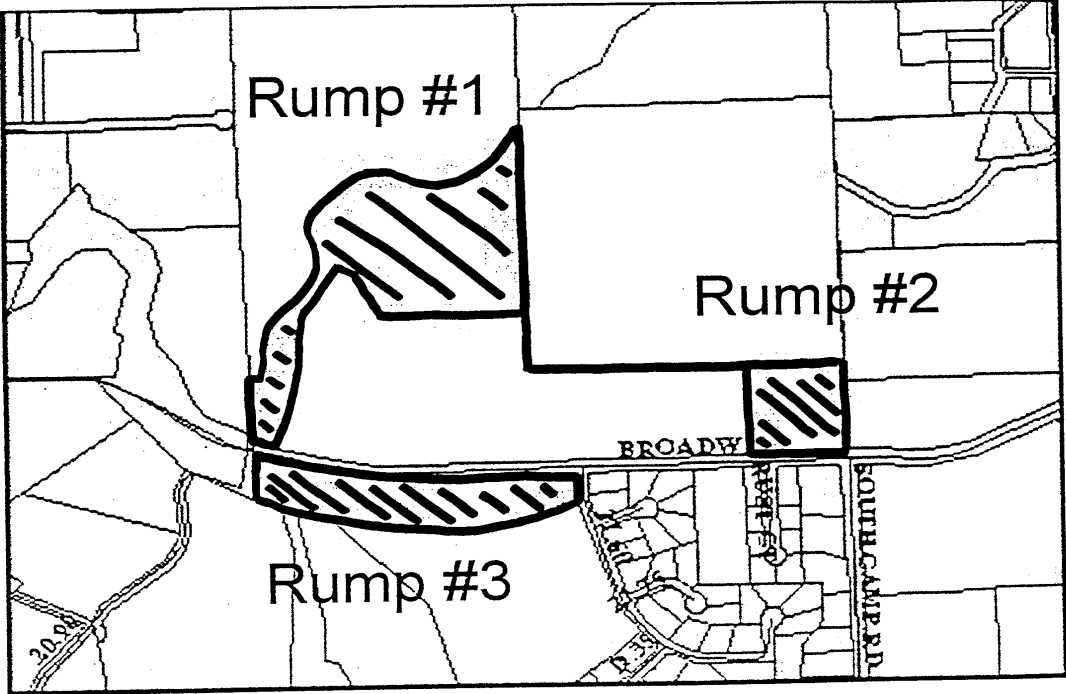
Introduced on first reading this 19th day of January, 2000.

PASSED and ADOPTED on second reading this ___ day of February, 2000.

President of the Council

ATTEST:

City Clerk



Attach 5

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Date Prepared: January 10, 2000

Author: Tim Woodmansee

Title: Real Estate Manager

Presenter Name: Tim Woodmansee

Meeting Date: January 19, 2000

Title: Real Estate Manager

Subject: (a) Public hearing and consideration of a Resolution to create and establish Sanitary Sewer Improvement District No. SS-43-99, and (b)) Award of Construction Contract for the installation of sanitary sewer facilities to Continental Pipeline Construction.

Summary: The owners of real estate located in the vicinity of Marsh Lane, east of 27 Road, south of Interstate 70 and west of Bookcliff Country Club, have petitioned the City Council to create an improvement district for the installation of sanitary sewer facilities. The public hearing, proposed resolution and contract award are the final steps in the formal process required to create the proposed improvement district.

Background Information: All owners of the seven properties located within the proposed district boundaries have signed a petition requesting an improvement district to provide sanitary sewer service to their neighborhood. The seven properties will be assessed for 100 percent of the total actual project costs in the event the district is created.

The following bids were received for this project:

Continental Pipeline Construction	-	\$67,253.00 (low bid)
Skyline Construction	-	\$67,479.40
Bogue Construction	-	\$67,684.10
Engineer's Estimate	-	\$86,120.00

Fiscal Impacts: Though this project is not individually identified in the 2000 budget, the 906 sewer fund has sufficient funds to pay for design, administration, construction and inspection costs. The fund will be repaid by the assessments to be levied against the benefiting properties.

Action Requested/Recommendation: (a) Pass and Adopt proposed Resolution creating and establishing Sanitary Sewer Improvement District No. SS-43-99, and (b) City Council motion authorizing the City Manager to execute a Construction Contract in the amount of \$67,253.00 to Continental Pipeline Construction.

Attachments: Vicinity map and proposed resolution.

Citizen Presentation: **Yes** **No.**

Placement on agenda: **Consent** **Individual Consideration** **Workshop**

VICINITY MAP FOR

PROPOSED SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-43-99

Could not be converted to Softbook



INTERSTATE 70

27 ROAD



BOOKCLIFF COUNTRY CLUB

MARSH LANE



√ = Properties included in proposed improvement district

RESOLUTION NO. _____

**CREATING AND ESTABLISHING
SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-43-99,
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE INSTALLATION OF SANITARY SEWER
FACILITIES, AND ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE
SAME**

WHEREAS, on the 15th day of December, 1999, the City Council passed Resolution No. 150-99 declaring its intention to create Sanitary Sewer Improvement District No. SS-43-99, authorizing the City Engineer to prepare full details, plans and specifications for the installation of sanitary sewer improvements together with a map of the district lands to be assessed, and authorizing a Notice of Intention to Create said district; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given and has filed such specifications and map, all in accordance with said Resolution No. 150-99 and the requirements of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, City Ordinance No. 178, as amended, and People's Ordinance No. 33; and

WHEREAS, the Notice of Intention to Create Sanitary Sewer Improvement District No. SS-43-99 was duly published as authorized by said Resolution No. 150-99.

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

1. That the details, plans and specifications and the map of the district lands prepared by the City Engineer are hereby approved and adopted.
2. That said Sanitary Sewer Improvement District No. SS-43-99 be, and the same is hereby, created and established; that the installation of certain sanitary sewer improvements therein be, and the same are hereby, authorized and directed in accordance with Chapter 28 of the Code of Ordinances, as amended, City Ordinance No. 178, as amended, and People's Ordinance No. 33.
3. That the installation of improvements for Sanitary Sewer Improvement District No. SS-43-99 shall be made by contract let to the lowest reliable and responsible bidder after public advertisement; except, that if it is determined by the City Council that the bids are too high, and that the authorized improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary materials, supplies and equipment.
4. That the improvements in said Sanitary Sewer Improvement District No. SS-43-99 were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the laws of the State of Colorado, to the Charter of said City, Ordinance No. 178, as amended, and People's Ordinance No. 33, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.
5. That the description of the improvements to be constructed, the boundaries of said Sanitary Sewer Improvement District No. SS-43-99, the amounts estimated to be assessed, the number of installments and assessments, the time in which the costs shall be payable, the rate of interest on

unpaid installments, and the manner of apportioning and assessing such costs, shall be as prescribed in Resolution No. 150-99 adopted for said District on the 15th day of December, 1999, and in accordance with the published Notice of Intention to Create said District.

PASSED and ADOPTED this 19th day of January, 2000.

Attest:

President of the Council

City Clerk

Attach 6

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date:

January 19, 2000

Date Prepared: January 11, 2000

Author: Lisa Gerstenberger

Title: Senior Planner

Presenter Name: Lisa Gerstenberger

Title: Senior Planner

Subject: File No. ANX-1999-228. Annexation of High Pointe Estates property located at 2464, 2462, and 2462 ½ Broadway.

Summary: Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the High Pointe Estates Annexation located at 2464, 2462, and 2462 ½ Broadway. (#ANX-1999-228)

Background Information: See attached

Budget: N/A

Action Requested/Recommendation: Approval of resolution for acceptance of Petition for annexation and second reading of annexation ordinance.

Citizen Presentation: **Yes** **No. If yes,**

Name

Purpose

Report results back to Council? **No** **Yes, When** _____

Placement on agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Individual Consideration Workshop
--

CITY OF GRAND JUNCTION

DATE: January 11, 2000

CITY COUNCIL

STAFF PRESENTATION:

Lisa Gerstenberger

AGENDA TOPIC: Public hearing for Acceptance of the Petition and the Annexation Ordinance for the High Pointe Annexation, located at 2464, 2462, 2462 ½ Broadway. (#ANX-1999-228)

SUMMARY: The High Pointe Annexation area consists of land owned solely by the applicant, and a portion of Broadway right-of-way. The applicant has signed a petition for annexation.

ACTION REQUESTED: City Council approval on the resolution accepting the annexation petition and approval on second reading the annexation ordinance.

BACKGROUND INFORMATION:

Location: 2464, 2462, 2462 ½ Broadway

Applicant: Lois Clifton/Conquest Construction and Property Management

Existing Land Use: Single Family Residential/Vacant

Proposed Land Use: Single-Family Residential

Surrounding Land Use:

North: Redlands Water and Power Canal

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

Existing Zoning: R-2 (County)

Proposed Zoning: PR-2, Planned Residential with a density not to exceed 2 units/acre

Surrounding Zoning:

North: Redlands Water and Power Canal

South: RSF-2

East: R-2 (County)

West: R-2 (County)

Relationship to Comprehensive Plan: The Growth Plan Future Land Use Map designates this area as Residential Low, ½ to 2 acres per unit. The proposal is within that density range and consistent with the Growth Plan.

Staff Analysis:

ACCEPTANCE OF THE ANNEXATION PETITION

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the High Pointe Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

ANNEXATION – SECOND READING OF THE ANNEXATION ORDINANCE

The applicant is requesting annexation of their property located east of the current City limits. This annexation consists of annexing 17.21 acres of land.

STAFF RECOMMENDATIONS:

Staff recommends:

- 1) accepting the annexation petition
- 2) approval of the annexation

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-00

A RESOLUTION ACCEPTING PETITIONS FOR
ANNEXATION, MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS

HIGH POINTE ESTATES ANNEXATION

IS ELIGIBLE FOR ANNEXATION

LOCATED AT 2464, 2462, and 2462 ½ BROADWAY

WHEREAS, on the 1st day of December, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A parcel of land situate in the SE ¼ of Section 16, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

A parcel of land situate in the SE ¼ of Section 16, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Section 16; thence N 02°16'30" W a distance of 900.00 feet to the southeast corner of Willow Ridge Subdivision as found recorded in Plat Book 15 at Page 94 of the records of the Mesa County Clerk and Recorder; thence S 02°16'30" E a distance of 10.55 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for U.S. Highway No. 340 the following 2 courses:

- 1) S 69°13'00" W a distance of 180.64 feet;
- 2) S 65°37'50" W a distance of 480.50 feet;

thence leaving said line S 00°28'00" W a distance of 151.13 feet to a point; thence 785.04 feet along a line 10.00 feet south of and parallel with the centerline of said U.S. Highway No. 340 and arc of a curve concave to the north, having a radius of 1647.10 feet, a delta angle of 27°18'30" and a long chord bearing S 87°02'44" W a distance of 777.63 feet to a point; thence leaving said line N 11°15'00" E a distance of 49.95 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for said U.S. Highway No. 340 the following 5 courses:

- 1) 158.04 feet along the arc of a curve concave to the north, having a radius of 1597.10 feet, a delta angle of 5°40'10" and a long chord bearing N 76°46'23" W a distance of 157.97 feet;
- 2) N 66°01'30" W a distance of 232.30 feet;

3)N 62°29'41" W a distance of 92.50 feet;
4)N 79°38'00" W a distance of 82.23 feet;
5)N 65°33'00" W a distance of 341.17 feet;
thence leaving said line N 00°19'35" E a distance of 10.96 feet to a point on the northerly right of way line for said U.S. Highway No. 340, whence the South ¼ corner of said Section 16 bears N 65°33'00" W -209.29 feet, N 40°00'00" W - 62.59 feet & S 09°23'00" W – 970.10 feet; thence leaving said northerly right of way line N 00°19'35" E a distance of 290.91 feet to a point; thence N 89°06'50" W a distance of 318.79 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence N 08°05'00" E along said right of way line a distance of 204.99 feet to a point on the north line of the SW ¼ SE ¼ of said Section 16; thence leaving said north line N 08°05'00" E a distance of 268.59 feet to a point; thence N 78°15'00" E a distance of 300.00 feet to a point; thence N 66°50'00" E a distance of 246.26 feet to a point; thence N 00°00'00" W a distance of 138.00 feet to a point; thence S 74°15'00" E a distance of 209.00 feet to a point; thence S 50°45'00" E a distance of 240.50 feet to a point; thence S 18°10'00" E a distance of 266.00 feet to a point; thence S 04°00'00" W a distance of 140.00 feet to a point; thence S 12°00'00" W a distance of 218.20 feet to a point; thence N 85°37'00" W a distance of 164.90 feet to a point; thence S 53°08'00" W a distance of 150.20 feet to a point; thence S 69°36'00" W a distance of 135.90 feet to a point; thence S 00°00'00" W a distance of 245.13 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 5 courses:

- 1) S 65°33'00" E a distance of 44.68 feet;
- 2) S 79°38'00" E a distance of 82.50 feet;
- 3)S 62°29'41" E a distance of 93.70 feet;
- 4)S 66°01'30" E a distance of 231.30 feet;
- 5)166.51 feet along the arc of a curve concave to the north, having a radius of 1587.10 feet, a delta angle of 06°00'40" and a long chord bearing S 76°58'07" E a distance of 166.43 feet;

thence leaving said northerly right of way line S 11°15'00" W a distance of 50.00 feet to a point on the centerline for said U.S. Highway No. 340; thence 762.79 feet along said centerline and arc of a curve concave to the north, having a radius of 1637.10 feet, a delta angle of 26°41'47" and a long chord bearing N 86°59'54" E a distance of 755.91 feet to a point; thence leaving said centerline N 00°28'00" E a distance of 150.11 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 2 courses:

- 1)N 65°37'30" E a distance of 487.20 feet;
- 2) N 69°13'00" E a distance of 184.30 feet to the point of beginning, containing 17.21 acres more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of January, 2000; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ___ day _____, 1999.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**HIGH POINTE ESTATES ANNEXATION
APPROXIMATELY 17.21 ACRES**

LOCATED AT 2464, 2462, AND 2462 ½ BROADWAY

WHEREAS, on the 1st day of December, 1999 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of January, 2000; and

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

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

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

A parcel of land situate in the SE ¼ of Section 16, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Section 16; thence N 02°16'30" W a distance of 900.00 feet to the southeast corner of Willow Ridge Subdivision as found recorded in Plat Book 15 at Page 94 of the records of the Mesa County Clerk and Recorder; thence S 02°16'30" E a distance of 10.55 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for U.S. Highway No. 340 the following 2 courses:

1) S 69°13'00" W a distance of 180.64 feet;

2) S 65°37'50" W a distance of 480.50 feet;

thence leaving said line S 00°28'00" W a distance of 151.13 feet to a point; thence 785.04 feet along a line 10.00 feet south of and parallel with the centerline of said U.S. Highway No. 340 and arc of a curve concave to the north, having a radius of 1647.10 feet, a delta angle of 27°18'30" and a long chord bearing S 87°02'44" W a distance of 777.63 feet to a point; thence leaving said line N 11°15'00" E a

distance of 49.95 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for said U.S. Highway No. 340 the following 5 courses:

- 1) 158.04 feet along the arc of a curve concave to the north, having a radius of 1597.10 feet, a delta angle of 5°40'10" and a long chord bearing N 76°46'23" W a distance of 157.97 feet;
- 2) N 66°01'30" W a distance of 232.30 feet;
- 3) N 62°29'41" W a distance of 92.50 feet;
- 4) N 79°38'00" W a distance of 82.23 feet;
- 5) N 65°33'00" W a distance of 341.17 feet;

thence leaving said line N 00°19'35" E a distance of 10.96 feet to a point on the northerly right of way line for said U.S. Highway No. 340, whence the South $\frac{1}{4}$ corner of said Section 16 bears N 65°33'00" W -209.29 feet, N 40°00'00" W - 62.59 feet & S 09°23'00" W – 970.10 feet; thence leaving said northerly right of way line N 00°19'35" E a distance of 290.91 feet to a point; thence N 89°06'50" W a distance of 318.79 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence N 08°05'00" E along said right of way line a distance of 204.99 feet to a point on the north line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16; thence leaving said north line N 08°05'00" E a distance of 268.59 feet to a point; thence N 78°15'00" E a distance of 300.00 feet to a point; thence N 66°50'00" E a distance of 246.26 feet to a point; thence N 00°00'00" W a distance of 138.00 feet to a point; thence S 74°15'00" E a distance of 209.00 feet to a point; thence S 50°45'00" E a distance of 240.50 feet to a point; thence S 18°10'00" E a distance of 266.00 feet to a point; thence S 04°00'00" W a distance of 140.00 feet to a point; thence S 12°00'00" W a distance of 218.20 feet to a point; thence N 85°37'00" W a distance of 164.90 feet to a point; thence S 53°08'00" W a distance of 150.20 feet to a point; thence S 69°36'00" W a distance of 135.90 feet to a point; thence S 00°00'00" W a distance of 245.13 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 5 courses:

- 1) S 65°33'00" E a distance of 44.68 feet;
- 2) S 79°38'00" E a distance of 82.50 feet;
- 3) S 62°29'41" E a distance of 93.70 feet;
- 4) S 66°01'30" E a distance of 231.30 feet;
- 5) 166.51 feet along the arc of a curve concave to the north, having a radius of 1587.10 feet, a delta angle of 06°00'40" and a long chord bearing S 76°58'07" E a distance of 166.43 feet;

thence leaving said northerly right of way line S 11°15'00" W a distance of 50.00 feet to a point on the centerline for said U.S. Highway No. 340; thence 762.79 feet along said centerline and arc of a curve concave to the north, having a radius of 1637.10 feet, a delta angle of 26°41'47" and a long chord bearing N 86°59'54" E a distance of 755.91 feet to a point; thence leaving said centerline N 00°28'00" E a distance of 150.11 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 2 courses:

- 1) N 65°37'30" E a distance of 487.20 feet;

2) N 69°13'00" E a distance of 184.30 feet to the point of beginning, containing 17.21 acres more or less.

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

INTRODUCED on first reading on the 1st day of December, 1999.

ADOPTED and ordered published this ____ day of _____, 2000.

Attest:

President of the Council

City Clerk

STATE OF COLORADO }
COUNTY OF MESA }

SS

AFFIDAVIT

Lois M Clifton, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

That each signature on the said petition is the signature of the person whose name it purports to be.

Lois M. Clifton

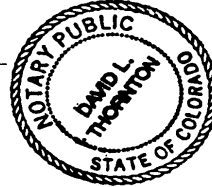
Subscribed and sworn to before me this 29 day of September, 1999.

Witness my hand and official seal.

David L. Thornton
Notary Public

428 Lilac Lane, GS, Co, 81505
Address

My commission expires: 08/07/2000



(affidavit)

**HIGH POINTE ESTATES ANNEXATION
PETITION FOR ANNEXATION**

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described parcels to the said City:

ADDRESS: 2462 & 2464 Broadway, Grand Junction, CO 81503
^{2462 1/2}

Tax Parcel #2945-164-00-274 & 2945-164-00-113

SEE ATTACHED EXHIBIT A

This foregoing description describes the parcels; the perimeter boundary descriptions, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, High Pointe Estates Annexation."

As grounds therefore, the petitioner respectfully state that annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, this petitioner prays that this petition be accepted and that the said annexation be approved and accepted by ordinance.

Lois M. Clifton
NAME

2464 Broadway, Grand Jct., CO 81503
ADDRESS

Lois M. Clifton
SIGNATURE

9-29-99
DATE

EXHIBIT A
High Pointe Estates Legal Description

Parcel 1: 2462 Broadway

Beginning at a point on the North-South center line of the SW1/4 SE1/4 of Section 16, Township 1 South, Range 1 West of the Ute Meridian 669 feet North of the South section line;
thence North 1080 feet;
thence South 66°50' West 241 feet;
thence South 78°15' West 300 feet;
thence South 08°5' West 524 feet;
thence South 40° East 530 feet;
thence South 70°35' East 155 feet;
thence North 63° East 121 feet to the point of beginning;
EXCEPT a tract conveyed to the State Highway Department by instrument recorded April 19, 1949, in Book 503 at Page 3;
AND EXCEPT beginning 1749 feet North of the South section line of said Section 16 and on the North-South center line of the SW1/4 SE1/4 of said Section 16, and South 66°50' West 241 feet and South 78°15' West 300 feet, and South 08°5' West 524 feet to the point of beginning;
thence South 40° East 207.94 feet to the North right of way line of Colorado State Highway 340;
thence South 65°33' East along said North right of way line 209.29 feet;
thence North 00°19'35" East 240.91 feet;
thence North 89°06'50" West 325.59 feet to the point of beginning.

Parcel 2: 2462 1/2 & 2464 Broadway

Beginning at a point on the North-South center line of the SW1/4 SE1/4 of Section 16, Township 1 South, Range 1 West of the Ute Meridian from whence the Southwest corner of the E1/2 SW1/4 SE1/4 of said Section 16 bears South 955.4 feet;
thence running North along said Center line 931.6 feet;
thence South 74°15' East 209.0 feet;
thence South 50°45' East 240.5 feet;
thence South 18°10' East 266.0 feet;
thence South 05°44' West 132.1 feet;
thence South 12°00' West 218.2 feet;
thence North 85°37' West 164.9 feet;
thence South 53°08' West 150.2 feet;
thence South 69°36' West 135.9 feet to the point of beginning;
TOGETHER WITH a road right of way over and across the following described tract, to-wit:
Beginning at a point on the North-South centerline of the SW1/4 SE1/4 of Section 16, Township 1 South, Range 1 West of the Ute Meridian, and being on the North right of way line of the present state highway known as Broadway, from whence the Southwest corner of the E1/2 SW1/4 SE1/4 of said Section 16 bears South 699.3 feet;
thence North along said centerline 256.1 feet;
thence North 69°36' East 10.7 feet;
thence South 264.3 feet to the North line of the present highway right of way known as Broadway;
thence North 65°33' West 11.0 feet along said highway right of way to the point of beginning.

**PERIMETER BOUNDARY LEGAL DESCRIPTION
HIGH POINTE ESTATES ANNEXATION**

A parcel of land situate in the SE 1/4 of Section 16, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Section 16; thence N 02°16'30" W a distance of 900.00 feet to the southeast corner of Willow Ridge Subdivision as found recorded in Plat Book 15 at Page 94 of the records of the Mesa County Clerk and Recorder; thence S 02°16'30" E a distance of 10.55 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for U.S. Highway No. 340 the following 2 courses:

- 1) S 69°13'00" W a distance of 180.64 feet;
- 2) S 65°37'50" W a distance of 480.50 feet;

thence leaving said line S 00°28'00" W a distance of 151.13 feet to a point; thence 785.04 feet along a line 10.00 feet south of and parallel with the centerline of said U.S. Highway No. 340 and arc of a curve concave to the north, having a radius of 1647.10 feet, a delta angle of 27°18'30" and a long chord bearing S 87°02'44" W a distance of 777.63 feet to a point; thence leaving said line N 11°15'00" E a distance of 49.95 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for said U.S. Highway No. 340 the following 5 courses:

- 1) 158.04 feet along the arc of a curve concave to the north, having a radius of 1597.10 feet, a delta angle of 5°40'10" and a long chord bearing N 76°46'23" W a distance of 157.97 feet;
- 2) N 66°01'30" W a distance of 232.30 feet;
- 3) N 62°29'41" W a distance of 92.50 feet;
- 4) N 79°38'00" W a distance of 82.23 feet;
- 5) N 65°33'00" W a distance of 341.17 feet;

thence leaving said line N 00°19'35" E a distance of 10.96 feet to a point on the northerly right of way line for said U.S. Highway No. 340, whence the South 1/4 corner of said Section 16 bears N 65°33'00" W -209.29 feet, N 40°00'00" W - 62.59 feet & S 09°23'00" W - 970.10 feet; thence leaving said northerly right of way line N 00°19'35" E a distance of 290.91 feet to a point; thence N 89°06'50" W a distance of 318.79 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence N 08°05'00" E along said right of way line a distance of 204.99 feet to a point on the north line of the SW 1/4 SE 1/4 of said Section 16; thence leaving said north line N 08°05'00" E a distance of 268.59 feet to a point; thence N 78°15'00" E a distance of 300.00 feet to a point; thence N 66°50'00" E a distance of 246.26 feet to a point; thence N 00°00'00" W a distance of 138.00 feet to a point; thence S 74°15'00" E a distance of 209.00 feet to a point; thence S 50°45'00" E a distance of 240.50 feet to a point; thence S 18°10'00" E a distance of 266.00 feet to a point; thence S 04°00'00" W a distance of 140.00 feet to a point; thence S 12°00'00" W a distance of 218.20 feet to a point; thence N 85°37'00" W a distance of 164.90 feet to a point; thence S 53°08'00" W a distance of 150.20 feet to a point; thence S 69°36'00" W a distance of 135.90 feet to a point; thence S 00°00'00" W a

distance of 245.13 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 5 courses:

- 1) S 65°33'00" E a distance of 44.68 feet;
- 2) S 79°38'00" E a distance of 82.50 feet;
- 3) S 62°29'41" E a distance of 93.70 feet;
- 4) S 66°01'30" E a distance of 231.30 feet;
- 5) 166.51 feet along the arc of a curve concave to the north, having a radius of 1587.10 feet, a delta angle of 06°00'40" and a long chord bearing S 76°58'07" E a distance of 166.43 feet;

thence leaving said northerly right of way line S 11°15'00" W a distance of 50.00 feet to a point on the centerline for said U.S. Highway No. 340; thence 762.79 feet along said centerline and arc of a curve concave to the north, having a radius of 1637.10 feet, a delta angle of 26°41'47" and a long chord bearing N 86°59'54" E a distance of 755.91 feet to a point; thence leaving said centerline N 00°28'00" E a distance of 150.11 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 2 courses:

- 1) N 65°37'30" E a distance of 487.20 feet;
- 2) N 69°13'00" E a distance of 184.30 feet to the point of beginning, containing 17.21 acres more or less.

(high.doc)

HIGH POINTE ESTATES SUMMARY

File Number: ANX-1999-228

Location: 2464, 2462, 2462 1/2 Broadway

Tax ID Number: 2945-164-00-274
2945-164-00-113

Parcels: 2

Estimated Population: 1

of Parcels (owner occupied): 0

of Dwelling Units: 1

Acres: 17.21 acres

Developable Acres Remaining: 17.21 acres

Right-of-way in Annexation: NA

Previous County Zoning: R2

Proposed City Zoning: PR, Planned Residential with a maximum of 2 units per acre

Current Land Use: Residential/Vacant

Future Land Use: Single Family Residential

Assessed Values: Land = \$33,970 (both parcels)
Improvements = \$ 0
TOTAL VALUE = \$33,970 (both parcels)

Census Tract: 1401

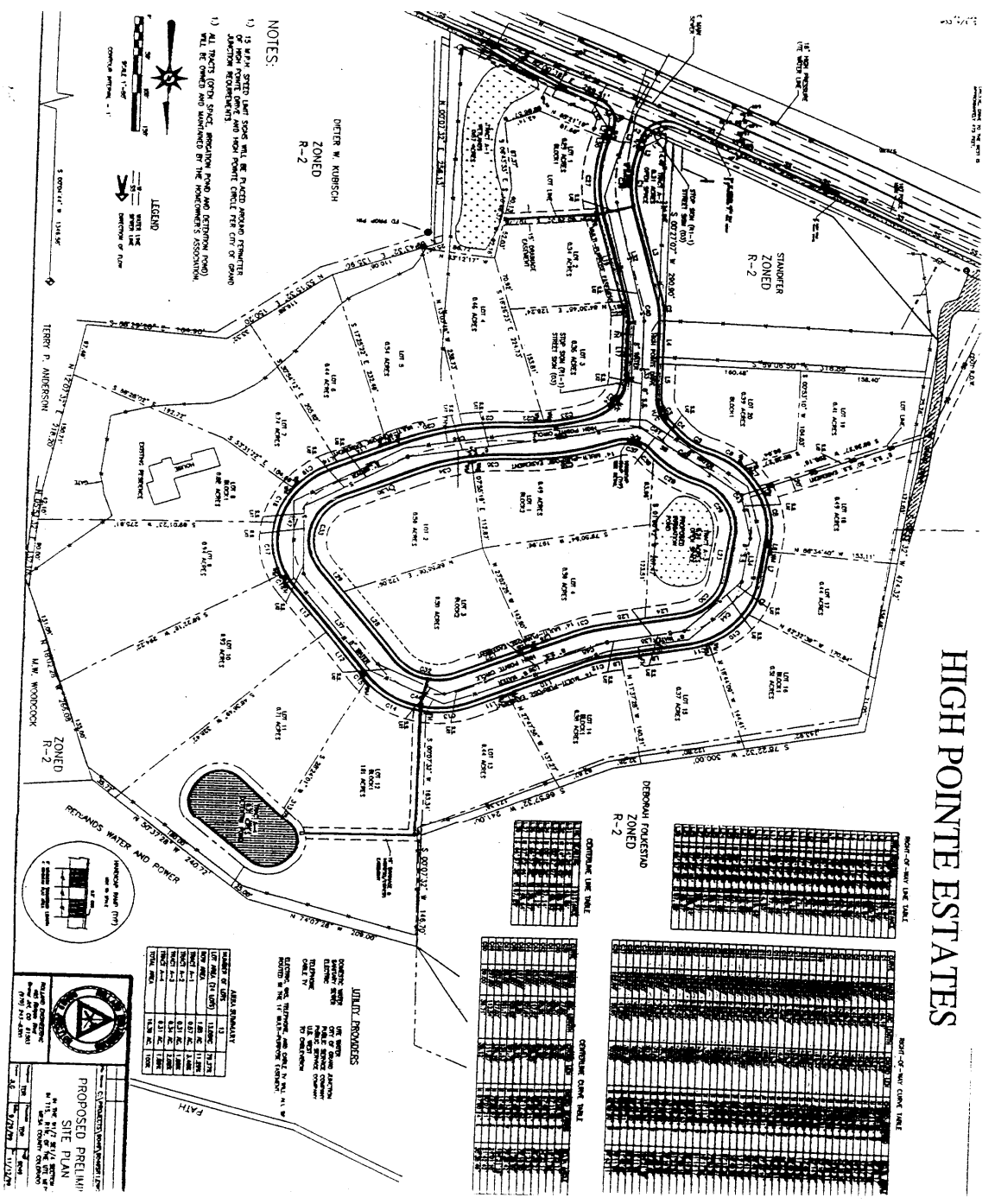
Address Ranges: 2462, 2462 ½ Broadway
2464 Broadway

Special Districts:

- Water:** Ute Water
- Sewer:**
- Fire:** Grand Junction Rural Fire Dept.
- Drainage:**
- School:** District 51
- Pest:** Redlands Mosquito Control District
- Irrigation:**

(HighPtsummary)

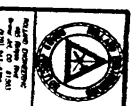
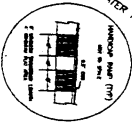
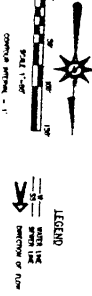
HIGH POINTE ESTATES



NOTES:

- 1) IS WITH STREETS LOTS SHALL BE DIVIDED INTO PARCELS OF APPROXIMATELY 1/2 ACRE EACH AND SHALL BE SUBJECT TO THE CITY OF GROUND
- 2) ALL TRACTS (OPEN SPACE, PAVEMENT ROAD AND SIDEWALK ROAD) SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

DIETER W. KUBERSCH
ZONED
R-2



UTILITY PROGRESS

INDICATES THE LOCATION OF THE UTILITY LINES AND THE LOCATION OF THE UTILITY STRUCTURES. THE UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF GROUND.

UTILITY	TYPE	LOCATION
WATER	12" DIA.	SEE PLAN
SEWER	12" DIA.	SEE PLAN
ELECTRIC	4" DIA.	SEE PLAN
TELEPHONE	4" DIA.	SEE PLAN
CABLE	4" DIA.	SEE PLAN

PROPOSED PRELIM SITE PLAN

DATE: 11/15/00

BY: [Signature]

SCALE: 1"=40'

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda

Meeting Date:
January 19, 2000

Date Prepared: January 11, 2000
Author: Lisa Gerstenberger
Title: Senior Planner
Presenter Name: Lisa Gerstenberger
Title: Senior Planner

Subject: File No. ANX-1999-228. Zone of Annexation of High Pointe Estates property located at 2464, 2462, and 2462 ½ Broadway.

Summary: Second reading of the Zone of Annexation ordinance for the High Pointe Estates Annexation located at 2464, 2462, and 2462 ½ Broadway. (#ANX-1999-228)

Background Information: See attached

Budget: N/A

Action Requested/Recommendation: Approval of second reading of the Zone of Annexation Ordinance.

Citizen Presentation: Yes No. If yes,
Name
Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop

CITY OF GRAND JUNCTION

DATE: December 22, 1999

CITY COUNCIL

STAFF PRESENTATION:

Lisa Gerstenberger

AGENDA TOPIC: ANX-1999-228, High Pointe Estates-First reading of the Zone of Annexation ordinance.

SUMMARY: Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

ACTION REQUESTED: Approval of first reading of the Zone of Annexation ordinance.

BACKGROUND INFORMATION:

Location: 2464, 2462, 2462 ½ Broadway

Applicant: Lois Clifton/Conquest Construction and Property Management

Existing Land Use: Single Family Residential/Vacant

Proposed Land Use: Single-Family Residential

Surrounding Land Use:

North: Redlands Water and Power Canal

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

Existing Zoning: R-2 (County)

Proposed Zoning: PR-2, Planned Residential with a density not to exceed 2 units/acre

Surrounding Zoning:

North: Redlands Water and Power Canal

South: RSF-2

East: R-2 (County)

West: R-2 (County)

Relationship to Comprehensive Plan: The Growth Plan Future Land Use Map designates this area as Residential Low, ½ to 2 acres per unit. The proposal is within that density range and consistent with the Growth Plan.

Staff Analysis:

ZONE OF ANNEXTION:

The proposed Zone of Annexation for the High Pointe Estates property is PR-2, Planned Residential with a density not to exceed 2 units per acre. The petitioner has provided approximately 7 ½ % Common Open Space in three tracts distributed throughout the proposed subdivision. The proposed density is in keeping with the goals of the Growth Plan.

REZONING CRITERIA:

The Zone of Annexation must be evaluated using the criteria noted in Sections 4-4-4 and 4-11 of the Zoning and Development Code. The criteria are as follows for Section 4-4-4:

- O. Was the existing zone an error at the time of adoption?** This would be a new City zone of annexation with no previous zoning actions taken by the City, therefore, no error in zoning is apparent.
- P. Has there been a change in character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The area around this property has been developed and is used for single family residential purposes.
- Q. Is there an area of community need for the proposed rezone?** The Growth Plan designates this property for Residential use which would indicate a community need.
- R. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** The proposed rezone is compliant with City requirements for new development and would not pose adverse impacts to the surrounding areas.
- S. Will there be benefits derived by the community, or area, by granting the proposed rezone?** Yes. The proposed development includes the provision of approximately 7 ½ % open space in three tracts distributed throughout the subdivision.
- T. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?** Yes, the proposed development has been designed to be compliant.
- U. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?** Adequate facilities are available in the area and could be reasonably be extended.

The criteria are as follows for Section 4-11:

- C. Adverse impacts to the developed density of established neighborhoods shall be considered.** The proposal is compatible with area development and the Growth Plan.
- D. The relationship of the property to the urban core area or to established subcores shall be considered.** The property is located within a developing area and should therefore have urban densities.

STAFF RECOMMENDATION

Staff recommends approval of the zone of annexation to PR-2, Planned Residential with a density not to exceed 2 units per acre.

PLANNING COMMISSION RECOMMENDATION

Approval of the PR-2, Planned Residential with a density not to exceed 2 units per acre, zone of annexation for the following reasons:

- PR-2 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- PR-2 zone district meets the criteria found in Sections 4-4-4 and 4-11 of the Zoning and Development Code.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Ordinance Zoning the High Pointe Estates Annexation to the following:

PR-2, Planned Residential with a density not to exceed 2 units per acre

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 applying a PR-2 zone district to this annexation for the following reasons:

- The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area.
- The zone district meets the criteria found in Section 4-4-4 and Section 4-11 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PR-2 zone district be established.

The Planning Commission and City Council find that the PR-2 zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 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 zoned PR-2, Planned Residential with a density not to exceed 2 units per acre zone district:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
HIGH POINTE ANNEXATION**

A parcel of land situate in the SE 1/4 of Section 16, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Section 16; thence N 02°16'30" W a distance of 900.00 feet to the southeast corner of Willow Ridge Subdivision as found recorded in Plat Book 15 at Page 94 of the records of the Mesa County

Clerk and Recorder; thence S 02°16'30" E a distance of 10.55 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for U.S. Highway No. 340 the following 2 courses:

- 1) S 69°13'00" W a distance of 180.64 feet;
- 2) S 65°37'50" W a distance of 480.50 feet;

thence leaving said line S 00°28'00" W a distance of 151.13 feet to a point; thence 785.04 feet along a line 10.00 feet south of and parallel with the centerline of said U.S. Highway No. 340 and arc of a curve concave to the north, having a radius of 1647.10 feet, a delta angle of 27°18'30" and a long chord bearing S 87°02'44" W a distance of 777.63 feet to a point; thence leaving said line N 11°15'00" E a distance of 49.95 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for said U.S. Highway No. 340 the following 5 courses:

- 1) 158.04 feet along the arc of a curve concave to the north, having a radius of 1597.10 feet, a delta angle of 5°40'10" and a long chord bearing N 76°46'23" W a distance of 157.97 feet;
- 2) N 66°01'30" W a distance of 232.30 feet;
- 3) N 62°29'41" W a distance of 92.50 feet;
- 4) N 79°38'00" W a distance of 82.23 feet;
- 5) N 65°33'00" W a distance of 341.17 feet;

thence leaving said line N 00°19'35" E a distance of 10.96 feet to a point on the northerly right of way line for said U.S. Highway No. 340, whence the South 1/4 corner of said Section 16 bears N 65°33'00" W -209.29 feet, N 40°00'00" W - 62.59 feet & S 09°23'00" W – 970.10 feet; thence leaving said northerly right of way line N 00°19'35" E a distance of 290.91 feet to a point; thence N 89°06'50" W a distance of 318.79 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence N 08°05'00" E along said right of way line a distance of 204.99 feet to a point on the north line of the SW 1/4 SE 1/4 of said Section 16; thence leaving said north line N 08°05'00" E a distance of 268.59 feet to a point; thence N 78°15'00" E a distance of 300.00 feet to a point; thence N 66°50'00" E a distance of 246.26 feet to a point; thence N 00°00'00" W a distance of 138.00 feet to a point; thence S 74°15'00" E a distance of 209.00 feet to a point; thence S 50°45'00" E a distance of 240.50 feet to a point; thence S 18°10'00" E a distance of 266.00 feet to a point; thence S 04°00'00" W a distance of 140.00 feet to a point; thence S 12°00'00" W a distance of 218.20 feet to a point; thence N 85°37'00" W a distance of 164.90 feet to a point; thence S 53°08'00" W a distance of 150.20 feet to a point; thence S 69°36'00" W a distance of 135.90 feet to a point; thence S 00°00'00" W a distance of 245.13 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 5 courses:

- 1) S 65°33'00" E a distance of 44.68 feet;
- 2) S 79°38'00" E a distance of 82.50 feet;
- 3) S 62°29'41" E a distance of 93.70 feet;
- 4) S 66°01'30" E a distance of 231.30 feet;

5) 166.51 feet along the arc of a curve concave to the north, having a radius of 1587.10 feet, a delta angle of 06°00'40" and a long chord bearing S 76°58'07" E a distance of 166.43 feet;

thence leaving said northerly right of way line S 11°15'00" W a distance of 50.00 feet to a point on the centerline for said U.S. Highway No. 340; thence 762.79 feet along said centerline and arc of a curve concave to the north, having a radius of 1637.10 feet, a delta angle of 26°41'47" and a long chord bearing N 86°59'54" E a distance of 755.91 feet to a point; thence leaving said centerline N 00°28'00" E a distance of 150.11 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 2 courses:

- 1) N 65°37'30" E a distance of 487.20 feet;
- 2) N 69°13'00" E a distance of 184.30 feet to the point of beginning, containing 17.21 acres more or less.

Housing type, density and bulk standards for the PR-2, Planned Residential with a density not to exceed 2 units per acre zone district shall include the following:

Land Use = Single Family detached residential

Density = 2 units per acre

Bulk Standards:

Setbacks:

Front = 20 ft.

Side = 15 ft.

Rear = 25 ft.

Introduced on first reading this 5th day of January, 2000.

PASSED and ADOPTED on second reading this ____ day of _____, 2000.

President of the Council

ATTEST:

City Clerk

Attach 8

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 12, 2000

Author: Lori V. Bowers

Title: Associate Planner

Presenter Name: Lori V. Bowers

Title: Associate Planner

Subject:

Public Hearing for Acceptance of the Petition for Annexation, and Second Reading of the Annexation Ordinance for the Coventry Club Annexation, located at Arlington Drive, north of Quincy Lane. File number MS-1999-247.

Summary:

The 4.32-acre Coventry Club Annexation consists of one parcel of land, approximately 2.860 acres, subdivided into 50 separate existing townhouse lots. Also included is a small portion (.06 acres) of right-of-way obtained from B ½ Road and a portion of Arlington Drive (.31 acres). This subdivision is located on Arlington Drive, north of Quincy Lane. The annexation petition was received due to a request for minor subdivision, within the existing subdivision

Background Information:

See attached report.

Budget:

N/A

Action Requested/Recommendation:

Staff recommends acceptance of the Coventry Club Annexation Petition, and approve on Second Reading the Annexation Ordinance.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Individual Consideration Workshop
--

AGENDA TOPIC: MS-1999-247 (Public Hearing) Acceptance of the Annexation Petition and Second Reading of the Annexation Ordinance for the Coventry Club Annexation; a subdivision of 50 townhouses, located on the northeast corner of Arlington Drive and Quincy Lane, in the Orchard Mesa area.

SUMMARY: The 4.32-acre Coventry Club Annexation area consists of one subdivided parcel of land. The Coventry Club Subdivision consists of 50 existing townhouses and one clubhouse. Owners of the property have signed a petition for annexation.

ACTION REQUESTED: Request to: 1) accept the annexation petition for the Coventry Club Subdivision annexation and 2) approve second reading of Annexation Ordinance.

BACKGROUND INFORMATION:

Location: Existing subdivision on the northeast corner of Arlington Drive and Quincy Lane.

Applicants: Circulator of the Petition for Annexation is Michele Nelson. 35 signatures are provided.

Existing Land Use: Residential Townhomes

Surrounding Land Use:

North: residential in Mesa County
South: Arrowhead Acres Residential
East: residential in Mesa County
West: residential in Mesa County

Existing Zoning: Mesa County PD-8.

Proposed Zoning: Planned residential

Surrounding Zoning:

North: Mesa County residential
South: Mesa County residential, then Arrowhead Acres, zoned RSF-5 (residential single family, not to exceed 5 units per acre).
East: Mesa County residential
West: Mesa County residential

Relationship to Comprehensive Plan: The Growth Plan shows this area to be developed as a medium residential area with a density of 4 to 8 units per acre.

Staff Analysis:

Annexation. The petition for the Coventry Club Annexation was circulated by Michele Nelson. 36 property owners have signed the petition, thereby making it a petition signed by 56 percent of all property owners, representing 62 percent of the properties and over 51 percent of the land area, included within the annexation boundary. The Coventry Club Subdivision annexation is a 3 part annexation series; a portion of B ½ Road; a portion of Arlington Drive; and the Coventry Club Subdivision itself. A portion of Quincy Lane is also included in this annexation. Contiguity is obtained from the previous annexation of B ½ Road, adjacent to this property, as allowed under the state statutes. Once jurisdiction is established, the applicants request a minor subdivision of this property. The request is to turn the existing clubhouse into a dwelling unit and subdivide it from the existing Tract A, of this subdivision.

It is the professional opinion of Community Development Department staff member, David Thornton, based on his review of the petition and his knowledge of applicable state law, including the Municipal Annexation Act pursuant to C.R.S. 31-12-104, that the Coventry Club Annexation is eligible for annexation because of compliance with the following (refer to attached copy of signed affidavit):

- a) A proper petition has been signed by more than 50 percent of the owners and more than 50 percent of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) a community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities.
- d) The area is or will be urbanized in the near future.
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation ; and
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

Exercising Land Use Jurisdiction. The land currently is subdivided into 50 townhouse units. If approved, the request for minor subdivision for converting the existing clubhouse into a residence will result in 51 residential units in this subdivision. An application for Minor Subdivision is already in process with the City Community Development Department.

RECOMMENDATION: Staff recommends acceptance of the Petition for Annexation and approve on second reading the Annexation Ordinance for the Coventry Club Annexation.



B 1/2 ROAD

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-00

**A RESOLUTION ACCEPTING PETITIONS FOR ANNEXATION, MAKING
CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS
COVENTRY CLUB ANNEXATION NO.1, NO. 2 AND NO. 3,
LOCATED AT ARLINGTON DRIVE, NORTH OF QUINCY LANE,
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 1st day of December 1999, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
COVENTRY CLUB SUBDIVISION ANNEXATION**

A serial annexation consisting of Coventry Club Subdivision Annexation No.1, No.2 and No. 3

COVENTRY CLUB SUBDIVISION ANNEXATION NO. 1

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the CW 1/16 corner of said Section 30; thence S 89°57'24" W along the south line of the SW 1/4 NW 1/4 of said Section 30 a distance of 45.84 feet to a point; thence N 00°02'23" W a distance of 50.00 feet to a point on the north right of way line for B 1/2 Road and True Point of Beginning of the parcel described herein; thence leaving the north right of way line for said B 1/2 Road and along the west right of way line for Arlington Drive the following 2 courses:

31.65 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 90°39'40" and a long chord bearing N 44°36'51" E a distance of 28.45 feet; N 00°43'19" W a distance of 167.86 feet;

thence leaving said west right of way line N 89°16'41" E a distance of 10.00 feet to a point; thence S 00°43'19" E along a line 10.00 feet east of and parallel with the west right of way line for said Arlington Drive a distance of 168.93 feet to a point; thence N 89°16'41" E a distance of 40.00 feet to a point on the east right of way line for said Arlington Drive; thence 31.18 feet along said east right of way line and arc of a curve concave to the northeast, having a radius of 20.00 feet, a delta angle of 89°17'33" and a long chord bearing S 45°22'22" E a distance of 28.12 feet to a

point on the north right of way line for B 1/2 Road; thence S 89°57'37" W along said north right of way line a distance of 90.00 feet to the point of beginning, containing .06 acres more or less.

COVENTRY CLUB SUBDIVISION ANNEXATION NO. 2

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NW 1/16 corner of Section 30; thence S 00°43'19" E along the west line of the SE 1/4 NW 1/4 of said Section 30 a distance of 646.68 feet to the True Point of Beginning of the parcel described herein; thence continuing along the west line of said SE 1/4 NW 1/4 S 00°43'19" E a distance of 594.31 feet to a point; thence leaving said west line N 89°16'41" E a distance of 25.00 feet to a point on the east right of way line for Arlington Drive; thence S 00°43'19" E along the east right of way line for said Arlington Drive a distance of 10.00 feet to a point; thence leaving said east right of way line S 89°16'41" W a distance of 40.00 feet to a point; thence N 00°43'19" W along a line 10.00 feet east of and parallel with the west right of way line for said Arlington Drive a distance of 168.93 feet to a point; thence S 89°16'41" W a distance of 10.00 feet to a point on the west right of way line for said Arlington Drive; thence N 00°43'19" W along said west right of way line a distance of 435.38 feet to a point; thence leaving said west right of way line N 89°16'41" E a distance of 25.00 feet to the point of beginning, containing 0.31 acres more or less.

COVENTRY CLUB SUBDIVISION ANNEXATION NO. 3

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NW 1/16 corner of Section 30; thence S 00°43'19" E along the west line of the SE 1/4 NW 1/4 of said Section 30 a distance of 458.41 feet to the True Point of Beginning of the parcel described herein; thence crossing Arlington Drive N 89°16'41" E a distance of 56.81 feet to a point on the east right of way line for said Arlington Drive; thence 48.89 feet along the north boundary of Coventry Club as found recorded in Plat Book 13 at Page 60 of the records of the Mesa County Clerk and Recorder and arc of a curve concave to the south, having a radius of 20.00 feet, a delta angle of 140°03'52" and a long chord bearing N 88°29'29" E a distance of 37.60 feet to a point; thence 446.80 feet along the northeasterly boundary of said Coventry Club and arc of a curve concave to the northeast, having a radius of 675.26 feet, a delta angle of 40°25'54" and a long chord bearing S 40°25'54" E a distance of 438.69 feet to a point; thence S 62°04'58" E a distance of 111.98 feet to a point on the southeasterly right of way line for

Quincy Drive; thence along the southeasterly right of way line for said Quincy Drive the following 5 courses:

94.40 feet along the arc of a curve concave to the southeast, having a radius of 77.50 feet, a delta angle of 69°47'24" and a long chord bearing S 69°16'45" W a distance of 88.67 feet;

194.65 feet along the arc of a curve to the right having a radius of 605.66 feet, a delta angle of 18°24'50" and a long chord bearing S 43°35'28" W a distance of 193.81 feet;

S 52°47'59" W a distance of 46.63 feet;

186.48 feet along the arc of a curve to the right, having a radius of 322.50 feet, a delta angle of 33°07'49" and a long chord bearing S 69°21'54" W a distance of 183.89 feet;

30.25 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 86°39'36" and a long chord bearing S 42°36'00" W a distance of 27.45 feet to a point on the east right of way line for Arlington Drive;

thence S 00°43'19" E along the east right of way line for said Arlington Drive a distance of 112.62 feet to a point; thence leaving said east right of way line S 89°16'41" W a distance of 25.00 feet to a point on the west line of the SE 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said west line a distance of 594.31 feet to a point; thence leaving the west line of said SE 1/4 NW 1/4 S 89°16'41" W a distance of 25.00 feet to a point on the west right of way line for said Arlington Drive; thence 177.08 feet along said west right of way line and arc of a curve to the right, having a radius of 622.97 feet, a delta angle of 16°17'13" and a long chord bearing N 07°25'17" E a distance of 176.49 feet to a point on the east line of the SW 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said east line a distance of 13.56 feet to the point of beginning, containing 3.95 acres more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of December, 1999; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City;

that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**COVENTRY CLUB ANNEXATION No. 1
APPROXIMATELY .06 ACRES
LOCATED 50 feet along B 1/2 Road to Arlington Drive**

WHEREAS, on the 1st day of December, 1999 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of January, 2000; and

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

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

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

A serial annexation consisting of Coventry Club Subdivision Annexation No.1, No.2 and No. 3

COVENTRY CLUB SUBDIVISION ANNEXATION No. 1

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the CW 1/16 corner of said Section 30; thence S 89°57'24" W along the south line of the SW 1/4 NW 1/4 of said Section 30 a distance of 45.84 feet to a point; thence N 00°02'23" W a distance of 50.00 feet to a point on the north right of way line for B 1/2 Road and True Point of Beginning of the parcel described herein; thence leaving the north right of way line for said B 1/2 Road and along the west right of way line for Arlington Drive the following 2 courses:

31.65 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 90°39'40" and a long chord bearing N 44°36'51" E a distance of 28.45 feet; N 00°43'19" W a distance of 167.86 feet; thence leaving said west right of way line N 89°16'41" E a distance of 10.00 feet to a point; thence S 00°43'19" E along a line 10.00 feet east of and parallel with the west right of way line for said Arlington Drive a distance of 168.93 feet to a point; thence N 89°16'41" E a distance of 40.00 feet to a point on the east right of way line for said Arlington Drive; thence 31.18 feet along said east right of way line and arc of a curve concave to the northeast, having a radius of 20.00 feet, a delta angle of 89°17'33" and a long chord bearing S 45°22'22" E a distance of 28.12 feet to a point on the north right of way line for B 1/2 Road; thence S 89°57'37" W along said north right of way line a distance of 90.00 feet to the point of beginning, containing .06 acres more or less.

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

INTRODUCED on first reading on the 1st day of December, 1999.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**COVENTRY CLUB ANNEXATION No. 2
APPROXIMATELY 31 ACRES**

LOCATED along the east and west right-of-way of Arlington Drive

WHEREAS, on the 1st day of December, 1999 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of January, 2000; and

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

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

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

A serial annexation consisting of Coventry Club Subdivision Annexation No.1, No.2 and No. 3

COVENTRY CLUB SUBDIVISION ANNEXATION NO. 2

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NW 1/16 corner of Section 30; thence S 00°43'19" E along the west line of the SE 1/4 NW 1/4 of said Section 30 a distance of 646.68 feet to the True Point of Beginning of the parcel described herein; thence continuing along the west line of said SE 1/4 NW 1/4 S 00°43'19" E a distance of 594.31 feet to a point; thence leaving said west line N 89°16'41" E a distance of 25.00 feet to a point on the east right of way line for Arlington Drive; thence S 00°43'19" E along the east right of way line for said Arlington Drive a distance of 10.00 feet to a point; thence leaving said east right of way line S 89°16'41" W a distance of 40.00 feet to a

point; thence N 00°43'19" W along a line 10.00 feet east of and parallel with the west right of way line for said Arlington Drive a distance of 168.93 feet to a point; thence S 89°16'41" W a distance of 10.00 feet to a point on the west right of way line for said Arlington Drive; thence N 00°43'19" W along said west right of way line a distance of 435.38 feet to a point; thence leaving said west right of way line N 89°16'41" E a distance of 25.00 feet to the point of beginning, containing 0.31 acres more or less.

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

INTRODUCED on first reading on the 1st day of December , 1999.

ADOPTED and ordered published this day of , 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**COVENTRY CLUB ANNEXATION No. 3
APPROXIMATELY 3.95 ACRES**

**LOCATED along a portion of the width of the right-of-way of Quincy Lane,
including the existing Coventry Club Subdivision recorded at Book 13 at
Page 60 of the records of the Mesa County Clerk and Recorder**

WHEREAS, on the 1st day of December, 1999 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of January, 2000; and

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

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

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

A serial annexation consisting of Coventry Club Subdivision Annexation No.1, No.2 and No. 3

COVENTRY CLUB SUBDIVISION ANNEXATION NO. 3

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NW 1/16 corner of Section 30; thence S 00°43'19" E along the west line of the SE 1/4 NW 1/4 of said Section 30 a distance of 458.41 feet to the True Point of Beginning of the parcel described herein; thence crossing Arlington Drive N 89°16'41" E a distance of 56.81 feet to a point on the east right of way line

for said Arlington Drive; thence 48.89 feet along the north boundary of Coventry Club as found recorded in Plat Book 13 at Page 60 of the records of the Mesa County Clerk and Recorder and arc of a curve concave to the south, having a radius of 20.00 feet, a delta angle of 140°03'52" and a long chord bearing N 88°29'29" E a distance of 37.60 feet to a point; thence 446.80 feet along the northeasterly boundary of said Coventry Club and arc of a curve concave to the northeast, having a radius of 675.26 feet, a delta angle of 40°25'54" and a long chord bearing S 40°25'54" E a distance of 438.69 feet to a point; thence S 62°04'58" E a distance of 111.98 feet to a point on the southeasterly right of way line for Quincy Lane; thence along the southeasterly right of way line for said Quincy Lane the following 5 courses:

94.40 feet along the arc of a curve concave to the southeast, having a radius of 77.50 feet, a delta angle of 69°47'24" and a long chord bearing S 69°16'45" W a distance of 88.67 feet;

194.65 feet along the arc of a curve to the right having a radius of 605.66 feet, a delta angle of 18°24'50" and a long chord bearing S 43°35'28" W a distance of 193.81 feet;

S 52°47'59" W a distance of 46.63 feet;

186.48 feet along the arc of a curve to the right, having a radius of 322.50 feet, a delta angle of 33°07'49" and a long chord bearing S 69°21'54" W a distance of 183.89 feet;

30.25 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 86°39'36" and a long chord bearing S 42°36'00" W a distance of 27.45 feet to a point on the east right of way line for Arlington Drive;

thence S 00°43'19" E along the east right of way line for said Arlington Drive a distance of 112.62 feet to a point; thence leaving said east right of way line S 89°16'41" W a distance of 25.00 feet to a point on the west line of the SE 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said west line a distance of 594.31 feet to a point; thence leaving the west line of said SE 1/4 NW 1/4 S 89°16'41" W a distance of 25.00 feet to a point on the west right of way line for said Arlington Drive; thence 177.08 feet along said west right of way line and arc of a curve to the right, having a radius of 622.97 feet, a delta angle of 16°17'13" and a long chord bearing N 07°25'17" E a distance of 176.49 feet to a point on the east line of the SW 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said east line a distance of 13.56 feet to the point of beginning, containing 3.95 acres more or less.

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

INTRODUCED on first reading on the 1st day of December, 1999.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

City Clerk

President of the Council

Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 12, 2000

Author: Lori V. Bowers

Title: Associate Planner

Presenter Name: Lori V. Bowers

Title: Associate Planner

Subject:

Second Reading of the Zone of Annexation Ordinance for the Coventry Club Annexation, located at Arlington Drive, north of Quincy Lane. File number MS-1999-247.

Summary:

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive, to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is for PR zoning. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-17.83 for the zone of annexation.

Background Information:

See attached report.

Budget:

N/A

Action Requested/Recommendation: Staff and City Planning Commission recommend approval of the second reading of the zone of annexation ordinance to the zone of PR-17.83, for Coventry Club Minor Subdivision Annexation.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop

AGENDA TOPIC: MS-1999-247 Zone of Annexation for the Coventry Club Minor Subdivision, and approval of the requested minor subdivision. The subdivision is located at Arlington Drive, north of Quincy Lane. The physical address of the newly subdivided lot will be 263 Coventry Court, unit 51.

SUMMARY: The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive, to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is PR zoning. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-17.83.

ACTION REQUESTED: Decision on zone of annexation.

BACKGROUND INFORMATION:

Location: Arlington Drive, north of Quincy Lane

Applicant: Dave Bingham, representing the Coventry Club Homeowners Association.

Existing Land Use: 50 Townhouse units and one clubhouse in Mesa County.

Surrounding Land Use:

North: residential in Mesa County

South: Arrowhead Acres Residential

East: residential in Mesa County

West: residential in Mesa County

Existing Zoning: Mesa County PD-8.

Proposed Zoning: Planned Residential not to exceed 17.83 units per acre. (PR-17.83)

Surrounding Zoning:

North: Mesa County residential

South: Mesa County residential then Arrowhead Acres, zoned RSF-5 (residential single family, not to exceed 5 units per acre).

East: Mesa County residential
West: Mesa County residential

Relationship to Comprehensive Plan: The Growth Plan shows this area to be developed as a medium residential area with a density of 4 to 8 units per acre. The Orchard Mesa Plan calls for Single Family \ Multi Family at 8 units per gross acre. The Plan further states that densities greater than 8 units per acre may be appropriate. Any rezoning to a density greater than 8 units per acre should occur through a planned development zone only.

Staff Analysis:

Zoning. The Coventry Club HOA no longer feel there is a need for a clubhouse in this subdivision, therefore they are requesting a minor subdivision. Adequate public services necessary for the conversion of the clubhouse to a residence currently exist in this subdivision. The existing clubhouse is compatible as a residential unit, as it is similar in design with the existing neighborhood.

Approval of this minor subdivision results in an actual density of 17.83 units per acre. Coventry Club Subdivision is a minor subdivision of a larger subdivision, Village Nine. Village Nine Subdivision was a planned development, approved in Mesa County, in 1982. The overall density of this planned development resulted in a PD8 zoning district in Mesa County. The developer has further provided that Coventry Club was part of Phase II, Block 5, of the Village Nine Subdivision allowing 80 units on 2.09 acres. With the addition of one more unit in Block 5, the density is still within the intent of this planned development. Staff feels the zone of PR-17.83 is acceptable as the zone of annexation.

Staff's position that PR-17.83 zoning should apply, is in compliance with Chapter Four, Section 4-1-1, of the Zoning and Development Code, by encouraging the most appropriate use of land throughout the City and to ensure the logical and orderly growth and development of the physical elements of the City. This proposal also protects and maintains the integrity and character of this established residential area and meets the intent of Section 4-1-1 entitled "Purpose".

Section 4-11 of the Zoning and Development Code, Zoning of Annexations states: The zoning request shall be evaluated by the following special criteria in addition to the general criteria for rezoning.

- A. adverse impacts to the developed density of established neighborhoods shall be considered: and
- B. the relationship of the property to the urban core area or to established subcores shall be considered.

The proposed PR-17.83 zone complies with this criteria and is consistent not only with the Growth Plan, but also the Orchard Mesa Neighborhood Plan. The Growth Plan Goals and Policies are met in Policy 1.7 "The City and County will use

zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community." This property is currently in a residential zoned area and is compatible with the existing residential uses surrounding it.

This proposed zoning of PR-17.83, also complies with Section 4-4-4, criteria. The following questions shall be answered in reviewing rezone applications and shall be considered in the decisions made by the Planning Commission and City Council.

- A. Was the existing zone an error at the time of adoption? *No it was not.*
- B. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc? *There has been little change in this immediate area.*
- C. Is there an area of community need for the proposed rezone? *The rezone is a result of annexation due to the Persigo agreement.*
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts? *The rezone is compatible.*
- E. Will there be benefits derived by the community, or area, by granting the proposed rezone? *This rezone allows for conformity with future annexations that will be in accordance with the Persigo Agreement.*
- F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies? *This proposal is in conformance with the Persigo Agreement, the Growth Plan for this area, and the Orchard Mesa Plan..*
- G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? *Yes, adequate facilities are available.*

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of December 14, 1999, the Grand Junction Planning Commission made the recommendation to the City Council that the zone of annexation for the Coventry Club Minor Subdivision should be PR-17.83.

RECOMMENDATION: Staff and Planning commission recommend the zone of PR-17.83 for the zone of annexation for the Coventry Club Minor Subdivision Annexation, located at Arlington Drive, north of Quincy Lane. The recommendation of the zone of PR-17.83, is in compliance with Section 4-1-1, and Section 4-4-4, of the Zoning and Development Code, and the Orchard Mesa Neighborhood Plan.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**Ordinance Zoning the Coventry Club Annexation
to a PR-17.83 Zoning District (Planned Residential - not to exceed 17.83 units
per acre)**

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 applying a PR-17.83 zone district (Planned Residential not to exceed 17.83 units per acre) to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PR-17.83 zone district be established.

The City Council finds that the PR-17.83 zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 of the Grand Junction Zoning and Development Code.

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

**The following parcel shall be zoned PR-17.83 (Planned Residential – not to
exceed 17.83 units per acre):**

All Tax Parcels Located at Block 31 of #2943-302-31

**PERIMETER BOUNDARY LEGAL DESCRIPTION
COVENTRY CLUB SUBDIVISION ANNEXATION**

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NW 1/16 corner of Section 30; thence S 00°43'19" E along the west line of the SE 1/4 NW 1/4 of said Section 30 a distance of 458.41 feet to the True Point of Beginning of the parcel described herein; thence crossing Arlington Drive N 89°16'41" E a distance of 56.81 feet to a point on the east right of way line for said Arlington Drive; thence 48.89 feet along the north boundary of Coventry Club as found recorded in Plat Book 13 at Page 60 of the records of the Mesa County Clerk and Recorder and arc of a curve concave to the south, having a radius of 20.00 feet, a delta angle of 140°03'52" and a long chord bearing N 88°29'29" E a distance of 37.60 feet to a point; thence 446.80 feet along the northeasterly boundary of said Coventry Club and arc of a curve concave to the

northeast, having a radius of 675.26 feet, a delta angle of 40°25'54" and a long chord bearing S 40°25'54" E a distance of 438.69 feet to a point; thence S 62°04'58" E a distance of 111.98 feet to a point on the southeasterly right of way line for Quincy Drive; thence along the southeasterly right of way line for said Quincy Drive the following 5 courses:

- 1) 94.40 feet along the arc of a curve concave to the southeast, having a radius of 77.50 feet, a delta angle of 69°47'24" and a long chord bearing S 69°16'45" W a distance of 88.67 feet;
- 2) 194.65 feet along the arc of a curve to the right having a radius of 605.66 feet, a delta angle of 18°24'50" and a long chord bearing S 43°35'28" W a distance of 193.81 feet;
- 3) S 52°47'59" W a distance of 46.63 feet;
- 4) 186.48 feet along the arc of a curve to the right, having a radius of 322.50 feet, a delta angle of 33°07'49" and a long chord bearing S 69°21'54" W a distance of 183.89 feet;
- 5) 30.25 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 86°39'36" and a long chord bearing S 42°36'00" W a distance of 27.45 feet to a point on the east right of way line for Arlington Drive;

thence S 00°43'19" E along the east right of way line for said Arlington Drive a distance of 112.62 feet to a point; thence leaving said east right of way line S 89°16'41" W a distance of 25.00 feet to a point on the west line of the SE 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said west line a distance of 594.31 feet to a point; thence leaving the west line of said SE 1/4 NW 1/4 S 89°16'41" W a distance of 25.00 feet to a point on the west right of way line for said Arlington Drive; thence 177.08 feet along said west right of way line and arc of a curve to the right, having a radius of 622.97 feet, a delta angle of 16°17'13" and a long chord bearing N 07°25'17" E a distance of 176.49 feet to a point on the east line of the SW 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said east line a distance of 13.56 feet to the point of beginning, containing 3.95 acres more or less.

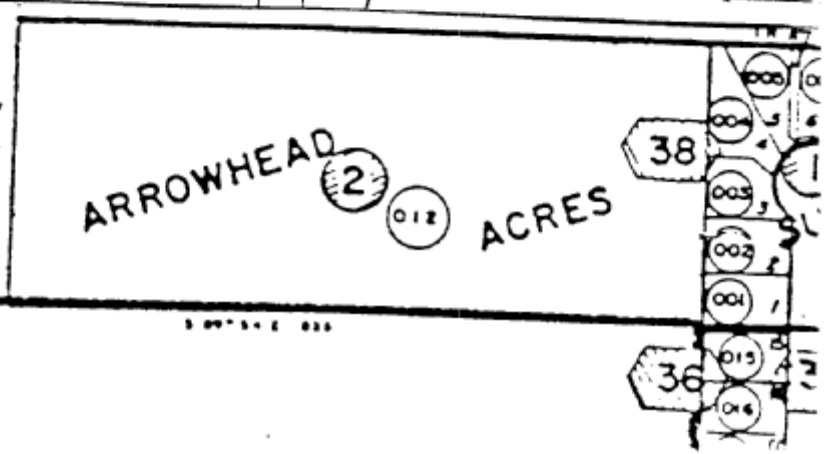
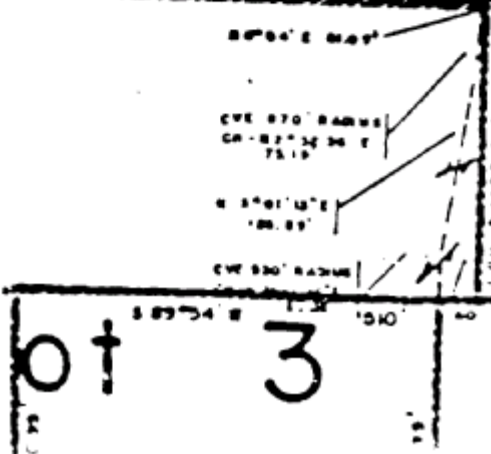
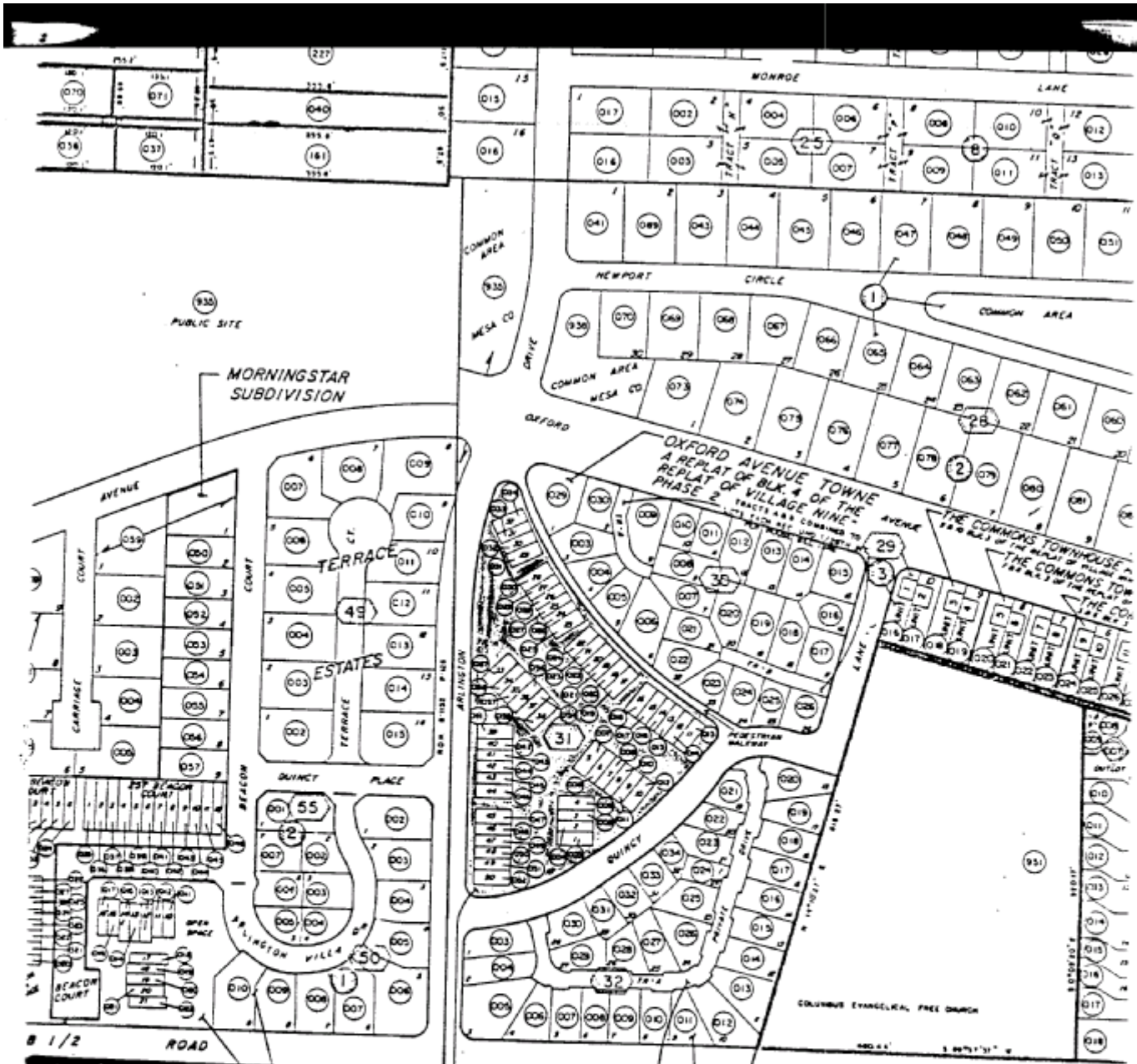
Introduced on first reading this 5th day of January, 2000.

PASSED and ADOPTED on second reading this _____ day of _____, 2000.

President of the Council

ATTEST:

City Clerk





B 1/2 ROAD

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 12, 2000

Author: Lori V. Bowers

Title: Associate Planner

Presenter Name: Lori V. Bowers

Title: Associate Planner

Subject:

Public Hearing for Acceptance of Annexation Petition and Second Reading of Annexation Ordinance for the Broome Annexation, located at 3090 I-70 B, file number ANX-1999-263.

Summary:

The Broome Annexation area consists of two parcels of land, Lots 3 & 6, 31 Road Business Park Subdivision, 2.12-acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

Background Information:

See attached report.

Budget:

N/A

Action Requested/Recommendation:

Staff recommends that City Council accept the petition for annexation and approve on second reading the annexation ordinance for the Broome RV Sales Annexation, located 3090 I-70 B.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Individual Consideration Workshop
--

CITY COUNCIL

STAFF PRESENTATION: Lori V. Bowers

AGENDA TOPIC: ANX-1999-263 (Public Hearing) Acceptance of the Annexation Petition and Second Reading of the Annexation Ordinance for the Broome Annexation located at 3090 I-70 B.

SUMMARY: The 2.12-acre Broome Annexation area consists of two parcels of land, Lots 3 & 6, 31 Road Business Park Subdivision. The owners of the property have signed a petition for annexation.

ACTION REQUESTED: Request to: 1) accept the petition for the Broome annexation 2) approve second reading of Annexation Ordinance.

BACKGROUND INFORMATION:

Location: 3090 I-70 B. Access is actually from Hoover Drive

Applicant: Larry and Kathy Herwick

Existing Land Use: Vacant land

Surrounding Land Use:

North: Hasco Inc.

South: I-70 B

East: vacant land and office/retail spaces

West: Central Grand Valley Sanitation offices

Existing Zoning: Mesa County ILCB

Proposed Zoning: C-1

Surrounding Zoning:

North: ILCB – Mesa County (Industrial limited class B)

South: ILCB – Mesa County (Industrial limited class B)

East: ILCB – Mesa County (Industrial limited class B) & C-1 (Eberhart Annx.)

West: ILCB – Mesa County (Industrial limited class B) & C-1 (Wells Annx.)

Relationship to Comprehensive Plan: The Growth Plan shows this area to be developed as a commercial area.

Staff Analysis:

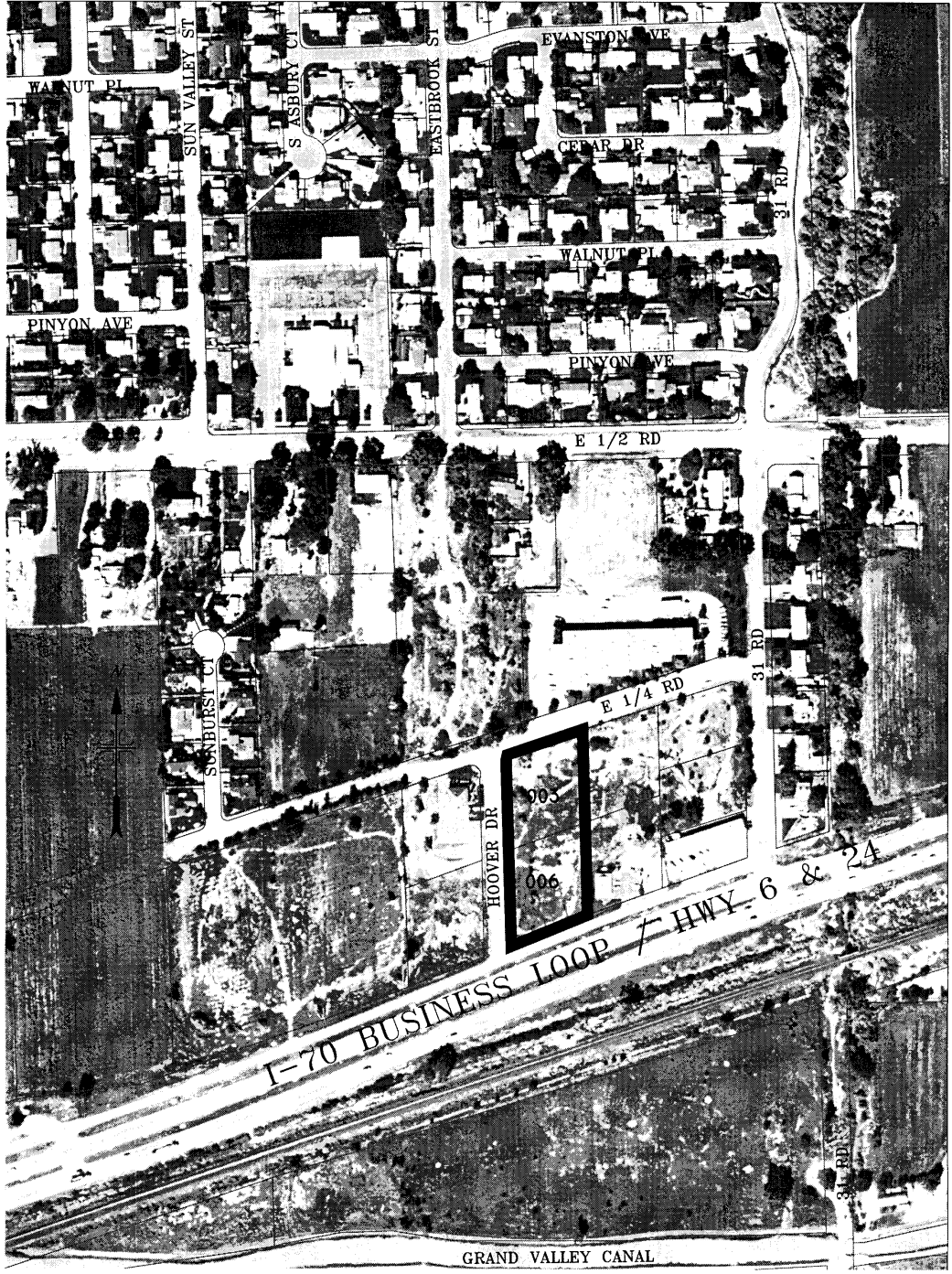
Annexation. The petition for the Broome Annexation was signed by the property owners, Kathy and Larry Herwick , thereby making it a petition signed by 100 percent of all property owners included within the annexation boundary. The Broome annexation consists of two subdivided lots, Lots 3 and 6, 31 Road Business Park located along Hoover Drive and I-70 B. Contiguity is obtained from the previous annexation of the Wells Annexation, adjacent to this property, as allowed under the state statutes. Once jurisdiction is established, the applicants wish to construct a 5,000 square foot office and shop for RV sales and service.

It is the professional opinion of Community Development Department staff member, David Thornton, based on his review of the petition and his knowledge of applicable state law, including the Municipal Annexation Act pursuant to C.R.S. 31-12-104, that the Sharp Annexation is eligible for annexation because of compliance with the following (refer to attached copy of signed affidavit):

- a) A proper petition has been signed by more than 50 percent of the owners and more than 50 percent of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) a community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities.
- d) The area is or will be urbanized in the near future.
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation ; and
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

Exercising Land Use Jurisdiction. The land is currently vacant. An application for Site Plan review has been reviewed and approved by the City Community Development Department.

RECOMMENDATION: Staff recommends acceptance of the Annexation Petition and Second Reading of Annexation Ordinance for the Broome Annexation located at 3090 I-70 B.



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -00

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION, MAKING
CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS BROOME ANNEXATION,
LOCATED AT 3090 I-70B,
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 1st day of December, 1999, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Perimeter Boundary Legal Description
Broome Annexation

A parcel of land situate in the SE 1/4 of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northeast corner of Lot 3 of 31 Road Business Park Subdivision as found recorded in Plat Book 12 at Page 353 of the records of the Mesa County Clerk and Recorder; thence S 00°00'00" W along the east line of said Lot 3 a distance of 215.69 feet to the southeast corner of said Lot 3; thence S 00°00'00" W along the east line of Lot 6 of said 31 Road Business Park Subdivision a distance of 214.42 feet to the southeast corner of said Lot 6; thence S 69°03'28" W along the northerly right of way line for I-70 B a distance of 193.43 feet to the southwest corner of said Lot 6; thence N 00°00'00" E along the east right of way line for Hoover Drive a distance of 221.55 feet to the northwest corner of said Lot 6; thence crossing said Hoover Drive S 71°02'52" W a distance of 63.44 feet to the southeast corner of Lot 4 of said 31 Road Business Park Subdivision; thence N 00°00'00" E along the west right of way line for said Hoover Drive a distance of 197.96 feet to a point; thence 37.33 feet along said west right of way line and arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 106°56'58" and a long chord bearing N 53°28'29" W a distance of 32.14 feet to a point on the south right of way line for E 1/4 Road; thence N 73°03'02" E along the south right of way line for said E 1/4 Road a distance of 278.59 feet to the point of beginning, containing 2.12 acres more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of December, 1999; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**BROOME ANNEXATION
APPROXIMATELY 2.12 ACRES
LOCATED 3090 I-70 B**

WHEREAS, on the 1ST day of December, 1999 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of January, 2000; and

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

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

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

Perimeter Boundary Legal Description
Broome Annexation

A parcel of land situate in the SE 1/4 of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northeast corner of Lot 3 of 31 Road Business Park Subdivision as found recorded in Plat Book 12 at Page 353 of the records of the Mesa County Clerk and Recorder; thence S 00°00'00" W along the east line of said Lot 3 a distance of 215.69 feet to the southeast corner of said Lot 3; thence S 00°00'00" W along the east line of Lot 6 of said 31 Road Business Park Subdivision a distance of 214.42 feet to the southeast corner of said Lot 6; thence S 69°03'28" W along the northerly right of way line for I-70 B a distance of 193.43 feet to the southwest corner of said Lot 6; thence N 00°00'00" E along the east right of way line for Hoover Drive a distance of 221.55 feet to the northwest corner of said Lot 6; thence crossing said Hoover Drive S 71°02'52" W a distance of 63.44 feet to the

southeast corner of Lot 4 of said 31 Road Business Park Subdivision; thence N 00°00'00" E along the west right of way line for said Hoover Drive a distance of 197.96 feet to a point; thence 37.33 feet along said west right of way line and arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 106°56'58" and a long chord bearing N 53°28'29" W a distance of 32.14 feet to a point on the south right of way line for E 1/4 Road; thence N 73°03'02" E along the south right of way line for said E 1/4 Road a distance of 278.59 feet to the point of beginning, containing 2.12 acres more or less.

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

INTRODUCED on first reading on the 1st day of December, 1999.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

President of the Council

City Clerk

Attach 11

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 12, 2000

Author: Lori V. Bowers

Title: Associate Planner

Presenter Name: Lori V. Bowers

Title: Associate Planner

Subject:

Second reading of the Zone of Annexation Ordinance, for the Broome Annexation, located at 3090 I-70 B, file number ANX-1999-263.

Summary:

The Broome Annexation area consists of two parcels of land, Lots 3 & 6, 31 Road Business Park Subdivision, 2.12-acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

Background Information:

See attached report.

Budget:

N/A

Action Requested/Recommendation:

Staff recommends that City Council approve on second reading the zone of annexation ordinance for the Broome RV Sales Annexation, located 3090 I-70 B.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop

AGENDA TOPIC: ANX-1999-263 Zone of Broome Annexation. The two subdivided lots for this annexation are physically addressed as 3090 I-70 B, the legal description for which is Lots 3 and 6, 31 Road Business Park Subdivision.

SUMMARY: The Broome Annexation area consists of two parcels of land, Lots 3 & 6, 31 Road Business Park Subdivision, 2.12-acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

ACTION REQUESTED: Decision on zone of annexation.

BACKGROUND INFORMATION:

Location: 3090 I-70 B. Access is actually from Hoover Drive

Applicant: Larry and Kathy Herwick

Existing Land Use: Vacant land

Surrounding Land Use:

North: Hasco Inc.

South: I-70 B

East: vacant land and office/retail spaces

West: Central Grand Valley Sanitation offices

Existing Zoning: Mesa County ILCB

Proposed Zoning: C-1 (light commercial)

Surrounding Zoning:

North: ILCB – Mesa County (Industrial limited class B)

South: ILCB – Mesa County (Industrial limited class B)

East: ILCB – Mesa County (Industrial limited class B) & C-1 (Eberhart Annx.)

West: ILCB – Mesa County (Industrial limited class B) & C-1 (Wells Annx.)

Relationship to Comprehensive Plan: The Growth Plan shows this area to be developed as a commercial area.

Staff Analysis:

Zoning. Dale Broome RV Sales and Service will require the zone of C-1 for this land use. The applicants are requesting the zone of C-1, and Staff is in support of the zone of C-1.

Staff's position that C-1 zoning should apply to this annexation is in compliance with Chapter Four, Section 4-1-1, of the Zoning and Development Code, by encouraging the most appropriate use of land throughout the City and to ensure the logical and orderly growth and development of the physical elements of the City. This proposal also protects and maintains the integrity and character of this established commercial area and meets the intent of Section 4-1-1 entitled "Purpose".

Section 4-11 of the Zoning and Development Code, Zoning of Annexations states: The zoning request shall be evaluated by the following special criteria in addition to the general criteria for rezoning.

- A. adverse impacts to the developed density of established neighborhoods shall be considered: and
- B. the relationship of the property to the urban core area or to established subcores shall be considered.

The proposed C-1 zone complies with this criteria and is consistent with the Growth Plan. The Growth Plan Goals and Policies are met in Policy 1.7 "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community." This property is currently in a commercially zoned area in Mesa County and is compatible with the existing commercial uses surrounding it.

The proposed zoning of C-1, also complies with Section 4-4-4, criteria. The following questions shall be answered in reviewing rezone applications and shall be considered in the decisions made by the Planning Commission and City Council.

- A. Was the existing zone an error at the time of adoption? *No it was not.*
- B. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc? *There has been little change in this immediate area.*
- C. Is there an area of community need for the proposed rezone? *The rezone is a result of annexation due to the Persigo agreement.*
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts? *The rezone is compatible.*
- E. Will there be benefits derived by the community, or area, by granting the proposed rezone? *This rezone is in compliance with the Persigo Agreement, and*

will allow for the use of RV sales and service, as was allowed under County jurisdiction.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies? *This proposal is in conformance with the Persigo Agreement, and the Growth Plan for this area.*

G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? *Yes, adequate facilities are available.*

PLANNING COMMISSION RECOMMENDATION: The Planning Commission at their regularly scheduled meeting of December 14, 1999, made a recommendation to City Council on the zone of annexation for Dale Broome Annexation, and recommended the Zone of C-1.

RECOMMENDATION: Planning Commission and Staff recommend the zone of C-1 for the zone of annexation for Dale Broome RV Sales Annexation, located at 3090 I-70 B. The recommendation of the zone of C-1 is in compliance with Section 4-1-1, and Section 4-4-4, of the Zoning and Development Code.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**Ordinance Zoning the Broome Annexation
to a Light Commercial Zone District (C-1)**

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 applying a Light Commercial (C-1) zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 zone district be established.

The City Council finds that the C-1 zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 of the Grand Junction Zoning and Development Code.

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

The following parcel shall be zoned Light Commercial (C-1):

Tax Parcels # 2943-094-77-003 and 2943-094-77-006

Perimeter Boundary Legal Description

Broome Annexation

A parcel of land situate in the SE 1/4 of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northeast corner of Lot 3 of 31 Road Business Park Subdivision as found recorded in Plat Book 12 at Page 353 of the records of the Mesa County Clerk and Recorder; thence S 00°00'00" W along the east line of said Lot 3 a distance of 215.69 feet to the southeast corner of said Lot 3; thence S 00°00'00" W along the east line of Lot 6 of said 31 Road Business Park Subdivision a distance of 214.42 feet to the southeast corner of said Lot 6; thence S 69°03'28" W along the northerly right of way line for I-70 B a distance of 193.43 feet to the southwest corner of said Lot 6; thence N 00°00'00" E along the east right of way line for Hoover Drive a distance of 221.55 feet to the northwest corner of said Lot 6; thence crossing said Hoover Drive S 71°02'52" W a distance of 63.44 feet to the southeast corner of Lot 4 of said 31 Road Business Park Subdivision; thence N 00°00'00" E along the west right of way line for said Hoover Drive a distance of

197.96 feet to a point; thence 37.33 feet along said west right of way line and arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 106°56'58" and a long chord bearing N 53°28'29" W a distance of 32.14 feet to a point on the south right of way line for E 1/4 Road; thence N 73°03'02" E along the south right of way line for said E 1/4 Road a distance of 278.59 feet to the point of beginning, containing 2.12 acres more or less.

Introduced on first reading this 5th day of January, 2000.

PASSED and ADOPTED on second reading this _____ day of _____, 2000.

Mayor

ATTEST:

City Clerk

Attach 12

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 11, 2000

Author: Bill Nebeker

Title: Senior Planner

Presenter Name: Bill Nebeker

Title: Senior Planner

Subject: Rezone – PR 21 to RSF-8 for Garrett Estates; located at the northeast corner of 25 Road and F ½ Road; File #RZP-1999-252.

Summary: In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55 lot subdivision, the applicant requests to rezone the parcels from PR 21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future Land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivisions to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

Background Information: See attached report for further information.

Budget: Not applicable

Action Requested/Recommendation: Adopt ordinance on first reading and set a hearing for January 19, 2000.

Citizen Presentation: **Yes** **No**. If yes,
Name
Purpose

Report results back to Council? **No** **Yes**, When _____

Placement on agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration <input checked="" type="checkbox"/> Workshop
--

Location: Northeast corner of 25 Road and F ½ Road

Applicant: Sonshine Construction LLC

Representative: Banner Associates Inc.

Owner: LeRoy & Esther McKee

Existing Land Use: one single family home and vacant

Proposed Land Use: 55 single-family detached residential lots

Surrounding Land Use:

North: vacant (proposed Country Crossing)

South: Mesa County Sheriff's Posse

East: Diamond Ridge Sub (under construction)

West: residential

Surrounding Zoning:

North: PR 4.4

South: Planned Industrial

East: PR 4.2

West: RSF-R

Existing Zoning: PR 21

Proposed Zoning: RSF-8

Relationship to Comprehensive Plan: The Growth Plan shows this area developing at 4 to 8 dwellings per acre. The overall average density of this subdivision is 4.53 dwellings per acre. This subdivision is in conformance with the Growth Plan Map.

Staff Analysis

Rezone: The applicant is proposing to rezone the 12.12-acre parcel from PR-21 to RSF-8. This parcel was annexed to the City of Grand Junction in 1980 and zoned PR 21. The zoning likely reflected the same density of county zoning of 21 dwellings per acre on an approved project that never materialized. With adoption of the Growth Plan map in 1996 the density of this parcel and the surrounding area from F ½ Road to G and 25 Road to 25 ½ was designated for 4 to 8 dwellings per acre. The downzoning of this parcel to RSF-8 is more in conformance with zoning on parcels to the north and east, respectively PR 4.4 and 4.2. The developed density of the Garrett Subdivision

is 4.5 dwellings per acre. The RSF-8 zone district allows more flexibility with lot sizes and setbacks than the RSF-5 zone district.

Staff finds that the proposed rezone of this parcel meets the criteria established in Section 4-4-4 of the Grand Junction Zoning and Development Code as noted below:

- A. **Was the existing zone an error at the time of adoption?** No. The PR 21 zoning was applied at the time of annexation and reflected the density allowed in the comparable County zoning.
- B. **Has there been a change in character in the area due to the installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** Yes. Development at approximately 4 dwellings per acre has been approved on parcels to the north and east. The parcel to the east is currently under construction.
- C. **Is there an area of community need for the proposed rezone?** Yes. According to the applicant, sales have been brisk for single family lots of this size in this location.
- D. **Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** Yes. The subdivision abuts two approved and proposed subdivisions with similar densities
- E. **Will there be benefits derived by the community, or area, by granting the proposed rezone?** Yes. Benefits include an increased tax base, development of homes at mid-price ranges and improvement of surrounding infrastructure.
- E. **Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?** Yes. The zoning is in conformance with the Growth Plan Map, which shows this area developing at 2 to 4 dwellings per acre.
- F. **Are adequate public facilities available to serve development for the type and scope suggested by the proposed zone?** Yes.

PLANNING COMMISSION RECOMMENDATION: Approval

The remainder of this report is provided for informational purposes only.

Preliminary Plat: The applicant is proposing a 55-lot subdivision with lot sizes ranging between 5,682 and 10,855 square feet in size. The minimum lot size in the RSF-8 zone is 4000 square feet. Single family detached homes are planned for the lots.

Access: There are three accesses to the subdivision and one pedestrian access – one off F ½ Road, one to the adjacent Diamond Ridge Subdivision to the east and one to Country Crossing Subdivision to the north. Pedestrian access has been provided to 25 Road since no vehicular access is provided to this street. The applicant will be required to construct a concrete path in the tracts for pedestrian access.

Stormwater Retention: Stormwater is being detained in two long, narrow detention basins along F ½ Road. The existing storm water drainage system downstream of this development is undersized for the existing conditions. Therefore, just controlling the discharge rates to the historical values may are not adequate for this subdivision. The City Development Engineer suggested three options: 1) increase the detention and discharge at less than historical rates, 2) reconstruct the downstream or 3) wait until the downstream system is reconstructed by the City or the Drainage District. The applicant has met with John Ballagh of the Grand Junction Drainage District who is in agreement with a fourth option. If a drainage easement were obtained from the property owner to the west, stormwater could be discharged into an existing series of open ditches that flow into Leach Creek to the northwest of this site.

The City Development Engineer has agreed to allow detention on this site and release of stormwater at the historical rate into the ditches to Leach Creek, with a condition that the easement be obtained over the property west of 25 Road. At final plat approval, if an analysis of the downstream drainage shows sufficient capacity for full discharge with no detention, then the plat may be modified to delete the detention basins. If the basins remain they shall be adequately sized to detain the required stormwater per the SWMM Manual.

Open Space: No open space is provided or required since this is a “straight zone” subdivision.

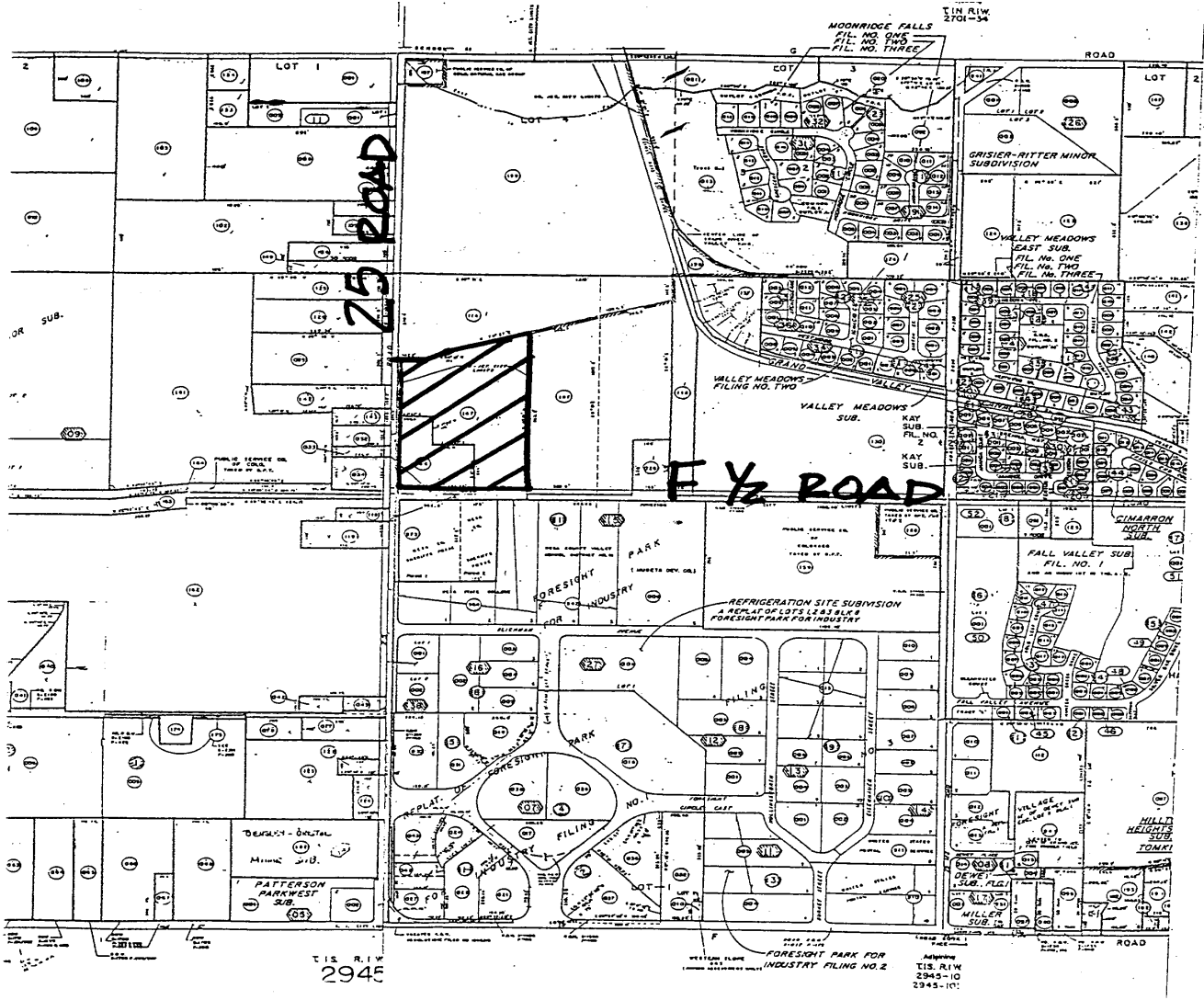
Phasing Plan: Three phases are proposed for the subdivision. Phase one includes the entrance onto F ½ Road and the connection to Diamond Ridge Subdivision via Garnet Avenue. Garnet Avenue has been constructed in this subdivision. Phase two includes the connection to Country Crossing Subdivision to the north. Crossing Street has not been constructed on the

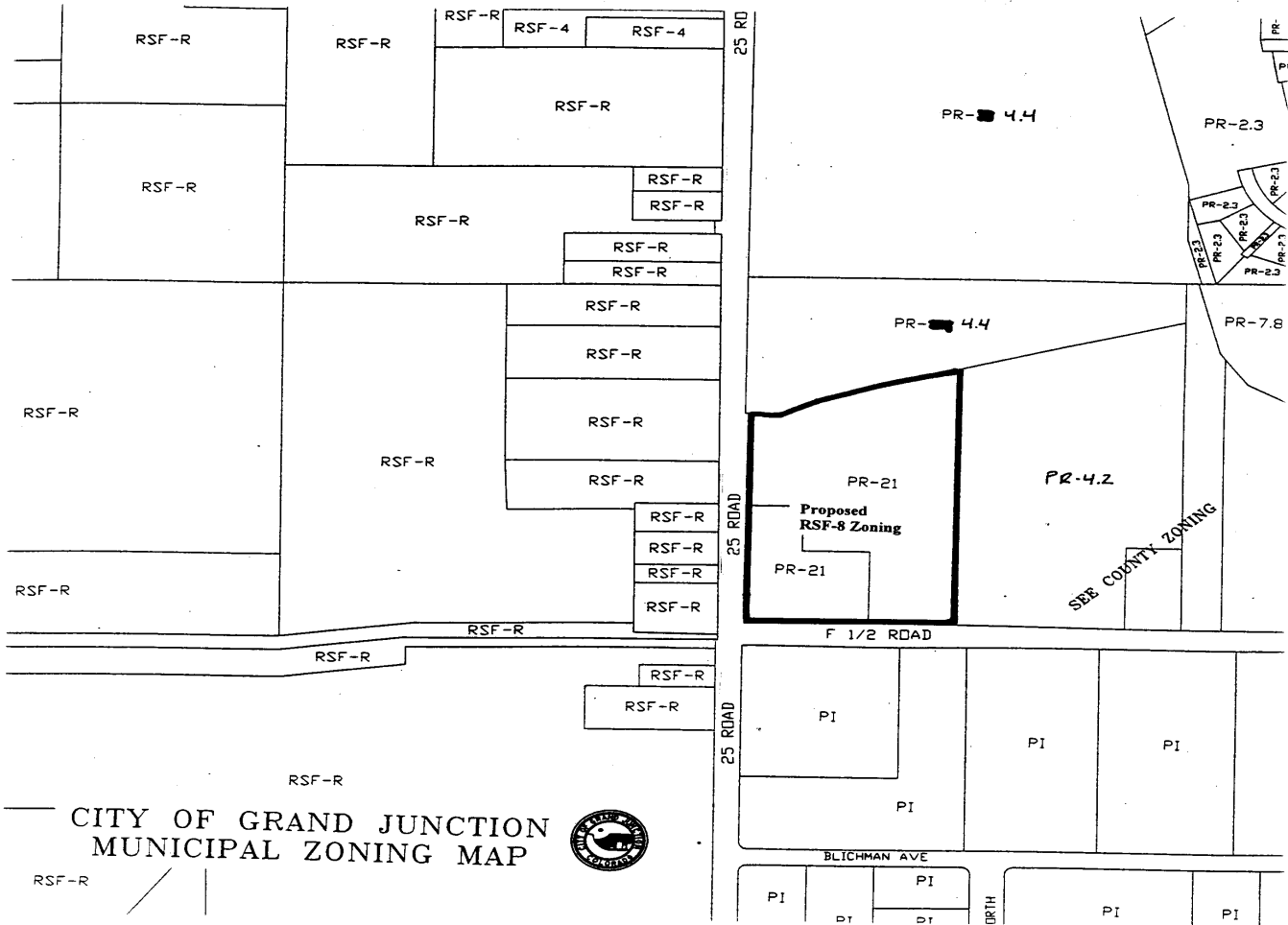
parcel to the north. Phase three includes the remainder of the lots along 25 Road.

Fencing: The applicant has indicated that a subdivision perimeter fence along 25 Road and F ½ Road behind the detention facility is desired. The applicant has chosen the option of a 6-foot cedar fence located five feet behind the property line. A five-foot wide landscaped easement will be required on the final plat and trees and shrubs planted within this area. This area will be conveyed to and maintained by the homeowner's association after plat recordation.

At its December 21, 1999 hearing the Planning Commission approved this subdivision with the following conditions:

1. A minimum eight-foot wide concrete path with weed barrier and gravel on each side is required to be constructed in the pedestrian tracts for access between 25 Road and Diamond Ridge Subdivision.
2. The applicant shall obtain and submit an executed easement over the property to the west of 25 Road for off-site drainage, with final plat submittal. This easement must be obtained prior to submittal for final approval.
3. If an analysis of downstream drainage performed by the applicant shows that there is excess capacity in the drainage system to Leach Creek, the city will consider the allowance for full stormwater discharge rather than detention and release at historic rates.
4. A six-foot high solid fence shall be constructed by the developer around the perimeter of this subdivision along 25 Road and F ½ Road, behind a five-foot wide landscaped setback with trees and shrubs provided by the developer in a tract or easement. The tract or easement shall be conveyed to the Homeowner's Association for maintenance.

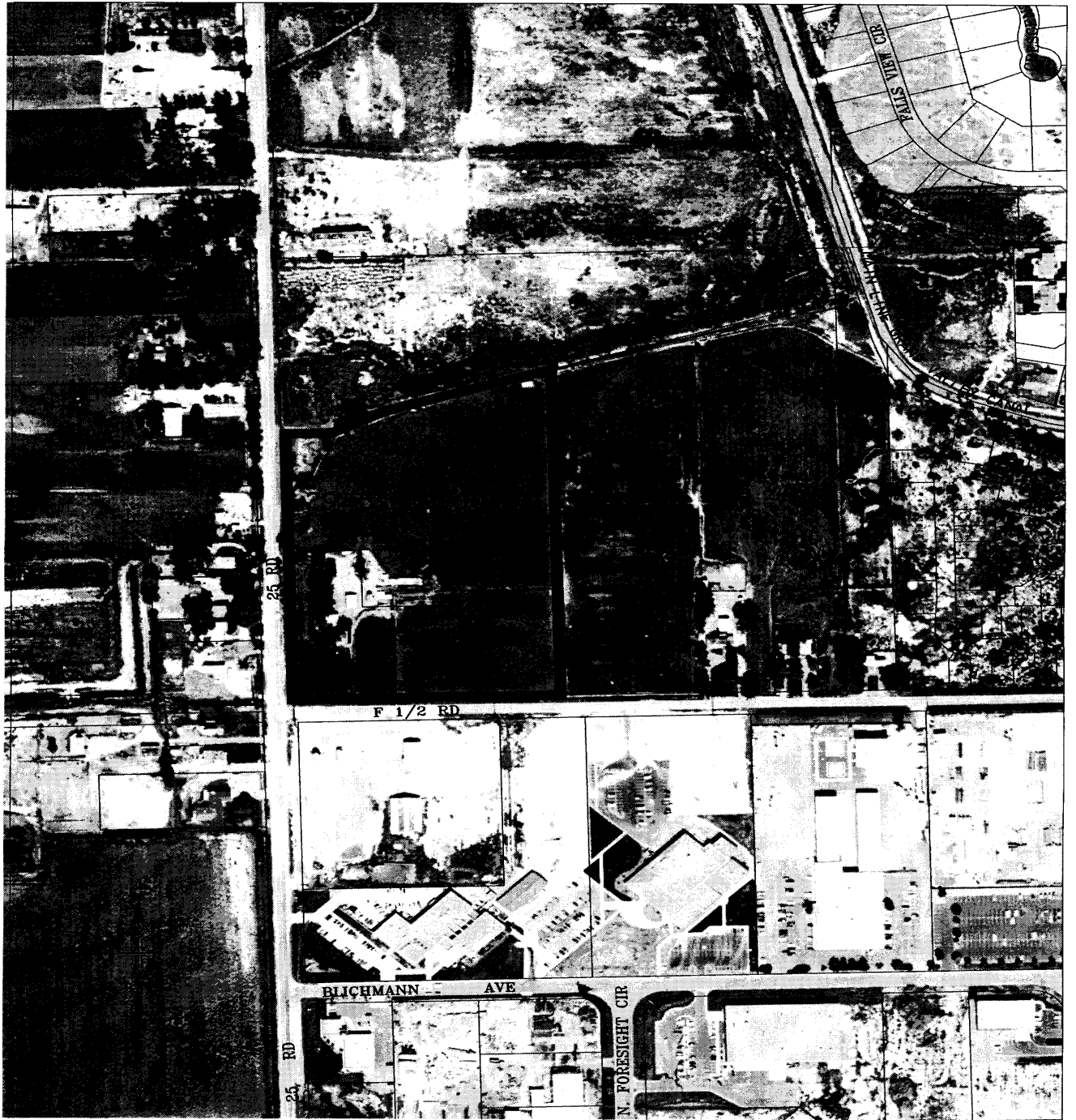


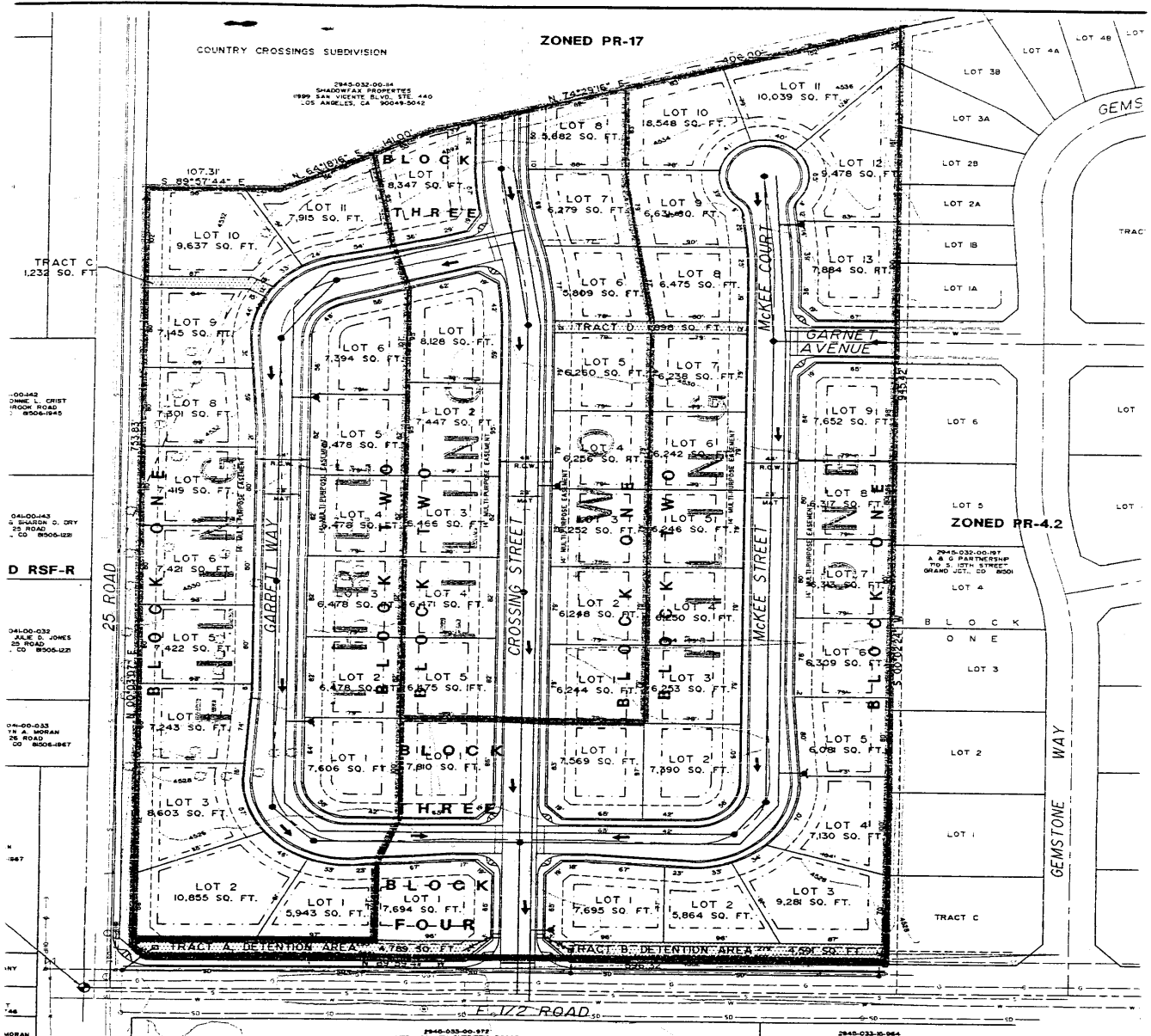


CITY OF GRAND JUNCTION
MUNICIPAL ZONING MAP



RSF-R





ZONED P1

2940-032-00-34
SHADOWNAL PROPERTIES
1800 SAN VICENTE BLVD., STE. 440
LOS ANGELES, CA 90049-0047

2940-032-00-97
MESA COUNTY SHERIFF'S POSSE
P.O. BOX 1386
GRAND JCT. CO 80523-1386

2940-032-00-964
MESA STATE COLLEGE, PRESTATE COLLEGES
P. COLORADO STREET
103 TEXAS AVENUE
GRAND JCT. CO 80501-7605

REVISION	DATE	DESCRIPTION	BY	CVD	SONSHINE CONSTRUCTION, LLC

BANNER
S, INC. • CONSULTING ENGINEERS & SURVEYORS
• GRAND JUNCTION, CO 80506 • (970) 243-2242

**GARRETT ESTATES
PRELIMINARY PLAN**

CITY OF GRAND JUNCTION

Ordinance No. _____

REZONING PROPERTY TO BE KNOWN AS
GARRETT ESTATES, LOCATED AT THE
NORTHEAST CORNER OF 25 ROAD
AND F ½ ROAD, FROM
PR 21 TO RSF-8

Recitals.

The applicant is proposing to rezone two parcels totaling 12.12-acres in size from PR-21 to RSF-8. These parcels were annexed to the City of Grand Junction in 1980 and zoned PR 21. With adoption of the Growth Plan map in 1996 the density of these parcels and the surrounding area from F ½ Road to G and 25 Road to 25 ½ was designated for 4 to 8 dwellings per acre. The downzoning of this parcel to RSF-8 is more in conformance with zoning on parcels to the north and east, respectively PR 4.4 and 4.2. The developed density of the Garrett Estates Subdivision is 4.5 dwellings per acre. The RSF-8 zone district allows more flexibility with lot sizes and setbacks than the RSF-5 zone district.

The City Planning Commission found that the zoning conforms with Section 4-4-4 of the Grand Junction Zoning and Development Code and recommended approval of this rezone request at their December 21, 1999 hearing. Community Development Department File #RZP-1999-252 outlines the specific findings of the Commission.

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

City Council finds that the requested rezone meets the criteria as set forth in Section 4-4-4 of the Grand Junction Zoning and Development Code and in accordance therewith the following described parcels are hereby rezoned from PR 21 to RSF-8:

A parcel of land in the State of Colorado, County of Mesa described as follows:

Beginning at the W4 cor Sec 3 T1S R1W of the UM, thence S 89degrees57'E 659.85', thence N00degrees 01'W 980.2', thence S74degrees27'W 400', thence S64degrees6'W 141', thence W 147.2', thence S 811.2' on the POB; except the W 40' and the S 33'; of the W2 of the S 811.2' of SW4NW4 Sec 3 T1S R1W UM.

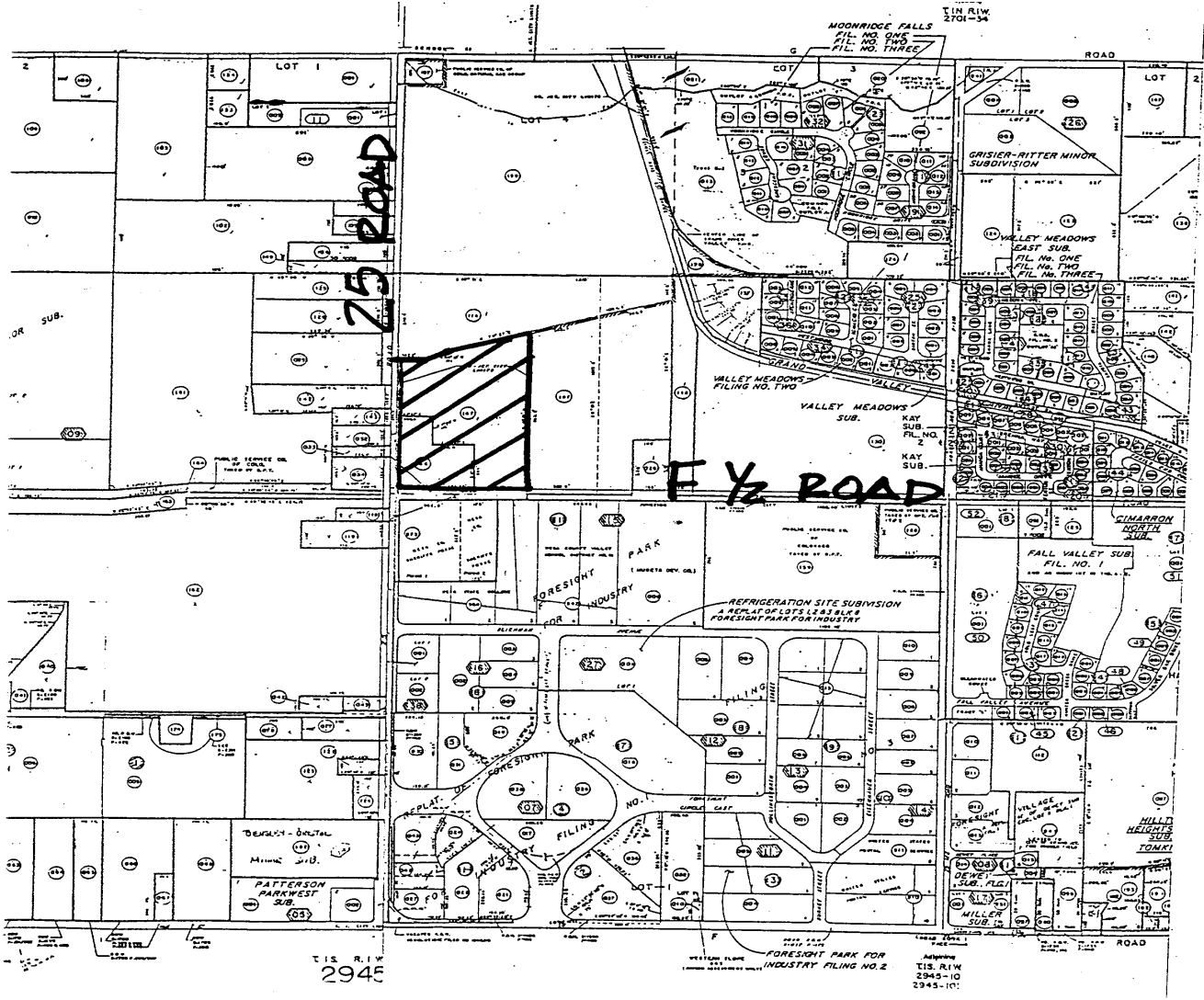
INTRODUCED for FIRST READING and PUBLICATION this 5th day of January, 2000.

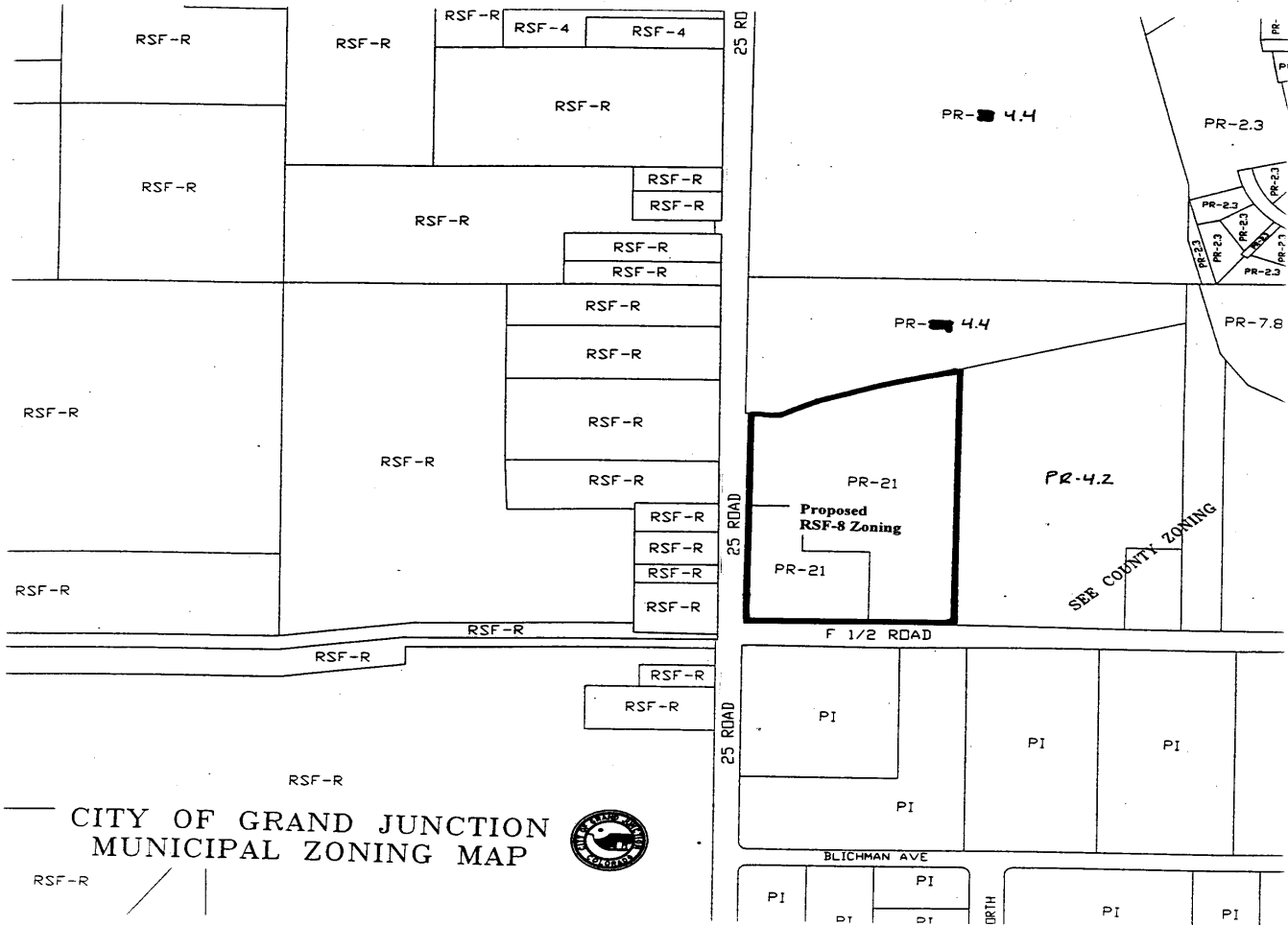
PASSED on SECOND READING this day of 2000.

ATTEST:

City Clerk

President of City Council

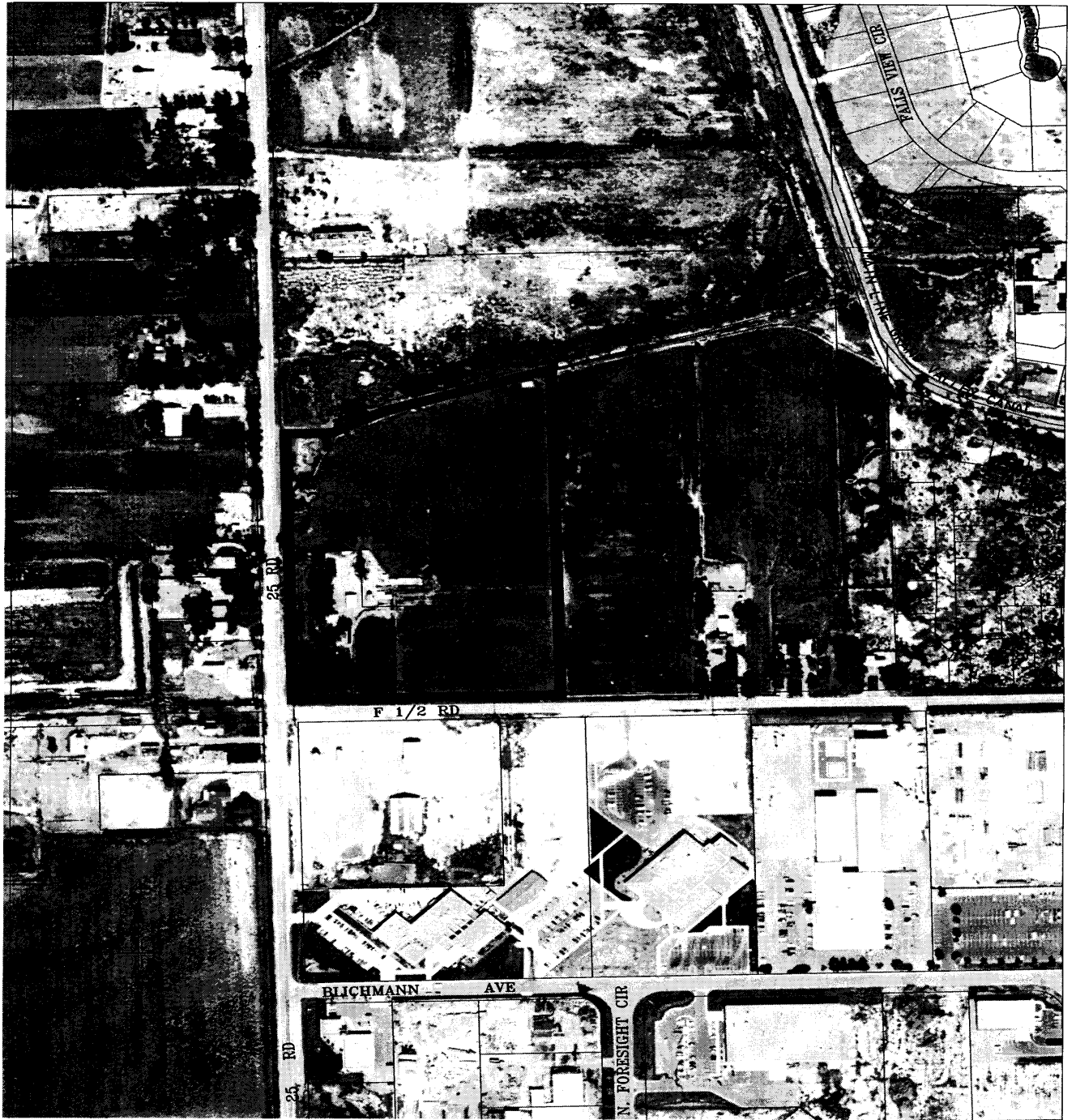


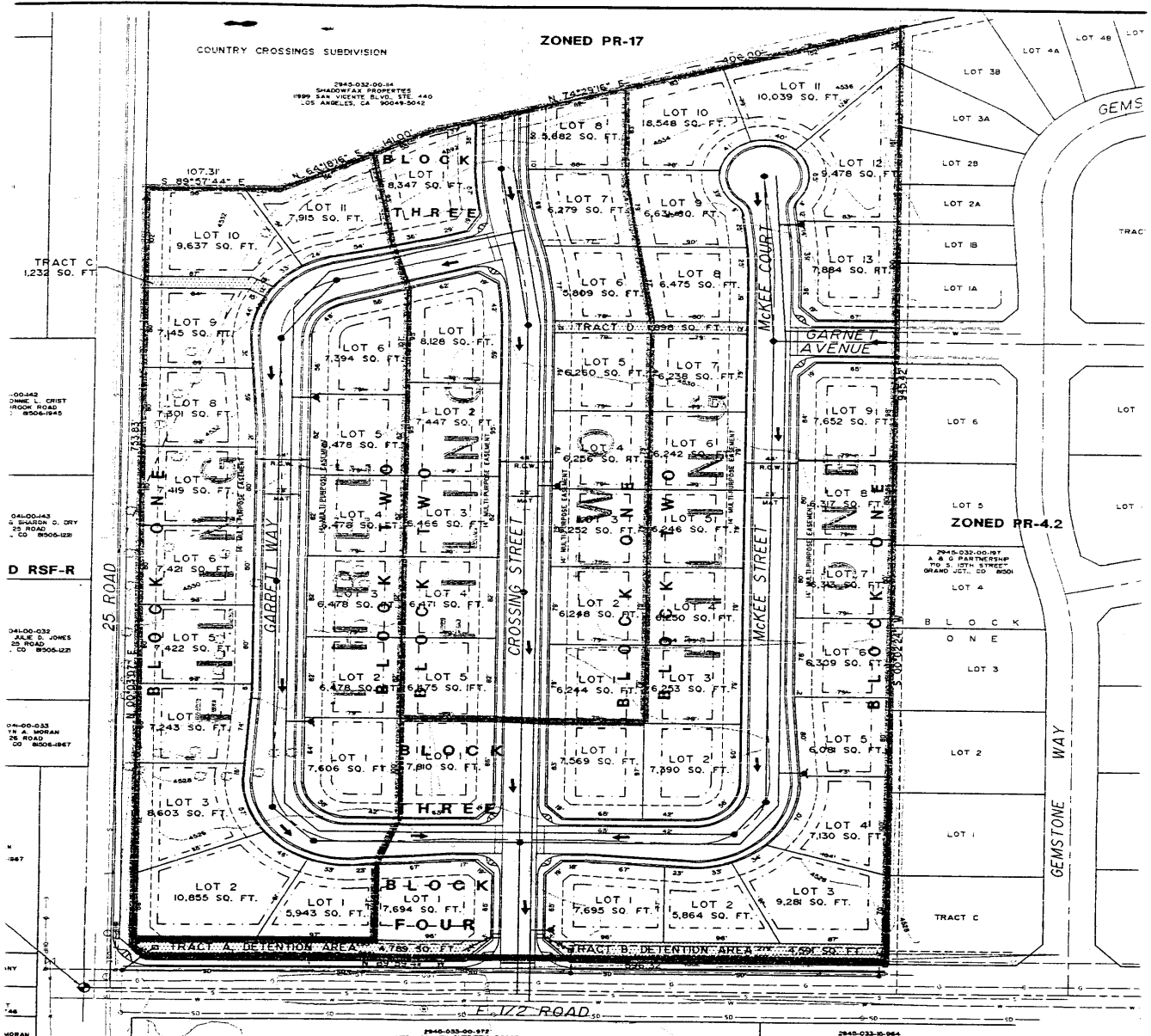


CITY OF GRAND JUNCTION
MUNICIPAL ZONING MAP



RSF-R





ZONED P1

2940-032-00-34
SHADOWNIA PROPERTIES
1800 SAN VICENTE BLVD., STE. 440
LOS ANGELES, CA 90044-0041

2940-032-00-37
MESA COUNTY SHERIFF'S POSSE
P.O. BOX 1386
GRAND JCT. CO 80523-1386

2940-032-00-36A
MESA STATE COLLEGE, PRESTATE COLLEGES
P. COLORADO STREET
103 TEXAS AVENUE
GRAND JCT. CO 80501-7605

NO.	REVISION	DATE	DESCRIPTION	BY	CHKD.

BANNER
S. INC. • CONSULTING ENGINEERS & SURVEYORS
• GRAND JUNCTION, CO 80506 • (970) 243-2242

SONSHINE CONSTRUCTION, LLC

GARRETT ESTATES
PRELIMINARY PLAN

Attach 13

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 19, 2000

Date Prepared: January 19, 2000

Author: John Shaver

Title: Assistant City Attorney

Presenter Name: John Shaver

Title: Assistant City Attorney

Subject: Defense of Officer John Kiesler

Summary: A resolution acknowledging the defense of Officer John Kiesler in Civil Action No. 99 CV 510.

Background Information: A State District Court action has been filed alleging misconduct of Grand Junction Police Officer John Kiesler within the scope of his duties. Although the complaint is not clear, it could be construed to include a request for punitive damages. Because the officer was acting appropriately and within his duties, this resolution acknowledges defense of Officer Kielser in this case.

Budget: None

Action Requested/Recommendation: Adopt Resolution.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: Consent Individual Consideration Workshop

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**ACKNOWLEDGING DEFENSE OF OFFICER JOHN KIESLER IN
CIVIL ACTION NO. 99 CV 510**

RECITALS:

A State District Court action has been filed alleging violation of a citizen's civil rights and other misconduct by an employee of the City of Grand Junction's Police Department, John Kiesler. The factual basis of the lawsuit involves alleged misconduct by Officer Kiesler in enforcing registration provisions of Colorado law.

Under the provisions of the Colorado Governmental Immunity Act, specifically section 24-10-118, the City Council may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend a public employee against a claim for punitive damages or pay or settle any punitive damage claim against a public employee. Although it is unclear that the plaintiff is asserting a punitive damage claim, it may be that his complaint could be construed to assert such a claim.

Because the City Council finds that the police officer was acting appropriately and within the scope of his employment and also because to do otherwise would send a wrong message to the employees of the City (that the City may be unwilling to stand behind them when such employees were being sued for the lawful performance of their duties), the City Council adopts this resolution;

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

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend Officer Kiesler against claims for punitive damages or to pay or to settle any punitive damage claims against him arising out of Case 99 CV 510.

PASSED and **ADOPTED** this _____ day of _____,
2000.

President of the Council

ATTEST:

Stephanie Nye, City Clerk

