

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

WEDNESDAY, FEBRUARY 16, 2000, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Eldon Coffey, Retired Minister

PROCLAMATIONS / RECOGNITIONS

PRESENTATION BY BRIAN PETTIT, TREASURER OF THE COLORADO CHAPTER OF APWA, OF THE INDIVIDUAL OF THE YEAR IN STREET ADMINISTRATION AWARD TO DARRYLL DARLINGTON AND DAVE VAN WAGONER

APPOINTMENT CERTIFICATES

APPOINTMENT CERTIFICATES PRESENTED TO NEWLY SELECTED MEMBERS OF THE VISITOR & CONVENTION BUREAU BOARD OF DIRECTORS

APPOINTMENTS

APPOINTMENT TO THE PLANNING COMMISSION

CITIZEN COMMENTS

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

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

Action: Approve the Minutes of the Special Meetings January 25, 2000, February 1, 2000 and Regular Meeting February 2, 2000

2. **Replacement of Police Vehicles** [Attach 2](#)

Three bids were received for five 2000 Ford Crown Victoria police vehicles. Staff recommends award to the low bidder, Western Slope Auto, in the amount of \$105,776.

Hellman, Motor Co., Delta	\$106,035.00
Montrose Ford, Montrose	\$108,279.75

Western Slope Auto, Grand Junction

\$105,776.00

Action: Award Contract for Purchase of 5 Police Vehicles to Western Slope Auto in the Amount of \$105,776

Staff presentation: Mark Relph, Public Works & Utilities Director

3. **Trunk Extension Funds for Costs Incurred in Upsizing the Lift Station and a Trunk Sewer Extension along Desert Hills Road** [Attach 3](#)

City Utility staff has determined that it is in the best, long term interests of the sewer system to have the developer of Desert Hills Estates increase the capacity of a proposed lift station as well as construct a trunk sewer line west of the development to serve future developments. The City will fund the upsizing of the lift station as well as the trunk extension and then recover its investment through charging Trunk Extension Fees. The City's portion of the costs are estimated at \$75,000.

Action: Approve the Investment of \$75,000 of Trunk Extension Funds for Costs Incurred in Upsizing the Lift Station and a Trunk Sewer Extension along Desert Hills Road

Staff presentation: Mark Relph, Public Works & Utilities Director

4. **Revocable Permit to Allow a Retaining Wall in the Open Space behind 389 Butte Court** [File #RVP-2000-013] [Attach 4](#)

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the petitioner to build a retaining wall in a designated open space area in the Ridges, owned by the City.

Resolution No. 15-00 – A Resolution Concerning the Issuance of a Revocable Permit to James G. Williamson and Cherlyn Williamson

**Action: Adopt Resolution No. 15-00*

Staff presentation: Patricia Parish, Associate Planner

5. **Setting Hearings on Vacations in Arrowhead Acres II Filing 2** [File #FP-2000-008] [Attach 5](#)

Request for approval of (1) vacation of a temporary access easement for the cul-de-sac turnaround at the end of B.4 Road; and (2) vacation of the remainder of the cul-de-sac right-of-way at the end of B.4 Road.

(1) Proposed Ordinance Vacating a Temporary Turnaround Access Easement for the B.4 Road Cul-de-Sac West of 28 ½ road

(2) Proposed Ordinance Vacating a Portion of the B.4 Road Right-of-Way West of 28 ½ Road

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for March 1, 2000

Staff presentation: Kristen Ashbeck, Senior Planner

6. **Filing of Eminent Domain Action to Acquire Right-of-Way for Horizon Drive Improvements** [Attach 6](#)

The City will save money if the Horizon Drive improvements, from G Road to the round-about are combined with the 27 1/2 Road project. In addition, some of the Horizon Drive improvements are required of the new longer stay hotel, Horizon Park Meadows. The plan is for the hotel to escrow their portion of the cost of the improvements from which the City can pay the contractor. Additional slope easements on the south/east side of Horizon Drive from Emmanuel Epstein and Jimmie Etter are needed in order to do the improvements.

Resolution No. 16-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property by Condemnation for Improvements to and New Portions of Horizon Drive and Other Municipal Public Facilities

**Action: Adopt Resolution No. 16-00*

Staff presentation: Tim Moore, Public Works Manager

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

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

7. **Public Hearing – Vacating a Portion of Right-of-Way on South Commercial Drive [File #VR-1999-288]** [Attach 7](#)

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.

Ordinance No. 3230 – An Ordinance Vacating a Portion of the Public Right-of-Way for South Commercial Drive between West Pinyon Avenue and Northgate Drive

**Action: Adopt Ordinance No. 3230 on Second Reading*

Staff presentation: Patricia Parish, Associate Planner

8. **Public Hearing - Variance to a Conditional Use Permit for the Persigo Gravel Pit** [File #CUP-1999-224] [Attach 8](#)

The petitioner is requesting a variance to the landscaping requirements of a conditional use permit allowing a gravel mining operation to be located on River Road, one mile northwest of the intersection of I-70 and Highway 6 & 50. The Planning Commission recommended approval of the variance to the landscaping requirements and approved the Conditional Use Permit subject to conditions. The request is due to the unavailability of a water tap at the site.

Action: Decision on Variance to a Conditional Use Permit

Staff presentation: Patricia Parish, Associate Planner

9. **Public Hearing - 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 9](#)

Second reading of an ordinance to amend the list of permitted uses in the PB, Planned Business zone district, for Community Hospital Medical Park, to include a day surgery center.

Ordinance No. 3231 – An Ordinance Amending the Permitted Uses in a PB Zone Located at the Northwest Corner of 1st Street and Patterson Road

**Action: Adopt Ordinance No. 3231 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

10. **Public Hearing – Growth Plan Amendment and Zoning the Rump Property (A Portion of Desert Hills Annexation No. 1 and all of Desert Hills Annexation No. 2) to RSF-R, Located on South Broadway** [File #GPA-1999-275] [Attach 10](#)

Request for a Growth Plan Amendment to (1) Redesignate Rump Parcel #1 from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit; (2) Redesignate Rump Parcel #2 from Park to Residential Estate, 2-5 acres per unit; and (3) Redesignate Rump Parcel #3 from Residential Low, ½-2 acres per unit, to Residential Estate, 2-5 acres per unit.

Second reading for a Zone of Annexation ordinance for the Rump Property located on South Broadway.

a. Growth Plan Amendment

Resolution No. 17-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Portions of Desert Hills Annexation-Rump Property to Residential Estate)

**Action: Adopt Resolution No. 17-00*

b. Zoning Ordinance

Ordinance No. 3232 – An Ordinance Zoning the Rump Property to RSF-R, 5 Acres per Unit

**Action: Adopt Ordinance No. 3232 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

11. **Public Hearing - Robertson Annexation, Located at 522 20 1/2 Road and Including Portions of the 20 1/2 Road Right-of-Way**

[File #ANX-1999-269]

[Attach 11](#)

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. Resolution Accepting Petition

Resolution No. 18-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Robertson Annexation is Eligible for Annexation, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

**Action: Adopt Resolution No.18-00*

b. Annexation Ordinance

Ordinance No. 3233 – An 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 Ordinance No. 3233 on Second Reading

Staff presentation: Joe Carter, Associate Planner

12. **Public Hearing - Zoning Robertson Annexation to RSF-2, Located at 522 20 1/2 Road** [File #ANX-1999-269] [Attach 12](#)

Request for a Zone of Annexation from County R1B to City RSF-2, Single Family residential with a density not to exceed 2 units per acre.

Ordinance No. 3234 – An Ordinance Zoning the Robertson Annexation from County R1B to City RSF-2

**Action:* Adopt Ordinance No. 3234 on Second Reading

Staff presentation: Joe Carter, Associate Planner

13. **Public Hearing – Crowe Annexation, Located at the Southeast Corner of I Road and 26 ½ Road** [File #ANX-1999-271] [Attach 13](#)

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. Resolution Accepting Petition

Resolution No. 19–00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Crowe Annexation is Eligible for Annexation, 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 Resolution No. 19–00

b. Annexation Ordinance

Ordinance No. 3235 – An 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 Ordinance No. 3235 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

14. **Public Hearing – Growth Plan Amendment and Zoning the Crowe Annexation to RSF-4, Located at the Southeast Corner of I Road and 26 1/2 Road** [File #ANX-1999-271] [Attach 14](#)

A request for a Growth Plan Amendment for 41.51 acres located at the southeast corner of I Road and 26 ½ Road. The property is currently designated “Residential Medium” with densities ranging between 4 and 7.9 units per acre. The applicant is requesting a Growth Plan Amendment to reduce the density range to 2 to 3.9 units per acre under the “Residential Medium Low” land use category.

A request for second reading of the ordinance for the Zone of Annexation to Residential Single Family with a maximum density of four units per acre (RSF-4) for the Crowe Annexation. The 41.51-acre Crowe Annexation area consists of one parcel of land. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment. State law requires the City to zone newly annexed areas within 90 days of the annexation.

a. Growth Plan Amendment

Resolution No. 20–00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Crowe Annexation to Residential Medium Low)

**Action: Adopt Resolution No. 20–00*

b. Zoning Ordinance

Ordinance No. 3236 – An Ordinance Zoning the Crowe Annexation to RSF-4 (Residential Single Family with a Maximum of Four Units per Acre)

**Action: Adopt Ordinance No. 3236 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

15. **Public Hearing - Webb Crane Annexation, Located at 761 23 1/2 Road** [File #ANX-1999-277] [Attach 15](#)

The 24.75-acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment for a portion of this property.

a. Resolution Accepting Petition

Resolution No. 21–00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Webb Crane Annexation, Including a Portion of the 23 ½ Road and I-70 Right-of-Way, is Eligible for Annexation, Located at 761 23 ½ Road

**Action: Adopt Resolution No. 21–00*

b. Annexation Ordinance

Ordinance No. 3237 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Annexation, Approximately 24.75 Acres, Including a Portion of the 23 ½ Road and I-70 Right-of-Way, Located at 761 23 ½ Road

**Action: Adopt Ordinance No. 3237 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

16. **Public Hearing - Growth Plan Amendment for Webb Crane Annexation, Located at 761 23 1/2 Road** [File #ANX-1999-277]

[Attach 16](#)

The owners of the 24.75-acre Webb Crane Annexation are requesting to amend the Growth Plan for the northern portion of their property from Residential Estate (2 to 5 acres per unit) to Commercial/Industrial.

Resolution No. 22–00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Webb Crane Annexation to Commercial/Industrial)

**Action: Adopt Resolution No. 22–00*

Staff presentation: Kathy Portner, Planning Manager

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

18. **OTHER BUSINESS**

19. **ADJOURNMENT**

Attach 1

GRAND JUNCTION CITY COUNCIL GRAND JUNCTION PLANNING COMMISSION JOINT MEETING -- PROPOSED ZONING MAP JANUARY 25, 2000 MINUTES

The specially scheduled joint meeting of the Grand Junction City Council and the Grand Junction Planning Commission convened at 7:05 p.m. on January 25, 2000 and was held at Two Rivers Convention Center.

Representing the Grand Junction City Council were Reford Theobald, Jack Scott, Earl Payne, Gene Kinsey (Mayor/Council President), and Janet Terry. Representing the Grand Junction Planning Commission were John Elmer (Chairman), Mark Fenn, Joe Grout, Terry Binder and Dr. Paul Dibble. City Manager Mark Achen, City Attorney Dan Wilson, Asst. City Manager Dave Varley, City Clerk Stephanie Nye, City Planning Manager Kathy Portner, and GIS Specialist Scott List were also present. Terri Troutner was present to record the minutes.

CONSIDERATION OF PROPOSED ZONING MAP

The following information represents the changes proposed for the City of Grand Junction Zoning Map, by area, which were requested by property owners and recommended for inclusion by City Councilmembers and Planning Commissioners.

REDLANDS AREA:

1. The southeast corner of Highway 340 and S. Broadway--**shown as PD (Planned Development).**
2. The Ridge Point area, along Bella Pago Road, between the Ridges and Country Club Park—**shown as RSF-2. The owner has submitted a development proposal to retain the PR zoning on a portion of the property. If approved the proposed map will be changed accordingly.**
3. South Broadway, between Highway 340 and S. Camp Road—**shown as PD.**
4. Ridge Point—**shown as RSF-2. The owner currently has a development proposal in to retain the PR zone on a portion of the property. If approved, the map will be changed accordingly.**
5. The convenience store complex on Highway 340, west of Redlands Parkway—**shown as B-1.**
6. Edwards Subdivision on South Redlands Road—**shown as RMF-5.**
7. Area between the Bluffs Subdivision and South Rim—**shown as RSF-4 and RMF-5.**
8. Northwest corner of South Camp Road and Monument Road—**shown as RSF-E.**
9. Wingate School and park site—**shown as CSR.**

Mayor Kinsey asked for comments from the public; there were none.

ORCHARD MESA AREA:

1. West of Linden—**changed to RMF-16.**
2. **Properties along Unaweep changed to C-1.**
3. Mobile Home Parks—**shown as PD.**
4. Lamplight Subdivision (Santa Clara Avenue)—**shown as PD.**
5. 2672 Highway 50--**changed to C-1.**

Councilmember Terry asked how planned zones would be reflected on the Zoning Map. Ms. Portner said that all planned zones would be designated as PD (Planned Development).

Chairman Elmer asked if the Land Use Map would be changed as well. Ms. Portner said that staff would come back before the Planning Commission with adopted zone changes for inclusion on the Land Use Map.

Mayor Kinsey asked for comments from the public; there were none.

DOWNTOWN AREA:

1. Property northwest of Ultronics on Ouray (west of 22nd Street)—**changed to RMF-12.**
2. 502 and 514 Ouray and 525 Chipeta—**502 and 514 Ouray, as well as the rest of the properties on the north side of Ouray between 5th and 6th were changed to B-1.**
3. The 900 block of the south side of Main Street—**changed to B-2.**
4. 860 4th Avenue—Castings—**changed to I-2, including additional properties to the north and east that are heavy industrial uses.**
5. 611 S. 7th Street—Dible Oil—**changed to I-1, as well as additional properties to the north and south, the Daily Sentinel property, and the Elam property on 7th and Struthers.**
6. **A portion of the City-owned property southeast of the Riverside neighborhood was changed to I-O (Industrial-Office).**
7. 1765 Main Street, Old World Meat Co.—**changed to C-2, including the surrounding area.**
8. 2060 E. Main—Motorcycle Accessories—**changed to C-2, including the surrounding area.**
9. 1331 Ute Avenue—Sunshine Taxi—**changed to C-2, including the surrounding area.**

10. 415 S. 3rd and 251, 255, 257 and 259 Pitkin—the south side of Pitkin, between 2nd and 3rd was changed to C-1; the north side of South Ave., between 2nd and 3rd was changed to C-2.
11. The north side of Gunnison Avenue between 25 ½ Road and Maldonado Street was changed to C-2.
12. Northeast corner of 28 Road and I-70B—changed to C-1.
13. An area east of 28 ¼ Road and north of Gunnison Avenue—shown as C-1.
14. The southwest corner of 29 Road and North Avenue—shown as C-1.

Councilmember Theobold asked if the uses lining Ute and Pitkin Avenues were primarily C-1, to which Ms. Portner responded affirmatively.

PUBLIC COMMENTS

Bill Jarvis Jr. (no address given), representing his parents who own the property along the west side of 5th Street from the river to the viaduct, said that the City's proposed zoning change to C-2 reduced the property's value and represented a "taking without due compensation." Eventually the property would be redeveloped, but development options were reduced with a C-2 zone. He wanted retention of its current Industrial zoning.

Councilmember Terry asked staff to distinguish differences in uses between the two zones, which was given. When asked by Councilmember Theobold if an Industrial zone would allow residential uses, Ms. Portner responded negatively. Multi-family uses would not be allowed in either Industrial or C-2 zones.

Rob Katzenson (259 Grand Avenue, Grand Junction), representing LANDesign, referenced the downtown area currently zoned RMF-32 where zoning of RMF-8 was recommended. The reduced density would limit development and impact the property's value, he said. He noted specific lot configurations and said that only single family units could be placed on those lots without prior approval of a Growth Plan Amendment (GPA). If a property owner wanted to place even a duplex on such a lot, he/she would have to go through the GPA process and still may not be successful. The density decrease, he contended, represented a 400% change, which seemed to go against Smart Growth, Persigo 201, and urban growth boundary recommendations designating the area as prime for infill development. He suggested an RMF-12 zone be placed on those properties instead.

When asked by Councilmember Terry if Mr. Katzenson represented any specific property owner(s), he responded negatively. Mr. Katzenson said that the RMF-8 zone would be a disincentive to developers who may be interested in redevelopment of those properties.

Councilmember Terry asked for a brief explanation on the City's handling of "granny units," which was provided by Ms. Portner.

Councilmember Theobold recalled that previous input from neighbors in the subject area had been to keep it as single family. They hadn't wanted more multi-family development in their

neighborhood. Multi-family developments would only perpetuate deterioration of the neighborhood. He supported the proposed RMF-8 zone recommendation.

Councilmember Terry recalled that residents in the 5th and Chipeta area had voiced strong opposition to density increases. Most of the single family lots were currently showing signs of aesthetic improvement. Councilmember Theobald noted similar improvement in the downtown area along Gunnison Avenue. Councilmember Payne concurred.

Neither Council nor Planning Commission voiced objection to retaining the proposed RMF-8 zone for the subject area, as proposed.

John Bonella (no address given) referenced #7 in the Staff Report which indicated a PC zoning for 1101 Kimball. He said that when he'd purchased the property it had been I-2 but upon annexation into the City, it had been changed to PC. The building, he said, would be ideal for the Investment Cast Foundry or Die Cast Foundry currently under consideration. He noted that surrounding uses were all industrial and asked that it be returned to its original I-2 zone.

Commissioner Fenn asked for the rationale behind making the property a planned zone when no plan existed.

Ms. Portner said that when annexed and rezoned to PC there had been discussions concerning uses, outdoor storage, and screening. At that time a buffer between the publicly-owned riverfront properties to the south and the adjacent property had been deemed necessary. A straight zone would allow additional flexibility, which was the property owner's preference.

Councilman Theobald said that given the concern for buffering, he was more inclined to support the property's current PC zone. The PC zone also provided for some industrial uses. Ms. Portner said that the PC zone would limit the types of outdoor operations and storage allowed. If Mr. Bonella brought forth a request for a use other than what was currently allowed under the PC "umbrella," the plan could be amended.

Councilmember Terry suggested that Mr. Bonella go through the planning process with a specific plan for the property. She also thought that an IO zone designation might be appropriate and suggested that staff investigate this option further.

Councilmember Payne said that zone designations were sometimes changed when properties were annexed. There must have been a reason why buffering had been a factor.

Councilman Theobald said that screening and buffering should be considered and should match the properties across the street.

NORTHWEST AREA:

1. North side of Independent Avenue between Bass and Poplar—**shown as C-2.**
2. South Side of Franklin Avenue—**shown as RMF-24.**
3. North side of Franklin Avenue—**shown as recommended.**
4. Northeast corner of 25 ½ Road and Independent Avenue—**shown as C-1.**

5. Northwest corner of 1st Street and Patterson Road—**shown as B-1, however, Community Hospital recently received plan approval for a surgical center and wants to retain the PB zoning.**
6. Southwest corner of 1st Street and Patterson Road—**changed to RMF-12.**
7. 2558 F Road—**changed to PD.**
8. 2486 Commerce Blvd.—**changed to C-2.**
9. Harbert Lumber and BMC Lumber, 3rd and North Avenue and 5th and North Avenue—**changed to C-2.**
10. 2426 G Road—**shown as RMF-5, however, RMF-8 should be considered pending the final outcome of the 24 Road Corridor plan.**
11. Sage Court/Northacres area—**shown as RSF-2.**
12. Westwood Ranch, Northwest corner of 25 ½ Road and F ½ Road—**shown as PD.**
13. Diamond Ridge, west of Westwood Ranch—**shown as PD.**
14. Entire property off 24 ½ Road, north of F ¼ Road—**This property has an approved development plan extension for another two years. Need to place PD zoning back on this property.**
15. River Road, between 24 Road and 24 ½ Road—**shown as I-2.**
16. 24 Road Study Area –**awaiting the results of the 24 Road Corridor Plan.**
17. Southwest of I-70 and HWY 6 & 50—**changed to I-1 and C-2.**
18. Sanford Drive, north of Highway 6 & 50—**changed to C-2.**
19. **Foresight Industrial Park has been changed to IO.**
20. **Many areas that were previously shown as RMF-5 zoning were changed to RSF-4 zoning.**

Councilmember Theobald asked if both sides of North Avenue to 5th Street were zoned C-1, to which Ms. Portner replied affirmatively.

Chairman Elmer expressed concern over the southwest corner of 1st Street and Patterson Road. Was it more feasible to have access off of 1st Street versus Patterson Road? Ms. Portner said that when the site developed, she expected that Patterson Road access would be limited. Further development specifics were needed.

A brief discussion ensued over whether or not to allow public commentary on the 24 Road Corridor since the corridor study had not yet been completed. Councilmember Payne suggested leaving current zoning as it was; zoning for the corridor could be revisited later. Council President Kinsey and Councilmember Terry concurred.

Ms. Portner said that properties currently zoned H.O. in the 24 Road Corridor area would be zoned C-1 prior to completion of the study since the H.O. zone would soon not exist. When asked, she expected that completion of the study would take another 2-3 months.

PUBLIC COMMENTS

Tim Stubbs (3202 Snowberry Court, Grand Junction), owner of property at 23 ¾ and G Roads, said that this property was currently zoned C-2. He needed that zoning to remain in order to proceed with his development plans. Having just purchased the property, he asked that he be included on the 24 Road Corridor Study notification list. He referenced another property owned at 415 South 3rd Street in the downtown area and said that that property had originally been zoned Industrial but C-1 was being proposed by the City. Noting the latter property on an overhead transparency of the area, he pointed out that his was the only C-1 zoned property in the subject area. This didn't make sense, he said. He needed the outdoor storage allowance available in at least a C-2 zone.

Chairman Elmer asked if the property owner's current use in the downtown area would be deemed non-conforming. Ms. Portner said that no use currently existed on the property.

Councilmember Theobald asked if there were other properties near to Mr. Stubbs' downtown parcel that were also inconsistent with C-1 zoning. Why had C-1 rather than C-2 been placed on his property? Ms. Portner said that the C-1 zoning had been applied along Pitkin Avenue to provide buffering along that heavily-traveled corridor. Since C-2 uses were much more intense and usually brought with them increased traffic, parking, and aesthetic issues, the less intense C-1 zone had been deemed more appropriate.

After a brief discussion, there was general agreement that the C-1 zone was more appropriate for the downtown property. Councilmember Theobald said that had there been an existing use on the property, his position may have been different.

NORTHEAST AREA:

1. The Mesa State College campus is currently zoned PZ (Public Zone). **The zoning options have been discussed with MSC representatives and they prefer the CSR zoning. The map shows the CSR zoning and includes the additional properties the College has purchased.**
2. The North Avenue frontage is currently zoned C-1 and will remain C-1, with the exception of the Taco Bell property, which is zoned PB (Planned Business). We are proposing to retain the PB zoning for the property because it includes their property along Glenwood Avenue that was rezoned to PB for a parking lot. We don't want to encourage further encroachment of commercial uses along Glenwood Avenue. **Shown as PD.**

Chairman Elmer asked for clarification on the CSR zone, which was given. Chairman Elmer said that in the case of Mesa College, a planned zone would give the City more development control than what was offered in a CSR zone. Ms. Portner agreed that planned zones afforded additional control. However, the college had been working closely with the City on development of its Master Plan.

Councilmember Theobold commented that the CSR zone didn't really seem to capture the true range of available uses. He agreed that a PD zone was probably more appropriate for Mesa College. Ms. Portner said that college representatives were concerned over the lack of flexibility in PD zones, which they feared would limit development of their Master Plan and restrict funding options. Due to the time it takes to amend a plan in a PD zone, funds could be lost for some projects. That is why the college favored the CSR zone.

Councilmember Theobold said that City Council probably wouldn't be comfortable with giving the college the type of flexibility allowed in a CSR zone. Ms. Portner said that if a PD zone was viewed as a better option, staff could discuss it further with college representatives.

Chairman Elmer expressed the need for City control over any college expansion to the west.

Councilmember Theobold said that he wanted to see the college's Master Plan go through the same scrutiny as had St. Mary's. Councilmember Terry agreed.

After a brief discussion, the general consensus was to allow the CSR zone recommendation to remain.

3. St. Mary's properties on the southeast corner of 7th Street and Patterson Road—**shown as PD.**
4. Most of the existing zoning along the 12th Street corridor is being retained, with the exception of the west side of 12th from Walnut to the Canal. **The proposed zoning for those properties is RO (Residential/Office).** However, the northwest corner of 12th Street and Bookcliff Avenue was recently rezoned to B-1 to allow for the future construction of an office building. **Staff is recommending that the proposed zoning be B-1. NW corner of 12th Street and Bookcliff is shown as B-1.**
5. Miller Homestead—East side of 12th Street, north of Bonita and south of F ½ Road. **This property is now shown as PD.**
6. The Cottonwood Meadows Mobile Home Park, located in the 28 ½ Road, Mesa Avenue area, staff proposes that a **Planned Zone be applied to the entire subdivision with the following setbacks: 14' front, 10' rear and 5' side. A garage or carport would be required to have a front yard setback of 20'. Shown as PD.**

Councilmember Theobold said that if a change were requested by a lot owner, would the entire development plan require alteration? Ms. Portner noted that the City's variance process would allow individual changes to occur without any alteration to the overall plan. Chairman Elmer, Chairman for the Board of Appeals, said that the Board had seen many variance requests for lots in Cottonwood Meadows.

7. The property on the northwest corner of Horizon Drive and 12th Street —**changed to PD.**
8. Additional properties north of the Foster property, at the northwest corner of Horizon Drive and 12th Street, are currently zoned RSF-4 and RSF-2. **Lots along 12th Street changed to RMF-8. Lot between Cascade Drive and 12th Street changed to RSF-4.**
9. The properties on the northwest corner of 12th Street and G Road are currently zoned RSF-4. **Lots along G Road left as RSF-4. Lots to the north changed to RSF-2.**

When Chairman Elmer asked if the property owners themselves had asked for the change, Ms. Portner responded affirmatively. Noting the L-shaped parcel zoned RSF-4 and the level of concern expressed by surrounding residents, Chairman Elmer felt that this parcel should be zoned RSF-2.

A nearby property owner, Doug Clary, provided a brief description of the subject parcel. The property owner seemed to be there very seldom but he noticed some improvement being made to the property.

Following a brief discussion, there was general agreement to rezone the property located at the northeast corner of Victor Drive and G Road from RSF-4 to RSF-2.

10. 2697 G Road is currently zoned RSF-2—**changed to RMF-8.**

PUBLIC COMMENTS

Larry Beckner (1241 Gunnison Avenue, Grand Junction) referenced a property owned by the Bank of Grand Junction located at the corner of 27 ½ and F Roads. He briefly outlined their plans for development of the property, which had been previously brought before Planning Commission and City Council. He thought that the character of the area had changed sufficiently to warrant the property's rezone to PB.

Council President Kinsey said that major zoning change requests must still be brought before the Planning Commission and City Council for individual consideration.

Doug Clary (2691 Kimberly Drive, Grand Junction) referenced property located at G Road and 12th Street. He expressed concern over its rezone recommendation from RSF-2 to RMF-8. This represented an almost 400% increase in density, he said. The area currently proposed for rezone from RSF-4 to RMF-8 represented a doubling of its current density. This seemed excessive and inconsistent with the City's direction to zone to the most compatible alternative. Mr. Clary said that so dramatic a density increase would change the character of the area and bring increased traffic impacts. He suggested rezoning the entire subject area to RSF-4.

Councilmember Terry said that one of the Growth Plan's goals was to identify areas where higher densities could be accommodated. This was one such area.

Doug Fassbinder (368 Independent Avenue, #5, Grand Junction) did not feel that the college was being responsive to the community. As an independent contractor, he objected to perceived slights by the college in hiring out-of-town contractors. Those contractors, he said, were being held to a different standard and seemed able to cut corners and not adhere to City requirements. This made it difficult for him to compete for college contracting jobs. Why should the college be held to a different standard and not be forced to comply with the City's landscaping, parking and setback criteria as well as federal ADA requirements? He felt that the college should be more closely scrutinized and suggested that a PD zone be applied to college property.

Councilmember Terry said that there existed between the City and Mesa State College a spirit of cooperation.

Council President Kinsey said that both boards needed to be cognizant of the college's impacts on local businesses and surrounding neighborhoods. He said that there was also some question over

whether the college could legally be forced to comply with City requirements. Given that, he felt it better to foster a relationship of cooperation.

Councilmember Theobold wasn't sure if the college, specifically the dormitories, were viewed as a publicly-funded or privately-funded entity.

11. The properties bounded by 12th Street, Horizon Drive, Budlong Street and Midway Avenue—**changed to RSF-4.**
12. The property south of Horizon Drive, west of 27 ½ Road—**changed to PD.**
13. CH-4 Commercial Park is currently zoned PC. **There was some discussion of leaving the property zoned PC to allow for a mix of uses and additional height. However, IO (Industrial-Office) is proposed that would allow for the same mix of uses and a height of up to 65' because of the special provisions for the Horizon Drive corridor.**
14. The property south of H Road and west of CH-4 Commercial Park—**changed to IO.**
15. The property north of H Road and east of 27 ¼ Road—**changed to IO.**
16. The Paradise Hills Subdivision—staff is recommending that the RSF-4 zoning, or an approved planned zone, be applied to the future filings. **Changed to PD.**

PUBLIC COMMENTS

Gail Reddin (2723 H Road, Grand Junction) asked that the 1 unit/5 acres zone district be retained for her property. She didn't understand why her property was subject to a zone change and felt that the higher density would encourage more development to occur around her. Since she owned dog training and upholstery businesses, she felt that increased numbers of people would put her businesses at risk.

Councilmember Theobold noted Ms. Reddin's property location within the Persigo 201 boundary. The urban boundary required a density of at least 1 unit per 2 acres.

Council President Kinsey remarked that due to Ms. Reddin's proximity to the airport, perhaps her property could qualify for estate zoning. Ms. Portner said that the estate zone district had been adopted after discussions on Ms. Reddin's property. While currently zoned RSF-R, her property would be suitable for either an RSF-E or RSF-2 zone designation.

Chairman Elmer stated that a density higher than RSF-R would provide a better transition.

Councilmember Terry expressed support for the RSF-E zone designation.

After a brief discussion, the decision was made to leave Ms. Reddin's property at its current density of 1 unit per acre.

Bruce Phillips (562 White Avenue, Grand Junction), representing Jimmie Etter and Emanuel Epstein, who owned property in the area south of Horizon Drive, referenced the parcel north of Cliff Drive and south of Horizon Drive. He understood that all of the Etter/Epstein property in this area would be changed to PD. The triangular portion of property north of Cliff Drive and

south of Horizon Drive seemed to have been omitted. Ms. Portner said that she would check and make sure that all the referenced PB-zoned property had been included in the PD zone district.

Brad Shafer (2707 Midway, Grand Junction) was pleased with the RSF-4 zone designation for properties noted south of Horizon Drive (#1 in staff report).

With no further business, the meeting was adjourned at 10:05 p.m.

Stephanie Nye, CMC
City Clerk

**JOINT HEARING OF THE
GRAND JUNCTION CITY COUNCIL
GRAND JUNCTION PLANNING COMMISSION
PROPOSED ZONING & DEVELOPMENT CODE
FEBRUARY 1, 2000 MINUTES**

The specially scheduled joint meeting of the Grand Junction City Council and the Grand Junction Planning Commission convened at 7:08 p.m. on February 1, 2000 and was held at Two Rivers Convention Center.

Representing the Grand Junction City Council were Gene Kinsey (Mayor/Council President) and Councilmembers Reford Theobald, Jack Scott, Earl Payne, Jim Spehar, Cindy Enos-Martinez and Janet Terry. Representing the Grand Junction Planning Commission were John Elmer (Chairman), Joe Grout, Terry Binder, Dr. Paul Dibble, James Nall and Jerry Ainsworth (alternate). City Manager Mark Achen, Asst. City Manager/Acting Community Development Director Dave Varley, City Attorney Dan Wilson, Asst. City Attorney John Shaver, and City Planning Manager Kathy Portner were also present. Terri Troutner was present to record the minutes.

Council President Kinsey introduced and welcomed the newest Planning Commission alternate, Jerry Ainsworth, to other board members and hearing attendees.

CONSIDERATION OF PROPOSED ZONING AND DEVELOPMENT CODE

The following information represents a synopsis of discussion and changes proposed for the City of Grand Junction *Zoning and Development Code* as outlined by Community Development staff and contained in the January 13, 2000 Staff Review.

CHAPTER ONE:

Sections 1-1 through 1-15: No major changes.

Section 1-16-3.D: At issue was how to handle development submittals during the *Code's* transitional period; length of the transitional period; pre-application (pre-app) vesting; and which *Code* version would apply--and to what extent--when considering multi-phased projects. Dan Wilson suggested limiting the *Code's* transition period for Preliminary Plan submittals to 3 years and dividing process rights from infrastructure/construction/technical standards rights. Thus, in a situation where a Preliminary Plan for a multi-phase project is approved under current *Code* criteria, vested process rights (zoning, project design) for that project would be honored for 3 years. However, if that project isn't developed within 3 years and new technical standards are adopted with the new *Code* (e.g., street/bulk/open space), the new standards would apply. Concept Plans (ODPs) would be honored for 10 years if developed in accordance with approved schedules. With regard to pre-app vesting, he suggested setting an effective *Code* date and all pre-apps held on or after that date, except final approvals, would be bound by new *Code* criteria. Projects must meet *Code* requirements for submission in order to qualify. The City will honor approved Preliminary Plan submittals having schedules exceeding 3 years; however, for those developers only now coming before staff saying that they cannot complete the approved phase within 3 years, the timeframe and new *Code* criteria would apply. If supported by City Council and Planning Commission members, a schedule extension could be requested and granted.

PUBLIC COMMENTS/DISCUSSION

Larry Rasmussen (3086 Bookcliff Avenue, Grand Junction), representing the Home Builders Association et al., felt that any submittal made and/or approved under the current *Code*, prior to the date established for the final pre-app, should be allowed to continue under current *Code* criteria. Market conditions generally dictated development schedules.

Councilmember Spehar cited deficient developments from the 70s and 80s and stressed the need for projects to adhere to updated technical standards. Thus, a high degree of specificity should be evident before a Preliminary Plan exceeding the 3-year timeframe could be granted an extension.

Jack Acuff (462 Tiara Drive, Grand Junction) said that it always took longer to get through the process than expected. He agreed that market conditions were a factor in being able to stick to development schedules. Adhering to new rules on open space in later phases would be unfair and could be impossible. Perhaps the Administrator could be given the authority to make allowances where the situation warranted.

Councilmember Spehar suggested establishing a percentage-completed figure where, beyond that point, no major changes could be required by the City. Mr. Wilson said that in the event such flexibility were given to the Administrator, an appeal process would be in place to handle any decision disputes. He agreed that open space would be one of the most difficult elements to vary at the end of a project's phasing. If proposed verbiage included "...so long as the acreage or the use of the land overall, or the density units aren't affected..." the project's basic design would be protected. Other suggested verbiage included "The Director may determine whether or not it's substantially changed."

Councilmember Theobald suggested establishment of a 50% completion gauge beyond which no major change could be requested.

City Manager Mark Achen suggested establishment of the following priorities when exercising the aforementioned discretion: 1) assurance of contemporary infrastructure, 2) allowing the developer essentially the same quantity of development (e.g., number of lots and consistency of use), and 3) flexibility of bulk standards.

Mike Joyce (2764 Compass Drive, Grand Junction), representing the Chamber of Commerce, agreed that developers were generally most concerned over flexibility in bulk standards. Contemporary infrastructure requirements made sense and worked more efficiently. He noted that Mesa County had established a March 1, 2000 date as its pre-app deadline under its current *Code*. Its new *Code* would then go into effect on May 1, 2000. The County's deadline for turning in a project, regardless of pre-app date, had been set for April 20. The County vested ODPs for 2 years; Preliminary Plans were vested for only 1 year before a Final Plat must be submitted. The County's timing had been based on a 6-month transition period, with a "drop-dead" date established for new *Code* adherence.

City Councilmembers and Planning Commissioners selected June 1, 2000 as the last pre-app date and July 26, 2000 as the last date for submittals. All submittals at a Preliminary Plan level and above, falling within the transition period where the current *Code* is applicable, must be heard by January 31, 2001. Exceptions to the January 31 date would be made at the discretion of the Administrator. Either there would be an approved development schedule to accompany a multi-phased project or the 3-year timeframe would apply. Extensions could be requested and

considered administratively based on criteria proposed by Mr. Achen. Appeals would be to the Planning Commission, with its decision to be final unless appealed to District Court.

Sections 1-12-1.F and 1-13-1.A: Commissioner Grout noted that the Board of Appeals composition referenced in these two sections did not match.

CHAPTER TWO:

Section 2-2-1.A: Changed to differentiate a “general meeting” from a “pre-application conference.”

Section 2-2-1.C: Mailed notice requirement changed to include property owners within 500 feet of a proposed development. Written notification to HOAs would be required if the HOA were located within 1,000 feet of a proposed development, if the HOA is on file with the Community Development Department.

Section 2-2-3.B.4: Staff recommended deletion of paragraph 4.

Section 2-2-3.C.3.c: Subsection ‘c’ does not require additional parking spaces for a change of use if the parking demands are increased by fewer than 5 spaces; required parking spaces may be reduced by up to ten percent (10%) if additional landscaping is provided.

Section 2-2-3.E: Simplified process established for minor site plan reviews.

Section 2-2-4.D: Simple subdivisions can be reviewed administratively.

Section 2-3-1.C: Neighborhood meetings are required for *Growth Plan* amendments and rezones to a higher intensity or density, as well as for residential subdivisions of 25 or more lots or units.

Sections 2-3-2 and 2-3-3: The process for a *Growth Plan* consistency review and *Growth Plan* amendment has been added and includes adopted interim processes and procedures.

Section 2-3-6: Major Subdivisions are defined as those subdivisions which create more than one lot. Major Subdivisions will require hearing of the Preliminary Plan by the Planning Commission. Final Plats will be reviewed and approved administratively.

Section 2-3-7: Planning Commission approval will be required for condominium plats and lease holdings if the leasehold interest wants development rights similar to a platted lot or parcel.

Section 2-3-10: ODPs must be approved by City Council with the zoning, if proposed. Preliminary Development Plans (PDPs) are required. If the property does not have an approved ODP, the PDP must be approved by City Council with the zoning. Final Development Plans can be approved administratively.

Section 2-3-14: All variance requests must go before the Board of Appeals.

Section 2-3-16: The process for rehearing is defined. The process for appeals is changed so that any appeal is heard by the appellate body on the basis of the record only.

PUBLIC COMMENTS/DISCUSSION

Dan Wilson proposed pulling out previously noted cross-references and placing them in the new *Code* as footnotes.

Doug Skelton (706 Ivy Place, Grand Junction), President of the Home Builders Association, opposed the “mandatory” condition imposed for neighborhood meetings, suggesting that some developments didn’t warrant them. The 25-lot number referenced by staff was too low. Colorado Springs Planning Department staff told him that the need for a neighborhood meeting was typically discussed during a pre-app. If one was warranted, written notification would be sent to neighborhood associations and property owners located within 500 feet of the development. Neighborhood meetings were required within a given number of days following the pre-app, with the applicant responsible for coordinating time, location, and public notification for the meeting. A city planner would attend and facilitate meetings, then forward to the applicant a list of issues identified from said meeting within a given number of days along with a copy of the letter sent to the neighborhood representative(s). He felt that this was a much more equitable solution.

Mike Joyce (2764 Compass Drive, Grand Junction) agreed that the 25-lot triggering mechanism for neighborhood meetings was too low. He suggested that the trigger be increased to 50-100 lots. He said that if a plan met the City’s criteria, it should be approved. With infill development especially, there was generally more neighborhood opposition; that did not mean that the plan was bad.

Creighton Bricker (3615 Ridge Drive, Grand Junction) supported the *Code*’s neighborhood meeting requirement but cautioned against too much staff involvement since it would give citizens the impression of collusion between the City and developers.

Jack Acuff (462 Tiara Drive, Grand Junction) felt that neighborhood meetings failed to meet the needs of developers since they generally attracted only 63-65% of neighborhood residents. He opposed any written notification requirement to surrounding HOAs but said that those who might be financially impacted by an increase in HOA dues could be added to the 500-foot notification list. He suggested instead that mailouts contain more detailed information.

If neighborhood meetings weren’t made mandatory, Mr. Acuff was asked how he would be able to respond to neighborhood issues and comments or mitigate disagreements. Mr. Acuff said that he could follow a format similar to review agency comment responses, whereby comments could be forwarded to him and a response would be required within a given number of days.

Mike Stubbs (2408 Hidden Valley Drive, Grand Junction) supported having neighborhood meetings, adding that it was important staff be there. The *Code*’s current verbiage, he said, did not require staff’s presence.

After lengthy discussion on the above issues, the following was approved by City Council members and Planning Commissioners: 1) to maintain the requirement for neighborhood meetings; 2) to increase the lot number trigger point from 25 to 35; and 3) to leave in the 500-foot requirement for property owners and the 1,000-foot notification requirement for those HOAs on file with the City’s Community Development Department; and 4) to have a staff member present at all meetings. The staff member would take notes and be available for questions only.

Mr. Joyce referenced Section 2-3-1.D.3 and thought that at least a 7-day period should be mentioned so that review agencies and the consulting community had sufficient opportunity to

review comments/issues. The current timeframe, he said, didn't give staff and the developer sufficient time to respond. Also, subdivisions of up to five lots should be considered Minor Subdivisions.

Ms. Portner noted another correction in Section 2-3-1.D.4 deleting the "thirty (30) calendar days" reference in the first sentence and replacing it with "five (5) working days."

Larry Rasmussen (3086 Bookcliff Avenue, Grand Junction), representing the Home Builders Association et al., agreed that the Minor Subdivision section of the *Code* should be reinstated. Classifying all subdivisions over one lot as a Major Subdivision, per Section 2-3-6, created an onerous process for the developer.

Jack Acuff (462 Tiara Drive, Grand Junction) referenced Section 2-4-4 and said that maintenance bonds should be for a period not to exceed one (1) year from the date of City acceptance of the improvements. He was concerned that having a 2-year timeframe would intimidate contractors, resulting in fewer contractors wanting to bid on such projects. If an improvement was going to fail, he contended, it generally occurred within the first year. Developers were constructing improvements to the same standards as the City.

Ms. Portner said that in some previously-approved subdivisions, the Public Works Department reported that problems weren't evident until after the first year.

Planning Commission Chairman Elmer said that the industry standard was for only one year, although he acknowledged that often problems were not evident until after people start using the constructed system(s).

Mr. Achen was unsure how frequently such problems or circumstances arose. Mr. Wilson cited an example where a sewer line was installed that later created "bellies."

After a brief discussion, Mr. Wilson said that he would like the opportunity to check with Public Works staff and report back before a final decision was rendered.

Creighton Bricker (3615 Ridge Drive, Grand Junction) referenced Section 2-2-1.C.1 and 3. The way the two paragraphs were written, he said, seemed to cancel each other out. Also, on page 2, footnote 3. referenced "...portions of the Urbanized Area..." which didn't seem clearly defined. If considered the same as "Joint Planning Area," he suggested using the same terminology for clarity. Referencing a previous *Code* version, he wondered why the section allowing City Council members to "pull up" a Planning Commission issue with a 5-0 vote had been dropped.

Ted Ciavonne (844 Grand Avenue, Grand Junction) recalled past conversations where City Council would pull up an item only in instances of appeal.

City Manager Achen referenced Table 2-2 which outlined appeal authority. Assistant City Attorney John Shaver said that the current *Code* gave authority to City Council to pull up any item, regardless of whether or not it was being appealed.

Following detailed discussions, the decision was made to reinstate the current reference in the new *Code* with the modification that in such instances two members of City Council were needed to "pull up" an item for consideration if not part of an appeal process.

Mr. Bricker (3615 Ridge Drive, Grand Junction) also wondered why no notification was required when City Council heard requests for waiver (e.g., sewer, park fees, etc.). Referencing pages 32 and 33 of the January 1998 *Code*, he asked for clarification on City Council's authority to override a general citizen protest of zoning changes and wondered why that paragraph had been removed in the new *Code*. Mr. Wilson said that elected bodies have the authority to make zoning decisions.

Planning Commission Chairman Elmer noted inconsistencies in voting references for Planning Commission and City Council which call for a three-fifths vote to overturn an appeal. Since both boards had seven members, this didn't make sense. After a brief discussion, the decision was made to go with a simple majority (4 members) on decisions unless overturning a denial, in which case a super majority of 5 members would be required.

Additional discussion ensued over Section 2-3-1.D.3 with regard to the 5-day review period. Mr. Joyce noted developer difficulties in meeting some of the current timelines and suggested either moving submittal deadlines to more the middle of the month or rescheduling Planning Commission hearings to the third and fourth weeks of the month. Ms. Portner said that the current 5-working-day timeline should be continued, with further discussions to ensue among the development community. This was not an issue that could be resolved quickly and a decision should be postponed.

Mr. Stubbs (2408 Hidden Valley Drive, Grand Junction) expressed concern over the last sentence in Section 2-3-10.G, which seemed to give the Director the authority to arbitrarily initiate a zoning change on a lapsed Planned Development. Mr. Wilson clarified this point to Mr. Stubbs' satisfaction.

Due to the lateness of the hour, the public hearing was continued to February 10 at 7 p.m. The hearing would again be held at Two Rivers Convention Center and begin with Chapter 3.

The hearing was adjourned at 10:35 p.m.

Stephanie Nye, CMC
City Clerk

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

February 2, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 2nd day of February, 2000, at 7:30 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. He announced Boy Scout Troop 303 was in this evening's audience. The scouts conducted a color guard ceremony for the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Scott Hogue, First Baptist Church.

PRESENTATION OF CERTIFICATES TO NEWLY APPOINTED PLANNING COMMISSION BOARD OF APPEALS MEMBERS AND ALTERNATES TO THE PLANNING COMMISSION

APPOINTMENTS TO THE VISITORS & CONVENTION BUREAU BOARD OF DIRECTORS

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez, Chris Blackburn (3-year term), Peggy Page (2-year term) and Linda Smith (1-year term) were appointed to the Visitors & Convention Bureau Board of Directors.

CANVASSING ELECTION RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD FEBRUARY 1, 2000

City Clerk Stephanie Nye presented the results of the Special Municipal Election held on February 1, 2000, regarding the Charter Amendment. The Certificate of Election is attached. She reported there was an overwhelming turnout at 54%, greater than the turnout last April at the first mail ballot election which was at 46%.

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried, the Certificate of Election was accepted.

The Canvassing Board then signed copies of the Certificate of Election, one of which is to be filed with the Secretary of State and one to be published in The Daily Sentinel.

CONSENT ITEMS

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by roll call vote, the following consent items #1 through #9 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting January 19, 2000

2. **Updated Comprehensive Master Plan for Long Term Development of Parks and Recreation Facilities**

Council is requested to authorize a contract with Winston Associates of Boulder, Colorado to perform studies necessary for the preparation of an updated and revised Comprehensive Master Plan. The Parks and Recreation Advisory Board unanimously approved a motion to update the plan.

Action: Authorize the City Manager to Sign a Contract with Winston Associates for the Preparation of an Updated Comprehensive Master Plan for Use by the City of Grand Junction in Guiding Long-Term Development of Parks and Recreation Facilities in an Amount Not to Exceed \$45,000

3. **Concessionaire Agreement for Stocker Stadium/Suplizio Field, Lincoln Park-Moyer Swimming Pool, Columbine and Kronkright Softball Fields**

The City's concessionaire contract with Ballpark Concessions expired on December 31, 1999. The City prepared a Request for Proposals, advertised in the newspaper and mailed invitations to eleven potential vendors. Three bids were received.

Action: Authorize the City Manager to Sign an Agreement with Debonair Fun, Food and Concession to Operate Concession Services at Stocker Stadium/Suplizio Field, Lincoln Park-Moyer Swimming Pool, Columbine and Kronkright Softball Fields

4. **Construction of Duck Pond Park Sidewalk**

The purpose of this project is to construct a 6' wide sidewalk through the Duck Pond Park from the existing wood bridge near Unaweep Avenue to the existing parking lot along Santa Clara Avenue. Sidewalk will also be constructed to the existing playground and picnic shelter, identified as Additive Alternate 1.

This project was bid in August of 1999 and only one bid was received. It was determined that the bid was not within the project budget and was

rejected. The project was rebid in January, 2000. The following bids were opened on January 25, 2000:

<u>Bidder</u>	<u>Base Bid</u>	<u>Add Alt 1</u>	<u>Total</u>
Mays Concrete	\$78,665.00	\$21,924.00	\$100,589.00
Precision Paving	\$73,338.00	\$20,390.00	\$ 93,728.00
Vista Paving	\$68,269.46	\$21,379.86	\$ 89,649.32
Comet Construction	\$70,058.50	\$17,904.50	\$ 87,963.00
Reyes Concrete	\$65,176.73	\$13,217.73	\$ 78,394.46
BPS Concrete	\$55,606.67	\$18,064.46	\$ 73,671.13
Cole and Company	\$50,692.60	\$14,692.80	\$ 65,385.40
Alpine CM	\$50,699.39	\$11,723.04	\$ 62,422.43
Colorado West Leasing (incomplete bid)	\$49,138.90	\$13,185.00	\$ 62,323.90
Engineer's Estimate	\$69,698.50	\$19,570.00	\$ 89,268.50

Action: Award Contract for Construction of Duck Pond Park Sidewalk to Alpine CM in the Amount of \$62,422.43

5. **Final Change Order to the First Street Improvement Project**

The First Street Construction Contract had not been completed because of miscellaneous work that was not completed and claims made by the Contractor, M.A. Concrete Construction, Inc. The work has now been completed and City staff and the Contractor have agreed on final project costs.

Action: Approve the Final Change Order to the First Street Improvement Project with M.A. Concrete Construction, Inc. in the Amount of \$130,571.91

6. **Grand Junction/Mesa County Transportation Planning Region 2020 Regional Transportation Plan**

The Mesa County Regional Transportation Planning Office has completed an update of the 2015 Regional Transportation Plan to extend the plan life to 2020 and to address the addition of the new public transit system. The update of the plan is necessary in order for the Transportation Planning Region to continue to be eligible for State of Colorado and Federal highway funding.

Action: Adopt the Plan and Authorize the Mesa County Regional Transportation Planning Office to Submit the 2020 Regional Transportation Plan to the Colorado Department of Transportation

7. **Setting a Hearing on Zoning the Crowe Annexation to RSF-4, Located at the Southeast Corner of I Road and 26 1/2 Road**
[File #ANX-1999-271]

The 41.51 acre Crowe Annexation area consists of one parcel of land. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment. State law requires the City to zone newly annexed areas within 90 days of the annexation.

Proposed Ordinance Zoning the Crowe Annexation to RSF-4 (Residential Single Family with a Maximum of Four Units per Acre)

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

8. **Setting a Hearing on Zoning Robertson Annexation to RSF-2, Located at 522 20 1/2 Road** [File #ANX-1999-269]

The Robertson Annexation consists of 4 single-family residential units on 3.61 acres. Request for a Zone of Annexation from County R1B to City RSF-2, Single Family residential with a density not to exceed 2 units per acre.

Proposed Ordinance Zoning Robertson Annexation from County R1B to City RSF-2

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

9. **Setting a Hearing Adopting the New Zoning and Development Code and the New Zoning Maps**

The City has adopted its Growth Plan after substantial public input. To implement the Growth Plan, the City determined that the zoning and planning code laws of the City should be rewritten to accommodate the policies and values in the Growth Plan and to make improvements in the process and substantive provisions. The City's Zoning and Development Code was last substantially codified over twenty years ago, although there were significant changes adopted in 1989, with more specific revisions adopted through May 21, 1999.

- a. Proposed Ordinance Adopting a New Zoning and Development Code for the City of Grand Junction, Colorado
- b. Proposed Ordinance Adopting New Zoning Maps as an Integral Part of New Zoning and Development Code

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

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

Councilmember Payne explained the consent agenda to the Boy Scout Troop in attendance. He said the items listed in the consent agenda were discussed at an earlier time and one motion and vote was made on those 9 items tonight.

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

PUBLIC HEARING - 5TH STREET URBAN RENEWAL PROJECT, PHASE 2 (CDBG #94-811)

Construction of the project has been completed and final payment has been made to the contractor. The project close-out procedures for State Community Development Block Grant (CDBG)-funded projects include the requirement that at least one public hearing be conducted to allow citizens to review and comment on the grantee's performance in carrying out the project.

A hearing was held after proper notice.

David Varley, Acting Community Development Director, reviewed this item. This hearing is provided to take public input on a CDBG that was received in 1994. It is the last of the funds received from the State of Colorado's Small Cities CDBG Program. After receiving these funds, Grand Junction became its own entitlement city which means it now receives funds directly from the federal government. This was a grant in the amount of \$500,000 and used for the 5th Street project which was the improvement of 5th Street, from South Avenue to Main Street. Staff member Kristen Ashbeck had a close-out meeting with the Department of Local Affairs representative Tim Sarmo. A final report is being submitted to the Department of Local Affairs. The purpose of the public hearing is to see if there's anyone in the community that wants to make comments on how the City performed as a grantee, and in spending this half million dollars.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the close-out of the 5th Street Urban Renewal Project, Phase 2 (CDBG Grant #94-811) was approved.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Stephanie Nye, CMC
City Clerk

CITY OF GRAND JUNCTION, COLORADO

CERTIFICATE OF ELECTION

FEBRUARY 1, 2000

I, Stephanie Nye, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the Special Municipal Election held in the City on Tuesday, February 1, 2000, were as follows:

Total Ballots Cast in District A	1877
Total Ballots Cast in District B	3469
Total Ballots Cast in District C	1154
Total Ballots Cast in District D	2810
Total Ballots Cast in District E	1316
TOTAL BALLOTS CAST	10626

CHARTER AMENDMENT QUESTION:

SHALL THE CHARTER OF THE CITY OF GRAND JUNCTION BE AMENDED TO: ALLOW COLLECTIVE BARGAINING FOR SERGEANTS, LIEUTENANTS, POLICE OFFICERS AND OTHER EMPLOYEES OF THE POLICE DEPARTMENT; ALLOW COLLECTIVE BARGAINING FOR THE FIRE FIGHTERS, FIRE SUPERVISORS AND OTHER EMPLOYEES OF THE FIRE DEPARTMENT; ALLOWING FOR BINDING ARBITRATION AWARDS REGARDING PAY, WORKING CONDITIONS, BENEFITS, WORK SCHEDULES, MINIMUM STAFFING LEVELS AND OTHER ISSUES; PROVIDING NO PENALTIES IF STRIKES OCCUR; AND OTHER RELATED PROVISIONS.

Ballot Title 1	<u>District</u> A	District B	District C	District D	District E	TOTAL
YES	550	948	419	842	474	3233
NO	1303	2476	717	1926	823	7245

That on the question "SHALL THE CHARTER OF THE CITY OF GRAND JUNCTION BE AMENDED TO: ALLOW COLLECTIVE BARGAINING FOR SERGEANTS, LIEUTENANTS, POLICE OFFICERS AND OTHER EMPLOYEES OF THE POLICE DEPARTMENT, ALLOW COLLECTIVE BARGAINING FOR FIRE FIGHTERS, FIRE SUPERVISORS AND OTHER EMPLOYEES OF THE FIRE DEPARTMENT; ALLOWING FOR BINDING ARBITRATION AWARDS REGARDING PAY, WORKING CONDITIONS, BENEFITS, WORK SCHEDULES, MINIMUM STAFFING LEVELS AND OTHER ISSUES; PROVIDING NO PENALTIES IF STRIKES OCCUR; AND OTHER RELATED PROVISIONS", the question **failed** by the greater number of votes.

Certified this 2nd day of February, 2000.

/s/ Stephanie Nye
Stephanie Nye, CMC
City Clerk

Dated this 2nd day of February, 2000.

/s/ Cindy Enos-Martinez
Cindy Enos-Martinez
Councilmember, District A

/s/ Jim Spehar
Jim Spehar
Councilmember, District B

/s/ Reford C. Theobald
Reford C. Theobald
Councilmember, District C

/s/ C.A. Jack Scott
C.A. Jack Scott
Councilmember District D

/s/ Earl Payne
Earl Payne
Councilmember, District E

/s/ Janet Terry
Janet Terry
Councilmember, City at Large

/s/ Gene Kinsey
Gene Kinsey
Councilmember, City at Large

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date:
February 16, 2000

Date Prepared: February 1, 2000
Author: Ron Watkins
Title: Purchasing Manager
Presenter Name: Mark Relph
Title: Public Works Director

Subject: Replacement of Police Vehicles

Summary: Bid invitations for the purchase of 5 Police Interceptors were distributed to 6 local dealers; we received 3 responsive bids. The low bid of \$105,776.00 was submitted by Western Slope Auto for 2000 Ford Crown Victorias. Staff recommends award to the low bidder.

Background Information:

The Fleet Maintenance Review Committee recommended replacement of 5 Police Interceptors for the year 2000.

Dealers	Bid Price
Hellman Motor Co.	\$106,035.00
Montrose Ford	\$108,279.75
Western Slope Auto	\$105,776.00 *

*Recommended Award

Budget:

Equipment Replacement budget for replacement of these units is \$125.320.00

Action Requested/Recommendation:

Approve staff's recommendation to purchase five 2000 Ford Crown Victoria Police Interceptors.

Citizen Presentation: Yes No. If yes,
Name
Purpose

Placement on agenda: Consent Individual Consideration Workshop

Attach 3

CITY COUNCIL AGENDA CITY OF GRAND JUNCTION

City Council
 Workshop
 X Formal Agenda
Meeting Date:
February 16, 2000

Date Prepared: February 8, 2000
Author: Trent Prall
Title: City Utility Engineer
Presenter Name: Mark Relph
Title: Public Works and Utilities Director

Subject: Approval to invest Trunk Extension Funds to cover the costs incurred in upsizing the lift station and a trunk sewer extension along Desert Hills Road during the development of Desert Hills Estates.

Summary: City Utility staff has determined that it is in the best, long term interest of the sewer system to have the developer of Desert Hills Estates increase the capacity of a proposed lift station as well as construct a trunk sewer line west of the development to serve future developments. The City will fund the upsizing of the lift station as well as the trunk extension and then recover its investment through charging Trunk Extension Fees.

Background Information:

As part of the Desert Hills Estates Development north of Riggs Hill on the Redlands, staff is proposing the sewer fund invest in a trunk extension in Desert Hills Rd . The proposed 2465 foot extension will serve the basin south of Desert Hills Rd as shown on the attached drawing. The extension will be able to share a trench with the Desert Hills Lift Station force main helping to reduce the impact to the trunk extension fund. The existing Season's lift station will be eliminated once a future sewer line is constructed that ties the lift station to the proposed trunk extension.

The agreement clarifies the responsibilities of all parties involved. The City attorney has reviewed the agreement and has found it acceptable.

Budget:

Expenses. Staff will need to amend the budget in the sewer fund 903 (Trunk Extension Fund) for the year 2000. (Project number F09800). **The City's portion of the costs are estimated at \$75,000.**

Revenue. All future development, outside of the Desert Hills Estates will be required to pay trunk extension fees. However, because the developable property will only develop to estate size lots (i.e. 2 to 5 acres), staff is recommending that a dollar per acre basis of recovery be used instead of the trunk extension fees established in accordance with Resolution No. 47-93. These fees will continue to be charged to help recover the cost of this extension. The total revenue from this investment is estimated at \$75,000 plus interest for only the 80 acres northeast of South Broadway since the area south of Broadway is proposed to be deleted from the 201. Therefore \$937.50 per acre plus interest will be charged to those properties connecting to the sewer. If the area south of South Broadway (Wildwood Area) was to remain inside the 201 then the fee could be reduced to \$223.88 per acre plus interest.

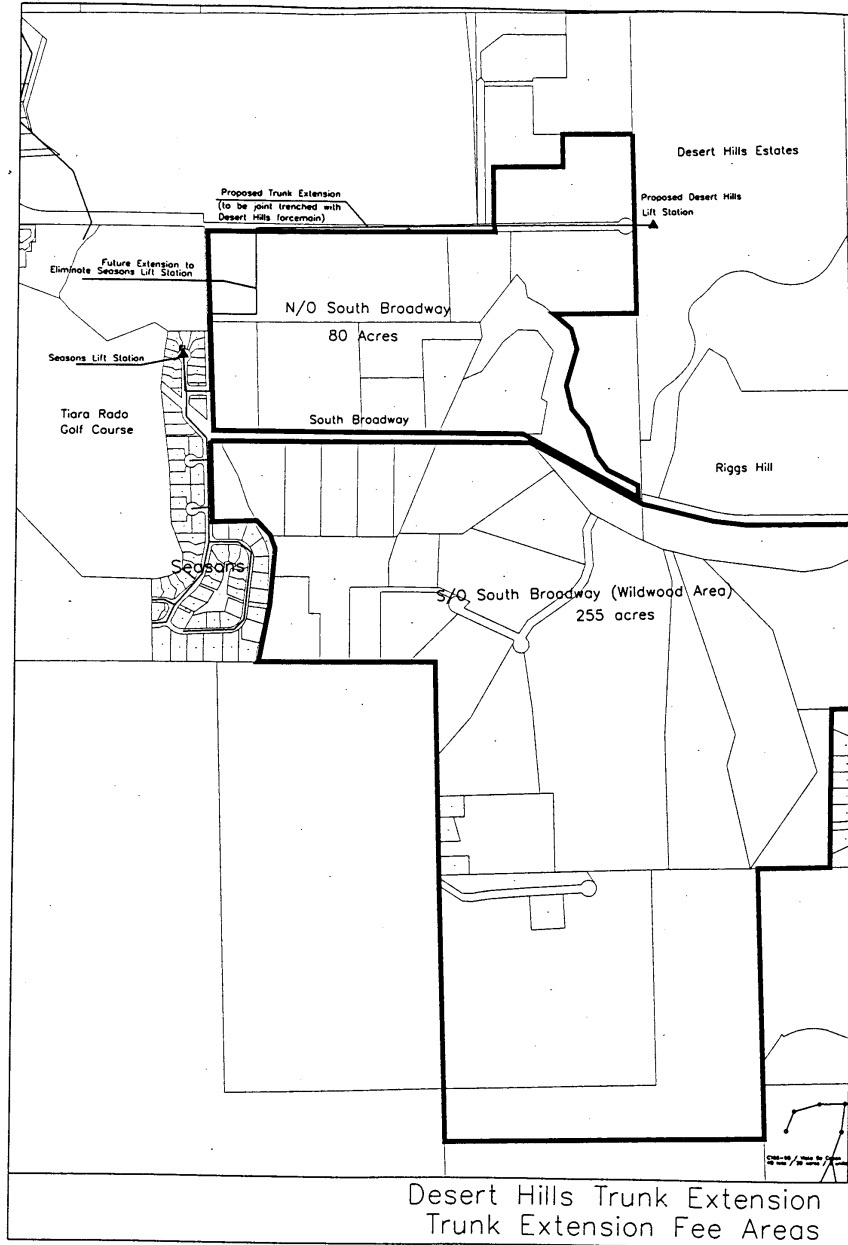
To date the Trunk Extension Fund has approximately \$1,100,000 of which only \$110,100 has been earmarked for the Red Canyon Trunk Extension (part of the Redlands Mesa golf course)

Typically the Trunk Extension policy requires 15% upfront from developers in the area, however staff is recommending that requirement be waived given the cost savings associated with upsizing the lift station now and the joint trenching with the Desert Hills Estate's forcemain.

Action Requested/Recommendation:

Public Works staff recommends that the extension be approved for 2000 construction. The engineer's estimate is \$70,000 which includes design, admin, inspection and construction. Pending Council Approval and construction should be started by early April.

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



Attach 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 2000

Date Prepared: January 26, 2000
Author: Patricia Parish
Title: Associate Planner
Presenter Name: Patricia Parish
Title: Associate Planner

Subject: RVP-2000-013, Resolution authorizing a Revocable Permit to allow a retaining wall to be built in a designated open space area behind 389 Butte Court.

Summary: Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the Petitioner to build a retaining wall in a designated open space area in the Ridges, that is owned by the City.

Background Information: The Petitioner is requesting permission to build a retaining wall to the side and rear of the property located at 389 Butte Court in the Cobblestone Ridges Replat Subdivision. According to the Petitioner, the retaining wall would assist in preventing run-off from the City's property onto the Petitioner's lot.

Budget: N/A

Action Requested/Recommendation: Adopt the resolution formally allowing the retaining wall to be built in the City owned open space.

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 <input type="checkbox"/> Workshop
--

AGENDA TOPIC: File # RVP-2000-013 – Resolution authorizing a Revocable Permit to allow the Petitioner to build a retaining wall in City owned open space.

SUMMARY / ACTION REQUESTED: The applicant is requesting permission to build a retaining wall in City owned open space in the Cobblestone Ridges Subdivision Phase 2 Replat, Lot 11, Block 1, located at 389 Butte Court. Staff recommends approval of the Resolution authorizing a Revocable Permit.

BACKGROUND INFORMATION:

Location: 389 Butte Court

Applicant: James and Cherlyn Williamson

Existing Land Use: Vacant open space

Proposed Land Use: Retaining wall

Surrounding Land Use:

North: open space

South: single family homes

East: single family homes

West: single family homes

Surrounding Zoning:

North: PR-4

South: PR-4

East: PR-4

West: PR-4

Existing Zoning: PR-4

Proposed Zoning: No change.

Relationship to Comprehensive Plan: The Growth Plan shows this site as a Residential Medium Low Density area with 2 to 4 dwelling units per acre of low intensity residential development is anticipated in this Land Use Classification.

STAFF ANALYSIS:

Project Background/Summary:

The Petitioner is requesting permission to build a retaining wall (see Exhibit A) in the open space located behind the lot at 389 Butte Court. This is a single family residence home site. Due to drainage issues surrounding the property, run-off from the City owned open space impacts the lot. The proposed retaining wall does not conflict with any Zoning and Development Code requirements.

Findings of Review:

The City Charter gives Council authority to allow private use of public property provided such use is substantiated by resolution. The Revocable Permit essentially gives the adjacent landowner a license to use the public property. The City may revoke the permit and require the landowner to

restore the property to its original condition by giving 30 days written notice. The project meets the criteria for a Revocable Permit.

RECOMMENDATION: Staff recommends approval of the resolution authorizing the Revocable Permit.

RESOLUTION NO. _____

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
JAMES G. WILLIAMSON AND CHERLYN F. WILLIAMSON

Recitals

1. James G. Williamson and Cherlyn F. Williamson, hereinafter referred to as the Petitioners, represent that they are the owners of that certain real property described as Lot 11, Block 1 of Cobblestone Ridges Phase 2 Replat, situate in the Southeast $\frac{1}{4}$ of Section 17, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, also known as 389 Butte Court, hereinafter referred to as the "Petitioner's Property", and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain, repair and replace a retaining wall and underground drainage pipe within the limits of the following described real property owned by the City, to wit:

Commencing at the Westernmost corner of Lot 11, Block 1 of Cobblestone Ridges Phase 2 Replat, as recorded by Reception Number 1789624 in the office of the Mesa County Clerk and Recorder; thence S 37°14'38" E along the Southwesterly boundary line of said Lot 11 a distance of 23.88 feet to the Point of Beginning; thence leaving said Southwesterly boundary line, S 15°00'05" W a distance of 21.66 feet; thence S 50°51'16" E a distance of 75.58 feet; thence N 82°57'09" E a distance of 18.88 feet; thence N 07°02'51" W a distance of 3.0 feet to a point on the Southerly boundary line of said Lot 11; thence S 82°15'01" W along the Southerly boundary line of said Lot 11 a distance of 21.24 feet; thence N 37°14'38" W along the Southwesterly boundary line of said Lot 11 a distance of 83.17 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioners for the purposes aforescribed and within the limits of the City owned property aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 16th day of February, 2000.

Attest:

City Clerk

President of the City Council

REVOCABLE PERMIT

Recitals

1. James G. Williamson and Cherlyn F. Williamson, hereinafter referred to as the Petitioners, represent that they are the owners of that certain real property described as Lot 11, Block 1 of Cobblestone Ridges Phase 2 Replat, situate in the Southeast $\frac{1}{4}$ of Section 17, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, also known as 389 Butte Court, hereinafter referred to as the "Petitioner's Property", and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain, repair and replace a retaining wall and underground drainage pipe within the limits of the following described real property owned by the City, to wit:

Commencing at the Westernmost corner of Lot 11, Block 1 of Cobblestone Ridges Phase 2 Replat, as recorded by Reception Number 1789624 in the office of the Mesa County Clerk and Recorder; thence S $37^{\circ}14'38''$ E along the Southwesterly boundary line of said Lot 11 a distance of 23.88 feet to the Point of Beginning; thence leaving said Southwesterly boundary line, S $15^{\circ}00'05''$ W a distance of 21.66 feet; thence S $50^{\circ}51'16''$ E a distance of 75.58 feet; thence N $82^{\circ}57'09''$ E a distance of 18.88 feet; thence N $07^{\circ}02'51''$ W a distance of 3.0 feet to a point on the Southerly boundary line of said Lot 11; thence S $82^{\circ}15'01''$ W along the Southerly boundary line of said Lot 11 a distance of 21.24 feet; thence N $37^{\circ}14'38''$ W along the Southwesterly boundary line of said Lot 11 a distance of 83.17 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

There is hereby issued to the above-named Petitioners a Revocable Permit for the purposes aforescribed and within the limits of the City owned property aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

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

2. The Petitioners, for themselves and for their heirs, successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to the facilities to be installed by the Petitioners within the limits of said City property (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioner's occupancy, possession or use of said City Property or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

3. The Petitioners agrees that they shall at all times keep the above described City property and the facilities authorized pursuant to this Permit in good condition and repair.

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

5. The Petitioners, for themselves and for their heirs, successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of facilities authorized pursuant to this Permit.

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

Dated this _____ day of _____, 2000.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance:

James G. Williamson

Cherlyn F. Williamson

AGREEMENT

We, James G. Williamson and Cherlyn F. Williamson, for ourselves and for our heirs, successors and assigns, do hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said City property to the City of Grand Junction and, at our own expense, remove any encroachment so as to make said City property fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2000.

James G. Williamson

Cherlyn F. Williamson

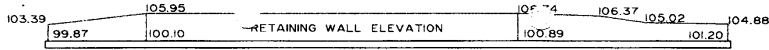
State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2000, by James G. Williamson and Cherlyn F. Williamson.

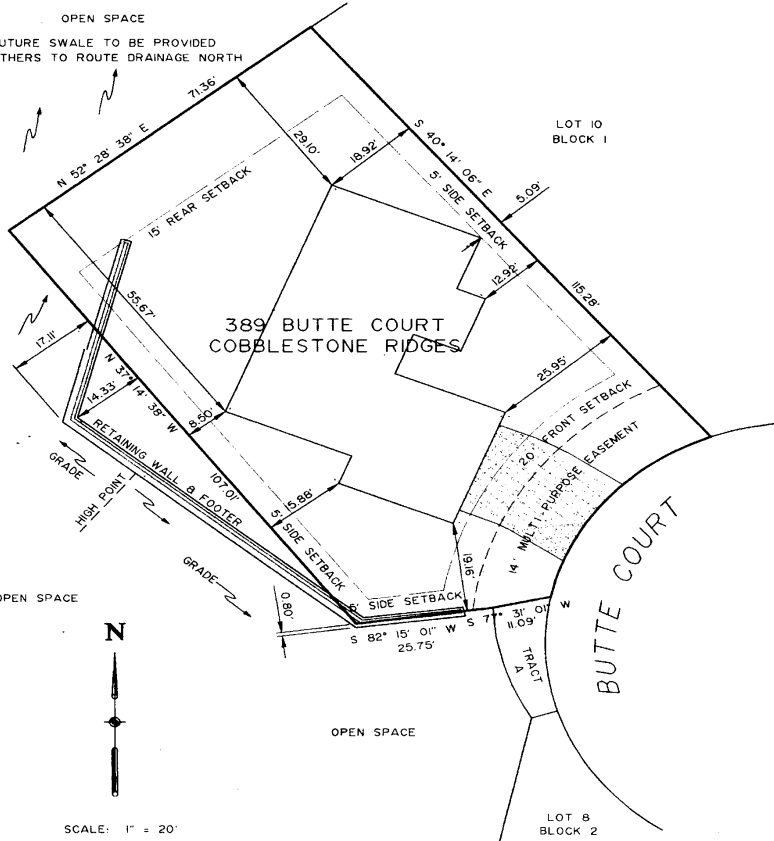
My Commission expires: _____

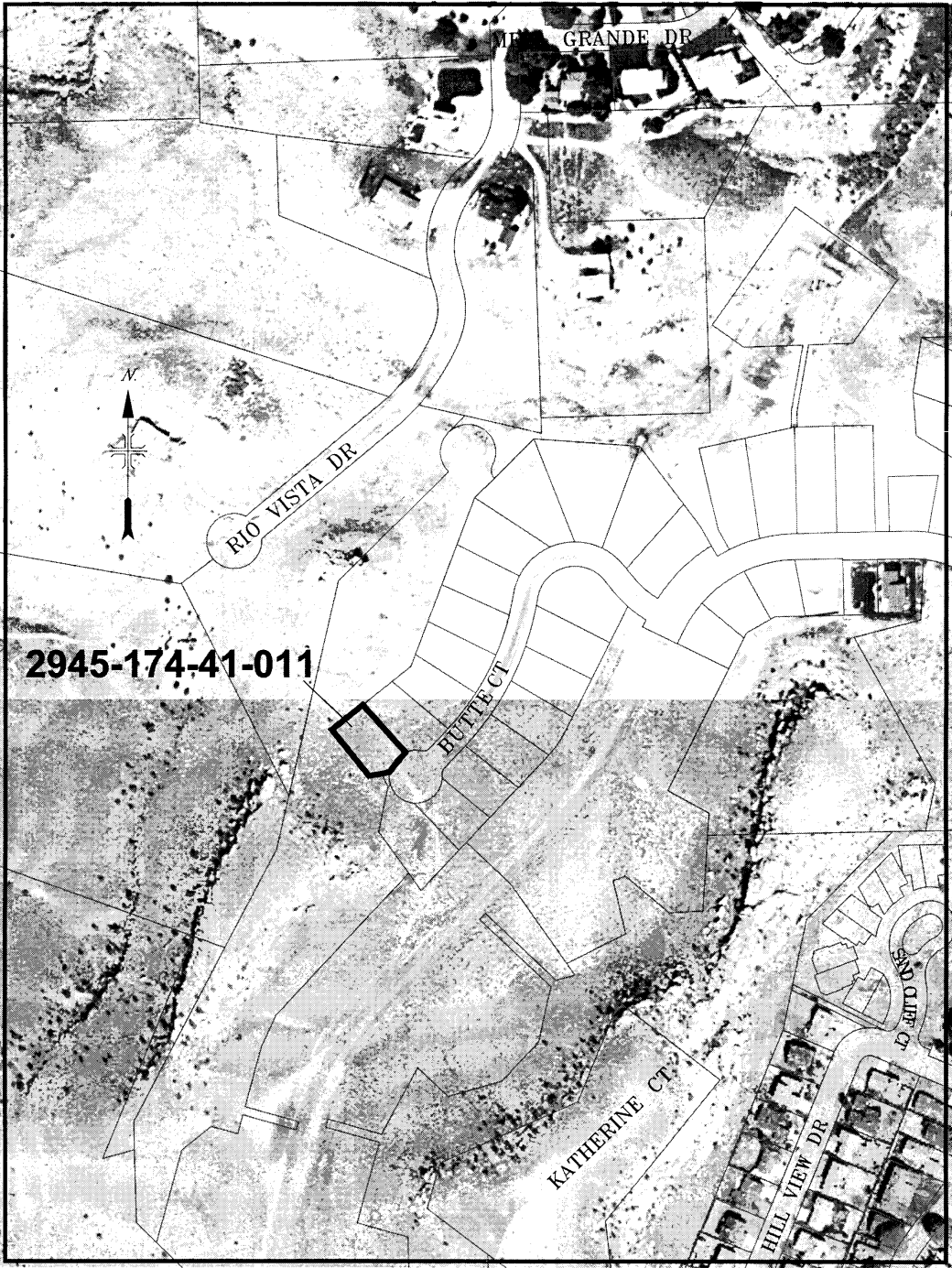
Witness my hand and official seal.

Notary Public



OPEN SPACE
 FUTURE SWALE TO BE PROVIDED
 BY OTHERS TO ROUTE DRAINAGE NORTH





2945-174-41-011

GRANDE DR

RIO VISTA DR

BUTTE CT

KATHERINE CT

HILL VIEW DR

SAND OLE CT



Attach 5

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council	Date Prepared:	February 9, 2000
___ Workshop	Author:	Kristen Ashbeck
__X__ Formal Agenda	Title:	Senior Planner
Meeting Date: February 16, 2000	Presenter Name:	Same
	Title:	

Subject: FP-2000-008 Arrowhead Acres II Filing 2

Summary: Request for approval of 1) vacation of a temporary access easement for the cul-de-sac turnaround at the end of B.4 Road; and 2) vacation of the remainder of the cul-de-sac right-of-way at the end of B.4 Road.

Background Information: See attached staff report.

Budget: NA

Action Requested: Adopt ordinances vacating temporary access easement and right-of-way for B.4 Road.

Citizen Presentation: ___ Yes __X__ No. If yes,
Name
Purpose

Report results back to Council? X No ___Yes, When_____

Placement on agenda: <u>X</u> Consent ___Individual Consideration ___ Workshop

CITY OF GRAND JUNCTION

DATE: February 16, 2000

CITY COUNCIL

STAFF PRESENTATION: Kristen Ashbeck

AGENDA TOPIC: FP-2000-008 Vacation of Easement/Vacation of Right-of-Way

SUMMARY / ACTION REQUESTED: Request for approval of 1) vacation of a temporary access easement at the end of B.4 Road; and 2) vacation of the cul-de-sac turnaround at the end of B.4 Road.

BACKGROUND INFORMATION:

Location: B-1/2 Road and Arlington Drive

Applicant: A.C. Rinderle Trust – Leo Rinderle

Existing Land Use: Large Vacant Parcel

Proposed Land Use: Filing 2 – 44 Detached Single Family Lots; 115 Total All Filings

Surrounding Land Use:

North: Under Construction - Arrowhead Acres II Filing 1

South: Undeveloped Future Filing of Arrowhead Acres II

East: Single Family Residential

West: Large Lot Single Family Residential

Existing Zoning: RSF-5

Proposed Zoning: Same

Surrounding Zoning:

North: RSF-5

South: RSF-5

East: PD-8 (Mesa County)

West: R-2 (Mesa County)

Relationship to Comprehensive Plan: The Arrowhead Acres II property is shown in two future land use categories on the Future Land Use Map of the Growth Plan. The northern 8 acres of the site is within the residential medium development area with a density from 4 to 7.9 units per acre. The southern 18 acres is within the residential medium low development area with a density from 2 to 3.9 units per acre. The developer has attempted to average this density over the entire 26 acres, which resulted in the proposed density of 4.5 units per acre.

Staff Analysis:

Project Background/Summary. The applicant is proposing to subdivide an undeveloped area of land totaling approximately 26 acres located west of the southwest corner of B-1/2 and 28-1/2 Roads into 115 detached single family residential lots. The proposed density (4.5 units per acre) of this project is a result of averaging the two future land use categories stated above over the entire parcel. The property was zoned RSF-5 when it was annexed in 1999. The Planning Commission approved the Preliminary Plan for the project in March 1999, the Final Plat for Filing 1 in June 1999 and the Final Plat for Filing 2 on February 8, 2000.

FP-2000-008 / February 16, 2000 / Page 2

Access/Streets. Filing 2 will be accessed from an extension on Arlington Drive south as well as from the east with a connection to B.4 Road which presently dead-ends in a cul-de-sac on this property. In addition, B.4 Road will be stubbed out to the west to provide access to the adjoining property.

Lot Configuration/Bulk Requirements. All of the proposed lots meet the minimum standards of the RSF-5 zone district. The minimum lot size in RSF-5 is 6,500 square feet with a minimum lot frontage of 20 feet. The setbacks for the RSF-5 district are as follows: Front Yard: 23 feet; Rear Yard: 25 feet; Side Yard: 5 feet. Accessory structures will be allowed in the rear half of the lots with rear and side yard setbacks of 3 feet.

Drainage/Irrigation/Utilities. A detention pond is under construction with Filing 1 in the northwestern portion of the Arrowhead Acres II site to capture the stormwater runoff from the project. Water will be released from the pond at a historic rate into an existing ditch along the northern property line. Utilities exist in the vicinity of the project with the major services from the Orchard mesa Sanitation District, Ute Water, and Public Service.

Vacation of Easement/Right-of-Way. When the subdivisions to the west of this property were platted, turnarounds for the extension of B.3 and B.4 Roads were required to be dedicated on the Arrowhead Acres II property. The B.4 Road cul-de-sac is improved with a gravel surface and the portion of right-of-way that encumbered Lot 14, Block 2 of Filing 1 was vacated with that phase. The vacated portion was replaced with a dedication of additional temporary turnaround easement to ensure that the turnaround still met the minimum radius needed for emergency vehicles. With Filing 2, both the remainder of right-of-way and the temporary turnaround easement must be vacated.

Findings of Review. Section 8-3 of the Zoning and Development Code lists the criteria by which vacations of easements and rights-of-way are reviewed. Staff has the following findings for this right-of-way vacation request.

Landlocking. The vacated right-of-way and easement will be replaced by dedication of new right-of-way for an extension of B.4 Road. Thus, the vacation will not landlock any parcel of land.

Restrictive Access. The vacation of right-of-way and easement will not restrict access to any parcel.

Quality of Services. The proposed vacations will not have adverse impacts on the health, safety, and/or welfare of the community and will not reduce the quality of public services provided to any parcel of land.

Adopted Plans and Policies. General policies of providing neighborhood connections for pedestrian and vehicular travel will be achieved by vacating the easement and right-of-way and allowing for B.4 Road to be constructed as a through street.

FP-2000-008 / February 16, 2000 / Page 3

Benefits to City. As stated above, the vacations will allow for extension of B.4 Road as a through street which will provide additional neighborhood access for the existing and proposed subdivisions.

PLANNING COMMISSION RECOMMENDATION (2/8/00 – 7-0): Approval of the vacation of the B.4 Road right-of-way and easement turnaround with no conditions.



CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

VACATING A TEMPORARY TURNAROUND ACCESS EASEMENT FOR
THE B.4 ROAD CUL-DE-SAC WEST OF 28-1/2 ROAD

Recitals.

The applicant is proposing to construct Filing 2 of the Arrowhead Acres II Subdivision on vacant parcels west of the southwest corner of B-1/2 and 28-1/2 Roads. When the subdivisions to the west of this property were platted, turnarounds for the extension of B.3 and B.4 Roads were required to be dedicated on this property. A portion of the B.4 Road right-of-way was previously vacated with Arrowhead Acres Filing 1. That portion was replaced with an additional easement area for temporary turnaround access. The applicant is proposing to vacate the easement that was previously dedicated with Filing 1 and replace it with dedication and construction of B.4 Road as a through street from 28-1/2 Road west to Arlington Drive; and

The Grand Junction Planning Commission, having heard and considered the request at its February 8, 2000 hearing and found the criteria of Section 8-3 of the Zoning and Development Code to have been met, recommended approval of the vacation request.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE TEMPORARY TURNAROUND ACCESS EASEMENT FOR B.4 ROAD WEST OF 28-1/2 ROAD DESCRIBED BELOW AND IDENTIFIED ON EXHIBIT A ATTACHED IS HEREBY VACATED:

A segment of land used as a temporary turnaround easement, located in Lot 1, Blk 4 of Arrowhead Acres II as recorded in Mesa County, CO, described as follows: Commencing at the NE cor of Lot 1, Blk 4; S00deg41'15" W 50' along E line of Lot 1, Blk 4 the POB; along the arc of a non-tangent curve to the right 120.25', having a central angle of 137deg47'39" and a radius of 50', the chord of which bears N81deg01'56" W 93.29'; along the arc of a non-tangent curve to the left 140.42' having a central angle of 171deg10'33" and a radius of 47', the chord of which bears S79deg29'32" W 93.72'; N00deg04'15" E 2.55' to POB.

INTRODUCED for FIRST READING and PUBLICATION this 16th day of February, 2000.

PASSED on SECOND READING this 1st day of March, 2000.

ATTEST:

City Clerk

President of Council

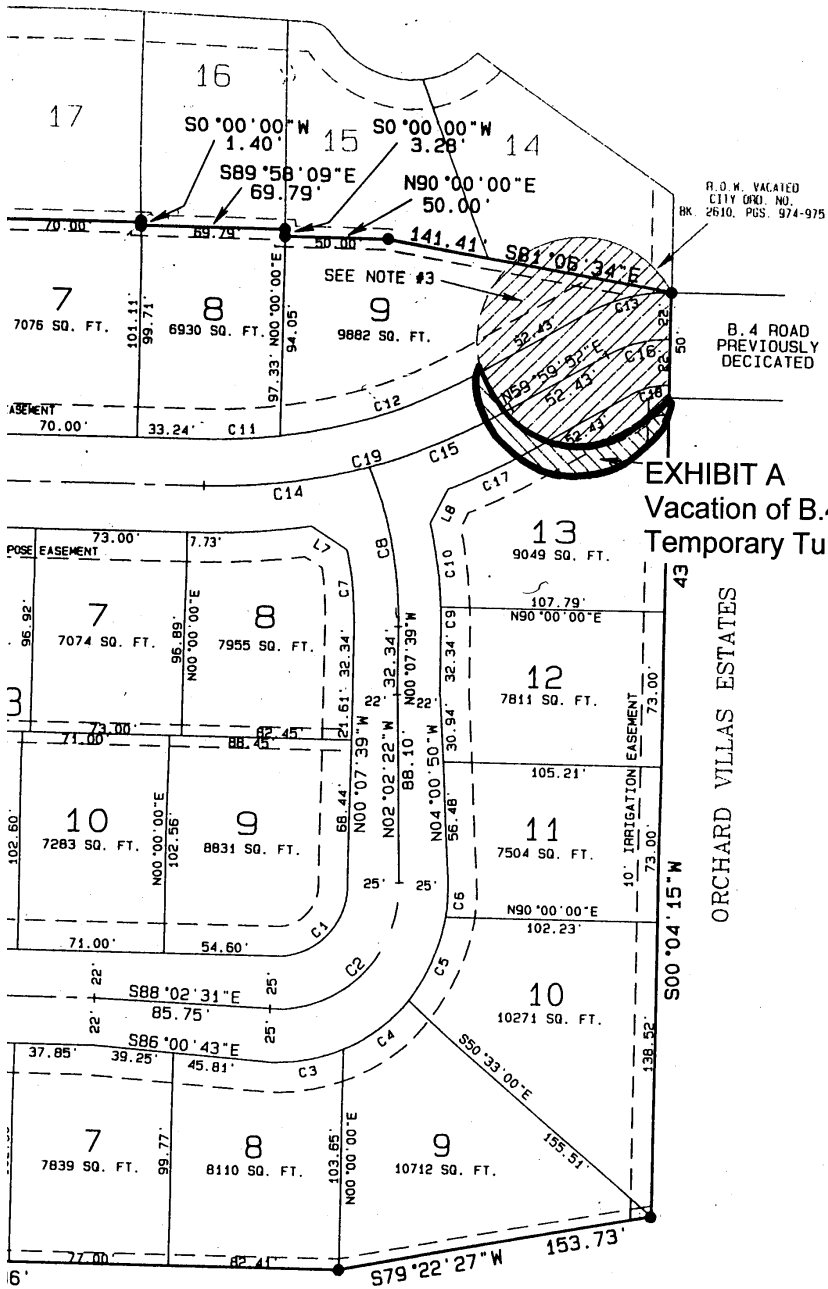


EXHIBIT A
Vacation of B.4 Road
Temporary Turnaround Easement

ORCHARD VILLAS ESTATES

R.O.W. VACATED
 CITY ORD. NO.
 BK. 2610, PGS. 974-975

B.4 ROAD
 PREVIOUSLY
 DEDICATED

- 1.)
- 2.)
- 3.)
- 4.)
- 5.)

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

VACATING A PORTION OF THE B.4 ROAD RIGHT-OF-WAY
WEST OF 28-1/2 ROAD

Recitals.

The applicant is proposing to construct Filing 2 of the Arrowhead Acres II Subdivision on vacant parcels west of the southwest corner of B-1/2 and 28-1/2 Roads. When the subdivisions to the west of this property were platted, turnarounds for the extension of B.3 and B.4 Roads were required to be dedicated on this property. The B.4 Road cul-de-sac is improved with a gravel surface and the right-of-way encumbers lots proposed within Filing 2 of Arrowhead Acres II. A portion of the B.4 Road right-of-way was previously vacated with Arrowhead Acres Filing 1. The applicant is proposing to vacate the remainder of the B.4 Road right-of-way and replace with dedication and construction of B.4 Road as a through street from 28-1/2 Road west to Arlington Drive.

The Grand Junction Planning Commission, having heard and considered the request at its February 8, 2000 hearing and found the criteria of Section 8-3 of the Zoning and Development Code to have been met, recommended approval of the vacation request.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE REMAINDER OF THE B.4 ROAD RIGHT-OF-WAY WEST OF 28-1/2 ROAD DESCRIBED BELOW AND IDENTIFIED ON EXHIBIT A ATTACHED IS HEREBY VACATED:

A tract of land dedicated as road ROW on Orchard Villas Estates Subdivision as recorded in Mesa County, located in Lot 1, Blk 4 of Arrowhead Acres II as recorded in Mesa County, CO, now being vacated and described as follows: Beginning at the NE cor Lot 1, Blk 4; N81deg06'34" W 77.91' along the N line of Lot 1, Blk 4; along the arc of a non-tangent curve to the left 172.48', having a central angle of 197deg38"23" and a radius of 50', the chord of which bears S51deg06'34" E 98.82' to the E line of Lot 1, Blk 4; N00deg04'15" E 50' to POB.

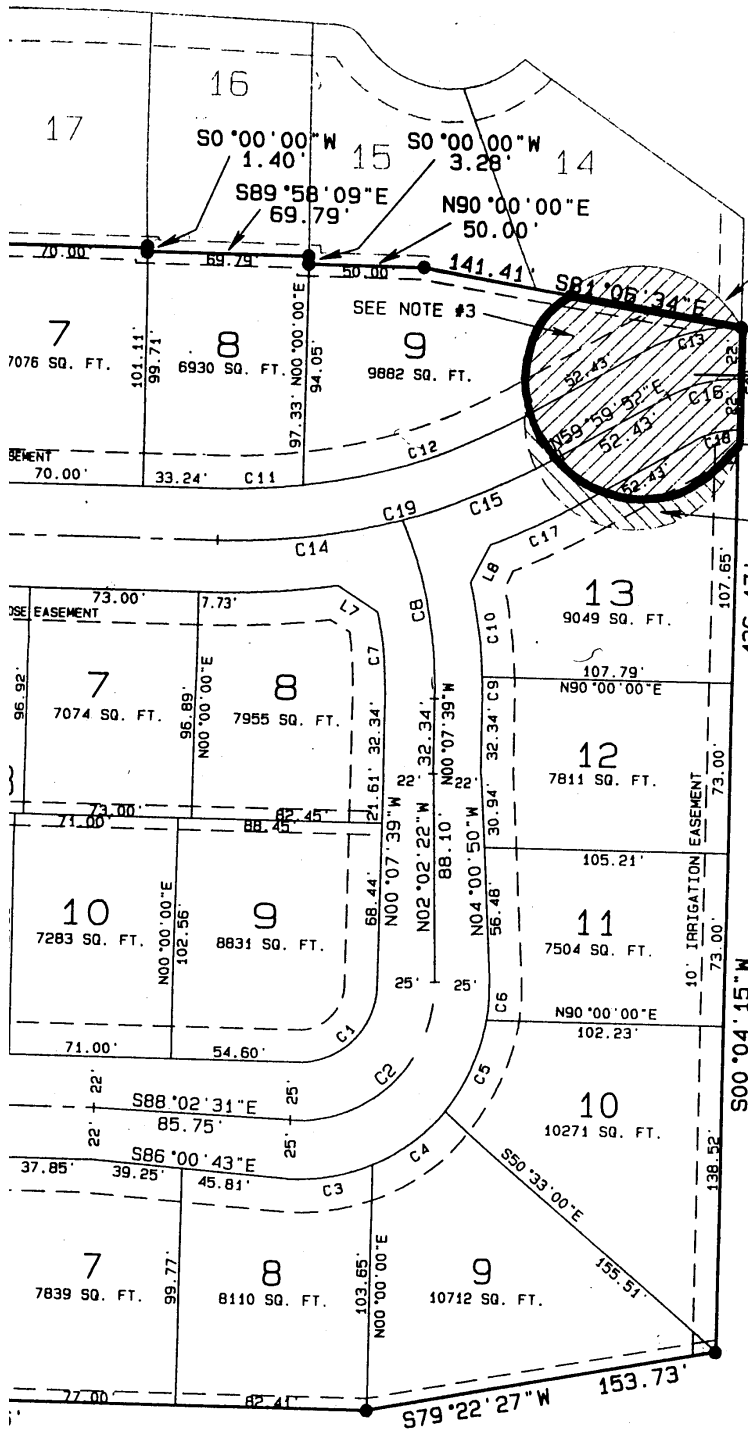
INTRODUCED for FIRST READING and PUBLICATION this 16th day of February, 2000.

PASSED on SECOND READING this 1st day of March, 2000.

ATTEST:

City Clerk

President of Council



Previously Vacated Right-of-Way

EXHIBIT A
Vacation of B.4 Road
Right-of-Way

ORCHARD VILLAS ESTATES

500'04"15"W

S79°22'27"W

Attach 6

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date:

Date Prepared: February 10, 2000
Author: Dan Wilson
Title: City Attorney
Presenter Name: Tim Moore
Title: Public Works Manager

Subject: Resolution authorizing filing of eminent domain action to acquire right-of-way for Horizon Drive improvements.

Summary: The City will save money if the Horizon Drive improvements from G Road to the round-about are combined with the 27½ Road project. In addition, some of the Horizon Drive improvements are required of the new longer stay hotel, Horizon Park Meadows. The plan is for the hotel to escrow their portion of the cost of the improvements from which the City can pay the contractor.

To do these improvements, we need additional slope easements on the south/east side of Horizon Drive from Emmanuel Epstein and Jimmie Etter. Staff continues to work with the owners to obtain the easements (and the other right-of-way required for the 27½ road project).

While we expect to be able to come to terms, time is such that we ask that this resolution be adopted now so that we can obtain a court date in the event negotiations fail, without having to wait for the next Council meeting.

Background Information:

Budget:

Action Requested/Recommendation:

Authorize the adoption of the resolution directing the City Attorney and Public Works Manager to proceed with necessary eminent domain actions, including immediate possession hearing if needed, in order to obtain needed right-of-way.

Citizen Presentation: Yes No. If yes,
Name
Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: Consent Individual Consideration Workshop

RESOLUTION NO.

A RESOLUTION DETERMINING THE NECESSITY OF
AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY
BY CONDEMNATION FOR IMPROVEMENTS TO AND NEW PORTIONS OF
HORIZON DRIVE
AND OTHER MUNICIPAL PUBLIC FACILITIES

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that the property described below ("Property") be acquired for right-of-way, street, sidewalk, utility, drainage and other public improvement purposes. The Property is to be acquired by negotiation and purchase if possible; provided, however, the condemnation of the Property is hereby specifically approved and authorized. The property sought to be acquired is to be used for municipal public purposes.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the Property which is hereby determined to be necessary to be acquired to be used for right-of-way, street, sidewalk, utility, drainage and other public improvement purposes. The City Attorney is further authorized to request immediate possession of the Property.

Section 3. Interest to be acquired: easements for side slopes and street light facilities.

Owners of record: Emanuel Epstein, as to an undivided one-half (1/2) interest, and Jimmie L. Etter, as to an undivided one-half (1/2) interest.

Legal Description:

Easement Parcel No. 1:

Commencing at the Southeast Corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the east line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1 to bear N 00°02'52" E with all bearings contained herein being relative thereto; thence N 00°02'52" E along the east line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1 a distance of 409.46 feet to the True Point of Beginning;

thence leaving the east line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1, N 50°03'13" W a distance of 101.08 feet;

thence S 49°48'23" W a distance of 52.59 feet;

thence S 51°42'40" W a distance of 74.89 feet;

thence S 53°27'00" W a distance of 71.60 feet;

thence S 63°05'33" W a distance of 87.13 feet;

thence S 04°01'03" E a distance of 27.99 feet;

thence S 56°51'54" W a distance of 9.23 feet;

thence S 88°41'04" W a distance of 25.24 feet;

thence S 57°13'45" W a distance of 35.87 feet;

thence S 43°42'58" W a distance of 62.95 feet;

thence S 47°15'23" W a distance of 71.16 feet;

thence S 53°19'06" W a distance of 60.93 feet;

thence S 56°18'01" W a distance of 58.37 feet;

thence S 42°32'32" W a distance of 54.62 feet;

thence S 01°51'40" W a distance of 29.87 feet to a point on the north right-of-way line for Cliff Drive as described by instrument recorded in Book 663 at Page 75 in the office of the Mesa County Clerk and Recorder;

thence N 89°51'30" W along the north right-of-way line for Cliff Drive a distance of 90.23 feet to a point on the southerly right-of-way line for Horizon Drive as described by instrument recorded in Book 822 at Page 245 in the office of the Mesa County Clerk and Recorder;
thence N 52°42'52" E along the southerly right-of-way line for Horizon Drive a distance of 872.34 feet to a point on the east line of the NW ¼ NW ¼ of said Section 1;
thence S 00°02'52" W along the east line of the NW ¼ NW ¼ of said Section 1 a distance of 145.70 feet to the Point of Beginning,
containing 22,638.74 square feet as described; and also

Easement Parcel No. 2:

Commencing at the Southwest Corner of the Northeast ¼ of the Northwest ¼ (NE ¼ NW ¼) of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of the NE ¼ NW ¼ of said Section 1 to bear N 00°02'52" E with all bearings contained herein being relative thereto; thence N 00°02'52" E along the west line of the NE¼ NW¼ of said Section 1 a distance of 409.46 feet to the True Point of Beginning;

thence N 00°02'52" E along the west line of the NE ¼ NW ¼ of said Section 1 a distance of 145.70 feet to a point on the southerly right-of-way line for Horizon Drive as described by instrument recorded in Book 822 at Page 480 in the office of the Mesa County Clerk and Recorder;
thence N 52°42'52" E along the southerly right-of-way line for Horizon Drive a distance of 715.24 feet;
thence leaving the southerly right-of-way line for Horizon Drive, S 76°27'22" E a distance of 11.11 feet;
thence S 50°01'05" W a distance of 204.57 feet;
thence S 36°30'09" W a distance of 28.46 feet;
thence S 11°41'54" E a distance of 77.66 feet;
thence S 33°59'50" W a distance of 48.50 feet;
thence S 51°05'39" W a distance of 29.23 feet;
thence S 61°04'04" W a distance of 46.98 feet;
thence S 43°01'11" W a distance of 88.47 feet;
thence S 53°32'16" W a distance of 336.60 feet to the Point of Beginning,
containing 63,014.97 square feet as described.

Section 4. The City Engineer is hereby authorized to amend the legal descriptions of the parcels to be acquired and the nature of the interests to be acquired, if necessary in the course of construction.

Section 5. The City Council hereby finds and resolves, in the event that acquisition by condemnation of any parcel described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to bidding and construction deadlines.

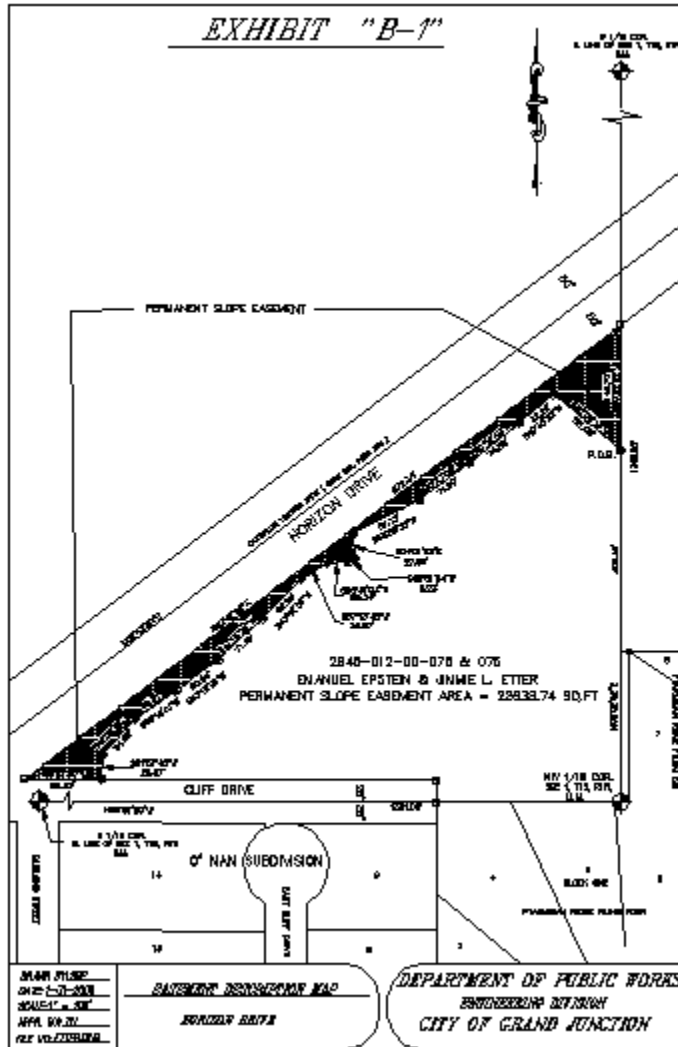
Section 6. The Charter authorizes this resolution and the actions described. The resolution shall be effective upon an affirmative vote of a majority of the City Council considering it.

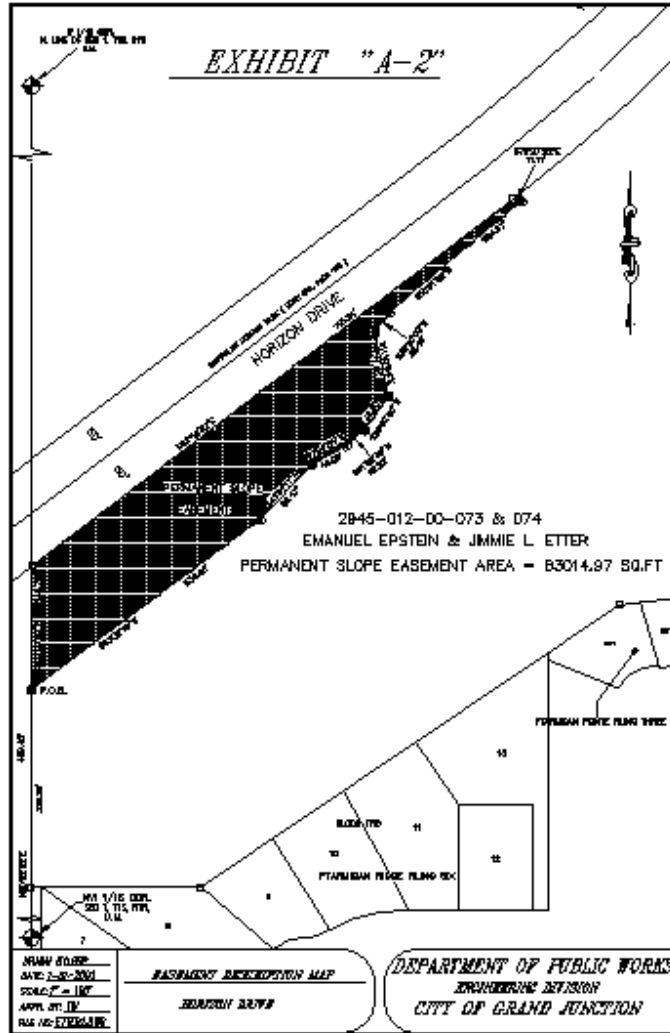
ADOPTED this 16th day of February, 2000.

President of the Council

City Clerk

EXHIBIT "B-1"





Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 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
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AGENDA TOPIC: File # VR-1999-288, Right-of-Way Vacation – South Commercial Drive

SUMMARY / ACTION REQUESTED: 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:

Location: 10' portion of right-of-way along the west side of South Commercial Drive, bordering Lot 1 of Commonwealth Subdivision and Lots 8,10,12,14,16,18,20,22,24, and 26, Block 5, Filing 1 of the Westgate Park Subdivision.

Applicant: City of Grand Junction

Existing Land Use: Landscaping, Parking

Proposed Land Use: Landscaping, Parking

Surrounding Land Use:

North: Commercial

South: Commercial

East: Commercial

West: Commercial

Surrounding Zoning:

North: C-2

South: C-2

East: C-2

West: C-2

Existing Zoning: C-2

Proposed Zoning: No change.

Relationship to Comprehensive Plan: The Growth Plan shows this site as a Commercial / Industrial area. A broad range of commercial operations and services necessary for large regions of the City and county, providing community balance, are anticipated in this Land Use Classification.

STAFF ANALYSIS:

Project Background/Summary:

The applicant is requesting vacation of the western 10' of a 60' right-of way known as South Commercial Drive (see Exhibit A). 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. 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.

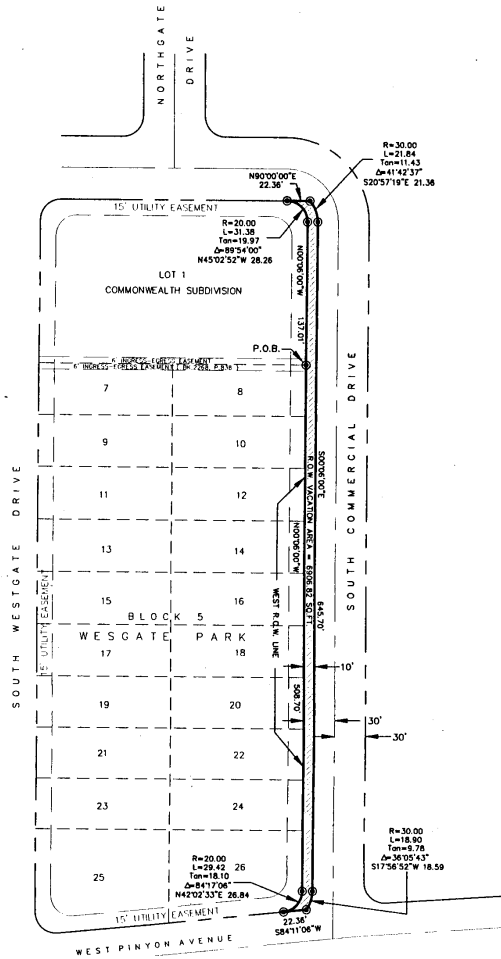
PASSED and ADOPTED this ____ day of _____, 2000.

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 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 2000

Date Prepared: February 4, 2000
Author: Patricia Parish
Title: Associate Planner
Presenter Name: Patricia Parish
Title: Associate Planner

Subject: CUP-1999-224, Variance to a Conditional Use Permit – Persigo Gravel Pit

Summary: The Petitioner is requesting a variance to the landscaping requirements of a conditional use permit allowing a gravel mining operation to be located on River Road, one mile northwest of the intersection of I-70 and Hwy. 6 & 50. The Planning Commission recommended approval of a variance to the landscaping requirements and approved the Conditional Use Permit subject to conditions.

Background Information: The Petitioner is requesting a variance of the landscaping requirements due to unavailability of a water tap at the site. The Planning Commission approved the Conditional Use Permit at their December 14, 1999 regular meeting.

Budget: N/A

Action Requested/Recommendation: Approve the variance to a Conditional Use Permit.

Citizen Presentation: Yes No. If yes,

Name: Greg Hoskin, Attorney and Representative

Purpose: Represent the applicant through the variance process.

Report results back to Council? No Yes, When _____

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

AGENDA TOPIC: File # CUP-1999-224, Variance to a Conditional Use Permit – Persigo Gravel Mine.

SUMMARY / ACTION REQUESTED: The Petitioner is requesting a variance to the landscaping requirements of a conditional use permit for a gravel mining operation in an I-1 zone, to be located on River Road, one mile northwest of the intersection of I-70 and Hwy. 6 & 50. The Planning Commission recommended approval of a variance in the event that Ute Water Conservancy District does not permit a water tap for irrigation purposes.

BACKGROUND INFORMATION:

Location: River Road, east of the Persigo Waste Water Treatment Plant

Applicant: Martin & Donna Azcarraga, M.A. Concrete Construction

Existing Land Use: Vacant land

Proposed Land Use: Gravel extraction, storage and processing

Surrounding Land Use:

North: River Road, frontage road for Hwy. 6 & 50, Railroad ROW

South: Vacant

East: Vacant

West: Persigo Waste Water Treatment Plant

Surrounding Zoning:

North: I-1 (Light Industrial)

South: I-1 (Light Industrial)

East: I-1 (Light Industrial)

West: I-1 (Light Industrial)

Existing Zoning: I-1 (Light Industrial)

Proposed Zoning: No change.

Relationship to Comprehensive Plan: The Growth Plan shows I-1 for this property.

Project Background/Summary:

The Planning Commission approved, with conditions, a Conditional Use Permit for the Persigo Gravel Mining Operation at their regular meeting on December 14, 1999. Since that date, Ute Water has denied the Petitioner a water tap for irrigation use at the site. The Planning Commission made available the opportunity to request a variance from the landscaping requirements found in Section 5-4-15 of the Zoning and Development Code (Code). The request would be in conjunction with Section 5-4-16 of the Code, which gives the criteria for a variance to Section 5-4 of the Code.

Staff Analysis of Criteria for Variances of Section 5-4:

1. *There are exceptional topographic, soil or other subsurface conditions, or other conditions peculiar to the site (e.g. viaducts, bridges and bluffs).* There are exceptional soil and ground water conditions peculiar to this site, which are not conducive to vegetation.

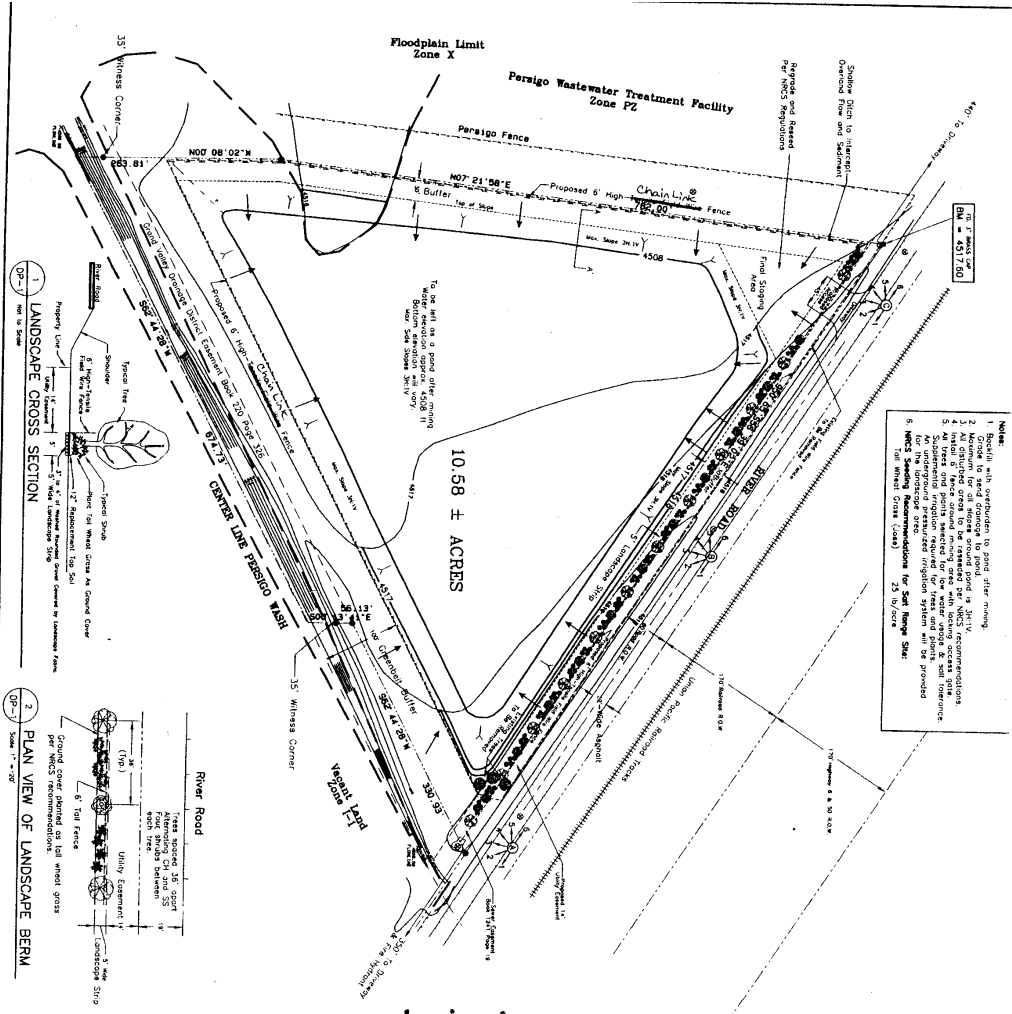
2. *An undue hardship would be created by the strict application of the provisions of this section.* An undue hardship would be created by the strict application of the provisions of Section 5-4 of the Code because plantings would likely die.
3. *Such hardship is not created by an action of the applicant.* The applicant took no such action.
4. *Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.* Such variance would not be detrimental to the public welfare and impair the intent and purpose of this section. In particular, the Persigo Waste Water Treatment Plant adjoining this site on the west has minimal landscaping, and the adjoining site on the east has minimal vegetation. The property north of this property is railroad right-of-way and is largely brush. The site is industrial.

Staff Findings:

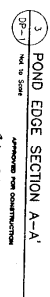
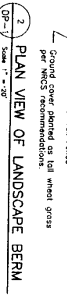
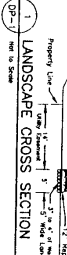
Pursuant to Section 5-4-16 of the Code, Staff studied the provisions of Section 5-4 of the Code and makes the findings as follows:

- a. The Natural Resource Conservation Service and Tri River Area Extension Service have opinion that the soil and water at the site is extremely salty. It is likely that no desirable vegetation will grow at this site using the ground water.
- b. There is presently no irrigation water available to the site.
- c. The Persigo Waste Water Treatment Plant process water is not available to provide water to the site.

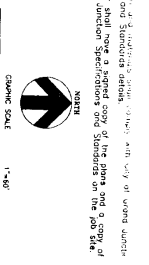
PLANNING COMMISSION RECOMMENDATION: Planning Commission recommends that the variance to landscaping requirements in Section 5-4-15 of the Code, for a gravel mining operation be approved.



- NOTE:**
1. Review with contractor to point after meeting.
 2. Check to land designer to point.
 3. All finished areas to be created per NCS recommendations.
 4. All trees are to be planted per NCS recommendations.
 5. All trees are to be planted per NCS recommendations.
 6. All trees are to be planted per NCS recommendations.
 7. All trees are to be planted per NCS recommendations.
 8. All trees are to be planted per NCS recommendations.
 9. All trees are to be planted per NCS recommendations.
 10. All trees are to be planted per NCS recommendations.



- LEGEND**
- Proposed 6' High Chain-Link Fence
 - 6' Buffer
 - Proposed 6' High Chain-Link Fence
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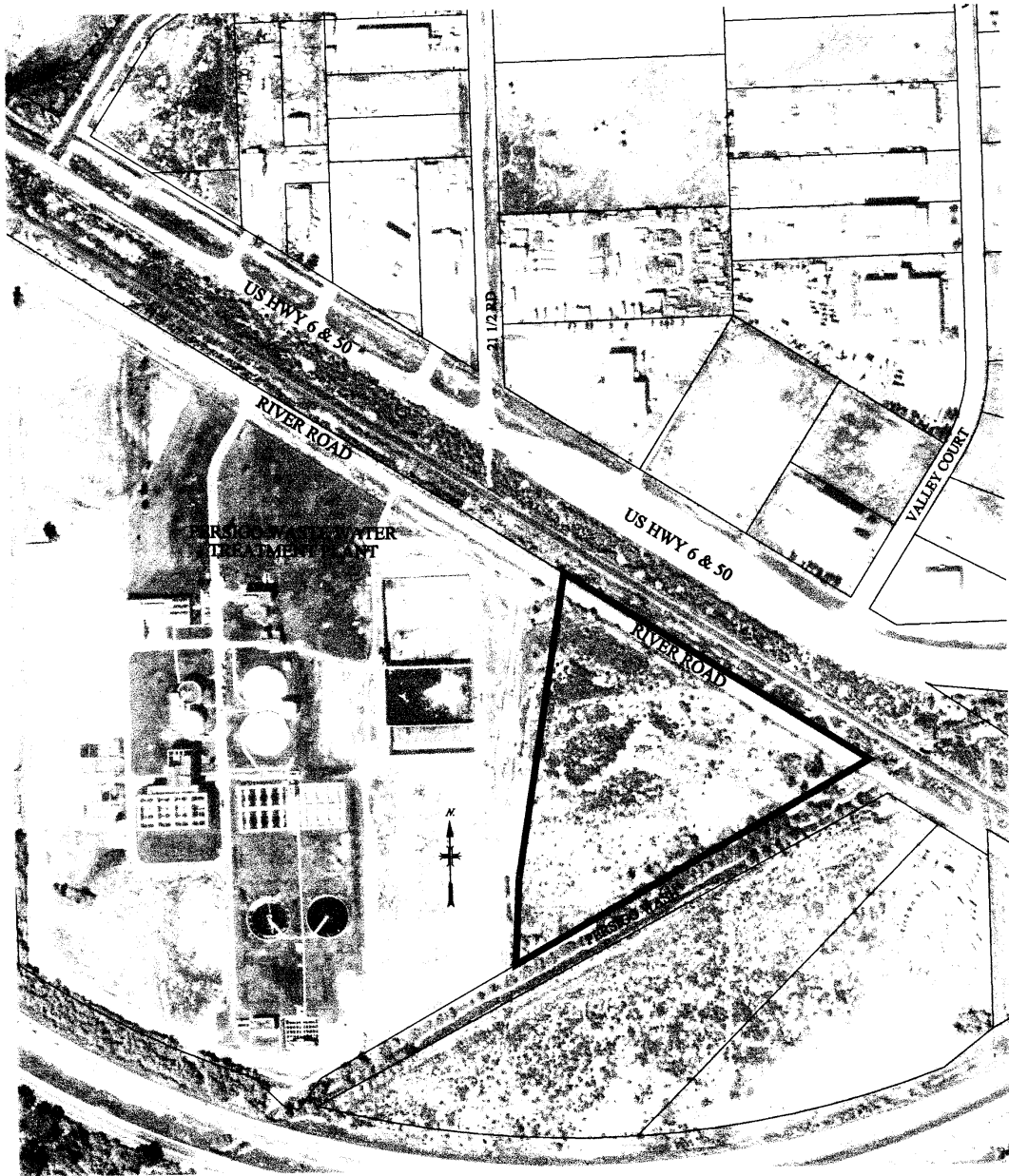


DRAINAGE PLAN & LANDSCAPE PLAN
 Project # 2016-00-004
 Total # of Acres 10.58 Acres

City of Grand Junction Engineering Department Representative
 Approved and signed, registered, and sealed per Ordinance No. 12-10
 City of Grand Junction Standards and Specifications are to be followed at all times.



12/5/16



Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: February 16, 2000

Date Prepared: February 16, 2000

Author: Lisa Gerstenberger

Title: Senior Planner

Presenter Name: same

Title:

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

Summary: Second 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 second reading of the 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

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

SUMMARY: Second 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 second 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.

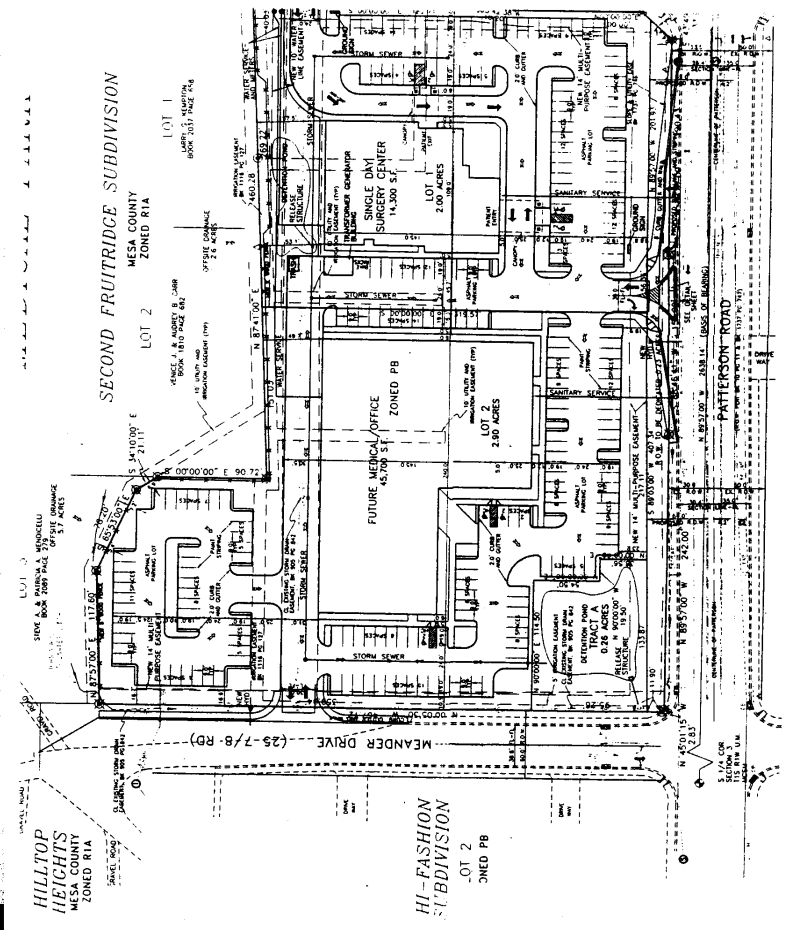
PLANNING COMMISSION RECOMMENDATION

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.



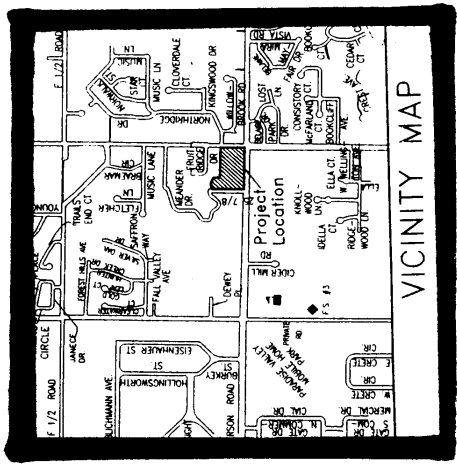
06-001
06-002
06-003
06-004
06-005
06-007



PARKING DATA	
LOT 2	2.00 AC.
LOT 1	2.00 AC.
TOTAL PARKING	80 SPACES
MANICUR SPACES	4 SPACES
	5.0%

UTILITY PROVIDERS	
DOMESTIC WATER	CITY OF GRAND JUNCTION
ELECTRIC SEWER	CITY OF GRAND JUNCTION
PUBLIC SERVICE COMPANY	PUBLIC SERVICE COMPANY
GAS	U.S. WEST
TELEPHONE	U.S. WEST

LAND USE BREAKDOWN	
LOT 2	2.00 AC.
LOT 1	2.00 AC.
TRACT A	0.24 AC.
TOTAL	4.24 AC.



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

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 2000

Date Prepared: February 16, 2000
Author: Lisa Gerstenberger
Title: Senior Planner
Presenter Name:same
Title:

Subject: File No. GPA-1999-275. Growth Plan Amendment for the Rump property, located on South Broadway.

Summary: Resolution to approve the Growth Plan Amendment to redesignate 29.378 acres from Residential Rural, 5-35 acres per unit, Park and Residential Low, ½-2 acres per unit, to Residential Estate, 2-5 acres per unit, for the Rump property, located on South Broadway.

Background Information: See attached

Budget: N/A

Action Requested/Recommendation: Approval of resolution to approve the Growth Plan amendment.

Citizen Presentation: Yes No. If yes,
Name
Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: Consent Individual Consideration Workshop

AGENDA TOPIC: GPA-1999-275, Rump Property—Growth Plan Amendment.

SUMMARY: Request for a Growth Plan Amendment to: 1) Redesignate Rump Parcel #1 from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit; 2) Redesignate Rump Parcel #2 from Park to Residential Estate, 2-5 acres per unit; and 3) Redesignate Rump Parcel #3 from Residential Low, ½ - 2 acres per unit, to Residential Estate, 2-5 acres per unit.

ACTION REQUESTED: Consideration of proposed Resolution.

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:*** Single Family Residential/Vacant
- West:*** Vacant/Riggs Hill/Single Family Residential

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

Proposed Zoning: RSF-R, 5 acres per unit

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, ½ -2 acres per unit. The applicant has requested a Growth Plan Amendment to redesignate this property as Residential Estate, 2-5 acres per unit. There are several goals and policies that must be taken into account in considering this request, which include the following:

Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflect the residents respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the right of private property owners and the needs of the urbanizing community as a whole.

Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Policy 5.3: The City may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services will be discouraged.

Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Policy 20.12: The City will support cost-effective habitat conservation strategies involving dedications, targeted acquisition of land or development rights, and clustering of development.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2: The City will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property.

Policy 21.3: The City will encourage the preservation of natural hazard areas for use as habitat and open space areas.

Policy 26.3: The City will encourage the retention of lands that are not environmentally suitable for construction for open space areas and, where appropriate, development of recreational uses.

Staff Analysis:

GROWTH PLAN AMENDMENT

The Rump property consists of three parcels totaling 29.378 acres located on South Broadway. The three parcels have varied topography which includes steep hillsides with slopes of 30%, wetlands and gently sloping terrain. The Future Land Use Map of the Growth Plan designated this property as Residential Rural, 5 to 35 acres per unit; Park; and Residential Low, ½ -2 acres per unit. The property to the north and northeast is designated as Residential Estate; property to the northwest is designated as Residential Rural and Estate; property to the east is designated as Residential Low; and property to the west is designated as Residential Low and Medium Low. The owner is requesting a Growth Plan Amendment to redesignate the three Rump parcels as Residential Estate, 2 to 5 acres per unit.

The recently adopted Plan Amendment Process agreement outlines the procedure and requirements for Plan amendments. For properties within the City limits, the City Planning Commission will make a recommendation to the City Council, with City Council making the final decision. The Rump property was recently annexed into the City, therefore, the City has land use jurisdiction.

As per the agreement, the following criteria must be considered in reviewing the request for a Plan amendment:

1. Was there an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for?

The applicant argues that the Plan is in error because it is one of several properties designated as Rural in the immediate and adjacent area of the Redlands, whereas there are numerous properties in the immediate area which are designated as Estate. Presumably, the designation of these properties as Rural and Residential Low was because of the potential physical constraints (wetlands and steep slopes), proximity to Riggs Hill, limited access and, for those properties south of South Broadway, proximity to the Colorado National Monument. Detailed information for individual properties were not considered for the original Growth Plan designations. Rump Parcel #2 appears to have been designated Park in error.

2. Have events subsequent to the adoption of the Plan invalidated the original premises and findings?

The applicant has cited many subdivisions that have been developed in the area; however, most of them were developed or anticipated at the time the Growth Plan was adopted. Since the adoption of the Growth Plan, the Persigo Agreement has been implemented which redefined the Persigo sewer service area and requires development within the defined area to be annexed into the City. The agreement also assumes that properties within the service area will have sewer and generally develop at urban densities, which are defined as densities of greater than 2 acres per unit.

However, it is possible that there may still be areas within the 201 boundary that are not conducive to those densities.

3. Has the character and/or condition of the area changed enough that the amendment is acceptable?

The character or condition of the area has not changed substantially from the time the Growth Plan was adopted, but this review offers the opportunity to review the sites in more detail. It appears there may be sufficient property for clustering development on the Rump property, however, that has not been demonstrated by the applicant.

4. Is the change consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans?

Many of the Goals and Policies of the Growth Plan would support the change from Rural to Estate if the applicant could demonstrate that the Growth Plan amendment was necessary, and that a higher density could be achieved beyond what is currently permitted through the Rural designation. Goal 5 and Policies 4.5, 5.2 and 5.3 support utilizing existing infrastructure for development and providing extensions of infrastructure to connect areas that are already developed or can be expected to develop in the near future. Goals 1 and 21 and Policies 20.7, 20.9, 20.10, 20.12, 21.2, 21.3 and 26.3 support the preservation of environmentally sensitive areas and hazard areas.

5. Are public and community facilities adequate to serve the type and scope of land use proposed?

Water and sewer are available to serve the properties, although the physical constraints of the property may make provision of services expensive.

6. Is there an inadequate supply of suitably designated land available in the community, as defined by the presiding body, to accommodate the proposed land use?

There is a limited amount of Estate designation on the Redlands; however, a large area in the North Central Valley Plan was redesignated from Rural to Estate. Probably the more pertinent question is whether this property is better suited for Estate densities than Rural or Residential Low densities. The applicant has not provided sufficient information to demonstrate that higher densities could be achieved other than what is currently permitted.

7. Will the community or area, as defined by the presiding body, derive benefits from the proposed amendment?

There are potential benefits to the community to redesignate Parcels #2 and #3; however, it is the opinion of staff that a Residential Rural designation would be the most appropriate designation at this time. It would allow for better utilization of existing infrastructure, and offers opportunities for preserving the wetlands and steep slopes. This would pertain particularly to Rump Parcel #2 which is currently designated as Park.

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 subdivision will have 22 lots, which would allow only three additional lots to be developed.

The applicant has not demonstrated how a higher density could be achieved for Parcel #1, or why the requested Growth Plan amendment is necessary.

Given the limitation of being able to develop only 3 additional 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 Parcel #1 should remain designated as Residential Rural, 5-35 acres per unit.

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, 1/2-2 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 justification for the redesignation of this property to Residential Estate.

Upon analysis, staff recommends that Parcel #2 be redesignated as Residential Rural, 5-35 acres per unit.

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.

Upon analysis, staff recommends that Parcel #3 be redesignated as Residential Rural, 5-35 acres per unit.

STAFF RECOMMENDATION:

Growth Plan Amendment: Based on staff analysis, staff recommends the following: 1) Leave Rump Parcel #1 designated as Residential Rural; 2) Redesignate Rump Parcel #2 from Park to Residential Rural; and 3) Redesignate Rump Parcel #3 from Residential Low to Residential Rural.

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 than currently allowed under the Residential Rural designation. 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. Redesignating the parcels as Residential Estate with a zone of

annexation of RSF-R would allow the petitioner to return with a development plan showing how a higher density could be accomplished.

Planning Commission recommends approval of the petitioner's request to: 1) Redesignate Rump Parcel #1 from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit; 2) Redesignate Rump Parcel #2 from Park to Residential Estate, 2-5 acres per unit; and 3) Redesignate Rump Parcel #3 from Residential Low, $\frac{1}{2}$ - 2 acres per unit, to Residential Estate, 2-5 acres per unit.

CITY OF GRAND JUNCTION, COLORADO

Resolution No.

**AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION
(A PORTION OF DESERT HILLS ANNEXATION-RUMP PROPERTY
TO RESIDENTIAL ESTATE)**

Recitals:

After using the Growth Plan for over two years, it is recognized that it may be appropriate to amend the Growth Plan from time to time.

A request for the Growth Plan amendment has been submitted in accordance with the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan." Marjorie Rump, Trustee, Marilyn K. Shiveley, and Susan Steinback as the applicants, have requested that 29.378 acres be redesignated from Residential Rural, 5-35 acres per unit, Park and Residential Low, 1/2-2 acres per unit, to Residential Estate, 2-5 acres per unit, for the Rump property, located on South Broadway.

The Grand Junction Planning Commission has reviewed the request for the proposed Growth Plan amendment and determined that it has satisfied the criteria as set forth in the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" for Plan Amendments. The Planning Commission has recommended approval of the Growth Plan amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION
GROWTH PLAN IS AMENDED IN THE FOLLOWING WAY:**

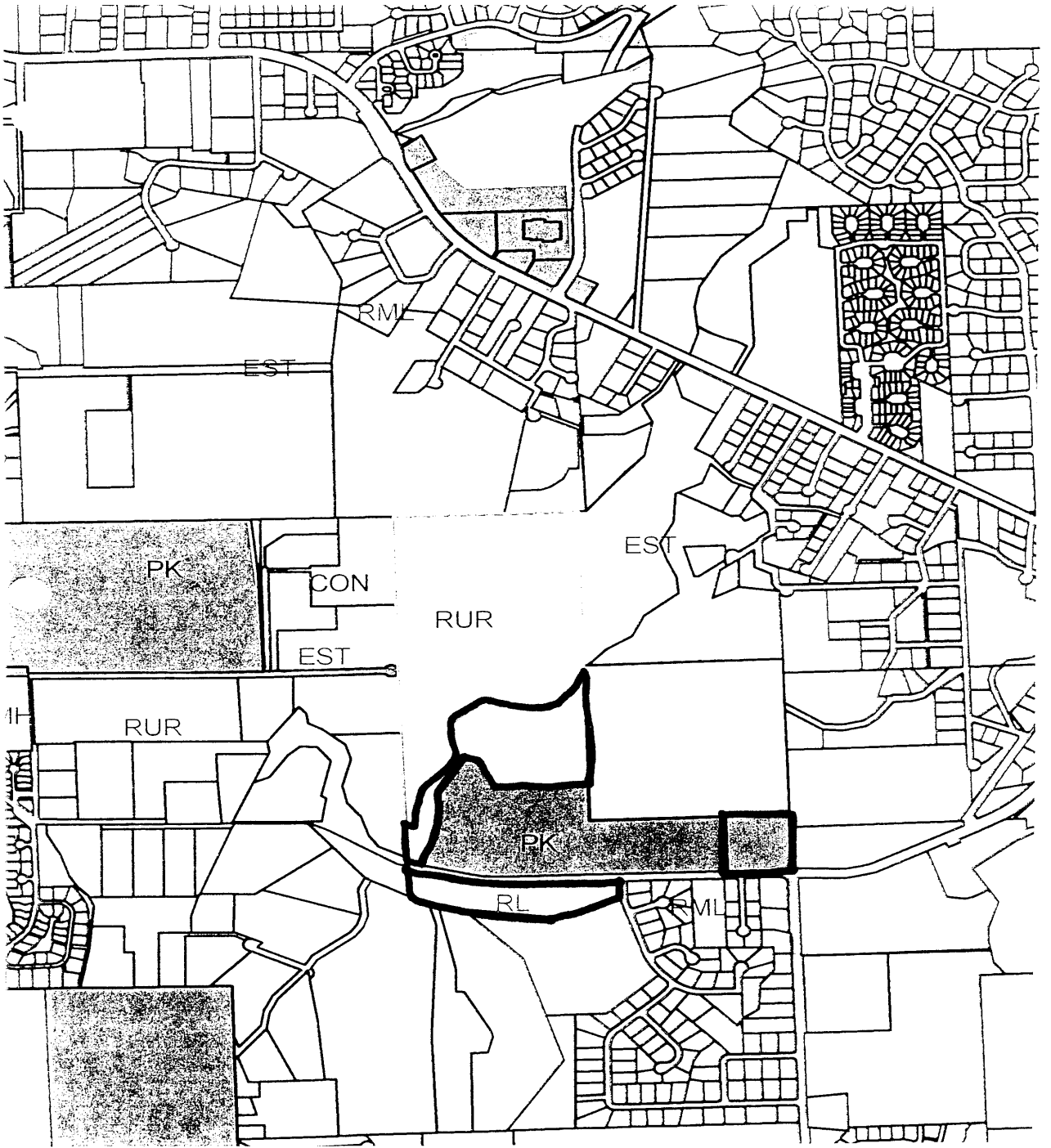
Redesignate 29.378 acres located on South Broadway from Residential Rural, 5-35 acres per unit, Park and Residential Low, 1/2-2 acres per unit, to Residential Estate, 2-5 acres per unit.

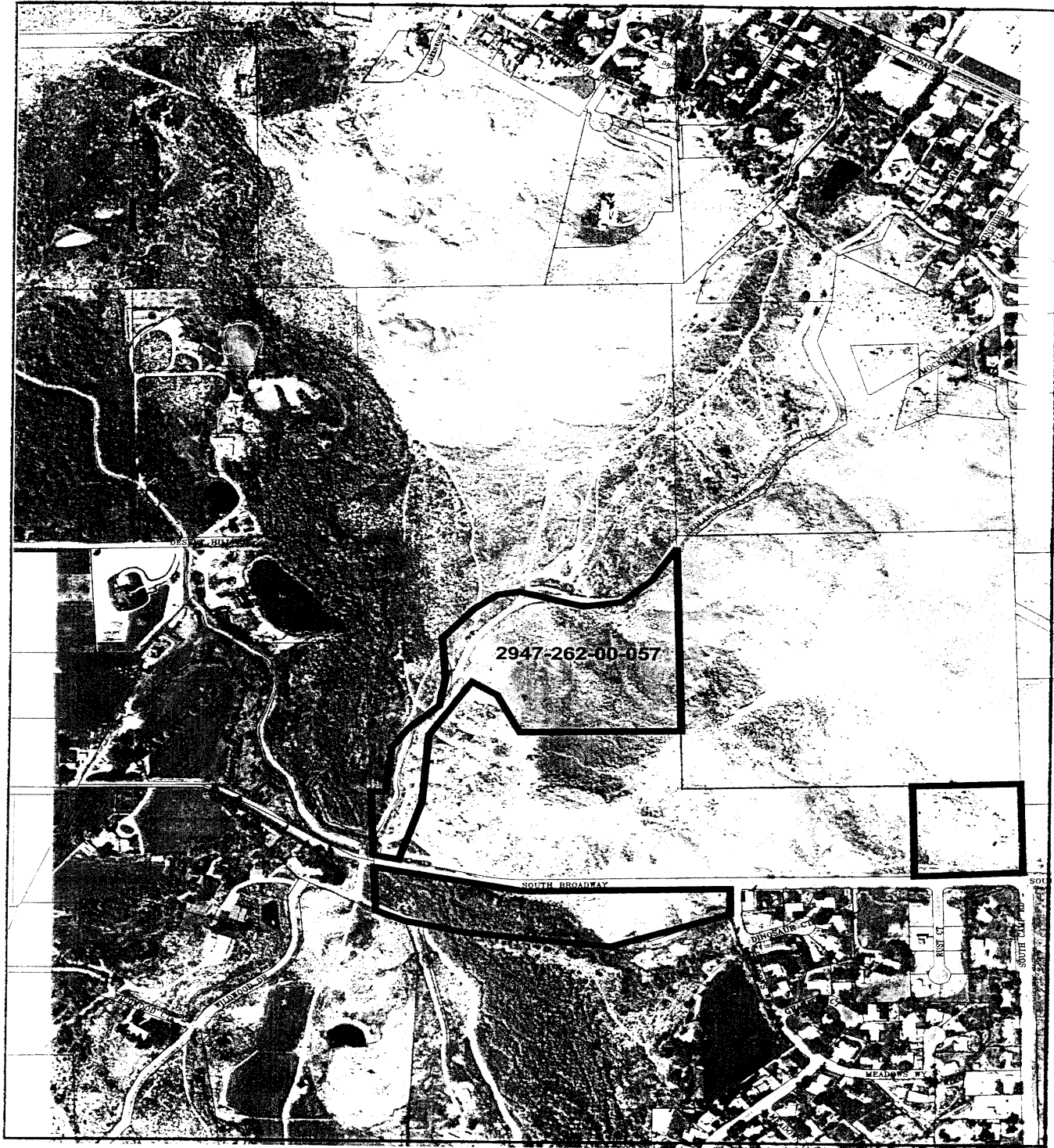
PASSED on this day of _____, 2000.

ATTEST:

City Clerk

President of Council





REVIEW COMMENTS

Page 1 of 2

FILE # GPA-1999-275

TITLE HEADING: RUMP GROWTH PLAN
AMENDMENT / ANNEXATION

LOCATION: South Broadway @ Riggs Hill

PETITIONER: Marilyn Shiveley

PETITIONER'S ADDRESS/TELEPHONE: 124 Royalton cir
Folsom CA 95630
(916) 985-8696

PETITIONER'S REPRESENTATIVE: Robert Katzensen, LANDesign
245-4099

STAFF REPRESENTATIVE: Lisa Gerstenberger

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 3:00 P.M., DECEMBER 23, 1999.

CITY COMMUNITY DEVELOPMENT

12-07-99

Lisa Gerstenberger

256-4039

Section I:

1. The Introductory paragraph states that parcel #1 is zoned Rural. Please amend to reflect that the property is classified as Rural. (The Future Land Use Map classifies property for land use purposes and does not zone property. The reference to a zoning of property would be confusing to the Planning Commission and City Council in their respective reviews.) Additional references to a "zone" should also be amended on pages two and three of Section I.
2. With a developable area of 4.18 acres, how will a higher density be achieved for Rump parcel #1 than what is currently permitted? Is a Growth Plan Amendment necessary?

Section II:

1. If parcel #1 is denied the requested GPA, the application appears to suggest that the applicant does not want a zone of annexation for parcels #1, #2 or #3 (See Sec. II, IV and VI). Is that correct? It should be noted that the City of Grand Junction has taken land use jurisdiction for parcels 1, 2 and 3 and will have second reading of the annexation ordinance on Dec. 15, 1999. In accordance with Colorado State law, a zone of annexation must be assigned within 90 days of annexation.

Section III:

1. Please amend all statements on pages one and two that parcel #2 is zoned. (See comment #1 under Section I.)
2. Page 3: Please revise reference to "Rural zone designation"; parcel #2 is classified as Park.

Section IV:

1. Revise to reflect the current County zoning classifications in the narrative discussion concerning the zone of annexation request. (In Secs. IV and VI, the land use classification has been cited as a zoning district. This will be confusing to the Planning Commission and City Council in their respective reviews.) Please refer to the current County zoning in the narrative report and the responses to Section 4-4-4 criteria.

REVIEW COMMENTS / GPA-1999-275 / PAGE 2 OF 2

Section V:

1. Please amend all statements on pages one, two, three and four that parcel #3 is zoned. (See comment #1 under Section I.)
2. Please correct statement #2 under The Persigo Agreement to reflect that parcel #3 is currently scheduled to be deleted from the 201 area. The final decision as to whether or not this parcel will be deleted has not yet been made.
3. For Item 5, E and G, it should be noted that while utilities may be available, it may not be feasible to tie into them. For example, it may not be possible on parcel #3 to tie into sewer services.

Section VI:

1. Revise to reflect the current County zoning classifications in the narrative discussion concerning the zone of annexation request. (In Secs. IV and VI, the land use classification has been cited as a zoning district. This will be confusing to the Planning Commission and City Council in their respective reviews.) Please refer to the current County zoning in the narrative report and the responses to Section 4-4-4 criteria.

GENERAL:

1. The criteria in Section 4-11 must be addressed for each zone of annexation request (parcels 1-3).
2. Please state the acreage for each parcel (1-3).

CITY DEVELOPMENT ENGINEER

12-09-99

Kent Harbert

244-1445

sent
12/23

1. No objection to the requested Growth Plan amendments or rezones of Rump Parcels No. 1 and 2.
2. Rump Parcel No. 3 is shown in an area to be excluded from the 201 area. According to Trent Prall, Utility Engineer, discussions are still taking place on whether this parcel will be in or out of the 201 area when the final map revisions are made. Obtaining sewer service for this property will be expensive. Individual sewage systems (leach fields) may be an option, subject to review and approval by the City Utility Engineer and the County Health Department.
3. Rump Parcel No. 1 can connect to infrastructure improvements through the proposed Desert Hills Estates Subdivision. The property line between Rump Parcel No. 1 and Desert Hills Estates Subdivision, as depicted on the Desert Hill Estates plat, is northwest of the canal. Therefore, the canal is total on the Rump property and the costs of crossing the canal with a street and utility lines will be the sole cost of whoever develops the Rump property.
4. It is recommended that at such time that the Rump parcels are subdivided that property line adjustments be made to eliminate the "flagpole" at the southwest end of Parcel No. 1 and the narrow strip between Parcel No. 1 and Parcel No. 2.
5. Rump Parcel No. 2 can connect to infrastructure improvements in South Broadway. If this property is subdivided a street with a cul-de-sac will probably be required, rather than allowing individual driveways onto South Broadway.
6. Rump Parcel No. 3 can connect to infrastructure improvements in South Broadway, except sewer. The eastern side of the parcel may be able to connect to the sewer line in Meadows Way depending upon the elevation of the property and the depth of the sewer. Driveways will probably be restricted or prohibited off South Broadway. Access will probably have to come off Meadows Way and Wildwood Drive.

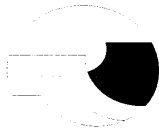
CITY ATTORNEY

12-10-99

Stephanie Rubinstein

244-1501

No comments.



**MESA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
LONG RANGE PLANNING DIVISION**

615 White Avenue * P.O. Box 20,000 * Grand Junction, Colorado 81502-5047
Ph. (970) 255-7189 ♦ (970) 244-1650 * Fax (970) 244-1769

December 9, 1999

TO: Lisa Gerstenberger and Kathy Portner, City of Grand Junction Community Development

FROM: Mesa County Long Range Planning Division

SUBJECT: Review comments for the Growth Plan Amendment at S. Broadway & Riggs Hill (Rump Property)

The subject property is comprised of 3 parcels which is zoned R2 on two parcels, and R1B on the third parcel. Future land use designation is mixed; all three parcels' designations are different. One parcel is depicted as Rural, one parcel is depicted as Park and one is identified as Residential Low on the *City of Grand Junction Growth Plan's Future Land Use Map*, (page 80 in the *Mesa Countywide Land Use Plan*).

Mesa County Planning and Development Department supports the recommended future land use designations for the Rump properties, with the exception of the parcel depicted as park. The parcel depicted as Park appears to be in error. Property to the north of the park designated property is designated Rural. The property probably should have been depicted as Rural.

Until the petitioner can demonstrate why there is a need for a growth plan amendment this request appears inappropriate.

For example, the difference in potential densities between the recommended future land use Rural designation (1 dwelling unit) and the petitioners requested RSF-E designation (2dwelling units) is one dwelling unit, given the petitioner's buildable area of 4.81 acres -- for the parcel identified as Rump #1.



DEVELOPMENT APPLICATION
 Community Development Department
 250 North 5th Street, Grand Junction, CO 81501
 (970) 244-1430

Receipt _____
 Date _____
 Received By _____
 File No. _____

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major				
<input checked="" type="checkbox"/> Rezone		22-acres	South Broadway	From: Parkside Residential Tip: to RSP-E RURAL to RSF-E	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					
<input type="checkbox"/> Site Plan Review					
<input type="checkbox"/> Property Line Adj.					

Marjorie Rump, Trustee of the John S. Rump Trust
 Marilyn K. Schiveley
 Susan Steinbach

Property Owner Name	Developer Name	ROBERT G. KATZENSON, AICP Representative Name
124 Royalton Circle Address	Address	259 Grand Ave Address
Folsom, California 95630 City/State/Zip	City/State/Zip	CO, CO 81501 City/State/Zip
916-985-8696 Business Phone No.	Business Phone No.	(970) 245-4099 Business Phone No.
mschiv@pacbell.net E-Mail	E-Mail	robk@landesign-gj.com E-Mail
916-985-8695 Fax Number	Fax Number	(970) 245-4099 3076 Fax Number

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

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

Signature of Person Completing Application Marjorie Rump, Trustee of the John S. Rump Trust by Marilyn K. Schiveley Attorney in Fact	Signature of Property Owner(s) - attach additional sheets if necessary Marilyn K. Schiveley Susan Steinbach by Marilyn K. Schiveley Attorney in Fact	11/22/99 Date
		11/23/99 Date

Lisa's
copy

**FORMAL APPLICATION
FOR A
GROWTH PLAN AMENDMENT
AND REZONE APPLICATION
FOR
TAX PARCEL #2947-262-00-057**

EXECUTIVE SUMMARY

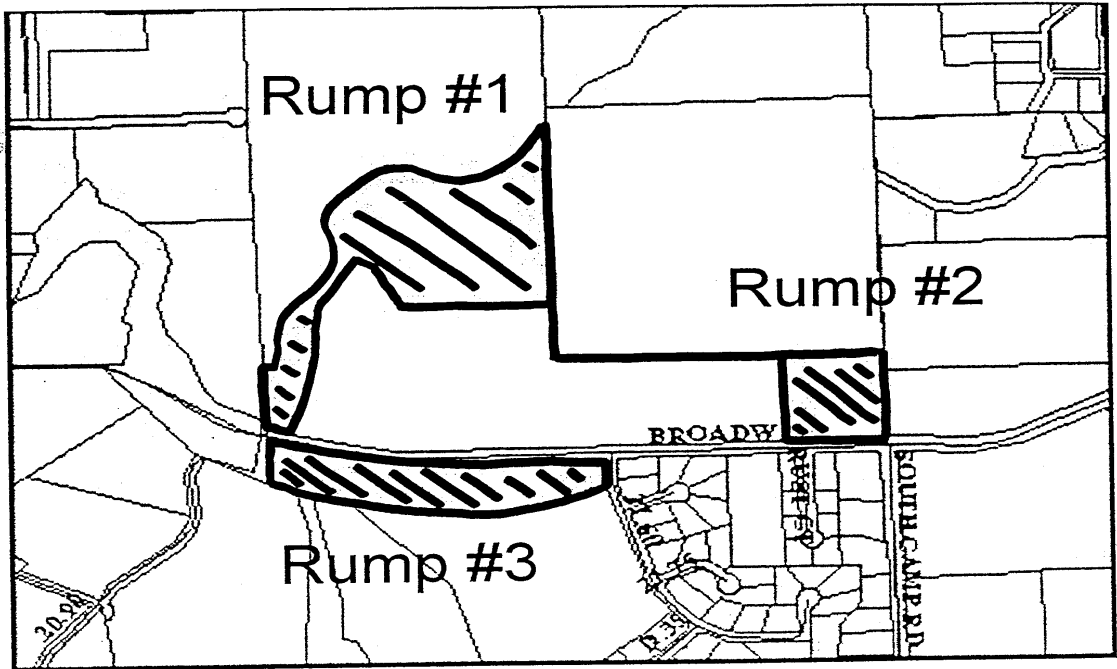
Growth Plan Amendment/Rezone Application for Parcel #2947-262-00-057

Mesa County Tax Parcel #2947-262-00-057 is comprised of three physically distinct sections under one ownership and separated by natural features and dedicated public right-of-way (refer to attached map for additional information). The owners of this property (hereinafter known as the Rump property) are petitioning the City of Grand Junction to secure a Growth Plan Amendment and a Rezone of the property.

The largest portion of the subject property located directly to the north of the Museum of Western Colorado's Riggs Hill and south of the Redlands Water and Power Company's First Lift Canal (hereafter identified as Parcel #1). Please refer to Sections I and II of this submittal for detailed parcel information required for the processing of a Growth Plan Amendment and a Rezone Application.

At the City of Grand Junction Community Development Department's request the Rumps have also prepared a petition for a Growth Plan Amendment and Rezone for that portion of the subject property located Northwest of the intersection of South Camp Road and South Broadway (hereafter identified as Parcel #2). Please refer to Sections III and IV of this submittal for detailed parcel information required for the processing of a Growth Plan Amendment and a Rezone Application for Parcel #2.

The Rumps are also petitioning to secure a Growth Plan Amendment and Rezone approvals for that portion of the subject property located due south of the South Broadway right-of-way Broadway (hereafter identified as Parcel #3). Please refer to Sections V and VI of this submittal for detailed parcel information required for the processing of a Growth Plan Amendment and a Rezone Application for Parcel #3.



SECTION I

SECTION I

GROWTH PLAN AMENDMENT APPLICATION FOR RUMP PARCEL #1

INTRODUCTION

The owners of the subject property (hereinafter referred to as Parcel #1) believe that the *Future Land Use Map* that identifies the Rump property as being **classified** Rural (5 to 35-acres) is in error. The Applicant believes that the Estate **classification** (2 to 5-acres) is appropriate for the parcel. The Applicant believes that parcels ranging in size from 2-5 acres are a benefit to the Redlands area. ~~The parcel is 16.018 acres in size.~~

PLAN AMENDMENT APPLICATION INFORMATION

As requested by the City of Grand Junction's Community Development Department personnel and set forth in the Persigo Agreement and the "*Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan*", the Applicant has addressed all of the technical issues required of this Growth Plan Amendment. The Applicant's responses to these mandated requests for information are provided below.

THE PERSIGO AGREEMENT

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that "*To maintain the integrity of the Master Plan, and the implementation of it, and for other reasons, the parties agree that any property within the 201 (area) should eventually develop at an urban level of density. For this agreement, residential lots sizes of two acres gross or larger are deemed to not be "urban" while smaller parcel or lot sizes are deemed to be "urban." The parties agree to amend the 201 to implement this principal.*"

The Rump property under review herein is:

1. Located within the Urban Growth Area as set forth in the Persigo Exhibit A document;
2. Located outside of the proposed boundaries of any properties that are scheduled to be deleted through a map revision of the 201 Agreement;
3. **Was** zoned by Mesa County as R-2 (minimum lot size of 11,000 square feet);
4. **Has been annexed** into the City of Grand Junction; and
5. Designated by the *Future Land Use Map* and the City of Grand Junction's Development Code guidelines pursuant to the 201 Agreement as Rural (not to exceed 1 dwelling unit per 5 to 35 acres).

After a detailed review of all available information the Applicant is of the opinion that the **classification** placed on this property in the *Future Land Use Map* is in error and is in direct conflict with the Urban Growth Area's enabling legislation, the *Persigo Agreement*. We base this opinion on the following reasons:

1. The *Persigo Agreement* is the policy document underpinning the Urban Growth Area and enabling its implementation;
2. As set forth in The *Persigo Agreement's* Exhibit 1-Persigo Definitions, Number 27. "201 Service Area or 201 or Persigo 201; as shown on the attached map, "Persigo Exhibit A," within which area it is intended that all properties shall be connected to, and served by the System, to the exclusion of septic or other individual disposal systems."
3. The Rump property is located within the 201 Service Area and, as a condition of the subdivision process, must be annexed into the City of Grand Junction and develop according to the City's approved development guidelines.

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that development should develop at the "urban" density of less than two acres. The City's *Future Land Use Map* zone designation for the property exceeds this requirement. Item 12 further states that any inconsistency shall require that the 201, defined as the "Persigo Exhibit A"- or the map exhibit "... amend the 201 to implement this principal";

4. The Applicant believes that an oversight was created when the 201 Agreement was adopted. This oversight created an unintentional inconsistency between the 201 Agreement and the *Future Land Use Map*. We believe that the 201 Agreement takes first priority and precedence over the *Future Land Use Map* for the reasons stated in Items 1-3 above;
5. In order for the Rump property to be consistent with the 201 Agreement, the Future Land Use Map and the City of Grand Junction's Development Code, a revision to the Growth Plan is required. This revision should be comprehensive in nature and must include a modification of the present zoning of the property from the Rural **classification** to the Estate **classification** and a formal amendment to the City's adopted Growth Plan.

The property **has been annexed** into the City of Grand Junction concurrent with another development application (Desert Hills Estates). The Applicant has not prepared a specific development application for the property at this time. The Applicant formally requests the RSF-E zone designation with the understanding that the Applicant can, at a later date, request a Planned Development (PD) zone concurrent with a development application for the property.

For these reasons we believe that the City of Grand Junction should approve the Growth Plan Amendment application. In order to submit a complete application for a Growth Plan Amendment responses to the conditions set forth in the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" are provided in the following section of this submittal.

PLAN AMENDMENT PROCESS

As specifically requested by the City of Grand Junction's Community Development Department and set forth in Section D. Plan Amendment of the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" The Applicant has prepared detailed responses according to the minimum submittal requirements for a plan amendment.

ITEM 1. *On December 15, 1999 the subject property was annexed into the City of Grand Junction.*

ITEM 2. The Applicant formally requests that this Growth Plan Amendment Application be considered separately from any development review process. City staff has requested that a Growth Plan Amendment for this property be submitted to coincide with the Desert Hills Estates application process. The Applicant has complied with this request.

ITEM 3. The Applicant *has been annexed* into the City of Grand Junction.

ITEM 4. The Applicant has fully complied with the "Administrative Regulation Implementing the Plan Amendment-Memorandum of Understanding dated March 3, 1999" and any and all subsequent iterations of this MOU.

ITEM 5. The Applicant is of the opinion that the proposed Growth Plan Amendment is consistent with the overall purpose and intent of the adopted Plan.

ITEM 5, A. states that "There was an error in the original Plan such that the existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;" The Applicant is of the opinion that the Rural classification conferred on the property when it was classified for the Future Land Use Map is in error for the following reasons:

1. The subject property and the adjacent Desert Hills properties are two of a limited number of parcels designated as Rural (1 dwelling unit per 5 to 35 acres) in the immediate and adjacent area of the Redlands. All adjacent properties are designated as Estate (1 dwelling unit per 2 to 5 acres) in the Future Land Use Map;
2. This isolated zone designation for the property amounts to "spot-zoning" without any defensible and verifiable rationale for the classification. Adjacent land uses have been allowed at far greater densities than the one specified for this property in the Future Land Use Map.
3. While it is difficult to conclude why the Rural zone designation was placed on the subject property, the recent City of Grand Junction Community Development Department staff comments focus on the perceived physical limitations of the property (e.g., topography, soils, access, wetlands, floodplain, etc.).

The January 21, 1999 Mesa Soil Conservation District's Soils Description Report for the property identifies steep slopes in excess of 25 percent are located at the southern boundary of the Rump property. The property's development plan may require the use of conservation tools, clustering techniques and a Planned Development zone

classification to achieve density goals. Specific design approaches to develop the parcel will be proposed at a later date.

ITEM 5, B. states that *"Events subsequent to the adoption of the Plan have invalidated the original premises and findings"*

There are numerous properties within the general vicinity of the parcel that have either been developed in the recent past, secured a Growth Plan Amendment approval from the City of Grand Junction or are presently undergoing a Growth Plan Amendment application. The Keesse property, located at the intersection of South Broadway and Desert Hills Road, has secured Growth Plan Amendment approval from the City of Grand Junction from the Rural to the Estate classification.

On November 16, 1999 the Grand Junction Planning Commission approved a Preliminary Plan for a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the City of Grand Junction approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.

The Shadow Mountain, Stephens, Monument Meadows, Wildwood, Lions Valley, Hacienda Acres, Rust, Hayes Spring and Cottonwood Estates subdivisions are located within one-half mile of the parcels. Lot sizes range from 11,000 square feet and up. The property is located within ¼ mile of the Tiara Rado Golf Course and the new 9-hole addition. Monument Valley and Canyon View subdivisions are similar projects in scope and scale to this proposed project.

ITEM 5, C. states that *"The character and/or condition of the area has changed enough that the amendment is acceptable"*

The Applicant believes that recently approved development projects in the adjacent Redlands area are consistent with overall settlement patterns. This proposed project will be developed at lower densities than allowed by the existing Mesa County zone. The development will be in keeping with overall growth pattern and be a beneficial addition to the community on a whole.

ITEM 5, D. states that *"The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans "*

The Applicant is of the opinion that the proposed development will incorporate a significant number of conservation, open space and public amenities for the Redlands area. The Applicant will restrict development on the slopes in excess of 30% along the southernmost areas of the property. ***The Applicant is of the opinion that a development plan for the 4.18 developable area at densities greater than the Rural Classification, can be achieved, and request a Growth Plan Amendment.***

The property would connect to the proposed Desert Hills sewer collection system. Utilities and water will be provided via a public ROW from Desert Hills Estates. No significant impacts from the development of the property at the densities proposed in the Growth Plan Amendment application are anticipated.

ITEM 5, E. states that *"Public and community facilities are adequate to serve the type and scope of the land use proposed"*

All required public utilities necessary to service the development at the proposed densities requested in the Growth Plan Amendment application are available.

ITEM 5, F. states that *"An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use"*

The Applicant believes that the property is not appropriate for development at the densities allowable under the existing Mesa County R-2 zone designation (4 units per acre). Conversely, The Applicant is of the opinion that the project, if developed under the *Future Land Use Map* designated density of 1 unit per 5-35 acres, is in opposition to the goals and objectives of the *Persigo Agreement*, the Urban Growth Area, prudent development economics and proven land use planning principles.

To down zone the property from Mesa County's R-2 (4 dwelling units per acre) to the *Future Land Use Map's* Rural category (1 dwelling unit per 5 to 35 acres) is not in keeping with the intent of the *Growth Plan*.

ITEM 5, G. states that *"The community or area, as defined by the presiding body, will derive benefits from the proposed amendment"*

The Applicant is of the opinion that the increased density allowable under the proposed Growth Plan Amendment Application justifies the developers' required expenditures on constructing a canal crossing across the Redlands Water and Power Company's First Lift Canal, the installation of urban infrastructure and benefits the City's tax base by increasing density.

CONCLUSIONS

The Applicant believes that the requested Growth Plan Amendment and Rezone for the Rump Parcel #1 is consistent with all of the public goals and objectives set forth in the *Persigo Agreement* and other related legislation. We are of the opinion that the classification for the property contained in the *Future Land Use Map* (Rural) was the result of an inadvertent and unintentional oversight by the individuals responsible for the preparation of the plan.

After a careful review of the existing site conditions, physical features, prior studies, previously issued development permits, and the proposed design for the property under the requested zoning The Applicant believes that the project will benefit both future residents and the citizens of the City of Grand Junction and the Grand Valley.

SECTION II

SECTION II

REZONE APPLICATION FOR RUMP PARCEL #1 FROM R-2 (COUNTY) TO RSF-E (1 UNIT PER 2 ACRES)

Contingent upon the approval of the Rump request for a Growth Plan Amendment from the Rural land use classification to the Estate land use classification, the Applicant requests that the subject property be rezoned from the existing Mesa County R-2 zone designation to the City of Grand Junction's Residential Single Family-Estate (RSF-E) zone.

According to the City of Grand Junction's rezoning process the Applicant has prepared detailed responses according to the rezone criteria contained in Section 4-4-4 of the Grand Junction Zoning and Development Code. These responses are provided below.

Constraints Analysis

The subject parcel is bounded on the north by the Tierra Ventures property and contains that section of the Redlands Water and Power Company's First Lift Canal. The property is bounded on the south by Museum of Western Colorado's Riggs Hill Dinosaur site, on the east by single family lots, by the west by a single family lot and on the west by a portion of the Tierra Ventures property and Lime Kiln Gulch. On the northern boundary the parcel is relatively flat and increases in slope near the southern boundary line.

Site investigations show that adequately developable ground is available to construct units according to the density allowable in the RSF-E zone. The Applicant has performed a slope and rock rollout analysis and has determined that 4.18 acres +/- of the Rump property is developable according to the City of Grand Junction's development standards and prudent engineering design. Refer to the attached *Rock Fall and Slope Limits* exhibit attached to this submittal for additional information.

The soils type for this property are provided below:

1. #127b-Unnamed soil, 25 to 99 percent slopes. Shallow, well-drained soil on steep to very steep convex back slopes that covers selected sections of the northern portion of the property.
2. #127c-Unnamed soil, 25 to 99 percent slopes. Deep, well-drained soil on moderately steep to steep convex back slopes and concave foot slopes that covers selected sections of the northern portion of the property.

LANDesign is of the opinion that the subject property can be safely developed using reasonable and prudent design techniques.

Section 4-4-4-Rezone

A. Was the existing zone an error at the time of adoption?

Yes. Please refer to Section 'I of this Application for a detailed explanation of the Applicant's position related to the City's adoption of the *Future Land Use Map* and the Rural zone designation for the subject property.

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. Changes to the character of the immediate area have occurred over time due to the following factors:

1. Approval of a Growth Plan Amendment from Rural to Estate for the Keese property, located at the corner of Desert Hills Road and South Broadway in the Summer of 1999;
2. On November 16, 1999 the Grand Junction Planning Commission approved a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the Grand Junction City Council approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a Zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.
2. City of Grand Junction approval for Filing 5 of the Tiara Rado development;
3. Expansion of the City of Grand Junction's golf course complex located at the northern side of Desert Hills Road and South Broadway; and
4. County approval of the Lion's Valley Subdivision due east of the Tierra Ventures property.

C. Is there an area of community need for the project?

Yes. This rezone will benefit the community by creating a high-quality, residential infill development.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

Yes. The project is compatible with the surrounding area. Development will be limited by the vehicle capacity limitations of the contemplated Desert Hills Drive access road from South Broadway. According to City Code no greater than 30 dwellings can be constructed with only one public access. The Desert Hills Estates is proposing a 22 unit development. Any development on the Rump property must be designed with this traffic constraint in mind.

In addition, the steepness of the Riggs Hills slope and the potential of rock rollout from the upper portions of Riggs Hills may be a factor in determining the maximum allowable

In addition, the steepness of the Riggs Hills slope and the potential of rock rollout from the upper portions of Riggs Hills may be a factor in determining the maximum allowable density for any development application on the Rump property. These issues will be examined in greater detail during the preparation of a Preliminary Plan that will be submitted to the City of Grand Junction.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Yes. The Rump property will be able to connect to the proposed sewer collection system and lift station that will be placed on the Tierra Ventures property. The Rump development will allow for the maximum utilization of the installed infrastructure.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City's Master Plan (Comprehensive Plan), and other adopted plans and policies?

Yes. Contingent on approval of the Growth Plan Amendment Application and the Rezone Application contained in this packet the application will be in conformance with all applicable City policies and plans.

G. Are adequate public facilities available to serve development for the type and scope suggested by this proposed zone?

Yes. Required public facilities are anticipated to be available and adequate to service a development allowable under the requested zone designation.

SECTION III

SECTION III
GROWTH PLAN AMENDMENT APPLICATION
FOR RUMP PARCEL #2

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

INTRODUCTION

The owners of the subject property (hereinafter referred to as the Rump property) believe that the *Future Land Use Map* that identifies the Rump property as being **classified** Park is in error. The Applicant believes that the Estate classification (2 to 5-acres) is appropriate for the parcel. **The parcel is 5.1 acres in size.**

PLAN AMENDMENT APPLICATION INFORMATION

As requested by the City of Grand Junction's Community Development Department personnel and set forth in the Persigo Agreement and the "*Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan*", the Applicant has addressed all of the technical issues required of this Growth Plan Amendment. The Applicant's responses to these mandated requests for information are provided below.

THE PERSIGO AGREEMENT

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that "*To maintain the integrity of the Master Plan, and the implementation of it, and for other reasons, the parties agree that any property within the 201 (area) should eventually develop at an urban level of density. For this agreement, residential lots sizes of two acres gross or larger are deemed to not be "urban" while smaller parcel or lot sizes are deemed to be "urban." The parties agree to amend the 201 to implement this principal.*"

The Rump property under review herein is:

1. Located within the Urban Growth Area as set forth in the Persigo Exhibit A document;
2. Located outside of the proposed boundaries of any properties that are scheduled to be deleted through a map revision of the 201 Agreement;
3. Presently **classified** as Park (active park and recreation sites and open space with significant public access);
4. **Has been annexed** into the City of Grand Junction; and
5. Designated by the *Future Land Use Map* and the City of Grand Junction's Development Code guidelines pursuant to the 201 Agreement as Park.

After a detailed review of all available information the Applicant is of the opinion that the **classification** placed on this property in the *Future Land Use Map* is in error and is in direct conflict with the Urban Growth Area's enabling legislation, the *Persigo Agreement*. We base this opinion on the following reasons:

1. The *Persigo Agreement* is the policy document underpinning the Urban Growth Area and enabling its implementation;
2. As set forth in The *Persigo Agreement's* Exhibit 1-Persigo Definitions, Number 27. "*201 Service Area or 201 or Persigo 201; as shown on the attached map, "Persigo Exhibit A," within which area it is intended that all properties shall be connected to, and served by the System, to the exclusion of septic or other individual disposal systems.*"
3. The Rump property is located within the 201 Service Area and **has been** annexed into the City of Grand Junction and **can** develop according to the City's approved development guidelines.

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that development should develop at the "urban" density of less than two acres. The City's *Future Land Use Map* designation for the property exceeds this requirement. Item 12 further states that any inconsistency shall require that the 201, defined as the "*Persigo Exhibit A*"- or the map exhibit "... amend the 201 to implement this principal";
4. The Applicant believes that an oversight was created when the 201 Agreement was adopted. This oversight created an unintentional inconsistency between the 201 Agreement and the *Future Land Use Map*. We believe that the 201 Agreement takes first priority and precedence over the *Future Land Use Map* for the reasons stated in Items 1-3 above;
5. In order for the Rump property to be consistent with the 201 Agreement, the Future Land Use Map and the City of Grand Junction's Development Code, a revision to the Growth Plan is required. This revision should be comprehensive in nature and must include a modification of the present **classification** of the property from the Park classification to the **Estate** designation and a formal amendment to the City's adopted Growth Plan.

The property **has been annexed** into the City of Grand Junction concurrent with another development application (Desert Hills Estates). The Applicant has not prepared a specific development application for the property at this time.

For these reasons we believe that the City of Grand Junction should approve the Growth Plan Amendment application. In order to submit a complete application for a Growth Plan Amendment responses to the conditions set forth in the "*Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan*" are provided in the following section of this submittal.

PLAN AMENDMENT PROCESS

As specifically requested by the City of Grand Junction's Community Development Department and set forth in Section D. Plan Amendment of the *"Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan"* The Applicant has prepared detailed responses according to the minimum submittal requirements for a plan amendment.

ITEM 1. The subject property ***has been annexed*** into the City of Grand Junction concurrent with another development application (Desert Hills Estates).

ITEM 2. The Applicant formally requests that this Growth Plan Amendment Application be considered separately from any development review process. City staff has requested that a Growth Plan Amendment for this property be submitted to coincide with the Desert Hills Estates application process. The Applicant has complied with this request.

ITEM 3. The ***Applicant's property has been annexed*** to the City of Grand Junction.

ITEM 4. The Applicant has fully complied with the *"Administrative Regulation Implementing the Plan Amendment-Memorandum of Understanding dated March 3, 1999"* and any and all subsequent iterations of this MOU.

ITEM 5. The Applicant is of the opinion that the proposed Growth Plan Amendment is consistent with the overall purpose and intent of the adopted Plan.

ITEM 5, A. states that *"There was an error in the original Plan such that the existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;"* The Applicant is of the opinion that the Rural ***classification*** conferred on the property when it was classified for the *Future Land Use Map* is in error for the following reasons:

1. This isolated designation for the property amounts to "spot-zoning" without any defensible and verifiable rationale for the classification. Adjacent land uses have been allowed at far greater densities than the one specified for this property in the *Future Land Use Map*.
2. The Applicant is unable to provide a reason why the Park designation was placed on the subject property.

ITEM 5, B. states that *"Events subsequent to the adoption of the Plan have invalidated the original premises and findings"*

There are numerous properties within the general vicinity of the parcel that have either been developed in the recent past, secured a Growth Plan Amendment approval from the City of Grand Junction or are presently undergoing a Growth Plan Amendment application. The Keesse property, located at the intersection of South Broadway and Desert Hills Road, has secured Growth Plan Amendment approval from the City of Grand Junction from the Rural to the Estate classification.

On November 16, 1999 the Grand Junction Planning Commission approved a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the Grand Junction City Council approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a Zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.

The Shadow Mountain, Stephens, Monument Meadows, Wildwood, Lions Valley, Hacienda Acres, Rust, Hayes Spring and Cottonwood Estates subdivisions are located within one-half mile of the parcels. Lot sizes range from 11,000 square feet and up. The property is located within 1/2 mile of the Tiara Rado Golf Course and the new 9-hole addition. Monument Valley and Canyon View subdivisions are similar projects in scope and scale to this proposed project.

ITEM 5, C. states that *"The character and/or condition of the area has changed enough that the amendment is acceptable"*

The Applicant believes that recently approved development projects in the adjacent Redlands area are consistent with overall settlement patterns.

ITEM 5, D. states that *"The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans "*

The Applicant is of the opinion that the proposed change will rectify a previous land use classification oversight.

ITEM 5, E. states that *"Public and community facilities are adequate to serve the type and scope of the land use proposed"*

All required public utilities necessary to service the development at the proposed densities requested in the Growth Plan Amendment application are available.

ITEM 5, F. states that *"An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use"*

The Applicant believes that the property should not be classified as Park.

ITEM 5, G. states that *"The community or area, as defined by the presiding body, will derive benefits from the proposed amendment"*

The Applicant is of the opinion that the increased density allowable under the proposed Growth Plan Amendment Application justifies the developers' expenditures for the installation of urban infrastructure.

CONCLUSIONS

The Applicant believes that the requested Growth Plan Amendment and Rezone is consistent with all of the public goals and objectives set forth in the Persigo Agreement and other related legislation. We are of the opinion that the classification for the property contained in the Future

Land Use Map (Park) was the result of an inadvertent and unintentional oversight by the individuals responsible for the preparation of the plan.

After a careful review of the existing site conditions, physical features, prior studies, previously issued development permits, and the proposed design for the property under the requested zoning The Applicant believes that the project will benefit both future residents and the citizens of the City of Grand Junction and the Grand Valley.

SECTION IV

SECTION IV

RUMP PARCEL LOCATED AT INTERSECTION OF S. CAMP AND S. BROADWAY

Rezone Application for Parcel #2 from Park to RSF-E (Estate) Designation

Contingent upon the approval of the Rump request for a Growth Plan Amendment from the Rural land use classification to the Estate land use classification, the Applicant requests that the subject property be zoned Residential Single Family-Estate (RSF-E) zone.

According to the City of Grand Junction's rezoning process the Applicant has prepared detailed responses according to the rezone criteria contained in Section 4-4-4 of the Grand Junction Zoning and Development Code. These responses are provided below.

Constraints Analysis

The subject parcel exhibits moderate topographic relief. No other physical constraints have been identified during the preparation of this submittal.

Section 4-4-4-Rezone

A. Was the existing zone an error at the time of adoption?

Yes. Please refer to Section III of this Application for a detailed explanation of the Applicant's position related to the City's adoption of the *Future Land Use Map* and the Park *classification* for the subject property.

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. Changes to the character of the immediate area have occurred over time due to the following factors:

1. Approval of a Growth Plan Amendment from Rural to Estate for the Keese property, located at the corner of Desert Hills Road and South Broadway in the Summer of 1999;
2. ***On November 16, 1999 the Grand Junction Planning Commission approved a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the Grand Junction City Council approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a Zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.***
2. City of Grand Junction approval for Filing 5 of the Tiara Rado development;
3. Expansion of the City of Grand Junction's golf course complex located at the northern side of Desert Hills Road and South Broadway; and

4. County approval of the Lion's Valley Subdivision due east of the Tierra Ventures property.

C. Is there an area of community need for the project?

Yes. This rezone will benefit the community by creating a high-quality, residential infill development.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

Yes. The project is compatible with the surrounding area. Development will be limited by access and possible site development limitations due to topographic relief.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Yes. Parcel #2 will allow for the maximum utilization of the installed infrastructure along South Broadway.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City's Master Plan (Comprehensive Plan), and other adopted plans and policies?

Yes. Contingent on approval of the Growth Plan Amendment Application and the Rezone Application contained in this packet the application will be in conformance with all applicable City policies and plans.

G. Are adequate public facilities available to serve development for the type and scope suggested by this proposed zone?

Yes. Required public facilities are anticipated to be available and adequate to service a development allowable under the requested zone designation.

Section 4-11-Zoning of Annexations

A. Adverse impacts to the developed density of established neighborhoods shall be considered.

No adverse impacts from this zone adoption are anticipated.

B. Relationship of the property to the urban core area or the established subcores shall be considered.

Proposed zone will be in keeping with the intent of the 201 Agreement and generally accepted urban growth boundary infill principals set for in the City's Growth Plan.

SECTION V

SECTION V

GROWTH PLAN AMENDMENT APPLICATION INFORMATION FOR RUMP PARCEL #3

Rump Parcel #3 Located at Approximately South Broadway and Riggs Hill

INTRODUCTION

The owners of the subject property (hereinafter referred to as the Rump property) believe that the *Future Land Use Map* that identifies the Rump property as being **classified** Residential Low Density (0.5 to 1.9 acres/unit) is in error. Due to the existing physical characteristics of the site the Applicant believes that the Estate zone classification (2 to 5-acres) is appropriate for the parcel. *The parcel is 8.26 acres in size.*

PLAN AMENDMENT APPLICATION INFORMATION

As requested by the City of Grand Junction's Community Development Department personnel and set forth in the Persigo Agreement and the *"Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan"*, the Applicant has addressed all of the technical issues required of this Growth Plan Amendment. The Applicant's responses to these mandated requests for information are provided below.

THE PERSIGO AGREEMENT

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that *"To maintain the integrity of the Master Plan, and the implementation of it, and for other reasons, the parties agree that any property within the 201 (area) should eventually develop at an urban level of density. For this agreement, residential lots sizes of two acres gross or larger are deemed to not be "urban" while smaller parcel or lot sizes are deemed to be "urban." The parties agree to amend the 201 to implement this principal."*

Rump Parcel #3 under review herein is:

1. Located within the Urban Growth Area;
2. Located **within** the proposed boundaries of properties that are scheduled to be deleted through a map revision of the 201 Agreement, ***though no formal action by the City Council has been completed at this time;***
3. ***Has been annexed*** into the City of Grand Junction; and
4. Designated by the *Future Land Use Map* and the City of Grand Junction's Development Code guidelines pursuant to the 201 Agreement as Residential Low Density (0.5 to 1.9 acres/unit).

After a detailed review of all available information the Applicant is of the opinion that the Residential Low Density **classification** placed on this property in the *Future Land Use Map* is in error. We base this opinion on the following reasons:

1. In order for the Rump property to be consistent with the 201 Agreement, the Future Land Use Map and the City of Grand Junction's Development Code, a revision of the Growth Plan is required. This revision should be comprehensive in nature and must include a modification of the present **classification** of the property from the Residential Low Density **classification** to the RSF-E zone **classification** and a formal amendment to the City's adopted Growth Plan.

The property **has been annexed** into the City of Grand Junction concurrent with another development application (Desert Hills Estates). The Applicant has not prepared a specific development application for the property at this time.

For these reasons we believe that the City of Grand Junction should approve the Growth Plan Amendment application. In order to submit a complete application for a Growth Plan Amendment responses to the conditions set forth in the *"Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan"* are provided in the following section of this submittal.

PLAN AMENDMENT PROCESS

As specifically requested by the City of Grand Junction's Community Development Department and set forth in Section D. Plan Amendment of the *"Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan"* The Applicant has prepared detailed responses according to the minimum submittal requirements for a plan amendment.

ITEM 1. The subject property **has been annexed** into the City of Grand Junction concurrent with another development application (Desert Hills Estates).

ITEM 2. The Applicant formally requests that this Growth Plan Amendment Application be considered separately from any development review process. City staff has requested that a Growth Plan Amendment for this property be submitted to coincide with the Desert Hills Estates application process. The Applicant has compiled with this request.

ITEM 3. The **property has been annexed into** the City of Grand Junction.

ITEM 4. The Applicant has fully complied with the *"Administrative Regulation Implementing the Plan Amendment-Memorandum of Understanding dated March 3, 1999"* and any and all subsequent iterations of this MOU.

ITEM 5. The Applicant is of the opinion that the proposed Growth Plan Amendment is consistent with the overall purpose and intent of the adopted Plan.

ITEM 5, A. states that *"There was an error in the original Plan such that the existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;"* The Applicant is

of the opinion that **the Residential Low Density classification** conferred on the property when it was classified for the *Future Land Use Map* is in error for the following reasons:

1. This isolated zone **classification** for the property amounts to “spot-zoning” without any defensible and verifiable rationale for the classification. Adjacent land uses have been allowed at far greater densities than the one specified for this property in *the Future Land Use Map*.
2. The Applicant is unable to provide a reason why the Residential Low Density designation was placed on the subject property.

ITEM 5, B. states that *“Events subsequent to the adoption of the Plan have invalidated the original premises and findings”*

The parcel’s site constraints will severely limit development at the density offered by the Residential Low Density classification.

ITEM 5, C. states that *“The character and/or condition of the area has changed enough that the amendment is acceptable”*

The Applicant believes that recently approved development projects in the adjacent Redlands area are consistent with overall settlement patterns.

ITEM 5, D. states that *“The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans ”*

The Applicant is of the opinion that the proposed change in development density is in keeping with applicable goals and policies.

ITEM 5, E. states that *“Public and community facilities are adequate to serve the type and scope of the land use proposed”*

All required public utilities necessary to service the development at the proposed densities requested in the Growth Plan Amendment application are available.

ITEM 5, F. states that *“An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use”*

The Applicant believes that the property should not be classified as Residential Low Density.

ITEM 5, G. states that *“The community or area, as defined by the presiding body, will derive benefits from the proposed amendment”*

All required public utilities necessary to service the development at the proposed densities requested in the Growth Plan Amendment application are available.

CONCLUSIONS

The Applicant believes that the requested Growth Plan Amendment and Rezone Petition is consistent with all of the public goals and objectives set forth in the Persigo Agreement and other related legislation. We are of the opinion that the classification for the property contained in the Future Land Use Map (Residential Low Density) was the result of an inadvertent and unintentional oversight by the individuals responsible for the preparation of the plan.

After a careful review of the existing site conditions, physical features, prior studies, previously issued development permits, and the proposed design for the property under the requested zoning The Applicant believes that the project will benefit both future residents and the citizens of the City of Grand Junction and the Grand Valley.

SECTION VI

SECTION VI

RUMP PARCEL LOCATED AT INTERSECTION OF S. CAMP AND S. BROADWAY

Rezone Application for Parcel #3 from Residential Low (0.5-1.9 Acres) to RSF-E (2-5 Acres)

The Applicant requests that the subject property be zoned to the City of Grand Junction's Residential Single Family-Estate (RSF-E) zone.

According to the City of Grand Junction's rezoning process the Applicant has prepared detailed responses according to the rezone criteria contained in Section 4-4-4 of the Grand Junction Zoning and Development Code. These responses are provided below.

Constraints Analysis

The subject parcel may have limited development opportunity and density based on its topography, placement of seasonal watercourses and vegetation types. The Applicant is of the opinion that a lower density development zone classification would be a more appropriate zone for the parcel.

The subject parcel is bisected by a seasonal drainage pathway that conveys and discharges surface water drainage flows into Lime Kiln Gulch. *Prior* mining and/or borrow pit activities appear to be evident in portions of the site adjacent to South Broadway. The Applicant has not undertaken detailed studies of the vegetation types located on the property but the possibility existing that some portion of the parcel's vegetation zone may be classified as jurisdictional wetlands under US Army Corps of Engineers regulations.

Section 4-4-4-Rezone

A. Was the existing zone an error at the time of adoption?

Yes. Please refer to Section V of this Application for a detailed explanation of the Applicant's position related to the City's adoption of the *Future Land Use Map* and the *Residential Low Density* designation for the subject property.

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. Changes to the character of the immediate area have occurred over time due to the following factors:

1. Approval of a Growth Plan Amendment from Rural to Estate for the Keese property, located at the corner of Desert Hills Road and South Broadway in the Summer of 1999;
2. Pending Request for a Growth Plan Amendment from Rural to Estate, Request for a Zone of Annexation and a Planned Residential-2.5 Acres/Unit zone, and a Preliminary Plan Application for the 56 acre Tierra Ventures property. The proposed

development under consideration is for a 22 unit subdivision on the Desert Hills Estates property located due north of the Rump property in the Fall of 1999.

On November 16, 1999 the Grand Junction Planning Commission approved a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the Grand Junction City Council approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a Zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.

3. City of Grand Junction approval for Filing 5 of the Tiara Rado development;
4. Expansion of the City of Grand Junction's golf course complex located at the northern side of Desert Hills Road and South Broadway; and
5. County approval of the Lion's Valley Subdivision due east of the Tierra Ventures property.

C. Is there an area of community need for the project?

Yes. This rezone will benefit the community by creating a high-quality, residential infill development appropriate for the site characteristics of the property.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

Yes. The project is compatible with the surrounding area.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Yes. The Rump development will allow for the maximum utilization of the installed infrastructure, *except possibly sewer*.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City's Master Plan (Comprehensive Plan), and other adopted plans and policies?

Yes. Contingent on approval of the Growth Plan Amendment Application and the Rezone Application contained in this packet the application will be in conformance with all applicable City policies and plans.

G. Are adequate public facilities available to serve development for the type and scope suggested by this proposed zone?

Yes. Required public facilities are anticipated to be available and adequate to service a development allowable under the requested zone designation.

Section 4-11-Zoning of Annexations

A. Adverse impacts to the developed density of established neighborhoods shall be considered.

No adverse impacts from this zone adoption are anticipated.

B. Relationship of the property to the urban core area or the established subcores shall be considered.

Proposed zone will be in keeping with the intent of the 201 Agreement and generally accepted urban growth boundary infill principals set forth in the City's Growth Plan.

EVIDENCE OF TITLE

MERIDIAN LAND TITLE, LLC

551 GRAND AVE. SUITE B
GRAND JUNCTION, CO 81501
PHONE: (970) 245-0550 FAX: (970) 241-1593

Agent for SECURITY UNION TITLE INSURANCE COMPANY and LAND TITLE INSURANCE CORPORATION

PROPERTY PROFILE

FILE #:
DATE: 11/23/1999

PREPARED FOR:
COMPANY:

This profile is being provided by Meridian Land Title, LLC for informational purposes only. While this information has been obtained from sources that are deemed reliable, Meridian Land Title, LLC makes no warranty as to the accuracy of the data.

OWNER INFORMATION

OWNER: WILLIAM C RUMP
ADDRESS: 218 EASTER HILL DR
GRAND JUNCTION, CO 81503-1175

CO OWNER: JS RUMP TRUST ETAL.

PROPERTY INFORMATION

PARCEL NO: 2947-262-00-057 PREVIOUS PARCEL NO: 0000-000-00-000

LOCATION: 00000

LEGAL: BEG NE COR LOT 2 SEC 26 T18S 101W S 08DG24' E 503.5FT N 88DHG43' W 500FT S 77DEG14' W 729.4FT S 68DEG43' W 403.9FT S 81DEG38' W 177.5FT N 82DHG10' W 627.3FT N 43DEG52' W 156.2FT N 53DHG30' W 272FT N 0DEG55' W 554FT NELY ALG W ROW FOR 1ST LIFT CANAL TO NE COR NE4NW4 SD SEC 26 S TO NW COR SD LOT 2 N 89DBQ36' E 1438.4FT TO BEG EXC ROAD CONVEYED IN B-975 P-341 & EXC THAT PT TAKEN UP IN MONUMENT MEADOWS REFLAT & ALSO EXC THAT PT FOR MUSEUM OF WESTERN COLO AS DEFC IN B-1589 P-441 & 442 MESA CO RECORDS

YR BUILT: 0000 ROOMS: 0000 BATHS: 000.00 UNITS: 000000.00 ANST: 00000 IMP SQ FT: 0

SALE INFORMATION

DATE: 12/10/98 PRICE: \$0.00 RECORDING INFO - BOOK: 2525 PAGE: 289

TAX INFORMATION

TAX: 11200	MILL LEVY: 082.9110	MILL LEVY DATE: 01/01/99
APPRAISED VALUE- LAND: \$48,060.00	ASSESSED VALUE- LAND: \$13,940.00	
IMPS: \$0.00	IMPS: \$0.00	
TOTAL: \$48,060.00	TOTAL: \$13,940.00	

TAXES: \$1,155.80

TAX SALE: No DELINQUENT: No

SPECIAL ASSESSMENTS: CODE 1: AMT 1: 0000000.00
CODE 2: AMT 2: 0000000.00
CODE 3: AMT 3: 0000000.00
OTHER: N

PLEASE NOTE: If a title commitment is ordered, an Improvement Location Certificate be required.

When you sell, a fast and efficient title company will be important to the prompt closing of your transaction. When you specify MERIDIAN LAND TITLE, you'll receive professional title services and a nationally known insurance policy that is instantly acceptable to local lenders. PLEASE ASK FOR US!

1E78612 12/10/98 0339PM
MONIKA TOBB CLK REC MESA COUNTY CO
REC FEE \$16.00 SURCHG \$1.00

PERSONAL REPRESENTATIVE DEED
(TESTATE ESTATE)

THIS DEED is made by MARJORIE ELLEN RUMP as Personal Representative of the Estate of JOHN S. RUMP, a\k\ a JOHN STEINBACH RUMP, a\k\ a JOHN RUMP, deceased, Grantor, to THE JOHN S. RUMP TRUST, Grantee, whose address is 3000 Elmwood, Bakersfield, CA 93305.

WHEREAS, the above-named decedent in his lifetime made and executed his Last Will and Testament dated October 18, 1962, which Will was duly admitted to probate on July 28, 1997, by the Superior Court in and for the County of Kern, State of California, Case No. 46658;

WHEREAS, Grantor was duly appointed Personal Representative of said Estate on July 28, 1997, with Letters Testamentary being issued on July 30, 1997, and is now qualified and acting in said capacity;

WHEREAS, Grantor fully complied with the Statutes of the State of Colorado, specifically Colorado Revised Statute 15-13-204 by filing with the Mesa County District Court, State of Colorado, an authenticated copy of her appointment as Personal Representative in the State of California;

WHEREAS, the Clerk of the Mesa County District Court, State of Colorado, executed a certification of said filing by the Grantor on December 4, 1998.

WHEREAS, said certification by the Mesa County District Court, State of Colorado, was recorded on December 10, 1998, in the Mesa County Records, State of Colorado, in Book 2525 at Page 287.

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell, convey, assign, transfer and set over unto Grantee as the entity entitled to distribution of the property under the above captioned Will, the following described real property situated in the County of Mesa, State of Colorado:

All of the deceased's undivided interest in and to the following property:

PARCEL NO. 1: Beginning at the northeast corner of Lot 2 in section 26, Township 11 South, Range 101 West of the 6th P.M.; thence South 00°24' East 503.5 feet; thence North 88°43' West 500 feet; thence South 77°14' West 729.4 feet; thence South 68°43' West 403.9 feet; thence South 81°38' West 177.9 feet; thence North 82°10' West 627.5 feet; thence North 83°52' West 156.2 feet; thence

North 53°30' West 272 feet; thence North 00°55' West 554 feet; thence northeasterly along the west right-of-way of the 1st Lift Canal to the northeast corner of the NE¼NW¼ of said Section 26; thence south to the northwest corner of said Lot 2; thence North 89°56' East 1438.4 feet to the point of beginning. EXCEPT a tract of land conveyed to the County of Mesa in Quit Claim Deed recorded in Book 975 at Page 341; AND EXCEPT any portion lying within the Replat of Lots 2, 3, 4, 5, and 6 of Block 4 of The First Addition to Monument Meadows Subdivision, as recorded in Plat Book 11 at Page 74; AND EXCEPT any portion lying within the property described in Warranty Deed recorded in Book 1589 at Page 441, all being in the records of the Clerk and Recorder of Mesa County, Colorado.

TOGETHER WITH a non-exclusive easement for ingress and egress as described in document recorded in Book 2060 at Page 668 of the records of the Clerk and Recorder of Mesa County, Colorado.

PARCEL NO. 2: Lots 7, 23, 24 and 25 in South Easter Hill subdivision, according to the correction plat thereof.

PARCEL NO. 3: Beginning at a point from whence the NE Corner of the NW¼NE¼ Section 18, T 1 S, R 1 W, Ute Meridian bears N 483.3 feet; thence N 59.7 feet; thence N 59°44'21" W 138.33 feet; thence S 40°51' W 99.83 feet; thence N 85°50' E 24.16 feet; thence S 49°09' E 212.44 feet; thence N 83.3 feet to the point of beginning containing 0.416 acres more or less.

With all appurtenances, free and clear of liens and encumbrances, except: 1998 taxes due and payable in 1999 and subsequent years, and any liens and encumbrances of record, reservations, easements, restrictions and rights-of-way of record.

EXECUTED December 10, 1998.

Marjorie Ellen Rump
as Personal Representative of the Estate
of JOHN S. RUMP, a\k\ JOHN STEINBACH
RUMP, a\k\ JOHN RUMP, deceased.

State of Colorado)
County of Mesa)

ss.

The foregoing instrument was acknowledged before me this 10th day of December, 1998, by Marjorie Ellen Rump, as Personal Representative of the Estate of JOHN S. RUMP, a\k\ JOHN STEINBACH RUMP, a\k\ JOHN RUMP, deceased.

Witness my hand and official seal.
My commission expires: February 23, 2000

Dan G. Griffin
Dan G. Griffin



LEGAL DESCRIPTIONS AND MAP EXHIBITS

**LEGAL DESCRIPTION
RUMP GROWTH PLAN AMENDEMENT/REZONE APPLICATION**

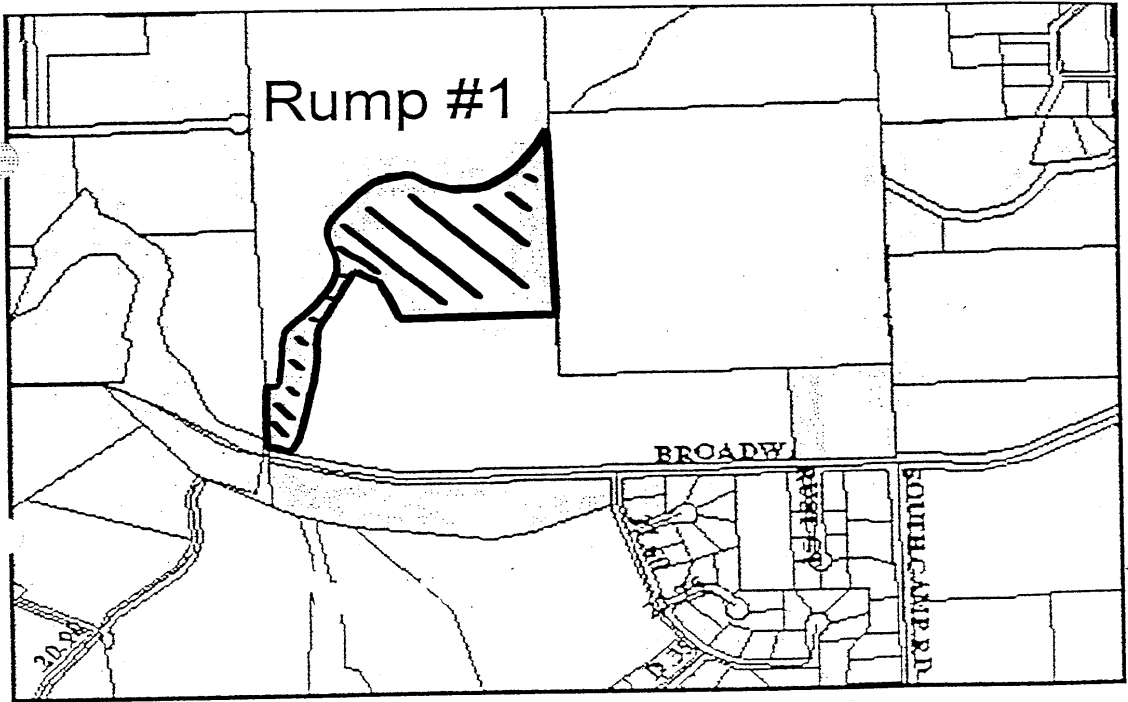
Rump Parcel #1

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.

**MAP EXHIBIT
FOR THE RUMP GROWTH PLAN AMENDMENT/REZONE APPLICATION
PARCEL #1**



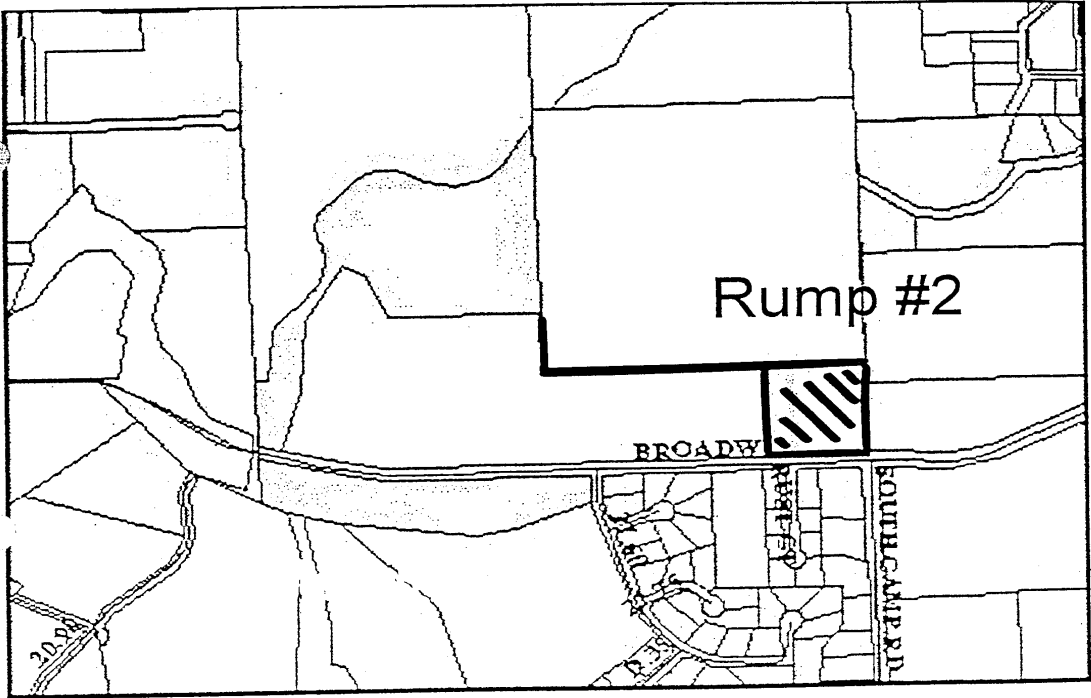
**LEGAL DECRPTION
RUMP GROWTH PLAN AMENDEMENT/REZONE APPLICATION**

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.

MAP EXHIBIT
FOR THE RUMP GROWTH PLAN AMENDMENT/REZONE APPLICATION
Rump Parcel #2 Located at NW Corner of South Camp and South Broadway



**LEGAL DESCRIPTION
FOR THE RUMP GROWTH PLAN AMENDMENT/REZONE APPLICATION**

Rump Parcel #3 Located at Approximately South Broadway and Riggs Hill

Also Referred to as the Desert Hills Estates Annexation No. 2.

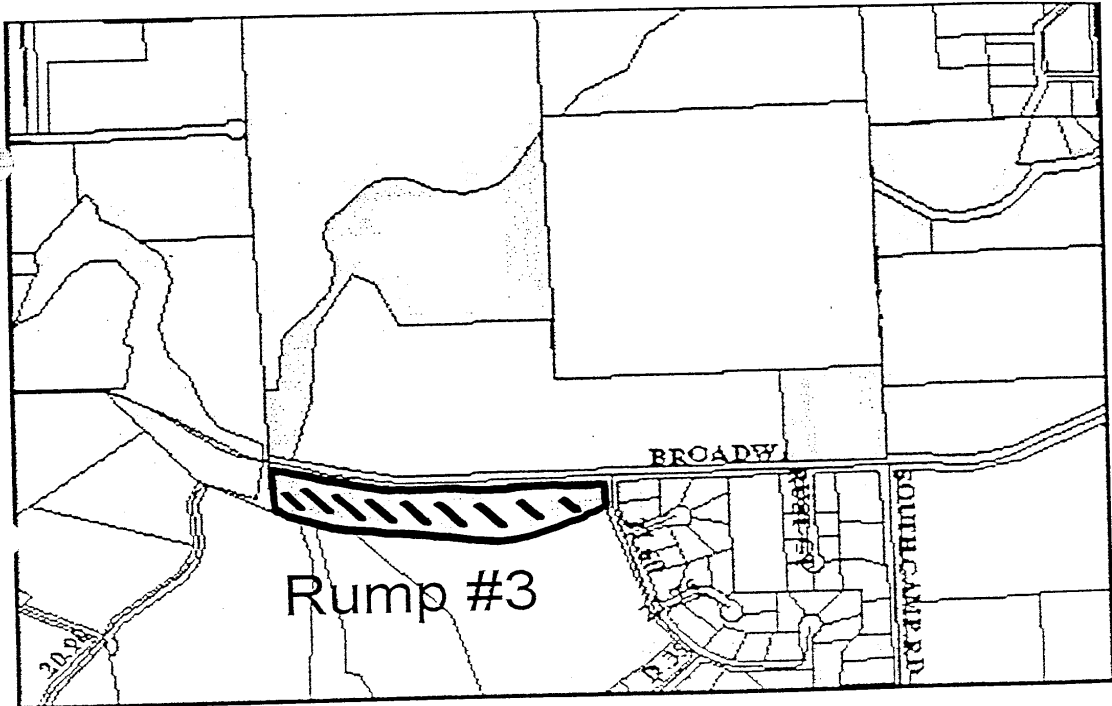
A parcel of land situate in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ and in G.L.O. Lot 2 of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more or less particularly described as follows:

Commencing at the NW $\frac{1}{16}$ th corner of Section 26; thence S 00°55'00" E along the west line of the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of said Section 26 a distance of 386.36 feet to a point on the south right of way line for South Broadway; thence along the south right of way line for said South Broadway the following three courses:

- 1) S 75°35'04" E a distance of 452.83 feet;
- 2) 204.04 feet along the arc of a curve to the left having a radius of 848.51 feet and a long chord bearing S 82°28'43" E a distance of 203.55 feet;
- 3) S 89°22'04" E a distance of 865.67 feet to a point on the west right of way line for Meadows Way;

Thence S 00°39'56" W along the west right of way line for said Meadows Way a distance of 128.18 feet to a point; thence leaving said west right of way line S 68°43'00" W a distance of 354.38 feet to a point; thence S 81°38'00" W a distance of 177.90 feet to a point; thence N 82°10'00" W a distance of 627.50 feet to a point; thence N 82°53'00" W a distance of 156.20 feet to a point; thence N 53°30'00" W a distance of 272.00 feet to a point on the west line of said SE $\frac{1}{4}$, NW $\frac{1}{4}$ a distance of 167.64 feet to the NW $\frac{1}{16}$ th corner of said Section 26 and point of beginning, containing 8.26 acres more or less.

MAP EXHIBIT
FOR THE RUMP GROWTH PLAN AMENDMENT/REZONE APPLICATION
Rump Parcel #3 Located at Approximately South Broadway and Riggs Hill



James K. Shea
438 Meadows Way
Grand Junction, CO 81503
970-245-6569
970-216-1395

Protect Riggs Hill

January 19, 2000

Rich Helms
Museum of Western Colorado
P.O. Box 20,000
Grand Junction, CO 81502-5020


Dear Sir:

At the January 11, 2000 Grand Junction Planning Commission Meeting discussion of the Rump Property, which borders your Riggs Hill site on three sides, some comments were made that I would appreciate a response from the Museum. As a neighbor and an advocate of Riggs Hill, I would like to work with the city, the county, and the museum to protect Riggs Hill with as much of an open space buffer as possible. This area is an irreplaceable asset that is worth saving for the entire community.

1. Has the Rump Property, especially Rump parcel #2 (shown on attached map), been offered to the Museum of Western Colorado?
2. Would the Museum be interested in acquiring the Rump Property if it could be worked out?
3. Has the Museum determined that the remainder of the Rump property has no paleontological significance?

Amendment to the Growth Plan and Rezoning of the Rump property for future development goes before the Grand Junction City Council, February 2, 2000 at 7:30 P.M. I have attached a map and some significant pages of the proposal. If you have any questions please call me at the phone numbers listed above (leave a message). Thank you for looking into this issue.

Sincerely,

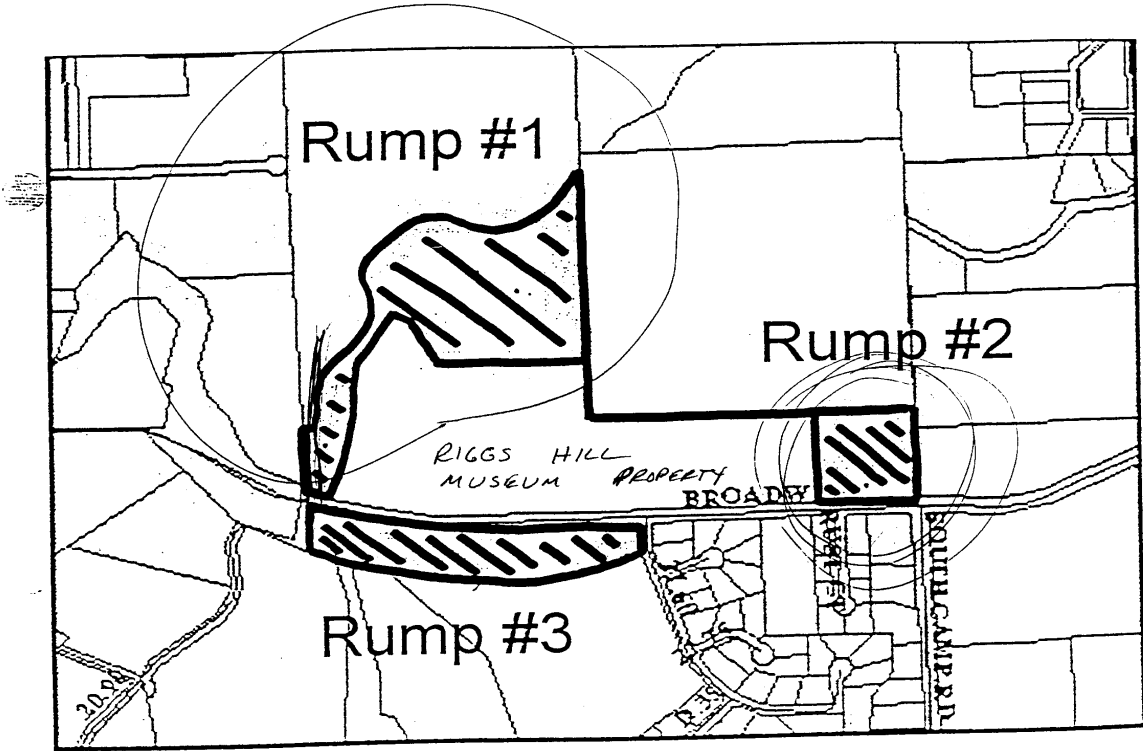


James K. Shea

JKS:jks

Cc: City of Grand Junction, Lisa Gerstenberger
Mesa County
Monument Meadows HOA
Rump Trust
Daily Sentinel
File

.....



EXECUTIVE SUMMARY

Growth Plan Amendment/Rezone Application for Parcel #2947-262-00-057

Mesa County Tax Parcel #2947-262-00-057 is comprised of three physically distinct sections under one ownership and separated by natural features and dedicated public right-of-way (refer to attached map for additional information). The owners of this property (hereinafter known as the Rump property) are petitioning the City of Grand Junction to secure a Growth Plan Amendment and a Rezone of the property.

The largest portion of the subject property located directly to the north of the Museum of Western Colorado's Riggs Hill and south of the Redlands Water and Power Company's First Lift Canal (hereafter identified as Parcel #1). Please refer to Sections I and II of this submittal for detailed parcel information required for the processing of a Growth Plan Amendment and a Rezone Application.

At the City of Grand Junction Community Development Department's request the Rumps have also prepared a petition for a Growth Plan Amendment and Rezone for that portion of the subject property located Northwest of the intersection of South Camp Road and South Broadway (hereafter identified as Parcel #2). Please refer to Sections III and IV of this submittal for detailed parcel information required for the processing of a Growth Plan Amendment and a Rezone Application for Parcel #2.

The Rumps are also petitioning to secure a Growth Plan Amendment and Rezone approvals for that portion of the subject property located due south of the South Broadway right-of-way Broadway (hereafter identified as Parcel #3). Please refer to Sections V and VI of this submittal for detailed parcel information required for the processing of a Growth Plan Amendment and a Rezone Application for Parcel #3.

SECTION III

GROWTH PLAN AMENDMENT APPLICATION FOR RUMP PARCEL #2

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

INTRODUCTION

The owners of the subject property (hereinafter referred to as the Rump property) believe that the *Future Land Use Map* that identifies the Rump property as being classified Park is in error. The Applicant believes that the Estate classification (2 to 5-acres) is appropriate for the parcel. The parcel is 5.1 acres in size.

PLAN AMENDMENT APPLICATION INFORMATION

As requested by the City of Grand Junction's Community Development Department personnel and set forth in the Persigo Agreement and the "*Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan*", the Applicant has addressed all of the technical issues required of this Growth Plan Amendment. The Applicant's responses to these mandated requests for information are provided below.

THE PERSIGO AGREEMENT

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that "*To maintain the integrity of the Master Plan, and the implementation of it, and for other reasons, the parties agree that any property within the 201 (area) should eventually develop at an urban level of density. For this agreement, residential lots sizes of two acres gross or larger are deemed to not be "urban" while smaller parcel or lot sizes are deemed to be "urban." The parties agree to amend the 201 to implement this principal.*"

The Rump property under review herein is:

1. Located within the Urban Growth Area as set forth in the Persigo Exhibit A document;
2. Located outside of the proposed boundaries of any properties that are scheduled to be deleted through a map revision of the 201 Agreement;
3. Presently classified as Park (active park and recreation sites and open space with significant public access);
4. Has been annexed into the City of Grand Junction; and
5. Designated by the *Future Land Use Map* and the City of Grand Junction's Development Code guidelines pursuant to the 201 Agreement as Park.

SECTION III

GROWTH PLAN AMENDMENT APPLICATION FOR RUMP PARCEL #2

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

INTRODUCTION

The owners of the subject property (hereinafter referred to as the Rump property) believe that the *Future Land Use Map* that identifies the Rump property as being classified Park is in error. The Applicant believes that the Estate classification (2 to 5-acres) is appropriate for the parcel. The parcel is 5.1 acres in size.

PLAN AMENDMENT APPLICATION INFORMATION

As requested by the City of Grand Junction's Community Development Department personnel and set forth in the Persigo Agreement and the "*Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan*", the Applicant has addressed all of the technical issues required of this Growth Plan Amendment. The Applicant's responses to these mandated requests for information are provided below.

THE PERSIGO AGREEMENT

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that "*To maintain the integrity of the Master Plan, and the implementation of it, and for other reasons, the parties agree that any property within the 201 (area) should eventually develop at an urban level of density. For this agreement, residential lots sizes of two acres gross or larger are deemed to not be "urban" while smaller parcel or lot sizes are deemed to be "urban." The parties agree to amend the 201 to implement this principal.*"

The Rump property under review herein is:

1. Located within the Urban Growth Area as set forth in the Persigo Exhibit A document;
2. Located outside of the proposed boundaries of any properties that are scheduled to be deleted through a map revision of the 201 Agreement;
3. Presently classified as Park (active park and recreation sites and open space with significant public access);
4. Has been annexed into the City of Grand Junction; and
5. Designated by the *Future Land Use Map* and the City of Grand Junction's Development Code guidelines pursuant to the 201 Agreement as Park.

After a detailed review of all available information the Applicant is of the opinion that the classification placed on this property in the *Future Land Use Map* is in error and is in direct conflict with the Urban Growth Area's enabling legislation, the *Persigo Agreement*. We base this opinion on the following reasons:

1. The *Persigo Agreement* is the policy document underpinning the Urban Growth Area and enabling its implementation;
2. As set forth in The *Persigo Agreement's* Exhibit 1-Persigo Definitions, Number 27. "201 Service Area or 201 or Persigo 201; as shown on the attached map, "Persigo Exhibit A," within which area it is intended that all properties shall be connected to, and served by the System, to the exclusion of septic or other individual disposal systems."
3. The Rump property is located within the 201 Service Area has been annexed into the City of Grand Junction and can develop according to the City's approved development guidelines.

The *Persigo Agreement*, Section C., Implementation-Zoning-Master Plan, Item #12 states that development should develop at the "urban" density of less than two acres. The City's *Future Land Use Map* designation for the property exceeds this requirement. Item 12 further states that any inconsistency shall require that the 201, defined as the "Persigo Exhibit A"- or the map exhibit "... amend the 201 to implement this principal";
4. The Applicant believes that an oversight was created when the 201 Agreement was adopted. This oversight created an unintentional inconsistency between the 201 Agreement and the *Future Land Use Map*. We believe that the 201 Agreement takes first priority and precedence over the *Future Land Use Map* for the reasons stated in Items 1-3 above;
5. In order for the Rump property to be consistent with the 201 Agreement, the Future Land Use Map and the City of Grand Junction's Development Code, a revision to the Growth Plan is required. This revision should be comprehensive in nature and must include a modification of the present classification of the property from the Park classification to the Estate designation and a formal amendment to the City's adopted Growth Plan.

The property has been annexed into the City of Grand Junction concurrent with another development application (Desert Hills Estates). The Applicant has not prepared a specific development application for the property at this time.

For these reasons we believe that the City of Grand Junction should approve the Growth Plan Amendment application. In order to submit a complete application for a Growth Plan Amendment responses to the conditions set forth in the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" are provided in the following section of this submittal.

PLAN AMENDMENT PROCESS

As specifically requested by the City of Grand Junction's Community Development Department and set forth in Section D. Plan Amendment of the *"Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan"* The Applicant has prepared detailed responses according to the minimum submittal requirements for a plan amendment.

ITEM 1. The subject property has been annexed into the City of Grand Junction concurrent with another development application (Desert Hills Estates).

ITEM 2. The Applicant formally requests that this Growth Plan Amendment Application be considered separately from any development review process. City staff has requested that a Growth Plan Amendment for this property be submitted to coincide with the Desert Hills Estates application process. The Applicant has compiled with this request.

ITEM 3. The Applicant's property has been annexed to the City of Grand Junction.

ITEM 4. The Applicant has fully complied with the *"Administrative Regulation Implementing the Plan Amendment-Memorandum of Understanding dated March 3, 1999"* and any and all subsequent iterations of this MOU.

ITEM 5. The Applicant is of the opinion that the proposed Growth Plan Amendment is consistent with the overall purpose and intent of the adopted Plan.

ITEM 5, A. states that *"There was an error in the original Plan such that the existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;"* The Applicant is of the opinion that the Rural classification conferred on the property when it was classified for the *Future Land Use Map* is in error for the following reasons:

1. This isolated designation for the property amounts to "spot-zoning" without any defensible and verifiable rationale for the classification. Adjacent land uses have been allowed at far greater densities than the one specified for this property in the *Future Land Use Map*.
2. The Applicant is unable to provide a reason why the Park designation was placed on the subject property.

ITEM 5, B. states that *"Events subsequent to the adoption of the Plan have invalidated the original premises and findings"*

There are numerous properties within the general vicinity of the parcel that have either been developed in the recent past, secured a Growth Plan Amendment approval from the City of Grand Junction or are presently undergoing a Growth Plan Amendment application. The Keesse property, located at the intersection of South Broadway and Desert Hills Road, has secured Growth Plan Amendment approval from the City of Grand Junction from the Rural to the Estate classification.

On November 16, 1999 the Grand Junction Planning Commission approved a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the Grand Junction City Council approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a Zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.

The Shadow Mountain, Stephens, Monument Meadows, Wildwood, Lions Valley, Hacienda Acres, Rust, Hayes Spring and Cottonwood Estates subdivisions are located within one-half mile of the parcels. Lot sizes range from 11,000 square feet and up. The property is located within 1/2 mile of the Tiara Rado Golf Course and the new 9-hole addition. Monument Valley and Canyon View subdivisions are similar projects in scope and scale to this proposed project.

ITEM 5, C. states that *"The character and/or condition of the area has changed enough that the amendment is acceptable"*

The Applicant believes that recently approved development projects in the adjacent Redlands area are consistent with overall settlement patterns.

ITEM 5, D. states that *"The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans"*

The Applicant is of the opinion that the proposed change will rectify a previous land use classification oversight.

ITEM 5, E. states that *"Public and community facilities are adequate to serve the type and scope of the land use proposed"*

All required public utilities necessary to service the development at the proposed densities requested in the Growth Plan Amendment application are available.

ITEM 5, F. states that *"An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use"*

The Applicant believes that the property should not be classified as Park.

ITEM 5, G. states that *"The community or area, as defined by the presiding body, will derive benefits from the proposed amendment"*

The Applicant is of the opinion that the increased density allowable under the proposed Growth Plan Amendment Application justifies the developers' expenditures for the installation of urban infrastructure.

CONCLUSIONS

The Applicant believes that the requested Growth Plan Amendment and Rezone is consistent with all of the public goals and objectives set forth in the Persigo Agreement and other related legislation. We are of the opinion that the classification for the property contained in the Future

Land Use Map (Park) was the result of an inadvertent and unintentional oversight by the individuals responsible for the preparation of the plan.

After a careful review of the existing site conditions, physical features, prior studies, previously issued development permits, and the proposed design for the property under the requested zoning The Applicant believes that the project will benefit both future residents and the citizens of the City of Grand Junction and the Grand Valley.

SECTION IV

SECTION IV

RUMP PARCEL LOCATED AT INTERSECTION OF S. CAMP AND S. BROADWAY

Rezone Application for Parcel #2 from Park to RSF-E (Estate) Designation

Contingent upon the approval of the Rump request for a Growth Plan Amendment from the Rural land use classification to the Estate land use classification, the Applicant requests that the subject property be zoned Residential Single Family-Estate (RSF-E) zone.

According to the City of Grand Junction's rezoning process the Applicant has prepared detailed responses according to the rezone criteria contained in Section 4-4-4 of the Grand Junction Zoning and Development Code. These responses are provided below.

Constraints Analysis

The subject parcel exhibits moderate topographic relief. No other physical constraints have been identified during the preparation of this submittal.

Section 4-4-4-Rezone

A. Was the existing zone an error at the time of adoption?

Yes. Please refer to Section III of this Application for a detailed explanation of the Applicant's position related to the City's adoption of the *Future Land Use Map* and the Park classification for the subject property.

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. Changes to the character of the immediate area have occurred over time due to the following factors:

1. Approval of a Growth Plan Amendment from Rural to Estate for the Keese property, located at the corner of Desert Hills Road and South Broadway in the Summer of 1999;
2. On November 16, 1999 the Grand Junction Planning Commission approved a 22 unit subdivision on 56 acres for the Tierra Ventures property and recommended approval for a Growth Plan Amendment and a Zone of Annexation with a density of PR-2.5. On December 15, 1999 the Grand Junction City Council approved a Growth Plan Amendment for the Tierra Ventures property from Rural to Estate and a Zone of Annexation with a density of PR-2.5 with no parcel to exceed 2 acres in size.
2. City of Grand Junction approval for Filing 5 of the Tiara Rado development;
3. Expansion of the City of Grand Junction's golf course complex located at the northern side of Desert Hills Road and South Broadway; and

4. County approval of the Lion's Valley Subdivision due east of the Tierra Ventures property.

C. Is there an area of community need for the project?

Yes. This rezone will benefit the community by creating a high-quality, residential infill development.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

Yes. The project is compatible with the surrounding area. Development will be limited by access and possible site development limitations due to topographic relief.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Yes. Parcel #2 will allow for the maximum utilization of the installed infrastructure along South Broadway.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City's Master Plan (Comprehensive Plan), and other adopted plans and policies?

Yes. Contingent on approval of the Growth Plan Amendment Application and the Rezone Application contained in this packet the application will be in conformance with all applicable City policies and plans.

G. Are adequate public facilities available to serve development for the type and scope suggested by this proposed zone?

Yes. Required public facilities are anticipated to be available and adequate to service a development allowable under the requested zone designation.

Section 4-11-Zoning of Annexations

A. Adverse impacts to the developed density of established neighborhoods shall be considered.

No adverse impacts from this zone adoption are anticipated.

B. Relationship of the property to the urban core area or the established subcores shall be considered.

Proposed zone will be in keeping with the intent of the 201 Agreement and generally accepted urban growth boundary infill principals set for in the City's Growth Plan.

SECTION V

MERIDIAN LAND TITLE, LLC

551 GRAND AVE. SUITE B
GRAND JUNCTION, CO 81501
PHONE: (970) 245-0550 FAX: (970) 241-1593

Agent for SURETY UNION TITLE INSURANCE COMPANY and LAND TITLE INSURANCE CORPORATION

PROPERTY PROFILE

FILE #: PREPARED FOR:
DATE: 11/23/1999 COMPANY:

This profile is being provided by Meridian Land Title, LLC for informational purposes only. While this information has been obtained from sources that are deemed reliable, Meridian Land Title, LLC makes no warranty as to the accuracy of the data.

OWNER INFORMATION

OWNER: WILLIAM C RUMP
ADDRESS: 218 EASTER HILL DR
GRAND JUNCTION, CO 81503-1175

CO OWNER: JS RUMP TRUST ETAL.

PROPERTY INFORMATION

PARCEL NO: 2947-262-00-057 PREVIOUS PARCEL NO: 0000-000-00-000
LOCATION: 00000
LEGAL: BEG NE COR LOT 2 SEC 26 T18 N 101W S 080024' E 503.5FT N 8810043' W 500FT S 77DEG14' W 729.4FT S 68DEG43' W 403.9FT S 81DEG38' W 177.9FT N 82DEG10' W 627.5FT N 83DEG52' W 156.2FT N 31DEG30' W 272FT N 0DEG55' W 354FT NELY ALG W ROW FOR 1ST LIFT CANAL TO NE COR NE1/4 SD SEC 26 T 2 S TO NW COR SD LOT 2 N 89DEG56' E 1438.4FT TO BEG EXC ROAD CONVEYED IN B-975 P-341 & EXC THAT PT TAKEN UP IN MONUMENT MEADOWS REPLAT & ALSO EXC THAT PT FOR MUSEUM OF WESTERN COLO AS DPSC IN D-1589 P-441 & 442 MESA CO RECORDS
YR BUILT: 0000 ROOMS: 0000 BATHS: 000.00 UNITS: 000000.00 AHS: 00000 IMP SQ FT: 0

SALE INFORMATION

DATE: 12/10/98 PRICE: \$0.00 RECORDING INFO - BOOK: 2525 PAGE: 289

TAX INFORMATION

TAX: 11200 MILL LEVY: 082.9110 MILL LEVY DATE: 01/01/99
APPRaised VALUE- LAND: \$48,060.00 ASSESSED VALUE- LAND: \$13,940.00
IMPS: \$0.00 IMPS: \$0.00
TOTAL: \$48,060.00 TOTAL: \$13,940.00
TAXES: \$1,155.80 TAX SALE: No DELINQUENT: No
SPECIAL ASSESSMENTS: CODE 1: AMT 1: 0000000.00
CODE 2: AMT 2: 0000000.00
CODE 3: AMT 3: 0000000.00
OTHER: N

PLEASE NOTE: If a title commitment is ordered, an Improvement Location Certificate be required.

When you sell, a fast and efficient title company will be important to the prompt closing of your transaction. When you specify MERIDIAN LAND TITLE, you'll receive professional title services and a nationally known insurance policy that is instantly acceptable to local lenders. PLEASE ASK FOR US!

1278412 12/10/98 0339PM
MONIKA TOGO CLK&REC MESA COUNTY CO
REC FEE \$18.00 SURCHG \$1.00

PERSONAL REPRESENTATIVE DEED
(TESTATE ESTATE)

THIS DEED is made by MARJORIE ELLEN RUMP as Personal Representative of the Estate of JOHN S. RUMP, a\k\& JOHN STEINBACH RUMP, a\k\& JOHN RUMP, deceased, Grantor, to THE JOHN S. RUMP TRUST, Grantee, whose address is 3000 Elmwood, Bakersfield, CA 93305.

WHEREAS, the above-named decedent in his lifetime made and executed his Last Will and Testament dated October 18, 1962, which will was duly admitted to probate on July 28, 1997, by the Superior Court in and for the County of Kern, State of California, Case No. 46658;

WHEREAS, Grantor was duly appointed Personal Representative of said Estate on July 28, 1997, with Letters Testamentary being issued on July 30, 1997, and is now qualified and acting in said capacity;

WHEREAS, Grantor fully complied with the Statutes of the State of Colorado, specifically Colorado Revised Statute 15-13-204 by filing with the Mesa County District Court, State of Colorado, an authenticated copy of her appointment as Personal Representative in the State of California;

WHEREAS, the Clerk of the Mesa County District Court, State of Colorado, executed a certification of said filing by the Grantor on December 4, 1998.

WHEREAS, said certification by the Mesa County District Court, State of Colorado, was recorded on December 10, 1998, in the Mesa County Records, State of Colorado, in Book 2525 at Page 287.

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell, convey, assign, transfer and set over unto Grantee as the entity entitled to distribution of the property under the above captioned Will, the following described real property situated in the County of Mesa, State of Colorado:

All of the deceased's undivided interest in and to the following property:

PARCEL NO. 1: Beginning at the northeast corner of Lot 2 in Section 26, Township 11 South, Range 101 West of the 6th P.M.; thence South 00°24' East 503.5 feet; thence North 88°43' West 500 feet; thence South 77°14' West 729.4 feet; thence South 68°43' West 403.9 feet; thence South 81°38' West 177.9 feet; thence North 82°10' West 627.5 feet; thence North 83°52' West 156.2 feet; thence

North 53°30' West 272 feet; thence North 00°55' West 554 feet' thence northeasterly along the west right-of-way of the 1st Lift Canal to the northeast corner of the NE1/4 of said Section 26; thence south to the northwest corner of said Lot 2; thence North 89°56' East 1438.4 feet to the point of beginning. EXCEPT a tract of land conveyed to the County of Mesa in Quit Claim Deed recorded in Book 975 at Page 341; AND EXCEPT any portion lying within the Replat of Lots 2, 3, 4, 5, and 6 of Block 4 of The First Addition to Monument Meadows Subdivision, as recorded in Plat Book 11 at Page 74; AND EXCEPT any portion lying within the property described in Warranty Deed recorded in Book 1589 at Page 441, all being in the records of the Clerk and Recorder of Mesa County, Colorado.

TOGETHER WITH a non-exclusive easement for ingress and egress as described in document recorded in Book 2069 at Page 068 of the records of the Clerk and Recorder of Mesa County, Colorado.

PARCEL NO. 2: Lots 7, 23, 24 and 25 in South Easter Hill subdivision, according to the correction plat thereof.

PARCEL NO. 3: Beginning at a point from whence the NE Corner of the NW1/4 Section 18, T 1 S, R 1 W, Ute Meridian bears N 483.3 feet; thence N 59.7 feet, thence N 59°44'21" W 138.33 feet; thence S 40°51' W 99.83 feet; thence N 85°50' E 24.16 feet; thence S 49°09' E 212.44 feet; thence N 83.3 feet to the point of beginning containing 0.416 acres more or less.

With all appurtenances, free and clear of liens and encumbrances, except: 1998 taxes due and payable in 1999 and subsequent years, and any liens and encumbrances of record, reservations, easements, restrictions and rights-of-way of record.

EXECUTED December 10, 1998.

Marjorie Ellen Rump
as Personal Representative of the Estate
of JOHN S. RUMP, a\k\ JOHN STEINBACH
RUMP, a\k\ JOHN RUMP, deceased.

State of Colorado)
County of Mesa) ss.

The foregoing instrument was acknowledged before me this 10th day of December, 1998, by Marjorie Ellen Rump, as Personal Representative of the Estate of JOHN S. RUMP, a\k\ JOHN STEINBACH RUMP, a\k\ JOHN RUMP, deceased.

Witness my hand and official seal.
My commission expires: February 23, 2000

Dan C. Griffin
Dan C. Griffin



January 28th 2000

City Council,

We were very disappointed to have missed the Planning Commission Hearing (GPA-1999-275) Rump Growth Plan on January 11th 2000. We were not notified by Community Development as should have been the case. As adjoining land owners to this Mutual Development Request with The Desert Hills Estates it is an omission of serious consequences.

Our neighbors - The Norens, Antons, McMillan, Unfreds, Cunninghams and Eckers are disappointed with the City for not looking for input from those in the surrounding community.

Those things decided at the above mentioned hearing would seem to get credibility.

We would appreciate notification of future meetings for Desert Hills Estates, Rump and Reese.

Sincerely,
Dick & Norma Annis
2108 Desert Hills Road
L. Jct., Ca. 91503



January 28, 2000


City of Grand Junction
Community Development Department
515 28 Road
Grand Junction, CO 81501-2668

Attn: Lisa Gerstenberger
Senior Planner

Reference: GPA-1999-275 Rump Growth Plan amendment and Zone of Annexation

I'm writing this letter in protest to the recent lack of notice of public hearing held on Jan 11th to the above referenced growth plan amendment and Zone of Annexation, and would like this letter to go on record as such. Specifically my wife and I have been very active in all of the hearings involving and surrounding the developments proposed on the Desert Hills Estates Plan. We have requested to be placed on all lists and notices pertaining to the meetings both by the planning commission and city council. None of our neighbors surrounding the property were notified of this meeting. Had we been notified we would have been present to give our input and thoughts to the above matter. We would greatly appreciate it if you would see to it that our name and address be placed on any and all lists involving meetings pertaining to Desert Hills Estates, Desert Hills Road, Rump Growth Plan, Rump Development, Keesee Growth/Annexation plans and all development plans in and around The Riggs Hill area.

Thank you for your assistance.
Sincerely


Michael P. Anton

Mike & Karen Anton
2111 Desert Hills Road
Grand Junction, CO 81503
Hm # 970-256-7244
Wk # 970-242-9980

James K. Shea
438 Meadows Way
Grand Junction, CO 81503
970-245-6569
970-216-1395

.....

Protect Riggs Hill

February 1, 2000

Grand Junction City Council
250 North 5th Street
Grand Junction, CO 81501

Ladies and Gentlemen:

This letter is an appeal to not make the requested amendment to the growth plan and to leave the existing zoning in place for the Rump property, tax parcel #2947-262-00-057, at this time. The Riggs Hill area, currently undeveloped, is an irreplaceable asset to our community. Before we plunge headlong into creating more taxable property for the city, maybe we should stop and look at what we are destroying.

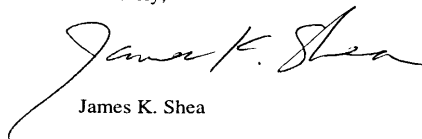
The attached sheet depicts the Rump property. Rump #2 is 5 acres that rises from South Broadway to the top of the hill with beautiful rock rims that would be extremely expensive to develop for housing and it would not be aesthetically pleasing for dinosaur site visitors to have a house directly adjacent to the Museum's park. Rump #3 is a wetlands area that supports local wildlife which is rapidly dwindling due to numerous other city approved developments destroying habitat. This site is also extremely wet and drainage must be thoroughly investigated before approving housing on this site.

The petitioner has not presented specific building plans but has requested amendments to the growth plan. The concept of a cluster development on the Rump #1 site combined with a conservation easement is not a bad idea. I feel the Rumps should be compensated for their property and the Rump #2 and Rump #3 parcels should not be a tax liability for anyone if they are preserved.

Let us investigate whether there is enough public support for this idea and to investigate funding sources to expand the dinosaur park. I am requesting that the Rump #2 area remain a park as it is now in the growth plan and the raise the possibility that Rump #3 be added as a park in the final zoning. The current growth plan designation of Rump #2 as park was a deliberate act by a forward thinking planning board and should not be tossed out lightly.

We owe it to future generations to make an attempt to preserve this area.

Sincerely,

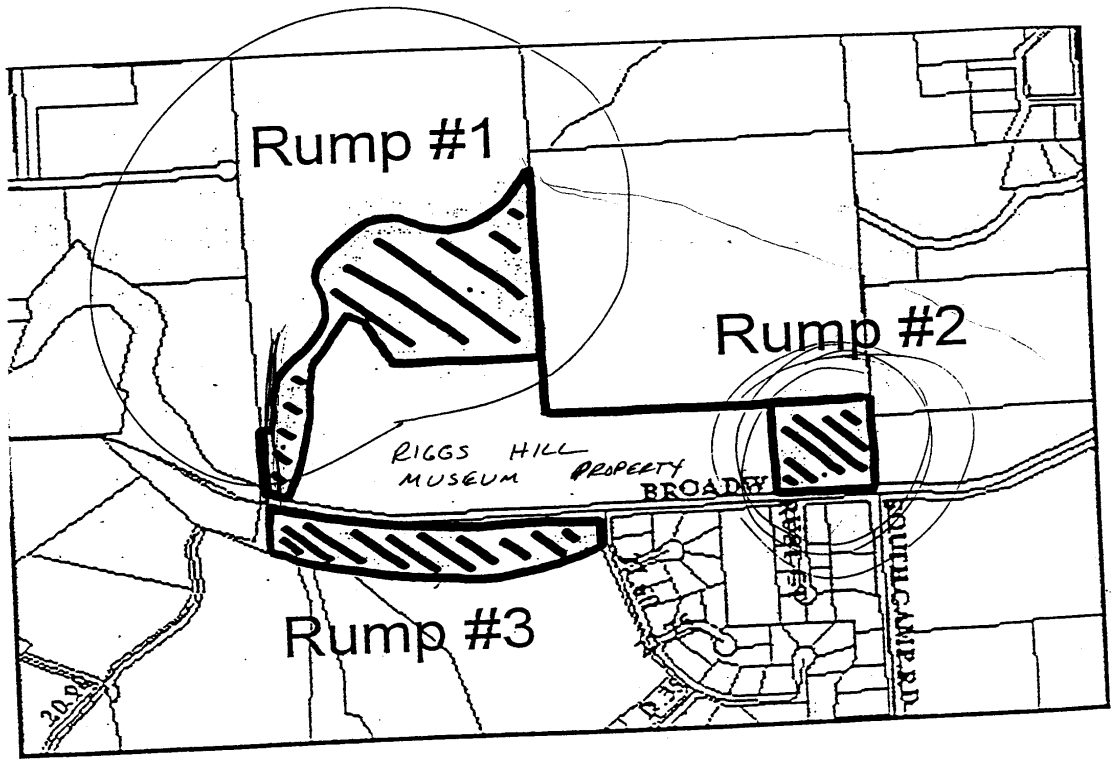


James K. Shea

JKS:jks

Cc: City of Grand Junction, Lisa Gerstenberger
Mesa County

.....



**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date:

February 16, 2000

Date Prepared: February 16, 2000

Author: Lisa Gerstenberger

Title: Senior Planner

Presenter Name: same

Title:

Subject: File No. GPA-1999-275. Zone of Annexation for the Rump Property (a portion of Desert Hills Annexation No. 1 and all of Desert Hills Annexation No. 2)

Summary: Second 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 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

AGENDA TOPIC: GPA-1999-275, Rump Property—Second reading of the Zone of Annexation ordinance (a portion of Desert Hills Annexation No. 1 and all of Desert Hills Annexation No. 2).

SUMMARY: Second reading for a Zone of Annexation of RSF-R for the Rump Property (a portion of Desert Hills Annexation and all of Desert Hills Annexation No. 2) located on South Broadway.

ACTION REQUESTED: Approval 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, ½ -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 16, 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.
- 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 additional lots to be developed using Desert Hills Circle. An ingress-egress easement has been granted by the Rumps to an adjoining property owner which would further restrict the number of lots that could utilize the new roadway.

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 additional lots on Desert Hills Circle, 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 an 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 11

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: February 16, 2000

Subject: Robertson Annexation

Date Prepared: February 9, 2000

Author: Joe Carter

Title: Associate Planner

Presenter Name: Joe Carter

Title: Associate Planner

Subject: Annexation of the Robertson Minor Subdivision, #ANX-1999-269

Summary: Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Robertson Annexation located at 522 20 ½ Road and including portions of the 20 1/2 (#ANX-1999-269).

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Approval of resolution for the acceptance of petition to annex and second reading of 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 <input type="checkbox"/> Workshop

AGENDA TOPIC: Resolution for Acceptance of Petition to Annex and second reading of the annexation ordinance for the Robertson Annexation located at 522 20 ½ Road and including portions of the 20 ½ Road right-of-way. (#ANX-1999-269)

SUMMARY: 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.

ACTION REQUESTED: City Council approval on the resolution accepting the petition to annex and approval on second reading of the annexation ordinance for the Robertson Annexation.

BACKGROUND INFORMATION:

Location: 522 20 1/2 Road

Applicants: Stephen Robertson, Owner
Representative: Steve Sharp, Banner Associates

Existing Land Use: Residential

Proposed Land Use: Residential

Surrounding Land Use:

North: Residential

South: Residential

East: Public Use/Golf Driving Range

West: Residential

Existing Zoning: R1B (County)

Proposed Zoning: RSF-2

Surrounding Zoning:

North: R-2 (Mesa County)

South: R1B (Mesa County)

East: PZ (City)

West: PUD (City)

Relationship to Comprehensive Plan: The Growth Plan Future Land Use map designates this property “residential medium-low” with densities between 2 and 4 units per acre.

Staff Analysis:

ACCEPTANCE OF THE ANNEXATION PETITION:

This annexation area consists of annexing 3.80 acres of land including portions of the 20 ½ Road right-of-way. The property is now being annexed into the City of Grand Junction.

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 Robertson 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.

The following annexation schedule is being proposed.

January 5 th	Referral of Petition to Annex & 1 st Read (30 Day Notice)
January 11 th	Planning Commission considers Zone of Annexation
February 2 nd	First Reading on Zoning by City Council
February 16 th	Public hearing on Annexation and Zoning by City Council
March 19 th	Effective date of Annexation and Zoning

ANNEXATION – SECOND READING OF THE ANNEXATION ORDINANCE

The applicant is requesting annexation of their property located west of the current City limits. This annexation consists of 3.80 acres which include portions of the 20 ½ Road (South Broadway) right-of-way.

STAFF RECOMMENDATIONS:

Staff recommends:

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

(rbtsn-CC-acpt-of-pet.doc)

ROBERTSON ANNEXATION SUMMARY

File Number:	ANX-1999-269
Location:	522 20 ½ Road
Tax ID Number:	2947-244-00-028 & 2947-224-27-001
Parcels:	2
Estimated Population:	2
# of Parcels (owner occupied):	2
# of Dwelling Units:	2
Acres:	3.80 acres for annexation area
Developable Acres Remaining:	3.607 acres
Right-of-way in Annexation:	<ul style="list-style-type: none">• 20 ½ Road full right-of-way width for 118 feet and half right-of-way width for 447 feet.
Previous County Zoning:	County R1B
Proposed City Zoning:	(RSF-2) Residential Single Family 2 units per acre
Current Land Use:	Residential
Future Land Use:	Residential
Assessed Values:	Land = \$ NOT AVAILABLE Improvements = \$ 0 TOTAL VALUE = \$ NOT AVAILABLE
Census Tract:	1401
Address Ranges:	<ul style="list-style-type: none">• 522 thru 528 20 ½ Road (even #'s only)
Special Districts:	
Water:	Ute Water
Sewer:	
Fire:	Grand Junction Rural Fire
Drainage:	
School:	District 51
Pest:	

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

**ROBERTSON ANNEXATION
IS
ELIGIBLE FOR ANNEXATION**

**LOCATED at 522 20 ½ Road and including portions of
the 20 ½ Road right-of-way**

WHEREAS, on the 5th day of January 2000, 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 SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road (South Broadway); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road (South Broadway) (said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of February, 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:

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**

ROBERTSON ANNEXATION

APPROXIMATELY 3.80 ACRES

**LOCATED AT 522 20 ½ ROAD AND INCLUDING PORTIONS OF
THE 20 ½ ROAD RIGHT-OF-WAY**

WHEREAS, on the 5th day of January, 2000 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 16th day of February, 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 SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of

said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road (South Broadway); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road (South Broadway) (said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.

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

INTRODUCED on first reading on the 5th day January, 2000.

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

Attest:

President of the Council

City Clerk

ROBERTSON ANNEXATION

Public Hearing before Grand Junction City Council 2/2/00

It is my professional belief; based on my review of the petition, pursuant to C.R.S. 31-12-104, that the Robertson Annexation is eligible to be annexed.

It complies 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 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.



 David Thornton, AICP

12/27/99

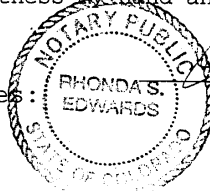
 Date

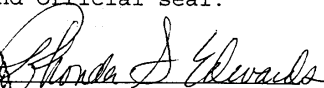
STATE OF COLORADO
 COUNTY OF MESA)

SS:

Subscribed and sworn to before me this 27th day of December 1999, by David L. Thornton. Witness my hand and official seal.

My Commission expires:
September 20, 2001





 Notary Public

(eligible)

STATE OF COLORADO }

COUNTY OF MESA }

SS

AFFIDAVIT

Stephen R. Roberto, 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.

Subscribed and sworn to before me this 24th day of November, 1999.

Witness my hand and official seal.

Norma C. Sufka
Notary Public

131 W. 6th St., Suite 81501
Address

My commission expires: 8-9-02

**ROBERTSON 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:

See Below

This foregoing description describes the parcel; the perimeter boundary descriptions, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, Robertson 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 the signer of said petition is included hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

ADDRESS: 522 South Broadway & Tax Parcel #2947-224-00-028

Beginning at the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 22, Township 11 South, Range 101 West of the 6th P.M., thence East 176.6 feet to the Redlands Canal, thence South 53°04' East 229.7 feet, thence South 16°55' West 323.8 feet, thence West 266 feet to the West line of the Southwest Quarter of the Southeast Quarter, thence North 447.6 feet to the point of beginning,

Mesa County, Colorado

Stephen R. Robertson
NAME

609 Wagon Trail, Grand Jct., CO 81503
ADDRESS

Stephen R. Robertson
SIGNATURE

11-24-99
DATE

STATE OF COLORADO }

SS

AFFIDAVIT

COUNTY OF MESA }

Amy L Swank, 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.

Subscribed and sworn to before me this 24 day of December, 1999.

Witness my hand and official seal.



Amy L Swank
Notary Public

616 North Ave Grand Jct CO 81501
Address

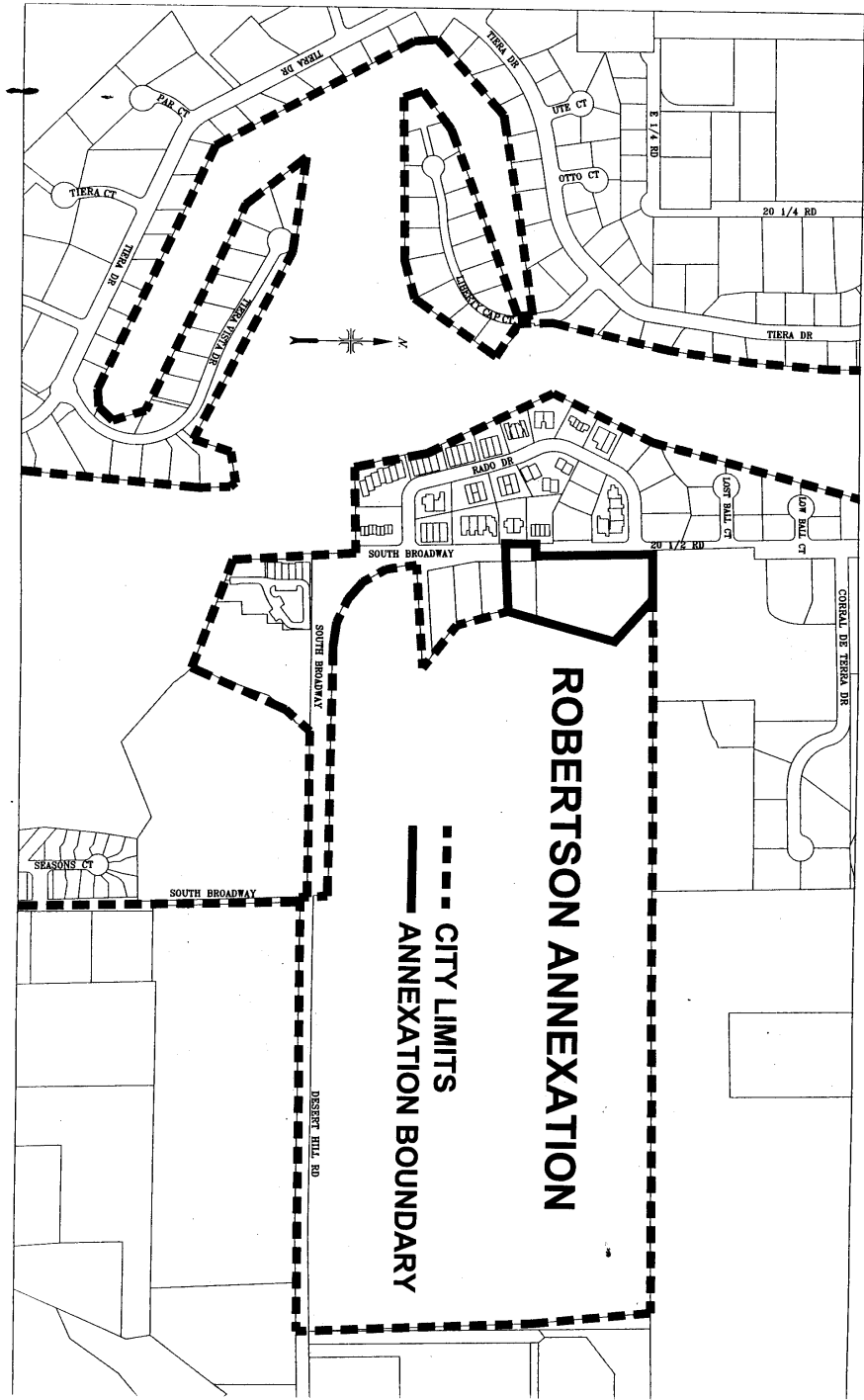
My commission expires: **MY COMMISSION EXPIRES 02/02/2002**

(affidavit)

**PERIMETER BOUNDARY LEGAL DESCRIPTION
ROBERTSON ANNEXATION**

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road (South Broadway); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road (South Broadway) (said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.



Attach 12

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 2000

Date Prepared: February 9, 2000
Author: Joe Carter
Title: Associate Planner
Presenter Name: Joe Carter
Title: Associate Planner

Subject: Zone of Annexation of the Robertson Annexation located at 522 210 ½ Road. Annexation no. ANX-1999-269.

Summary: Second Reading of the Zone of Annexation ordinance for the Robertson Annexation located at 522 20 ½ Road (South Broadway). (# ANX-1999-269)

Background Information: See attached

Budget: N/A

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

Citizen Presentation: Yes x 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-1999-269, Robertson Minor Subdivision - Second reading of the Zone of Annexation.

SUMMARY: Request for a Zone of Annexation from County R1B to City RSF-2, Single Family residential with a density not to exceed 2 units per acre.

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

BACKGROUND INFORMATION:

Location: 522 20 1/2 Road (South Broadway)

Applicants: Stephen Robertson, Owner
Representative: Steve Sharp, Banner Associates

Existing Land Use: Residential/Vacant

Proposed Land Use: Residential

Surrounding Land Use:

- North:*** Single Family Residential
- South:*** Single Family Residential
- East:*** Public Use/Golf Driving Range
- West:*** Single Family Residential

Existing Zoning: R1B (County)

Proposed Zoning: (RSF-2) - Single Family residential not to exceed 2 units per acre.

Surrounding Zoning:

- North:*** R-2 (Mesa County)
- South:*** R1B (Mesa County)
- East:*** PZ (City)
- West:*** PUD (City)

Relationship to Comprehensive Plan: The Growth Plan designates this area as Residential Medium – Low, with densities ranging between 2 and 3.9 units per acre.

Staff Analysis:

Zone of Annexation

The proposed Zone of Annexation for the Robertson Minor Subdivision property is RSF-2, Residential Single Family with a density not to exceed 2 units per acre. 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?** Yes, 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 can be considered in-fill due to the extent of surrounding development.
- 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?** Yes, adequate facilities are available in the area.

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 developed area and should therefore have this urban density.

STAFF RECOMMENDATION:

Staff recommends approval of the zone of annexation to RSF-2 with a density not to exceed 2 units per acre.

PLANNING COMMISSION RECOMMENDATION

Approval of the RSF-2, single family residential with a density not to exceed 2 units per acre, zone of annexation for the following reasons:

- RSF-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.
- RSF-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 Robertson Annexation from County R1B to City RSF-2.

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 Residential Single Family 2 units per acre (RSF-2) zone district to this annexation for the following reasons:

- RSF-2 zone district meets the recommended land use categories as shown on the future land use map of the Growth Plan, and the Growth Plan's goals and policies.
- RSF-2 zone district meets the criteria found in Sections 4-4-4 and 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-2 zone district be established.

The Planning Commission and City Council find that the RSF-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 parcel shall be zoned Residential Single Family with a maximum of 2 units per acre, (RSF-2) zone district:

PERIMETER BOUNDARY LEGAL DESCRIPTION

ROBERSTON ANNEXATION

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road (South Broadway); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road (South Broadway) (said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.

Said parcel containing an area of 3.80 Acres, as described.

Introduced on first reading this 2nd day of February, 2000.

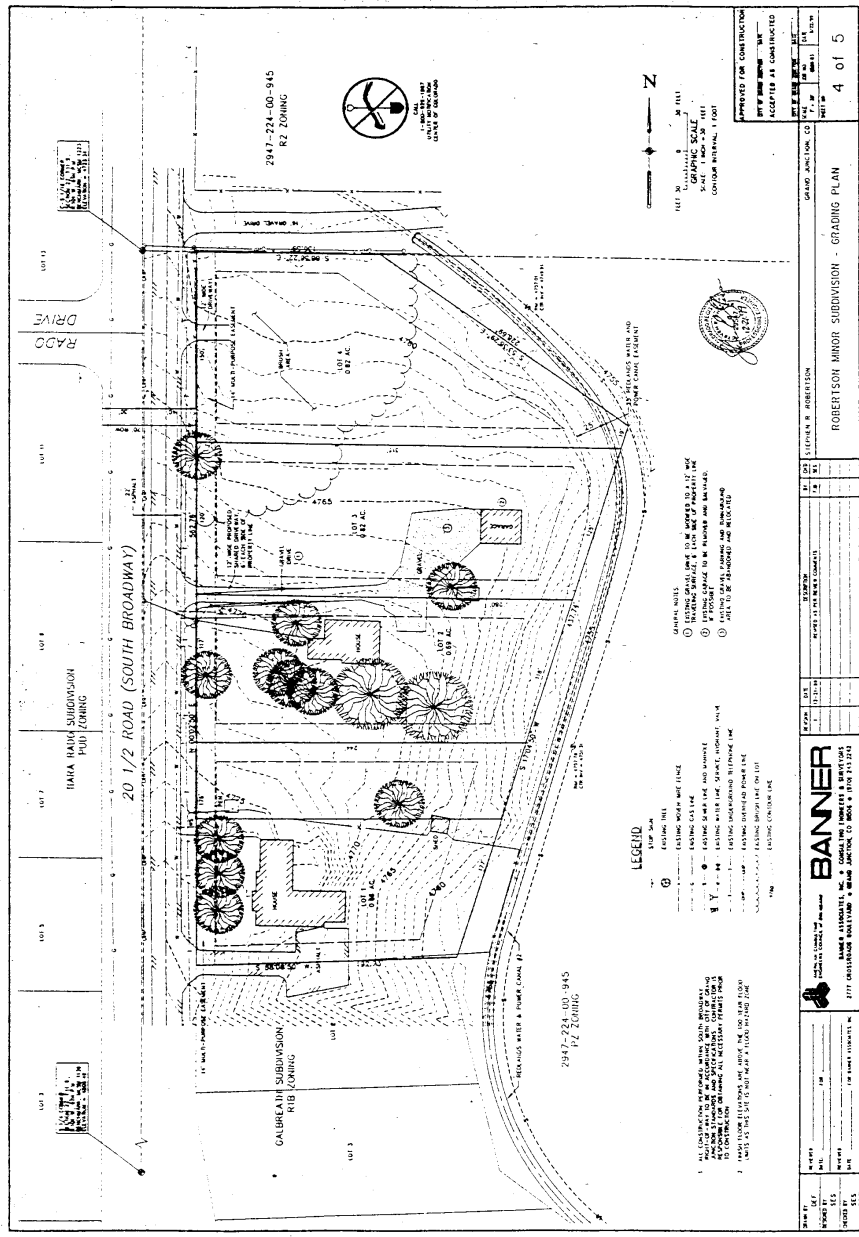
PASSED and ADOPTED on second reading this ____ day of February, 2000.

President of the Council

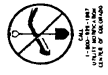
ATTEST:

City Clerk

(rbtson-CC-2nd-rdng-of-anx.doc)



2947-224-00-945
RZ ZONING



GRAPHIC SCALE
SCALE 1" = 20'-0" (HORIZONTAL)
SCALE 1" = 10'-0" (VERTICAL)

APPROVED FOR CONSTRUCTION
BY: [Signature]
ACCEPTED AS COMPLETED
DATE: [Date]

4 of 5

GENERAL NOTES:
1. EXISTING UTILITIES SHOWN AS DASHED LINES.
2. EXISTING GRADE SHOWN AS DOTTED LINES.
3. EXISTING CURBS AND GUTTERS SHOWN AS DASHED LINES WITH 'C' AND 'G' MARKERS.
4. EXISTING DRIVEWAYS AND PATHS SHOWN AS DOTTED LINES WITH 'D' AND 'P' MARKERS.
5. EXISTING DRIVEWAYS AND PATHS TO BE REPAIRED AND MAINTAINED.
6. EXISTING DRIVEWAYS AND PATHS TO BE REPAIRED AND MAINTAINED.
7. EXISTING DRIVEWAYS AND PATHS TO BE REPAIRED AND MAINTAINED.

LEGEND

- EXISTING WATER MAIN LINE
- EXISTING GAS LINE
- EXISTING SANITARY AND SEWER LINE
- EXISTING WATER AND SEWER MAIN
- EXISTING DRIVEWAY AND PATH
- EXISTING DRIVEWAY AND PATH
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- EXISTING DRIVEWAY AND PATH
- EXISTING DRIVEWAY AND PATH
- EXISTING DRIVEWAY AND PATH

DATE	10/15/10	SCALE	1" = 20'-0"
DRAWN BY	W. B. ROBERTSON	CHECKED BY	W. B. ROBERTSON
PROJECT NO.	2947-224-00-945	DATE	10/15/10
PROJECT NAME	ROBERTSON MANOR SUBDIVISION - GRADING PLAN	DATE	10/15/10
OWNER	W. B. ROBERTSON	DATE	10/15/10
DESIGNER	BANNER ENGINEERING, INC.	DATE	10/15/10
2771 CROSSROADS BOULEVARD, SUITE 100, WILSON, NC 27157			

Attach 13

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 2000

Date Prepared: February 8, 2000
Author: Dave Thornton
Title: Principal Planner
Presenter Name: Dave Thornton
Title: Principal Planner

Subject: Crowe Annexation

Subject: Annexation of the Crowe property located at the SE corner of I Road and 26 ½ Road, #ANX-1999-271.

Summary: Resolution for Acceptance of the Petition to Annex and second reading of the annexation ordinance for the Crowe Annexation located at the SE corner of I Road and 26 ½ Road and including portions of the I Road and 26 ½ Road rights-of-way. The 41.51 acre Crowe Annexation area consists of one parcel of land. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the resolution for the acceptance of the annexation petition and pass on second reading the annexation ordinance for the Crowe 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

BACKGROUND INFORMATION:

Location: SE corner of I Road and 26 ½ Road

Applicants: Ruby F. Crowe, Owner
Best Buy Homes, LLC, Developer
Representative: Doug Theis, Thompson-Langford Corp.

Existing Land Use: Agricultural/Vacant

Proposed Land Use: Residential

Surrounding Land Use:

North: Residential & vacant

South: Agricultural & Residential

East: Vacant and Summer Hill proposed development

West: Residential & Agricultural

Existing Zoning: AFT (County)

Proposed Zoning: Residential Single Family with a maximum of 4 units per acre (RSF-4)

Surrounding Zoning:

North: AFT (Mesa County)

South: AFT (Mesa County)

East: PR 2.5

West: AFT (Mesa County)

Relationship to Comprehensive Plan: The Growth Plan future land use map recommends “residential” with densities ranging between 4 and 7.9 units per acre for this property. The applicant is seeking an amendment to the Growth Plan that would reduce the residential density range to “2 to 3.9 units per acre”.

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 41.51 acres of land including portions of the I Road and 26 ½ Road rights-of-way. The actual acreage of the Crowe property is 38.91 acres. The property is now being annexed into the City of Grand Junction.

It is my professional opinion, based on my review of the petition and my knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Crowe 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 schedule:

January 5 th	Referral of Petition to Annex & 1 st Read (30 Day Notice)
January 11 th	Planning Commission considers Zone of Annexation
February 2 nd	First Reading on Zoning by City Council
February 16 th	Public hearing on Annexation and Zoning by City Council
March 19 th	Annexation and Zoning Effective

RECOMMENDATION:

Approval

CROWE ANNEXATION SUMMARY

File Number:	ANX-1999-271
Location:	SE Corner of I Road and 26 ½ Road
Tax ID Number:	2701-261-00-702
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	NA
# of Dwelling Units:	0
Acres:	41.51 acres for annexation area, 38.91 acres excluding the ROW.
Developable Acres Remaining:	38.91 acres
Right-of-way in Annexation:	<ul style="list-style-type: none">• I Road. (entire width adjacent to parcel) See Map.• 26 ½ Road (entire width adjacent to parcel) See map.
Previous County Zoning:	AFT
Proposed City Zoning:	RSF-4 Residential
Current Land Use:	Vacant
Future Land Use:	Residential
Assessed Values:	Land = \$ 4,430 Improvements = \$ 0 TOTAL VALUE = \$ 4,430
Census Tract:	16
Address Ranges:	<ul style="list-style-type: none">• 888 thru 898 26 ½ Road (even only)• 2651 thru 2699 I road (odd only)
Special Districts:	
Water:	Ute Water
Sewer:	
Fire:	Grand Junction Rural Fire
Drainage:	
School:	District 51
Pest:	

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-00

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

CROWE ANNEXATION

IS ELIGIBLE FOR ANNEXATION

**LOCATED at the SE corner of I Road and 26 ½ road
and including a portion of the I Road and 26 ½ Road rights-of-way**

WHEREAS, on the 5th day of January 2000, 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 W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 1) S 31°08'42" W a distance of 642.65 feet;
- 2) S 58°45'09" W a distance of 276.98 feet;
- 3) S 52°29'01" W a distance of 40.45 feet;
- 4) N 00°07'50" E a distance of 1849.35 feet;
- 5) N 02°06'48" W a distance of 37.86 feet;
- 6) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;

thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the

east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of February, 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 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**

CROWE ANNEXATION

APPROXIMATELY 41.51 ACRES

**LOCATED AT THE SE CORNER OF I ROAD AND 26 ½ ROAD AND
INCLUDING PORTIONS OF THE I ROAD AND 26 ½ ROAD RIGHTS-OF-WAY**

WHEREAS, on the 5th day of January, 2000 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 16th day of February, 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 W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 7) S 31°08'42" W a distance of 642.65 feet;
- 8) S 58°45'09" W a distance of 276.98 feet;
- 9) S 52°29'01" W a distance of 40.45 feet;

- 10) N 00°07'50" E a distance of 1849.35 feet;
- 11) N 02°06'48" W a distance of 37.86 feet;
- 12) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;

thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

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

INTRODUCED on first reading on the 5th day of January, 2000.

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

Attest:

President of the Council

City Clerk

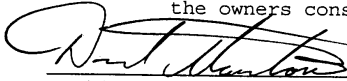
CROWE ANNEXATION

Public Hearing before Grand Junction City Council 2/2/00

It is my professional belief; based on my review of the petition, pursuant to C.R.S. 31-12-104, that the Crowe Annexation is eligible to be annexed.

It complies 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 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.



 David Thornton, AICP

12/17/99

 Date

STATE OF COLORADO

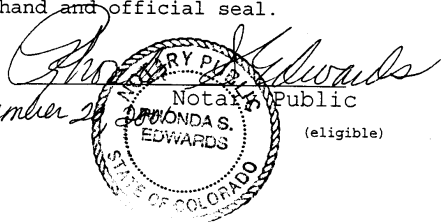
SS:

COUNTY OF MESA)

Subscribed and sworn to before me this 17th day of December 1999, by David L. Thornton. Witness my hand and official seal.

My Commission expires:

September 24



(eligible)

STATE OF COLORADO }
COUNTY OF MESA - }

SS

AFFIDAVIT

Charles E. Reiber, 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.

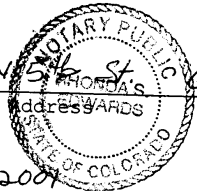
C. Reiber

Subscribed and sworn to before me this 15 day of December, 1999.

Witness my hand and official seal.

Rhonda S. Edwards
Notary Public

250. N. 5th St. Grand Junction,
address ARDAS CO 81501



My commission expires: September 20, 2001

**CROWE 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:

Tax Parcel #2701-261-00-702
Parcel 1 of Plsek/Crowe Simple Land Division according to the plat recorded in Plat Book 15 at Page 388 of the Mesa County records, Mesa County, Colorado.

This foregoing description describes the parcel; the perimeter boundary descriptions, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, Crowe 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 petitioner further states that they are the owner of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of the signer and the date of signature are set forth hereafter opposite the name of the signer, and that the legal description of the property owned by the signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

Ruby F. Crowe
NAME

880 26 1/2 Road, Grand Jct., CO 81506
ADDRESS

Ruby E. Crowe
SIGNATURE

12-3-99
DATE

**PERIMETER BOUNDARY LEGAL DESCRIPTION
CROWE ANNEXATION**

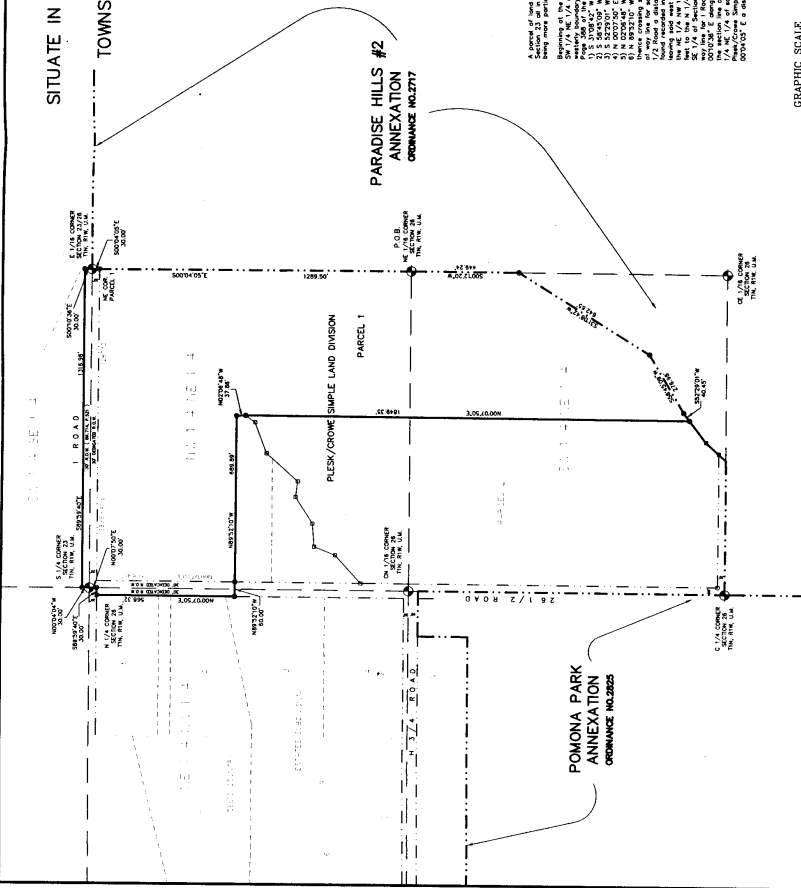
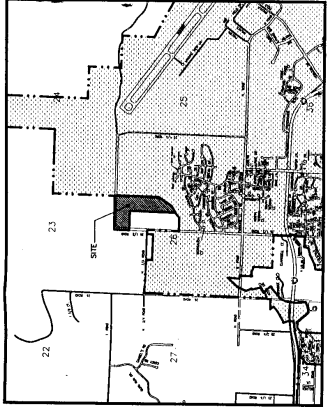
A parcel of land situate in the W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 1) S 31°08'42" W a distance of 642.65 feet;
- 2) S 58°45'09" W a distance of 276.98 feet;
- 3) S 52°29'01" W a distance of 40.45 feet;
- 4) N 00°07'50" E a distance of 1849.35 feet;
- 5) N 02°06'48" W a distance of 37.86 feet;
- 6) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;

thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for 1 Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

CROWE ANNEXATION
 SITUATE IN THE W 1/2, NE 1/4, NE 1/4 NW 1/4 OF SECTION 26
 & IN THE SW 1/4 SE 1/4 OF SECTION 23
 TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
 COUNTY OF MESA, STATE OF COLORADO



LEGAL DESCRIPTION

A portion of land situated in the W 1/2, NE 1/4, NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

1. A portion of land situated in the W 1/2, NE 1/4, NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

1. A portion of land situated in the W 1/2, NE 1/4, NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

1. A portion of land situated in the W 1/2, NE 1/4, NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:



The description(s) contained herein have been derived from the subdivision plan on file in the office of the Mesa County Clerk and Recorder. This plan does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

SENIOR REAL ESTATE TECHNICIAN, PLS 22580

ORDINANCE NO.

EFFECTIVE DATE

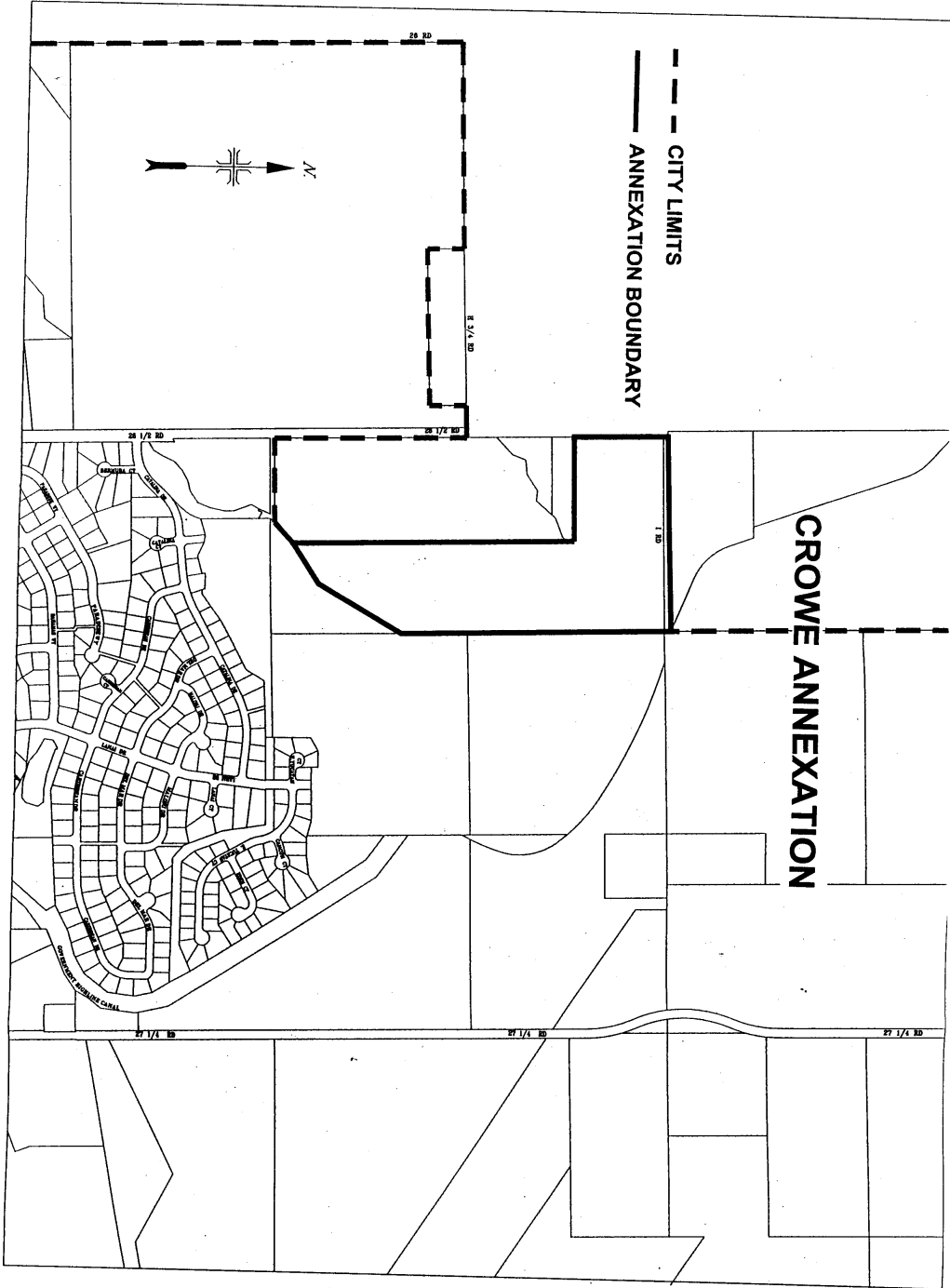
AREA OF ANNEXATION
 177,787 SQ. FT.
 4,021,500 SQ. YD.
 4.63 ACRES

DRAWN BY: DATE: 11-15-20
 DESIGNED BY: DATE:
 CHECKED BY: DATE:

SCALE: 1" = 200'

DEPARTMENT OF PUBLIC WORKS AND UTILITIES
 ENGINEERING AND TECHNICAL SERVICES DIVISIONS

CROWE ANNEXATION



Attach 14

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: February 16, 2000

Date Prepared: February 9, 2000
Author: Dave Thornton
Title: Principal Planner
Presenter Name: Dave Thornton
Title: Principal Planner

Subject: Crowe property GPA request and Crowe Annexation Zone of Annexation

Subject: Crowe Property Growth Plan Amendment and Zone of Annexation of the Crowe Annexation located at the SE corner of I Road and 26 ½ Road, #ANX-1999-271.

Summary: A request for a Growth Plan Amendment for 41.51 acres located at the SE corner of I Road and 26 ½ Road. The property is currently designated “Residential Medium” with densities ranging between 4 and 7.9 units per acre. The applicant is requesting a Growth Plan Amendment to reduce the density range to 2 to 3.9 units per acre under the “Residential Medium Low” land use category.

A request for second reading of the ordinance for the Zone of Annexation to Residential Single Family with a maximum density of four units per acre (RSF-4) for the Crowe Annexation. The 41.51 acre Crowe Annexation area consists of one parcel of land. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment. State law requires the City to zone newly annexed areas within 90 days of the annexation

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the resolution for the Growth Plan Amendment to Residential Medium Low and approve on second reading the ordinance for the zone of annexation for the Crowe Annexation.

Citizen Presentation: Yes No. If yes,
Name
Pupose

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

BACKGROUND INFORMATION:

Location: SE corner of I Road and 26 ½ Road

Applicants: Ruby F. Crowe, Owner
Best Buy Homes, LLC, Developer
Representative: Doug Theis, Thompson-Langford Corp.

Existing Land Use: Agricultural/Vacant

Proposed Land Use: Residential

Surrounding Land Use:

North: Residential & vacant

South: Agricultural & Residential

East: Vacant and Summer Hill proposed development

West: Residential & Agricultural

Existing Zoning: AFT (County)

Proposed Zoning: Residential Single Family with a maximum of 4 units per acre (RSF-4)

Surrounding Zoning:

North: AFT (Mesa County)

South: AFT (Mesa County)

East: PR 2.5

West: AFT (Mesa County)

Relationship to Comprehensive Plan: The Growth Plan future land use map recommends "Medium Residential" with densities ranging between 4 and 7.9 units per acre for this property. The applicant is seeking an amendment to the Growth Plan to "Residential Medium Low" that would reduce the residential density range to "2 to 3.9 units per acre".

Staff Analysis:

GROWTH PLAN AMENDMENT TO RESIDENTIAL MEDIUM LOW:

The Crowe property's eastern boundary borders the approved Summer Hill Subdivision residential development that was approved for a Growth Plan amendment on April 21, 1999 from residential 4 to 7.9 units per acre to residential 2 to 3.9 units per acre. Summer

Hill also received approval for a preliminary development plan and residential zoning at 2.5 units per acre. The April 21st Growth Plan Amendment also included the Paradise Hills Subdivision situated to the south.

The original Future Land Use Map of the Growth Plan designated the Crowe property, as well as the properties to the south, southeast and east, as Residential Medium, 4 to 7.9 units per acre. As noted above the properties to the east and southeast were amended to Residential Medium-Low, 2 to 3.9 units per acre. The property to the west and northwest is designated as Residential Estate, 2 to 5 acres per unit. The property to the north is designated as Rural with densities ranging between 5 and 35 acres per unit. The owner is requesting a Growth Plan Amendment to redesignate this property as Residential Medium-Low, 2 to 3.9 units per acre.

The recently adopted Plan Amendment Process agreement outlines the procedure and requirements for plan amendments. For properties within the City limits, the City Planning Commission will make a recommendation to the City Council, with Council making the final decision. Although the County Planning Staff has made comment on the proposal, the Mesa County Planning Commission does not have to be involved in the decision-making. The Crowe property is currently in the annexation process and the City has taken land-use jurisdiction; therefore, the decision on the requested Growth Plan Amendment lies with the City.

As per the agreement, the following criteria must be considered in reviewing the request for a plan amendment:

A. Was there an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for?

The applicant, in the project narrative, states that there was no evidence of error at the time of adoption. However, detailed information for individual properties were not considered for the original Growth Plan designations. It was determined on April 21, 1999 that the land use category should be changed to reflect actual densities for the Paradise Hills neighborhood and for the Summer Hill property which is located further away from the City Center and also in close proximity of the airport. It was determined that the Summer Hill property should also be developed at densities more consistent with the surrounding neighborhood.

B. *Have events subsequent to the adoption of the Plan invalidated the original premises and findings?*

Yes, the April 21, 1999 amendment supports the notion that the plan's original premises are invalid for this property.

C. *Has the character and/or condition of the area changed enough that the amendment is acceptable?*

The character or condition of the area has only changed by the approval of the Summer Hill development.

D. Is the change consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans?

Goals and Policies of the Growth Plan would support the change from Residential Medium to Residential Medium Low. Goal 5 and Policies 5.2 and 5.3 support compatibility with existing development and utilizing existing infrastructure for development and providing extensions of infrastructure to connect areas that are already developed or can be expected to develop in the near future.

Policy 15.3 states that prior to a plan amendment being approved there should be a determination that there is sufficient land in appropriate locations to accommodate anticipated demand for each residential land use category for the next ten years. There is a number of areas scattered throughout the community that are appropriately shown as Residential Medium on the Future Land Use Map.

E. Are public and community facilities adequate to serve the type and scope of land use proposed?

Yes, water and sewer is available to serve the type of development proposed.

F. Is there an inadequate supply of suitably designated land available in the community, as defined by the presiding body, to accommodate the proposed land use?

No

G. Will the community or area, as defined by the presiding body, derive benefits from the proposed amendment?

There are potential benefits to the community from the proposed amendment. A reduction in allowed density will help compatibility with the Walker Field Airport environs along with adjacent residential densities. It would allow for better utilization of existing and future infrastructure, including another access into Summer Hill. It also offers more options for clustering development in the less sensitive areas and preserving any wetlands and steep slopes.

ZONE OF ANNEXATION TO RSF-4

The proposed Zone of Annexation is Residential Single Family with a maximum of four units per acre (RSF-4). The RSF-4 zone district is compatible with either the current land use category of Residential Medium, 4 to 7.9 units per acre or the requested Growth Plan amendment to Residential Medium Low, 2 to 3.9 units per acre. In past practice, the City has recommended the RSF-4 zone district under both land use categories. Therefore, the proposed RSF-4 zone district is compatible regardless of the outcome of the Growth Plan amendment request.

It is preferred in this case that the Growth Plan Amendment be approved to better accommodate the RSF-4 zone district since it is understood that the proposed density for the Crowe property as part of a future development proposal will be between 2.5 and 3.5 units per acre. (See applicants response to review agency comments). The draft Zoning and Development Code requires new development to build to at least 80% of the

minimum density of its land use category. Eighty percent of four units per acre is 3.2 units per acre which is higher than the possible 2.5 units per acre that may be requested by the developer and better compatible with the surrounding neighborhood.

Existing County Zoning vs. The Growth Plan

Existing Mesa County zoning for this property is Agricultural/ Forestry/ Transitional (AFT). Under the 1998 Persigo Agreement, zoning for newly annexed areas shall either be zoned to comply with the Growth Plan or comply with the existing Mesa County zoning. In the Growth Plan, Policy 1.7 states “The City and County will use zoning to establish the appropriate scale, type, location and intensity for development....”

CRITERIA FOR ZONES OF ANNEXATION

Conformance to Sections 4-11 and 4-4-4 of Zoning Code

The proposed RSF-4 zone complies with the criteria found in Section 4-11 of the Grand Junction Zoning and Development Code for Zones of Annexations. Section 4-11 states the following shall be considered in establishing a zone of annexation.

A. adverse impacts to the developed density of established neighborhood shall be considered; and

B. the relationship of the property to the urban core area or to establish subcores shall be considered.

Rezoning Criteria:

The proposed RSF-4 zone complies with the rezone criteria found in the City’s Zoning and Development Code under section 4-4-4. The rezoning criteria, as stated in section 4-4-4 of the Zoning and Development Code are as follows:

A. Was the existing zone an error at the time of adoption?

There is no evidence that the existing zone was an error at the time of adoption. This is a new City zone for the property.

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.?

A recent Growth Plan amendment for the adjacent parcel has occurred. Sanitary sewer as well as all other major utilities serve the area.

C. Is there an area of community need for the proposed rezone?

Yes.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

Yes, it is compatible. There are no anticipated adverse impacts.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Yes.

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?

The RSF-4 zone district is in conformance with the existing Land Use classification and the proposed Land Use category of the Growth Plan and under the 1998 Persigo Agreement, zoning shall meet the Growth Plan or comply with existing Mesa County zoning.

- 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?

Yes, there are adequate facilities available.

STAFF RECOMMENDATION:

Approval

PLANNING COMMISSION RECOMMENDATION:

1. Approval of the Growth Plan Amendment to Residential Medium Low; and
2. Approval for the Zone of Annexation to RSF-4 for the following reasons:
 - RSF-4 zone district complies with the future Land Use Map in the Growth Plan.
 - RSF-4 zone district meets the criteria found in Section 4-4-4 and Section 4-11 of the Zoning and Development Code.

CROWE ANNEXATION SUMMARY

File Number:	ANX-1999-271
Location:	SE Corner of I Road and 26 ½ Road
Tax ID Number:	2701-261-00-702
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	NA
# of Dwelling Units:	0
Acres:	41.51 acres for annexation area, 38.91 acres excluding the ROW.
Developable Acres Remaining:	38.91 acres
Right-of-way in Annexation:	<ul style="list-style-type: none">• I Road. (entire width adjacent to parcel) See Map.• 26 ½ Road (entire width adjacent to parcel) See map.
Previous County Zoning:	AFT
Proposed City Zoning:	RSF-4 Residential
Current Land Use:	Vacant
Future Land Use:	Residential
Assessed Values:	Land = \$ 4,430 Improvements = \$ 0 TOTAL VALUE = \$ 4,430
Census Tract:	16
Address Ranges:	<ul style="list-style-type: none">• 888 thru 898 26 ½ Road (even only)• 2651 thru 2699 I road (odd only)
Special Districts:	
Water:	Ute Water
Sewer:	
Fire:	Grand Junction Rural Fire
Drainage:	
School:	District 51
Pest:	

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION
(CROWE ANNEXATION TO RESIDENTIAL MEDIUM LOW)**

Recitals:

The Original Future Land Use Map of the Growth Plan designated the Crowe property located at the southeast corner of I Road and 26 ½ Road, as well as the properties to the south, southeast and east, as Residential Medium, 4 to 7.9 units per acre. The properties to the east and southeast were amended to Residential Medium-Low, 2 to 3.9 units per acre on April 21, 1999. The property to the west and northwest is designated as Residential Estate, 2 to 5 acres per unit. The property to the north is designated as Rural with densities ranging between 5 and 35 acres per unit.

The Crowe property was recently annexed to the City of Grand Junction. In accordance with the Persigo Agreement, the City can consider zoning newly annexed property consistent with the previous County zoning or consistent with the Growth Plan. Due to new Growth trends and the re-designation of lands to the south and east to Residential Medium low from Residential Medium, staff recommended that the property be re-designated to the Residential Medium Low density (2 – 3.9 units per acre).

The City Council finds that the request meets the Growth Plan Amendment criteria as adopted in the “Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan” in the following ways:

1. There was an error in the original plan in designating this property as Residential Medium.
2. Public and community facilities are adequate to serve the type and scope of land use proposed.
3. The community will derive benefits from the proposed amendment.

The Grand Junction Planning Commission recommended approval of the Growth Plan Amendment from Residential Medium to Residential Medium low and City Council subsequently approved the request at its February 16, 2000 hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS DESCRIBED BELOW ARE RECLASSIFIED FROM THE RESIDENTIAL MEDIUM LAND USE CATEGORY TO RESIDENTIAL MEDIUM LOW (2 – 3.9 UNITS PER ACRE):

A parcel of land situate in the W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 13) S 31°08'42" W a distance of 642.65 feet;
- 14) S 58°45'09" W a distance of 276.98 feet;
- 15) S 52°29'01" W a distance of 40.45 feet;
- 16) N 00°07'50" E a distance of 1849.35 feet;
- 17) N 02°06'48" W a distance of 37.86 feet;
- 18) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;

thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

PASSED on this 16th day of February, 2000.

ATTEST:

City Clerk

President of the Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**Ordinance Zoning the Crowe Annexation
to Residential Single Family with a maximum of four units per acre (RSF-4),**

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-4 zone district to this annexation for the following reasons:

- These zone districts meet the recommended land uses category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies.
- These zone districts meet 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-4 zone district be established.

The Planning Commission and City Council find that the RSF-4 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 Residential Single Family with a maximum of four units per acre (RSF-4) zone district

A parcel of land situate in the W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

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- 20) S 58°45'09" W a distance of 276.98 feet;
- 21) S 52°29'01" W a distance of 40.45 feet;
- 22) N 00°07'50" E a distance of 1849.35 feet;
- 23) N 02°06'48" W a distance of 37.86 feet;

24) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;
thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

Introduced on first reading this 2nd day of February, 2000.

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

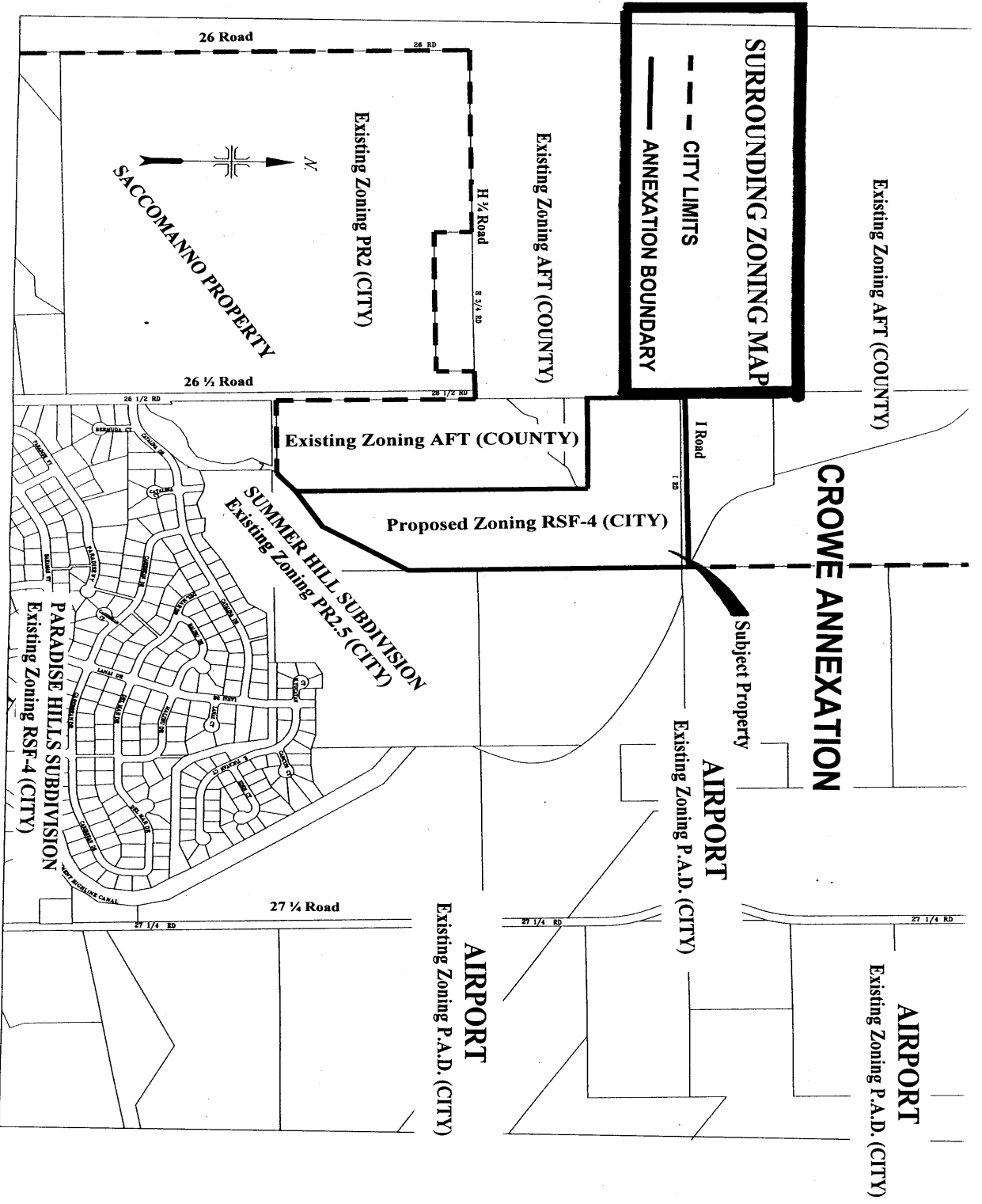
President of the Council

ATTEST:

City Clerk

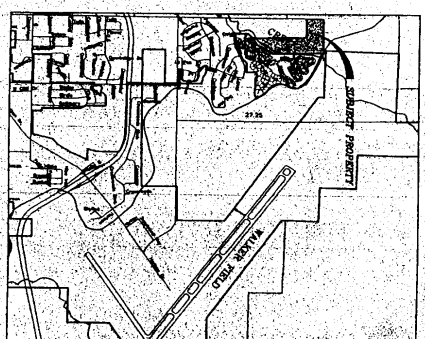
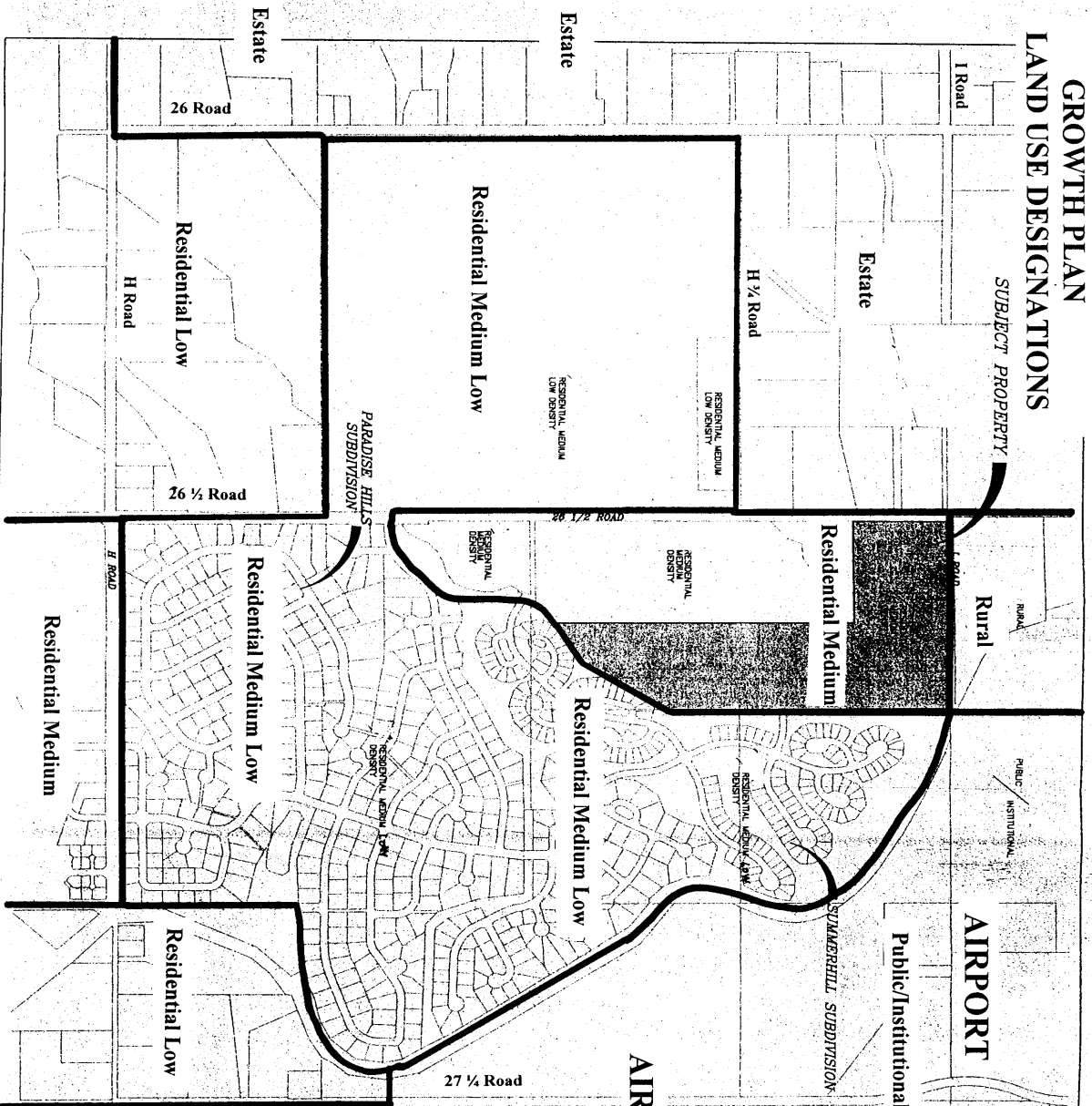
SURROUNDING ZONING MAP

- CITY LIMITS
- ANNEXATION BOUNDARY



GROWTH PLAN LAND USE DESIGNATIONS

SUBJECT PROPERTY



NO.	DATE	DESCRIPTION	BY	CHKD.

<p>THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 202 W. 1/2 ST., SUITE 510 GRAND JUNCTION, COLORADO PH: (970) 845-4087 FAX: (970) 841-6868</p>	<p>BEST BUY HOMES</p>	<p>MESA COUNTY, COLORADO</p>	<p>RECORD DATE</p>
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<p>SITE PLAN CROWE PROPERTY</p>

<p>DATE: 4/20/00</p>	<p>SCALE: 1" = 300'</p>	<p>PROJECT NO.: 04-00-002</p>	<p>DIST. NO.: 1 OF 1</p>
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DEVELOPMENT APPLICATION
 Community Development Department
 250 North 5th Street, Grand Junction, CO 81501
 (970) 244-1430

Receipt _____
 Date _____
 Rec'd By _____
 File No. _____

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major				
<input checked="" type="checkbox"/> Growth Plan Reasons Amendment		38.91 A	26 1/2 & I	From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input checked="" type="checkbox"/> Zone of Annex		38.91 ac	26 1/2 & I	RSF-4	Residential
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					
<input type="checkbox"/> Site Plan Review					
<input type="checkbox"/> Property Line Adj.					

Property Owner Name	Developer Name	Representative Name
<u>Puby E. Crowe</u>	<u>Best Buy Homes, LLC</u>	<u>Thompson-Linford Corp</u>
Address	Address	Address
<u>880 26 1/2 Rd</u>	<u>330 Milburn Ct</u>	<u>529 25 1/2 Rd, Ste B210</u>
City/State/Zip	City/State/Zip	City/State/Zip
<u>Grand Junction, CO 81504</u>	<u>Cortezville, CO 81623</u>	<u>Grand Junction, CO 81505</u>
Business Phone No.	Business Phone No.	Business Phone No.
<u>(970) 242-0169</u>	<u>(970) 963-7111</u>	<u>(970) 243-6567</u>
E-Mail	E-Mail	E-Mail
Fax Number	Fax Number	Fax Number
	<u>(970) 963-7038</u>	<u>(970) 241-2185</u>

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

Signature of Person Completing Application: D. Hines Date: 11/18/99
 Signature of Property Owner(s) - attach additional sheets if necessary: Puby E. Crowe Date: 11-18-99

Crowe Property – 26 ½ & I Road
General Project Report
Annexation/Growth Plan Amendment

Project Overview

The applicant is requesting a Growth Plan Amendment in accordance with MCA 99-27, *Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan*. In Reference to section D.4., the Petitioner contends that the requested change is consistent with the overall purpose and intent of the adopted Plan. The subject property is currently zoned AFT and is designated on the Growth Plan as Residential Medium Density 4-7.9 du/acre. The petitioner feels that a more appropriate Growth Plan designation would be Residential Medium – Low Density, described as typically 2-4 units per acre with full urban services. A petition for annexation has been submitted. In conjunction with the annexation, applicant is requesting a RSF-4 zoning designation for the subject parcel.

The parcel, located east of 26 ½ Road and south of I Road, consists of 38.91 acres. The property is bordered on the west and south by the Summer Hill Subdivision (PR-2.5), and the Paradise Hills Subdivision which consists of single family homes with densities ranging from 1.9 to 3.2 du/acre. Both of these large subdivisions have a growth plan designation of Residential Medium Density. The area to the west, currently zoned AFT, has a Growth Plan designation of Residential Medium – Low Density. The north side of the property is bordered by AFT, (Growth Plan – Rural).

A. Project Description

Existing Land Use

The property currently consists of two irrigated fields, separated by a dry land field. This parcel was created by the Plsek/Crowe Simple Land Division, recorded August 27, 1997, a copy of which is included in this submittal. There are no buildings on the site.

Existing Site Conditions

The site consists of farmland, some of which is currently under cultivation. The property slopes at approximately one percent from north to south.

The Existing Zoning

The property is currently zoned as Mesa County – AFT.

The Proposed Plan

The desired plan would be subdivide the parcel creating lots in accordance with the City of Grand Junction RSF-4 zone district. This zoning is consistent with the surrounding subdivisions.

B. Plan Amendment Criteria – Section D.4

“The parties shall only amend the Plan if they find that the amendment is consistent with the overall purpose and intent of the adopted plan. Keeping in mind the broad legislative and other authorities of the parties to consider all relevant factors, the decision whether or not to amend the Plan shall consider, at a minimum if”:

- a) *There was an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for; there is no evidence of error at the time of adoption of the original plan.*
- b) *Events subsequent to the adoption of the Plan have invalidated the original premises and findings; the recent rezoning of the adjacent Summer Hill project has identified this area as one that should be considered for Growth Plan amendment.*
- c) *The character and/or condition of the area has changed enough that the amendment is acceptable; as is noted on the site plan the surrounding developments and approved subdivisions would suggest that this amendment is consistent with the purpose and intent of the original plan.*
- d) *The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans; the petitioner feels that the goals and policies will not be compromised with the requested Plan amendment.*
- e) *Public and community facilities are adequate to serve the type and scope of land use proposed; a preliminary meeting with City Development and City Engineering has identified public and community facilities and it has been determined that they are adequate for the proposed plan.*
- f) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; the development of this parcel has been anticipated in conjunction with the adjacent Summer Hill Subdivision, including stub streets for circulation and utility extensions. The surrounding developments in the “north area” appear to support the proposed density on this parcel.*
- g) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment; The benefits as derived by the area will primarily consist of the infill of a parcel within a developed area close to City services and business centers which will offer desired lot sizes and amenities consistent with the surrounding area. The future development plans will be consistent with the existing street and utility circulation plans.*

C. Project Compliance, Compatibility, and Impact

Adopted Plans and Policies

This request addresses the following goals of the Growth Plan:

Policies 1.1-1.3, 1.7- The desired Growth Plan density falls within the guidelines of 2-3.9 DU/A

and is compatible with the development of the surrounding area.

Policy 5.1, 5.2, 5.3 – This development will use existing facilities providing infill to a previously developed area close to the City center.

Policies 7.1-7.4 Future development will pay its appropriate share of development fees to fund its fair share of capital costs for public facilities at adopted levels of service.

Policy 10.4 – Future development will provide single family lots and associated designs that will enhance the sense of neighborhood.

Policies 11.1, 11.3 – Future development will be compatible with adjacent land uses. There is no commercial development or multifamily associated with this plan.

REVIEW COMMENTS

Page 1 of 2

FILE # ANX-1999-271

TITLE HEADING: CROWE ANNEXATION/GROWTH
PLAN AMENDMENT

LOCATION: SE cor 26 1/2 & I Rds

PETITIONER: Best Buy Homes LLC

PETITIONER'S ADDRESS/TELEPHONE: 330 Milburn Ct
Carbondale CO 81623
963-7111

PETITIONER'S REPRESENTATIVE: Thompson-Langford
243-6067

STAFF REPRESENTATIVE: Dave Thornton

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 3:00 P.M., DECEMBER 23, 1999.

CITY COMMUNITY DEVELOPMENT

12-13-99

Dave Thornton

244-1450

1. We are still waiting for a signed Annexation Petition for this property. This must be received by our office no later than December 23, 1999 to keep this Growth Plan Amendment on schedule for a January, 2000 Planning Commission hearing.
2. Resolution No. 59-99 amended the Growth Plan on April 21, 1999 for 1) the approved Summer Hill Subdivision project located directly east and south of this proposed project and 2) filings 1-7 of the existing Paradise Hills Subdivision located directly south of Summer Hill. The Summer Hill approved residential density is 2.5 units per acre.
3. The requested Zone of Annexation of RSF-4 is allowable under the current Land Use category in the Growth Plan of 4 to 7.9 units per acre. However, under densities of 4 to 7.9 units per acre, the minimum densities allowed as proposed in the proposed draft zoning and development code (80% of minimum density) is 125 dwelling units on this 38.91-acre parcel giving the property a density of 3.2 units per acre. Under this scenario, the property would be required to develop to at least 3.2 units per acre which is higher than the 2.5 units per acre of Summer Hill to the east and much higher than the Mesa County densities to the west consisting of lots between 2 acres and 5 acres in size. It is also higher than the overall density of Paradise Hills.
4. What will be the proposed density of future development on this site?
5. The Plan Amendment criteria - Section D.4 that must be addressed when considering a Growth Plan Amendment has been adequately addressed by the applicant. Staff concurs that the character and/or condition of the area have changed enough that the amendment is acceptable.

CITY DEVELOPMENT ENGINEER

12-03-99

Rick Dorris

256-4034

No comment at this time. Engineering feedback is forthcoming as discussed in the pre-application conference.

REVIEW COMMENTS / ANx-1999-271 / PAGE 2 OF 2

CITY ATTORNEY
Stephanie Rubinstein

12-09-99
244-1501

No comments.

MESA COUNTY PLANNING
Michael Warren

12-14-99
244-1867

The property is zoned Agricultural Forestry Transition (AFT) and identified as Residential Medium Density on the City of Grand Junction Growth Plan's Future Land Use Map, (page 80 in the Mesa Countywide Land Use Plan).

The requested change in density from 4-7.9 to 2 -3.9 is appropriate relative to Plan Amendment Criteria - Section D.4. Criteria C & D. The character and/or condition of the area has changed enough that the amendment is acceptable.

Recommended and requested densities are generally compatible with the intent of the plan given the surrounding development and densities.

CITY ADDRESSING
Ronnie Edwards

11-10-99
256-4008

No comments.

PETITIONER'S RESPONSE TO REVIEW COMMENTS

FILE: #ANX-1999-271

DATE: December 23, 1999

TITLE: Crowe Annexation/Growth Plan Amendment

LOCATION: SE cor 26 ½ & I Roads

PETITIONER: Best Buy Homes, LLC

PETITIONER'S REPRESENTATIVE: Thompson-Langford Corporation

STAFF REPRESENTATIVE: Dave Thornton

PETITIONER'S RESPONSES

City Community Development / Dave Thornton

1. The signed annexation agreement has been submitted.
2. Summer Hill Subdivision comment acknowledged.
3. Comments acknowledged.
4. The proposed density has not been determined but will likely be between 2.5 and 3.5 units per acre. This assumption, being made without the benefit of a preliminary plan, is based on an average lot size of 10,000 to 13,000 s.f., with exceptions for roadways, tracts, easements, floodplains etc.
5. Comment acknowledged.

City Development Engineer/ Rick Dorris

1. No comment with this action.

City Attorney/Stephanie Rubinstein

1. No comments.

Mesa County Planning/Michael Warren

1. Comments acknowledged, no exception taken.

City Addressing/Ronnie Edwards

1. No comment.

Attach 15

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: February 16, 2000

Date Prepared: February 9, 2000

Author: Kathy Portner

Title: Planning Manager

Presenter Name: Kathy Portner

Title: Planning Manager

Subject: ANX-1999-277 Accepting the Petition and Second Reading of the Annexation Ordinance for the Webb Crane Annexation, located at 761 23 1/2 Road.

Summary: The 24.75 acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment for a portion of this property.

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: Council acceptance of the petition and the second reading of the annexation ordinance.

Citizen Presentation: Yes No. If yes,

Name Kevin Williams

Purpose Applicant

Report results back to Council? No Yes, When _____

Placement on agenda: Consent Individual Consideration
Workshop

CITY OF GRAND JUNCTION

DATE: February 9, 2000

CITY COUNCIL

STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: ANX-1999-277 Accepting the Petition and Second Reading of the Annexation Ordinance for the Webb Crane Annexation, located at 761 23 1/2 Road.

SUMMARY: The 24.75 acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment for a portion of this property.

ACTION REQUESTED: Council approval of the Resolution accepting the petition and the second reading of the annexation ordinance, as well as approval to exercise land use jurisdiction.

BACKGROUND INFORMATION:

Location: 761 23 ½ Road

Applicant: Webb Crane

Existing Land Use: Webb Crane and undeveloped property

Proposed Land Use: Expansion of Webb Crane

Surrounding Land Use:

North: Large lot single family

South: I-70, heavy commercial, light industrial

East: 23 ½ Road and Kenworth Trucking

West: Triune Mining Supply

Existing Zoning: County PC (Planned Commercial) and AFT

Proposed Zoning: I-1 (Light Industrial) or Planned Industrial

Surrounding Zoning:

North: County AFT (1 unit per 5 acres)

South: County AFT, PUD, C-2 and I-1

East: County PC and PUD

West: County PC and AFT

Relationship to Comprehensive Plan:

The Future Land Use Map designates the south half of this property as Commercial and the north portion as Residential Estate, 2 to 5 acres per unit.

Staff Analysis:

Pursuant to the 1998 Persigo Agreement, all new development located within the “Annexable Area” is required to annex into the City of Grand Junction. The Webb Crane Annexation petition has been signed by the property owners as a part of their request for a Growth Plan Amendment for a portion of the property.

This annexation consists of annexing three parcels of land of approximately 20 acres, as well as a portion of the 23 ½ Road and I-70 right-of-way.

It is the opinion of Staff, based on their 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 Webb Crane 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.

The Webb Crane annexation will create an enclave of four properties south of I-70.

RECOMMENDATION:

Staff recommends approval.

WEBB CRANE ANNEXATION SUMMARY

File Number:	ANX-1999-277
Location:	761 23 ½ Road
Tax ID Number:	2701-322-00-069 2701-322-05-002 2701-322-00-084
Parcels:	3
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres:	24.75 acres for annexation area 20 acres for property
Developable Acres Remaining:	approximately 9 acres
Right-of-way in Annexation:	Portions of 23 ½ Road and I-70
Previous County Zoning:	PC (Planned Commercial) and AFT
Proposed City Zoning:	I-1 (Light Industrial)
Current Land Use:	Webb Crane and undeveloped
Future Land Use:	Proposal to expand Webb Crane
Assessed Values:	Land = \$ 24,940 Improvements = \$ 99,530 TOTAL VALUE = \$ 124,470
Census Tract:	15
Address Ranges:	<ul style="list-style-type: none">• 761 23 ½ Road
Special Districts:	
Water:	Ute Water
Sewer:	

Fire:
Drainage:
School:
Pest:

Grand Junction Rural District
Grand Junction Drainage
District 51

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION ACCEPTING PETITIONS FOR ANNEXATION,
MAKING CERTAIN FINDINGS
DETERMINING THAT PROPERTY KNOWN AS
WEBB CRANE ANNEXATION, INCLUDING A PORTION OF THE 23 ½ ROAD
AND I-70 RIGHT-OF-WAY,
IS ELIGIBLE FOR ANNEXATION**

LOCATED AT 761 23 ½ ROAD

WHEREAS, on the 5th day of January, 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:

WEBB CRANE ANNEXATION

A parcel of land situate in the North 1/2 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 32; thence S 00°02'00" E along the north-south centerline of said Section 32 a distance of 1539.64 feet to the northeast corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32 and True Point of Beginning for the parcel described herein; thence S 00°02'00" E along said north-south centerline a distance of 441.75 feet of the southeast corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°58'00" E a distance of 40.00 feet to a point on the east right of way line for 23 1/2 Road; thence S 00°02'00" E along said east right of way line a distance of 349.97 feet to a point; thence continuing along said east right of way line S 44°50'30" E a distance of 70.90 feet to a point on the north right of way line for Interstate 70; thence crossing said Interstate 70 S 00°20'00" W a distance of 203.02 feet to a point; thence N 89°40'00" W along a line 2.00 feet north of and parallel with the south right of way line for said Interstate 70 a distance of 855.13 feet to a point; thence crossing said Interstate 70 N 00°02'00" W a distance of 203.00 feet to a point on the north right of way line for said Interstate 70 (said point also being the southeast corner of Lot 1 of Elder, Quinn, & McGill Inc. Planned Commercial Park as found recorded in Plat book 12 at Page 338 of the records of the Mesa County Clerk and Recorder); thence N 00°02'00" W along the east line of Lot 1 of said Elder, Quinn, & McGill Inc. Planned Commercial Park a distance of 393.93 feet to the northeast corner of said Lot 1; thence S 89°54'04" W along the north line of said Lot 1 a distance of 553.38 feet to the southwest corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N

00°05'56" W along the west line of the SE 1/4 NW 1/4 of said Section 32 a distance of 441.75 feet to the northwest corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°54'04" E along the north line of the south 441.75 feet of said N 1/2 SE 1/4 NW 1/4 a distance of 1320.34 feet to the point of beginning, containing 24.75 acres more or less.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of February, 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**

**WEBB CRANE ANNEXATION
APPROXIMATELY 24.75 ACRES
INCLUDING A PORTION OF THE 23 1/2 ROAD AND I-70 RIGHT-OF-WAY
LOCATED AT 761 23 1/2 ROAD**

WHEREAS, on the 5TH day of January, 2000 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 16th day of February, 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:

WEBB CRANE ANNEXATION

A parcel of land situate in the North 1/2 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 32; thence S 00°02'00" E along the north-south centerline of said Section 32 a distance of 1539.64 feet to the northeast corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32 and True Point of Beginning for the parcel described herein; thence S 00°02'00" E along said north-south centerline a distance of 441.75 feet of the southeast corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°58'00" E a distance of 40.00 feet to a point on the east right of way line for 23 1/2 Road; thence S 00°02'00" E along said east right of way line a distance of 349.97 feet to a point; thence continuing along said east right of way line S 44°50'30" E a distance of 70.90 feet to a point on the north right of way line for Interstate 70; thence crossing said Interstate 70 S 00°20'00" W a distance of 203.02 feet to a point; thence N 89°40'00" W along a line 2.00 feet north of and

parallel with the south right of way line for said Interstate 70 a distance of 855.13 feet to a point; thence crossing said Interstate 70 N 00°02'00" W a distance of 203.00 feet to a point on the north right of way line for said Interstate 70 (said point also being the southeast corner of Lot 1 of Elder, Quinn, & McGill Inc. Planned Commercial Park as found recorded in Plat book 12 at Page 338 of the records of the Mesa County Clerk and Recorder); thence N 00°02'00" W along the east line of Lot 1 of said Elder, Quinn, & McGill Inc. Planned Commercial Park a distance of 393.93 feet to the northeast corner of said Lot 1; thence S 89°54'04" W along the north line of said Lot 1 a distance of 553.38 feet to the southwest corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 00°05'56" W along the west line of the SE 1/4 NW 1/4 of said Section 32 a distance of 441.75 feet to the northwest corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°54'04" E along the north line of the south 441.75 feet of said N 1/2 SE 1/4 NW 1/4 a distance of 1320.34 feet to the point of beginning, containing 24.75 acres more or less.

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

INTRODUCED on first reading on the 5th day of January, 2000.

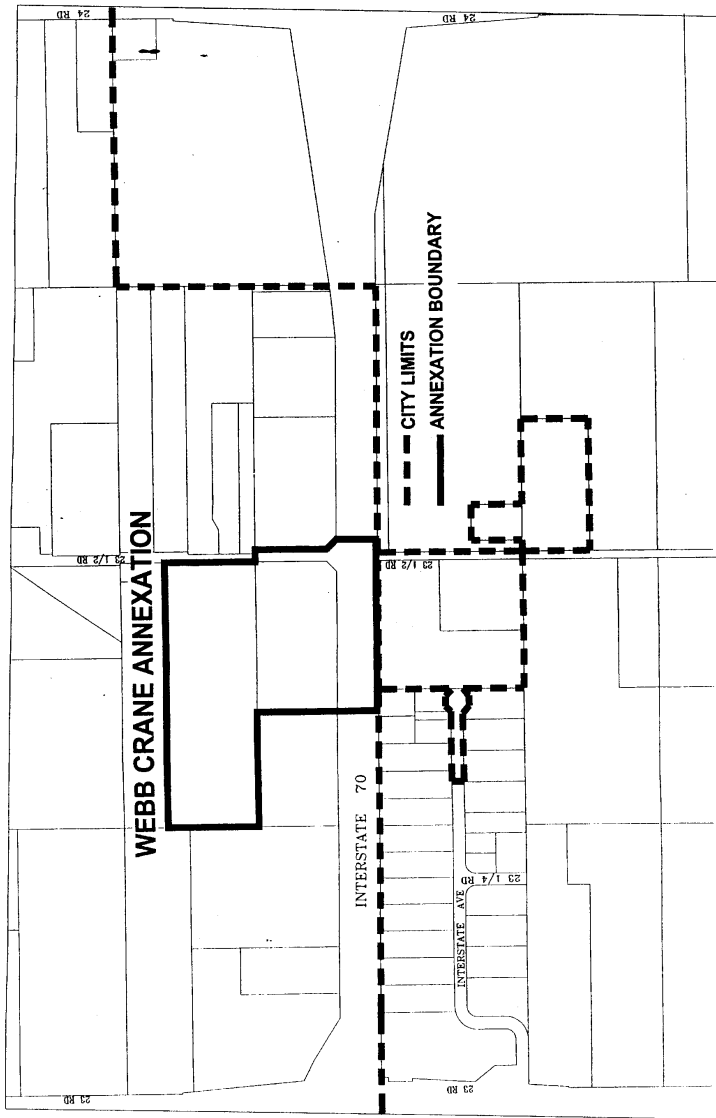
ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

President of the Council

City Clerk





Attach 16

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: February 16, 2000

Date Prepared: February 9, 2000

Author: Kathy Portner

Title: Planning Manager

Presenter Name: Kathy Portner

Title: Planning Manager

Subject: ANX-1999-277 Request to amend the Growth Plan for a portion of the Webb Crane Annexation, located at 761 23 ½ Road.

Summary: The owners of the 24.75 acre Webb Crane Annexation are requesting to amend the Growth Plan for the northern portion of their property from Residential Estate (2 to 5 acres per unit) to Commercial/Industrial.

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: Council consideration of the Growth Plan Amendment Resolution.

Citizen Presentation: Yes No. If yes,

Name Kevin Williams

Purpose Applicant

Report results back to Council? No Yes, When _____

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

AGENDA TOPIC: ANX-1999-277 Growth Plan Amendment for the Webb Crane Annexation, located at 761 23 ½ Road.

SUMMARY: Request for a Growth Plan Amendment from Residential Estate to Commercial/Industrial for a portion of the Webb Crane property.

ACTION REQUESTED: City Council consideration of the Growth Plan Amendment Resolution.

BACKGROUND INFORMATION:

Location: 761 23 ½ Road

Applicant: Webb Crane

Existing Land Use: Webb Crane and undeveloped property

Proposed Land Use: Expansion of Webb Crane

Surrounding Land Use:

North: Large lot single family

South: I-70, heavy commercial, light industrial

East: 23 ½ Road and Kenworth Trucking

West: Triune Mining Supply

Existing Zoning: County PC (Planned Commercial) and AFT

Proposed Zoning: I-1 (Light Industrial)

Surrounding Zoning:

North: County AFT (1 unit per 5 acres)

South: County AFT, PUD, C-2 and I-1

East: County PC and PUD

West: County PC and AFT

Relationship to Comprehensive Plan:

The Future Land Use Map designates the south half of this property as Commercial and the north portion as Residential Estate, 2 to 5 acres per unit.

There are many goals and policies that also need to be considered with this request. Those include:

Policy 1.8—The City and County will use zoning and special area policies to describe the preferred types of non-residential development in different parts of the community.

Policy 1.9—The City and County will direct the location of heavy commercial and industrial uses with outdoor storage and operations in parts of the community that are screened from view from arterial streets. Where these uses are adjacent to arterial streets, they should be designed to minimize views of outdoor storage, loading and operations areas.

Policy 11.1—The City and County will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.

Policy 11.2—The City and County will limit commercial encroachment into stable residential neighborhoods. No new commercial development will be allowed in areas designated for residential development unless specifically approved as part of a planned development.

Policy 12.3: The City and County will protect stable residential neighborhoods from encroachment of incompatible residential and non-residential development.

Policy 18.1: The City and County will coordinate with appropriate entities to monitor the supply of land zoned for commercial and industrial development and retain an adequate supply of land to support projected commercial and industrial employment.

In addition, the North Central Valley Plan states the following:

- North of Interstate 70, west of 24 Road—allow commercial uses in areas with current appropriate zoning. Require new development to be designed to minimize the views of outdoor storage and operations areas.
- Approve rezoning requests only if compatible with existing land uses and consistent with the North Central Valley Future Land Use Plan.

Staff Analysis:

Webb Crane, located at 761 23 ½ Road, currently operates on an approximately 7 acre parcel along the I-70 frontage Road, zoned PC (Planned Commercial) (Parcel 1), and 4.5 acres of the 13 acre parcel to the north, zoned AFT with a Conditional Use Permit for the 4.5 acres (Parcel 2). The current use of the

property is for Webb Crane's offices, shop, and parking and storage of specialized lifting equipment.

Parcel 1 was rezoned by Mesa County to PC in 1982 to allow for a trucking business. A Conditional Use Permit was approved by Mesa County in 1998 for 4.5 acres of Parcel 2 for equipment parking and storage of specialized lifting equipment. The owners are now requesting a rezone to I-1 for Parcels 1 and 2 to allow for the continued use of the properties and the expansion of the business to the remaining 8.5 acres of Parcel 2.

Growth Plan Amendment

In considering a request for a Growth Plan Amendment the following must be considered:

A. There was an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for.

Both the adopted Future Land Use Map of the Growth Plan and the subsequent North Central Valley Plan identified non-residential uses for Parcel 1 only. Parcel 2 was designated for Residential Estate land use by the North Central Valley Plan. Even though the Conditional Use Permit for a portion of Parcel 2 had been approved by Mesa County just prior to the adoption of the North Central Valley Plan, the Plan document did not acknowledge any further expansion of the non-residential uses to the north.

B. Events subsequent to the adoption of the Plan have invalidated the original premises and findings.

The North Central Valley Plan was adopted less than two years ago. There have not been significant changes in this area since then to invalidate the findings of that plan.

C. The character and/or condition of the area has changed enough that the amendment is acceptable.

The recent development in the area has continued to fill in those areas already designated non-residential on both the Growth Plan and subsequent North Central Valley Plan. It has not expanded the non-residential uses further to the north.

D. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans.

The proposed change is not consistent with many of the stated goals and policies of the Growth Plan and the North Central Valley Plan as outlined under

“Relationship to Comprehensive Plan”. Expanding the non-residential designation to the north property line would greatly increase the depth of the commercial/industrial area into the residential area as compared to the designations to the east and west. However, the size and configuration of the portion of Parcel 2 that has the Conditional Use Permit better aligns with the non-residential uses to the west and offers substantial buffers to the residential properties to the north and east.

E. Public and community facilities are adequate to serve the type and scope of land use proposed.

Adequate public facilities are available or could reasonably be extended for the proposed change. There would, however, be concern with the potential use of 23 ½ Road as an access point for commercial/industrial uses.

F. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use.

As noted by the applicant, there is an adequate supply of commercial/industrial designated land in the community, but not directly adjacent to their existing site.

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

There are certainly benefits to the community for local businesses such as Webb Crane to provide the services they do, but this request must be looked at in terms of benefits of expanding a non-residential land use into an area designated for residential development. The neighboring property owners have concerns with the expansion.

Based on the above analysis, staff cannot support the requested Growth Plan Amendment. However, the limited expansion of the non-residential designation to include the portion of Parcel 2 with the Conditional Use Permit might be appropriate.

At the Planning Commission hearing the applicant withdrew the request for zoning pending the outcome of the request to amend the Growth Plan. Based on the direction of the Planning Commission, the applicant will most likely come back with a request to zone the entire property to a Planned Zone.

STAFF RECOMMENDATION:

Staff recommends denial of the Growth Plan Amendment to redesignate parcel 2 from Residential Estate to Commercial/Industrial.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the request to amend the Growth Plan from Residential Estate to Commercial/Industrial. The Commission also gave the applicant specific direction on components of a planned zone they would expect to see. Those included a landscaped berm along the north and east perimeter of the property, residential uses along 23 ½ Road and the northern portion of the property being limited to storage use.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION
(WEBB CRANE ANNEXATION TO COMMERCIAL/INDUSTRIAL)**

Recitals:

The Webb Crane property, located at 761 23 ½ Road is designated as Commercial and Residential Estate land use on the Future Land Use Map of the Growth Plan. The surrounding land use designations are Commercial to the east and west and Residential Estate to the north.

The property was recently annexed to the City of Grand Junction. The owner has requested a Growth Plan Amendment to redesignate the northern portion of the property from Residential Estate to Commercial/Industrial to allow for the expansion of Webb Crane.

The City Council finds that the request meets the Growth Plan Amendment criteria as adopted in the “Agreement Between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan” in the following ways:

4. There was an error in the original plan in designating this property as Residential Estate.
5. Public and community facilities are adequate to serve the type and scope of land use proposed.
6. The community will derive benefits from the proposed amendment.

The Grand Junction Planning Commission recommended approval of the Growth Plan Amendment from Residential Estate to Commercial/Industrial. Staff recommends that if the northern portion of the property is changed to Commercial/Industrial, that the southern portion should also be changed from Commercial to Commercial/Industrial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS RECLASSIFIED FROM THE COMMERCIAL AND RESIDENTIAL ESTATE LAND USE CATEGORY TO COMMERCIAL/INDUSTRIAL.

A parcel of land situate in the North 1/2 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 32; thence S 00°02'00" E along the north-south centerline of said Section 32 a distance of 1539.64 feet to the northeast corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32 and True Point of Beginning for the parcel described herein; thence S 00°02'00" E along said north-south centerline a distance of 441.75 feet of the southeast corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°58'00" E a distance of 40.00 feet to a point on the east right of way line for 23 1/2 Road; thence S 00°02'00" E along said east right of way line a distance of 349.97 feet to a point; thence continuing along said east right of way line S 44°50'30" E a distance of 70.90 feet to a point on the north right of way line for Interstate 70; thence crossing said Interstate 70 S 00°20'00" W a distance of 203.02 feet to a point; thence N 89°40'00" W along a line 2.00 feet north of and parallel with the south right of way line for said Interstate 70 a distance of 855.13 feet to a point; thence crossing said Interstate 70 N 00°02'00" W a distance of 203.00 feet to a point on the north right of way line for said Interstate 70 (said point also being the southeast corner of Lot 1 of Elder, Quinn, & McGill Inc. Planned Commercial Park as found recorded in Plat book 12 at Page 338 of the records of the Mesa County Clerk and Recorder); thence N 00°02'00" W along the east line of Lot 1 of said Elder, Quinn, & McGill Inc. Planned Commercial Park a distance of 393.93 feet to the northeast corner of said Lot 1; thence S 89°54'04" W along the north line of said Lot 1 a distance of 553.38 feet to the southwest corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 00°05'56" W along the west line of the SE 1/4 NW 1/4 of said Section 32 a distance of 441.75 feet to the northwest corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°54'04" E along the north line of the south 441.75 feet of said N 1/2 SE 1/4 NW 1/4 a distance of 1320.34 feet to the point of beginning, containing 24.75 acres more or less.

PASSED on this 16th day of February, 2000.

ATTEST:

City Clerk

President of Council



DEVELOPMENT APPLICATION
 Community Development Department
 250 North 5th Street, Grand Junction, CO 81501
 (970) 244-1430

Receipt _____
 Date _____
 Rec'd By _____
 File No. _____

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input checked="" type="checkbox"/> Zone of Annex		20 acres	761 23½ Road Grand Junction, CO	Light Industrial (I-1)	Construction Equipment Sales/Rental & Storage of Heavy Equipment - Cranes
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					
<input type="checkbox"/> Site Plan Review					
<input type="checkbox"/> Property Line Adj.					
<input checked="" type="checkbox"/> Growth Plan Amendment		20 acres	761 23½ Road Grand Junction, CO	From: Commercial/Estate To: Commercial/Industrial	Construction Equipment Sales/Rental & Storage of Heavy Equipment - Cranes

Webb Crane, Inc.	Same as property owner	Development Concepts, Inc., Mike Joyce, AICP
Property Owner Name	Developer Name	Representative's Names
761 23½ Road	Same	2764 Compass Drive, # 217-1
Address	Address	Representative's Addresses
Grand Junction, CO 81506	Same	Grand Junction, CO 81506
City/State/Zip	City/State/Zip	Representative's City/State/Zip
(970) 242-3656	Same	(970) 255-1131
Business Phone No.	Business Phone No.	Representative's Business Phone Numbers

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

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

Signature of Person Completing Application _____ Date _____
 Mike Joyce, AICP

Signature of Property Owner(s) - attach additional sheets if necessary _____ Date 11/3/99
 Webb Crane, Inc. by: William Kevin Williams

(Print Name & Title) William Kevin Williams

Development Concepts, Inc.

Planning and Development Services

2764 Compass Drive
Suite 217-1
Grand Junction, CO 81506

Office - 970 - 255-1131
Fax - 970 - 255-1159
e-mail - yobubba@gjct.net

Webb Crane Service, Inc. Annexation, Growth Plan Amendment, and Zone of Annexation to Light Industrial (I-1)

General Project Report

Parcels # 2701-322-00-069 & 2701-322-05-002
Petitioner: Webb Crane Service, Inc.

November 24, 1999

Project Description

This application proposes the Annexation to the City of Grand Junction, *Growth Plan* Amendment, and rezone from the Mesa County zoning of Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) to the City zoning of Light Industrial (I-1) for a 20-acre parcel (Attachment 1 - Assessor's Map). The current use of property is for Webb Crane Service's offices, shop, and parking and storage of specialized lifting equipment. Typical equipment stored on the subject property includes multiple axle cranes, tower cranes, crane boom extensions and support vehicles, forklifts, flatbeds and tractors.

The subject property is located in the urbanizing area of the *Mesa Countywide Land Use Plan* (a.k.a. - *Growth Plan*). According to the Persigo Agreement, the property must be annexed into the City of Grand Junction when further development of a property is anticipated. The subject property is also located in the *North Central Valley Plan* area. Due to the increased demand for Webb Crane's services, the facility must be expanded to meet this demand. The western property boundary is developed by Lift Industries; the I-70 Frontage Road and I-70 abut the southern property boundary; and, 23½ Road and Kenworth Truck Services are developed to the east. The only viable option available to Webb Crane is to expand to the north.

Prior to the adoption of the Persigo Agreement, Webb Crane, Inc., applied and was granted a Conditional Use Permit (CUP) in an Agricultural Forestry Transitional (AFT) zone from Mesa County. A portion of the existing property's use is in conformance with the *Growth Plan* and the *North Central Valley Plan*. The subject property currently has a split zone (Attachment 2 - Mesa County Zoning Maps). A portion is zoned Planned Commercial (PC), and is in compliance with Mesa County zoning regulations and the *Mesa Countywide Land Use Plan*. A 4.5-acre portion of the 13-acre AFT zoned parcel (Parcel #2701-322-00-069) is currently operating under an approved Mesa County Conditional Use Permit to allow the storage of heavy equipment in an AFT zone (Mesa County File # C278-97 and Resolution MCM 98-101), but is not in conformance with the *Growth Plan* Exhibit V.2, Future Land Use Map.

Development Concepts - Where Concepts Become Real

Surrounding Land Use/Zoning

LAND USE - The following Land-uses surround the subject property:

- ❖ North - Unsubdivided parcels used for single family homes with accessory agricultural uses
- ❖ South - I-70 and, planned heavy commercial and light industrial uses
- ❖ East - 23½ Road and the Kenworth Trucking Facility
- ❖ West - Triune Mining Supply

ZONING - The subject property is zoned Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) by Mesa County. Zoning in the surrounding area is comprised of Mesa County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) zoning along the north side of the Frontage Road and City of Grand Junction Planned Commercial lands on the south side of Interstate 70. Within a ½ mile radius of the subject property, properties are zoned by Mesa County and the City of Grand Junction as:

- ❖ North - AFT
- ❖ South - AFT, PUD
- ❖ East - PC, PUD
- ❖ West - AFT, PC

Planned Commercial, Industrial and Commercial/Industrial zoning and land use dominates this area of unincorporated Mesa County, and recently annexed City of Grand Junction lands, filling in the area bounded roughly by 23 Road to the west, 24 Road to the east, Interstate 70 to the south and the G½ Road line north. The general area's zoning and land use in place takes advantage of a location removed from populated areas, but within the realm of excellent state and federal transportation opportunities and facilities.

The 20-acre parcel is located at the northwest corner of the Interstate 70 (I-70) frontage road and 23½ Road. Developments along the north side of the I-70 frontage road include:

- ❖ Webb Crane Service (existing facility), Lot 1 of the Williamson Commercial Subdivision, plus unplatted 2-acre parcel to the west
- ❖ Elder, Quinn & McGill, Inc. Planned Commercial Park (Triune Mining Supply)
- ❖ Appleton West Planned Commercial Park
- ❖ Kenworth Trucking Facility Planned Commercial plat
- ❖ 23 Road Industrial Park - recorded plat, with partial improvements in place
- ❖ Fellowship Church
- ❖ Honnen Equipment – heavy equipment sales

Planned Commercial developments along the south side of Interstate 70 frontage include:

- ❖ Interstate Commercial Park
- ❖ Former Grand Junction Tech Center (RV Park Subdivision)

Mesa County Agricultural Forestry Transitional (AFT) lands dominate the unincorporated lands north of the Webb Crane facility.

Growth Plan Amendment

The City of Grand Junction and Mesa County have executed the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" that is in effect until such time as the City and County amend their development codes to provide said processes. The Agreement provides only a frame work for these processes in order that each party may adopt their own specific procedures and policies. The Administrative Regulation, dated March 22, 1999, serve as the City's procedures and policies regarding Joint Plan Consistency Reviews and Amendments. The City and the County may amend the *Plan* if they find that the amendment is consistent with the overall purpose and intent of the adopted *Plan*.

The subject properties are located in the urbanizing area of the *Mesa Countywide Land Use Plan*, also known as the *City of Grand Junction Urban Growth Plan (Growth Plan)*(Attachment 3 - *Growth Plan Future Land Use Map*). Pursuant to the Persigo Agreement, the Sewer Service Area (a.k.a. - Urban Growth Boundary) was revised to include the subject property in October 1999. The subject property is also located in the *North Central Valley Plan* area, adopted (Resolution 38-98) by the City of Grand Junction on June 3, 1998. The *North Central Valley Plan* (page 13) notes that land-uses north of I-70 are to be "Non-residential uses along I-70 (north side) per current zoning"(Attachment 4 - *North Central Valley Plan Future Land Use Map*).

No new *Growth Plan* defined Activity Centers are proposed to be developed with the expansion of the subject property. The *Growth Plan* and the *North Central Valley Plan* indicates the land-use for this area to be Commercial, Commercial/Industrial and Rural development (*Growth Plan*); and, Non-residential and Estate development (*North Central Valley Plan*). Table 1 indicates the Land-use, Intensity and Typical Uses found in Future Land Use Categories of Exhibit V.2 of the *Growth Plan* for the general area of the proposed *Growth Plan* amendment. Webb Crane is requesting a *Growth Plan* and *North Central Valley Plan* amendment of the subject property to Commercial/Industrial from Commercial, and Estate land-uses.

Table 1
Growth Plan Future Land-use Categories
I-70 Northern Frontage Road

Land Use		Intensity	Typical Uses
Urban	Commercial	Urban - intensity based on location/ services	Wide range of commercial development - offices, retail, service, lodging, entertainment - with no outside storage or operations. Mixed commercial and residential developments will be encouraged in some areas.
Urban	Commercial/ Industrial	Urban - intensity based on location/ services	Heavy Commercial, offices and light industrial uses with outdoor storage, but no outdoor operations other than sales (e.g., office/warehouse uses, auto sales, auto repair shops, limber yards, light manufacturing). Some yard operations may be permitted through the planned development process where adequate screening and buffering can be provided to ensure compatibility with existing and planned development in the vicinity of proposed uses. Residential uses are not appropriate.
Rural	Estate	Rural - 2 acre minimum lot size	Typical "estate" style single family homes on large lots of 2 to 5 acres. Centralized services might be needed depending on site conditions and proximity to existing services. Zoning will regulate the intensity of agricultural operations permitted in Estate parcels.

The following criteria from the Administrative Regulation is to be used to determine if the *Growth Plan* amendment should be approved:

- A. There was an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;

The *Growth Plan* is considered to be a "living" document. The *Growth Plan* effort was developed to provide generalized land-uses in the City of Grand Junction and unincorporated Mesa County from 1996 to 2010. While no conscious errors were made in drafting the *Growth Plan*, certain facts, projects, trends have occurred since the adoption in 1996 of the *Growth Plan* document. Many of the existing facts, projects and trends that may not have been accounted for in the drafting of the *Plan* were the relocation of the Fellowship Church and continued economic and construction growth trends in western Colorado and eastern Utah.

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and construction growth trends. In an October 27, 1999, "Preliminary Market Findings" for the 24 Road Corridor Area Plan, by Leland Consulting Group, indicates that the Grand Junction and unincorporated Mesa County areas will continue the current levels of growth in all sectors – retail, office, industrial and residential. The Market Context of the "Supply Conditions" state:

- ✓ High levels of residential growth and speculative non-residential construction in western Colorado
- ✓ Overall market stability in retail, office and industrial sectors, with falling vacancy rates (10% to 15%), steady absorption and increased rent inflation

This study also reviewed "Demand Factors" of population, number of households, and household size for Mesa County. This information is shown in Tables 2, 3, and 4.

Table 2
Population and Population Projections for City of Grand Junction and Mesa County
1990 - 2010

Year	Grand Junction Population	Annual Percent Change Grand Junction	Mesa County Population	Annual Percent Change Mesa County
1990	32,893	1990-1999 - 3.05%	93,145	1990-1999 - 2.49%
1999	43,100		116,255	
2005	47,100	1999-2005 - 1.49%	128,201	1999-2005 - 2.79%
2010	50,300	2006-2010 - 1.32%	139,624	2006-2010 - 1.72%

Source: Leland Consulting Group

Table 3
Households and Household Projections
for the City of Grand Junction and Mesa County – 1990 - 2010

Year	Grand Junction Households	Annual Percent Change Grand Junction	Mesa County Households	Annual Percent Change Mesa County
1990	14,300	1990-1999 - 3.04%	36,250	1990-1999 - 2.79%
1999	18,700		46,437	
2005	20,700	1999-2005 - 1.71%	52,030	1999-2005 - 1.91%
2010	22,200	2006-2010 - 1.41%	57,223	2006-2010 - 1.92%

Source: Leland Consulting Group

Table 4
Household Size for the
City of Grand Junction and Mesa County – 1990 - 2010

Year	Grand Junction	Mesa County
1990	2.15	2.5
1999	2.08	2.45
2005	2.04	2.42
2010	2.02	2.41

Source: Leland Consulting Group

The *Growth Plan*, completed in 1996, states in Exhibit III.2 – Population Change, that the average growth for the City of Grand Junction from 1995 to 2010 was projected at 2%. According to the Leland study population growth from 1990 to 1999 actually increased at an annual rate of 3.05%. The annual number of households is increasing at an annual rate of 2½% to 3%. The Leland Consulting Group considers this population and household growth as “very healthy.” The demographics also indicate that Mesa County is keeping pace with the State of Colorado average growth. The average estimated household size in the State of Colorado for 1999 is 2.5.

In reviewing another “Demand Factor,” Employment Growth, in Mesa County is indicated in Table 5.

Table 5
Mesa County Employment Growth
1990-2010

Annual Average Change	Mesa County
1995-2000	4.12%
2001-2005	2.98%
2006-2010	2.28%

Source: Leland Consulting Group

Once again, the Leland Consulting Group indicated that employment growth was "very healthy and is considered significant." What Tables 2-5 indicate is that the City of Grand Junction and Mesa County are outpacing the projections of the *Growth Plan*, which causes a greater demand for construction support, and other commercial/industrial services.

The Leland Consulting Group also calculated the annual Market Demand by Segment. The findings are found in Table 6.

Table 6
Market Demand by Segment
1999-2005

Years	Annual Retail Demand Square Feet Per Year*	Industrial Demand Square Feet Per Year	Office Demand Square Feet Per Year	Multi-Family Units Demand Per Year
1999-2005	70,000 to 110,000	156,974	145,524	205 to 300
2006-2010	70,000 to 110,000	171,939	139,147	205 to 300

* Mesa County is considered as the retail trade area. To fully determine the regional impact, Leland Consulting Group estimates the amount of annual demand should be increased by 30% or an additional 30,000 to 35,000 square feet per year.

Source: Leland Consulting Group

The "Preliminary Market Findings" for the *24 Road Corridor Area Plan* indicates a continued strong commercial/industrial and residential construction market in the City of Grand Junction and Mesa County. This construction demand will also require increased support services, not only for Mesa County, but for the western slope of Colorado and eastern Utah. In order to continue providing for the increased demands of their customers, is why Webb Crane must expand at this time.

The existing facts, projects, or trends used in the development of the *Growth Plan* were understated and/or were not anticipated since the adoption of the *Growth Plan* in 1996. The *Growth Plan* amendment **MEETS** this review criterion.

B. Events subsequent to the adoption of the Plan have invalidated the original premises and findings;

Please review Criterion A of the Administrative Regulation used to determine if a *Growth Plan* amendment should be approved to determine if subsequent events have invalidated the original premise and findings of the *Growth Plan* and the *North Central Valley Plan*.

Events subsequent to the adoption of the *Growth Plan* and the *North Central Valley Plan* have invalidated the original premises and findings due to the changes taking place in the surrounding area and the continued economic and construction growth in the City of Grand Junction, Mesa County and other areas. The proposed *Growth Plan* Amendment **MEETS** this review criterion.

C. The character and/or condition of the area has changed enough that the amendment is acceptable;

The character of the surrounding area has changed with the development of the Fellowship Church, the development of Honnan Equipment, and other proposed uses in the 24 Road corridor, and the I-70/24 Road exchange. The Fellowship Church is zoned Residential Single Family - Rural (RSF-5), which allows 1 dwelling unit per 5-acres. The *Growth Plan* and the *North Central Valley Plan* indicates the land-use for the church property as "Rural" and "Estate" residential. Although the land-use and zoning are designated as residential, the development of the church has had the impact of a commercial/industrial development to the surrounding area. The general area around the Webb Crane site is designated as Commercial, Commercial/Industrial and Rural development (*Growth Plan*); and, Non-residential and Estate development (*North Central Valley Plan*). No anticipated area for business growth of the existing commercial/industrial land-uses was accounted for in these Plans.

West of 23 Road is a platted subdivision, 23 Road Commercial Park. This subdivision was platted in the 1980s, with curb/gutter, waterlines and dry line sanitary sewer installed. This subdivision's *Growth Plan* Land Uses category is "Commercial/Industrial." The northern boundary of the 23 Road Commercial Park is located approximately 1,320-feet from the I-70. West of 24 Road is the Fellowship Church. This church has also been developed to approximately 1,320-feet north of I-70. The property at the northeast corner of 24 Road and I-70 has been designated in the *North Central Valley Plan* as an area which:

"Allow highway service oriented commercial development at this major entrance to the Grand Junction area (e.g., hotel, automobile service station, restaurant, etc.). The City should adopt strict design guidelines to maintain the aesthetic appeal of this important interchange."

This property also has the potential to develop approximately to approximately 1,320-feet north of I-70.

Both plans also designate several parcels for either rural and/or estate development along the I-70 frontage Road from 23 to 24 Road. The designation of these residential land use categories within a commercial and/or industrial area existing prior to the adoption of these Plans seems to be in error. Due to frontage road only being available between 23 and 24 Road, the continued development of the area, with a maximum depth of 1,320-feet, has more potential for commercial/industrial land-uses than residential due to land cost.

The character and/or condition of the area has changed that the proposed amendment **MEETS** this review criterion.

D. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

The *North Central Valley Plan*, adopted by the City of Grand Junction on June 3, 1998, indicates that the northeast corner of 24 and I-70 be designated as "Non-residential" land-

uses. The *North Central Valley Plan* states:

"Allow highway service oriented commercial development at this major entrance to the Grand Junction area (e.g., hotel, automobile service station, restaurant, etc.). The City should adopt strict design guidelines to maintain the aesthetic appeal of this important interchange."

The northwest corner of 24 Road and I-70 designated land-use is "Rural" (*Growth Plan*) and "Estate" (*North Central Valley Plan*). Although the land-use is designated "Rural" and "Estate," the Fellowship Church has one of the largest church memberships in Mesa County. The church facility has developed classroom, sanctuary and recreational facilities. The church holds 4 services on Sunday and 1 service on Wednesday night. Numerous other meetings are scheduled during week. This facility impacts the surrounding area approximately 1,320-feet to the north of I-70. Due to the amount of traffic generated and uses of the church's facilities, the impact of this church to the surrounding area is possibly greater than the impact of Webb Crane's existing or expansion site for the storage of heavy equipment.

The *North Central Valley Plan* (page 14) notes that land-uses south of I-70 to G Road (Parcels 1, 2, and 3) are to be:

"... Urban Densities and Uses (per joint Urban Area Plan or Growth Plan) within urban growth boundary. Infill development is encouraged with residential density classifications with the Urban Growth Boundary (Joint Urban Area Plan) generally more intensive than currently zoned."

Growth Plan, City of Grand Junction

The proposed *Growth Plan* Amendment is located in the Urban Planning Area of Mesa County. The proposed *Growth Plan* amendment also **MEETS** various goals and policies of the *Plan*, which are as follows:

Goal 4 - To coordinate the timing, location and intensity of growth with the provision of adequate public facilities

Policy 4.4 - The city and county will ensure that water and sanitary sewer systems are designed and constructed with adequate capacity to serve the proposed development. *All utility providers have indicated that adequate capacity is available for water and other utilities.*

Goal 5 - Efficient Use of Investments in Streets, Utilities and other Public Facilities

Policy 5.2 - Encourage development that uses existing facilities and is compatible with surrounding development - *All urban services are available to the property and the proposed Growth Plan Amendment is compatible with the surrounding area with adequate landscaping and buffering.*

Goal 9 - To recognize and preserve valued distinctions between different areas within the community.

Policy 9.2 - The city and county will encourage neighborhood designs which promote neighborhood stability and security. *This area of the Mesa County Conditional Use Permit was approved and developed due to increased demand for Webb Crane. The location of the Webb Crane*

facility allows their business to have excellent access to main transportation corridors. The location also causes concerns for the expansion of such uses. Due to the abutting western property being developed; the I-70 frontage road to the south; and, 23½ Road to the east, the only option available is to expand Webb Crane to the north. Webb Crane has provided buffering/screening in the past and will propose additional buffering/screening for the expanded site. In this manner, neighborhood compatibility and stability will occur.

Goal 11 - Promote stable neighborhoods and land use compatibility throughout the neighborhood

Policy 11.1 - Promote compatibility between adjacent land uses, addressing traffic, noise, lighting, height/bulk ...

Goal 15 - Housing - To achieve a mix of compatible housing types and densities dispersed throughout the community.

Policy 15.1 - The city and the county will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

The existing and proposed development pattern of the area is more commercial/industrial than agricultural or residential in its impacts to the surrounding area. The existing impacts extend approximately 1,320-feet to the north of I-70. By providing homes in a more compatible area, the Growth Plan Amendment MEETS Goals 11 and 15 of the Growth Plan.

Goal 22 - To preserve agricultural land

The Growth Plan amendment is taking place in the Urbanizing Area of Mesa County designated for urban development. No prime farm ground outside the urbanizing area is proposed to be taken out of production.

Goal 24 - To develop and maintain a street system which effectively moves traffic throughout the community

Webb Crane, as well as the other similar land-uses along the frontage road, must have controlled access points to mitigate possible transportation problems. With its direct access to I-70, from 24 Road, and the only frontage road available from 23 to 24 Road, the continued development and expansion of this area is apparent. Webb Crane will continue only to use the I-70 Frontage Road, not the 23½ Road access, for the movement of heavy equipment. Due to the amount of heavy equipment traffic, from not only Webb Crane, but Kenworth, Triune Mining Supply, Honnon Equipment, and Lift Industries, the continued commercial/industrial nature of the frontage road MEETS Goal 24 by providing a street system which effectively moves traffic.

Overall, the Growth Plan amendment and Zone of Annexation to Light Industrial (I-1) MEETS the numerous goals, but not the Land-Use Plan map of the Mesa Countywide Land Use Plan.

North Central Valley Plan

The 1998 adopted North Central Valley Plan designates this property for "Estate" Development. Estate areas will accept residential development between 2 and 5-acre densities.

The proposed subdivision meets various goals and policies of the *North Central Valley Plan*, which are as follows:

LAND USE/GROWTH MANAGEMENT GOALS

Encourage the conservation of agricultural and range lands capable of productive use.

Encourage future growth to locate in and around existing urban and rural communities.

Ensure that future development occurs in an orderly fashion, avoiding and minimizing noncontiguous, scattered development throughout the county.

AGRICULTURE POLICIES

New development should locate on land least suitable for productive agricultural use.

COMMUNITY IMAGE/CHARACTER GOALS

Promote stable neighborhoods and land use compatibility throughout the community.

Preserve agricultural lands.

Protect the citizens of Mesa County from the effects of manmade or natural hazards (geologic, avalanches, earthquakes, soils, flood plains, air pollution, odor, noise, wildfire).

Many of the goals and policies found in the *North Central Valley Plan* are found in the *Mesa Countywide Land Use Plan*. The proposed Growth Plan amendment and Zone of Annexation to Light Industrial (I-1) **MEETS** the spirit and intent of the *Mesa Countywide Land Use Plan*, *North Central Valley Plan*.

- E. Public and community facilities are adequate to serve the type and scope of land use proposed;

All urban services are available to the site, and have sufficient capacity for the urban density allowed by the proposed Light Industrial (I-1) zone. The subject property is currently served by:

Public Service Company – Natural Gas
Grand Valley rural Power – Electric
Grand Valley Irrigation Company – Irrigation Water
Grand Junction Drainage District – Drainage
Persigo 201 District – Sanitary Sewer
Ute District – Potable Water
US West -- Telephone
AT&T Cable Services – Cable Television
Grand Junction Rural Fire District – Fire Protection
Mesa County Sheriffs Department/Grand Junction Police – Police Protection

Webb Crane recently was served by the Persigo 201 sewer system and eliminated their septic system. This application proposes no addition of public services, as the heavy equipment storage area will be a "dry facility" with no new services required. The designated area for equipment storage is an extension of the existing Webb Crane Service facility, and as such will be accessed internally from that operation. No access occurs, or is proposed, to occur from 23½ Road to the storage area. Expressed as an extension of the existing operation, this application **MEETS** this criterion.

- F. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and,

Since the western property boundary is developed; the I-70 Frontage Road and I-70 are the southern property boundary; and, 23½ Road and Kenworth are developed to the east, the only option available to Webb Crane is to expand to the north. Webb Crane has been operating this facility at this location for many years.

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and construction growth trends. In an October 27, 1999, "Preliminary Market Findings" for the 24 Road Corridor Area Plan, by Leland Consulting Group, indicates that the Grand Junction and unincorporated Mesa County areas will continue with strong economic and construction growth trends in all sectors -- retail, office, industrial and residential.

The general area around the Webb Crane site is designated as Commercial, Commercial/Industrial and Rural development (*Growth Plan*); and, Non-residential and Estate development (*North Central Valley Plan*). No anticipated area for business growth of the existing commercial/industrial land-uses was accounted for in these Plans, especially to the north. Webb Crane, as well as the other commercial/industrial land-uses, have made substantial investment in their properties. For many of the existing businesses, to not be allowed the opportunity to expand and/or enhance their existing development is a wasteful use of the City's, County's and Company's existing infrastructure.

As currently zoned, an adequate supply of suitably designated land does not exist in the I-70 Frontage Road area, between 23 and 24 Roads. Community wide, an adequate supply of suitably designated land probably exists, but the moving of this facility to other properly designated property is not economically feasible. By allowing the proposed *Growth Plan* Amendment, the continuation of the historic commercial/industrial land-uses located along the frontage road of the I-70 corridor will be preserved. The proposed *Growth Plan* Amendment **MEETS** this review criterion.

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

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and construction growth trends. In an October 27, 1999, "Preliminary Market Findings" for the 24 Road Corridor Area Plan, by Leland Consulting Group, indicates that the Grand Junction and unincorporated Mesa County

areas will continue the current growth in all sectors – retail, office, industrial and residential. The Market Context states the “Supply Conditions” state:

- ✓ High levels of residential growth and speculative non-residential construction in western Colorado
- ✓ Overall market stability in retail, office and industrial sectors, with falling vacancy rates (10% to 15%), steady absorption and increased rent inflation

Mesa County’s population growth is taking place increasingly in the urbanizing areas, which surrounds Grand Junction. In 1980, 70 percent of the county’s population lived in the city and surrounding urbanizing area. By 1990, this same area had captured 77 percent of the population.

Since the oil shale bust of the 1980s, Mesa County officials have diversified the economy away from an energy base economy (i.e. uranium and/or oil shale). The Mesa County Economic Development Council (MCEDC) has been successful in the recruitment of many new businesses and industries (i.e. Reynold’s Polymer, Star Tech, 3D Enterprises, Johns-Mansville Insulation, etc.), which pay a living wage.

As shown in the “Preliminary Market Findings” for the 24 Road Corridor Area Plan, the increased demand for construction services will continue in the Mesa County area, as well as the western slope of Colorado and eastern Utah. This will allow the City and County to collect additional sales tax and property tax revenue. Sales tax revenue will be derived, not only from the sales and rental of Webb Crane’s product line, but also from the construction of new residential and non-residential structures. The approval of this *Growth Plan Amendment* will also enhance and increase the use of the City’s, County’s and federal investment in the utility infrastructure and transportation facilities.

The proposed *Growth Plan Amendment* **MEETS** this review criterion.

Zone of Annexation Criteria

The following questions/criteria, found in Section 4-4-4 of the *Grand Junction Zoning and Development Code (Code)*, must be answered in reviewing rezone applications. The Zone of Annexation request is from Mesa County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) to City of Grand Junction Light Industrial (I-1). The location of the requested Zone of Annexation is found on Exhibit 3 - Mesa County Zoning Maps 13 and 14.

In Section 4-2-15, of the *City of Grand Junction Zoning and Development Code (Code)* states that the Light Industrial (I-1)

“... zone allows for light manufacturing uses as well as heavy warehousing and high impact uses. It is anticipated that most uses in the zone will be oriented toward heavy truck or rail traffic.”

The City of Grand Junction’s bulk zoning requirements for the I-1 (Light Industrial) zone are found in Table 7.

Table 7
BULK REQUIREMENTS FOR THE I-1 ZONE

Minimum Lot Size	No minimum lot area is required, but developments shall meet all bulk standards.	
Maximum Height of Structures	65 feet	
Minimum Front Yard Setback (from centerline of right-of-way)	Principal Arterial	55 feet
	Minor Arterial	45 feet
	Collector	35 feet
	Local	25 feet
Side Yard Setback	None designated in <i>Zoning and Development Code</i>	
Rear Yard Setback	None designated in <i>Zoning and Development Code</i>	
Limitations	Rezoning to I-1 zone shall not be permitted adjacent to any residential zone.	

Source: City of Grand Junction Zoning and Development Code - Revised and Updated May 1995

The Section 4-4-4 criteria is:

A. Was the existing zone an error at the time of adoption?

There may have been a mistake in the zoning by Mesa County of the existing Webb Crane facility, as it carries a dual zoning of Agricultural Forestry Transitional (AFT) and Planned Commercial (PC). The proposed expansion area is zoned AFT, with an approved Conditional Use Permit (CUP) for the storage of heavy equipment. The requested zone of annexation for the existing and proposed Webb Crane facility is Light Industrial (I-1).

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 there been a change of character in the area due to installation of public facilities (sanitary sewer), new growth trends, and development transitions, as shown in the review of Criterion C of the Administrative Regulation used to determine if a *Growth Plan* amendment should be approved found in this General Project Report.

C. Is there an area of community need for the proposed rezone?

Please review Criterion A of the Administrative Regulation used to determine if a *Growth Plan* amendment should be approved for community need of the proposed Zone of Annexation to Light Industrial (I-1).

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

Expressed in terms of compatibility with the adjacent Webb Crane facility and the neighboring Kenworth and Appleton West facilities, this application **MEETS** the compatibility aspect of this criterion.

Measures to further mitigate the potential negative aspects of the installation have been proposed with this application, they include:

- ❖ No additional outdoor lighting in the storage area
- ❖ Hours of operation will be confined to business hours consistent with the existing facility
- ❖ No new access points are proposed onto City, County and/or Federal Roadways
- ❖ No new structures in the storage area
- ❖ Noise emissions at the subject property would be associated with vehicle start-up, operation and repair, which are similar to other agricultural noises from operating a farm (tractors, trucks, combines, etc.)
- ❖ Berming and landscaping

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Please review Criterion G of the Administrative Regulation used to determine if a *Growth Plan* amendment should be approved for community benefit of the proposed Zone of Annexation to Light Industrial (I-1).

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?

Overall, the *Growth Plan* amendment and Zone of Annexation to Light Industrial (I-1) **MEETS** the numerous goals, and is in partial compliance with the Land-Use Plan maps of the *Mesa Countywide Land Use Plan* and *North Central Valley Plan*. A detailed review of both Plan's are found in Criterion D of the Administrative Regulation used to determine if a *Growth Plan* amendment should be approved found in this General Project Report.

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?

All public services are available to the subject property. This application proposes limited, if any, additional impacts on public services. Sanitary sewer is already available. Webb Crane is currently tapped into the Persigo 201 wastewater treatment system. The proposed expansion is considered a "dry area" since the storage area will not require additional sewer taps. The equipment storage is an extension of the existing Webb Crane Service facility and as such will be accessed internally from that operation. This application **MEETS** this criterion.

According to Section 4-11 of the *Code*, land annexed to the City shall be zoned in accordance with Section 4-4. The zoning request shall be evaluated by the following special criteria in addition to the general criteria for rezoning found in Section 4-4:

- A. Adverse impacts to the developed density of established neighborhoods shall be considered; and,

See the review of Section 4-4-4D of this General Project Report. The application has considered impacts to the existing neighborhood, and this application **MEETS** this review criterion.

- B. The relationship of the property to the urban core area or to established sub-cores shall be considered.

The subject property was recently annexed into the Persigo 201 Sewer Service Boundary, hence is located in the urbanizing area of the *Mesa Countywide Land Use Plan*, also known as the *City of Grand Junction Urban Growth Plan (Growth Plan)*. The subject property is also located in the *North Central Valley Plan* area.

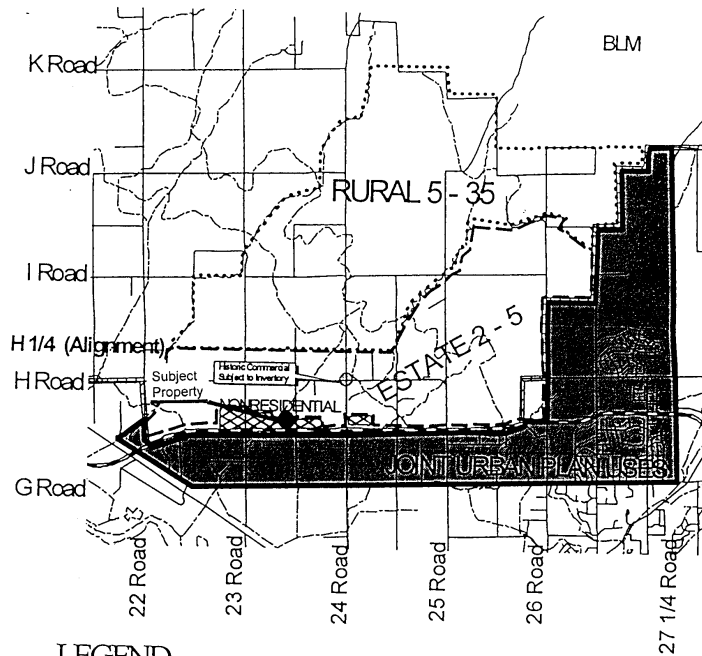
The nearest established sub-core area/activity center is the Mesa Mall Center of Activity according to the *Growth Plan*. The Mesa Mall Center is one of the three designated activity centers (Mesa Mall, Downtown and Horizon Drive) by the *Plan*. The northern boundary of this activity center is G Road and 24 Road. No new *Growth Plan* defined Activity Centers are proposed to be developed with the expansion of the subject property. This commercial/industrial corridor along the I-70 Frontage Road has been developing since the 1980's.

The *Growth Plan* and the *North Central Valley Plan* indicates the land-use for this area to be Commercial, Commercial/Industrial and Rural development (*Growth Plan*); and, Non-residential and Estate development (*North Central Valley Plan*). Webb Crane is requesting a *Growth Plan* and *North Central Valley Plan* amendment of the subject property to Commercial/Industrial from Commercial, and Estate land-uses; and, a Zone of Annexation from Mesa County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT).

Conclusion

This application for a 20-acre parcel proposes the Annexation to the City of Grand Junction, *Growth Plan* Amendment, and rezone from the Mesa County zoning of Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) to the City zoning of Light Industrial (I-1). The current use of property is for Webb Crane Service's offices, shop, and parking and storage of specialized lifting equipment. Typical equipment stored on the subject property includes multiple axle cranes, crane boom extensions and support vehicles, forklifts, flatbeds and tractors. The proposed annexation to the City of Grand Junction, *Growth Plan* Amendment, and Zone of Annexation to Light Industrial (I-1) **MEETS** the March 22, 1999 Administrative Regulation for *Growth Plan* Amendments; Section 4-4, Rezone; and Section 4-11, Zoning of Annexations, found in the *City of Grand Junction Zoning and Development Code*. This application also meets numerous goals and policies of the *City of Grand Junction Growth Plan* and the *North Central Valley Plan*. We respectfully request your approval of the *Growth Plan* Amendment, and Zone of Annexation to I-1.

NORTH CENTRAL VALLEY Future Land Use



LEGEND

- Joint Urban Plan Uses Interstate 70
- Joint Urban Plan Uses
- Urban Growth Boundary
- Water
- Rural 5-35 Acres Densities
- Estate Densities (2-5/Acre)
- Historic Commercial
- Nonresidential Uses
- Nonresidential Uses
- BLM

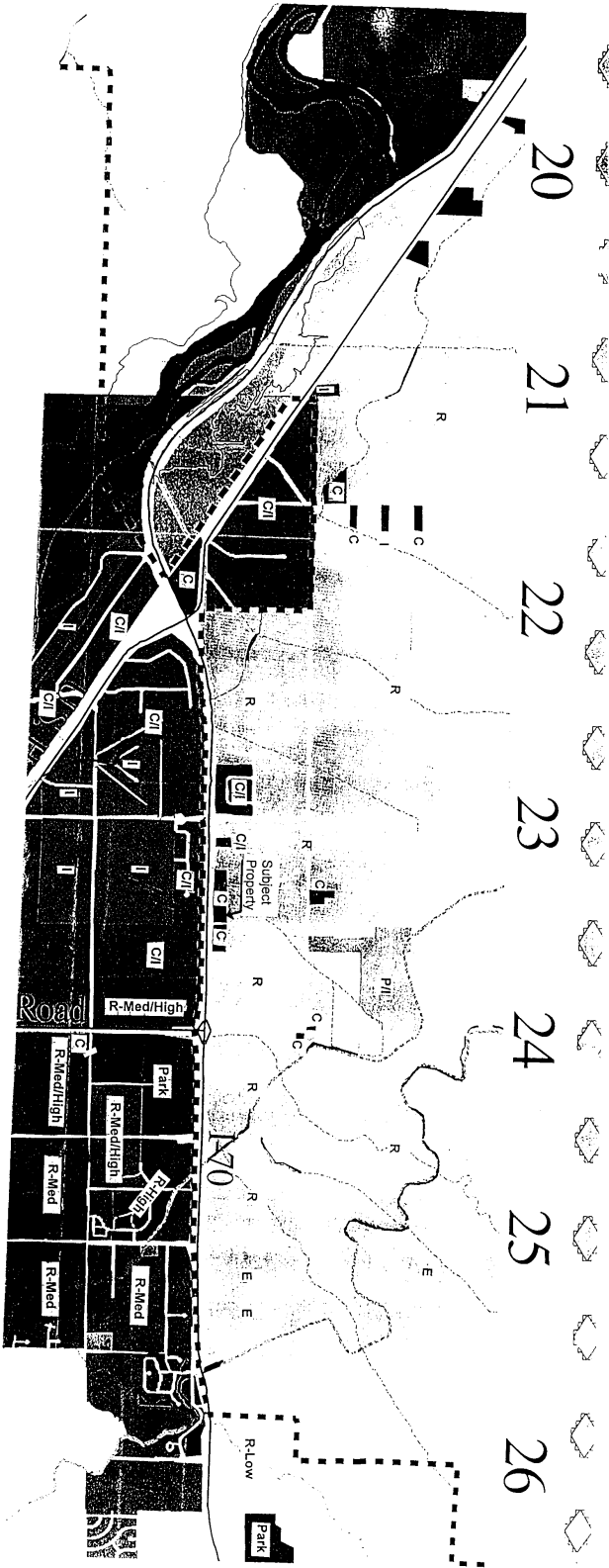
THIS MAP DOES NOT STAND ALONE.
IT MUST BE USED IN CONCERT WITH
THE GOALS AND POLICIES OF THIS PLAN.

SCALE

0.5 0 0.5 1 Miles



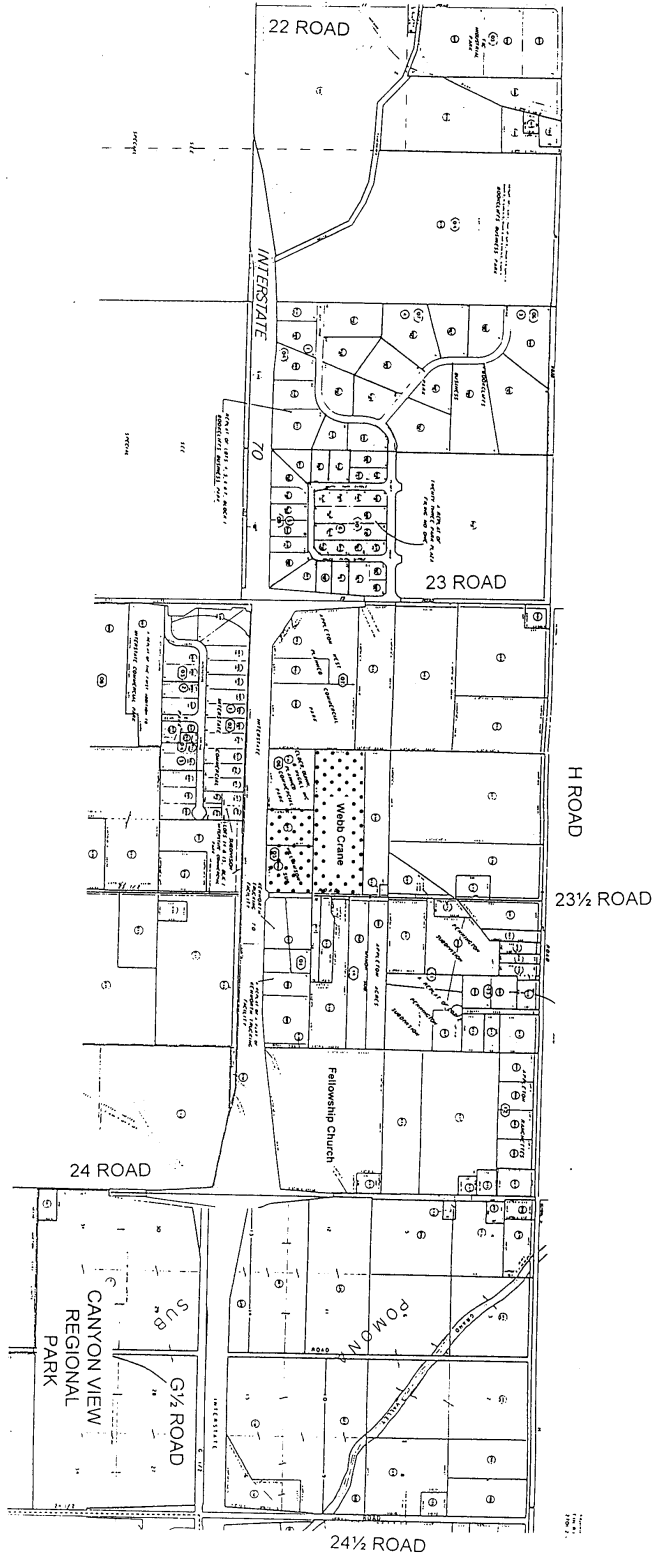
ADOPTED BY MCPC
3/19/88



Land Use Abbreviation	Land Use Category	Land Use Category	Land Use Category
A	Agricultural (35 acres or larger)	R-Med/High	Residential/Medium High Density (8.0 - 11.9 du/acre)
R	Rural (5 - 35 acre lots)	R-High	Residential/High Density (12.0 - 24.0 du/acre)
E	Estate (2 - 5 acre lots)	C	Commercial (Retail, Office, Service, Entertainment, etc.)
R-Low	Residential/Low Density (1.9 du/acre - 10u/2 acres)	CI	Commercial/Industrial (Heavy Commercial and Light Industrial)
R-Med-Low	Residential/Medium Low Density (1.9 du/acre - 10u/2 acres)	I	Industrial (Heavy Commercial and industrial operations)
R-Med	Residential/Medium Density (4.0 - 7.9 du/acre)	PI	Public/Institutional (Schools, colleges, hospitals, libraries, etc.)

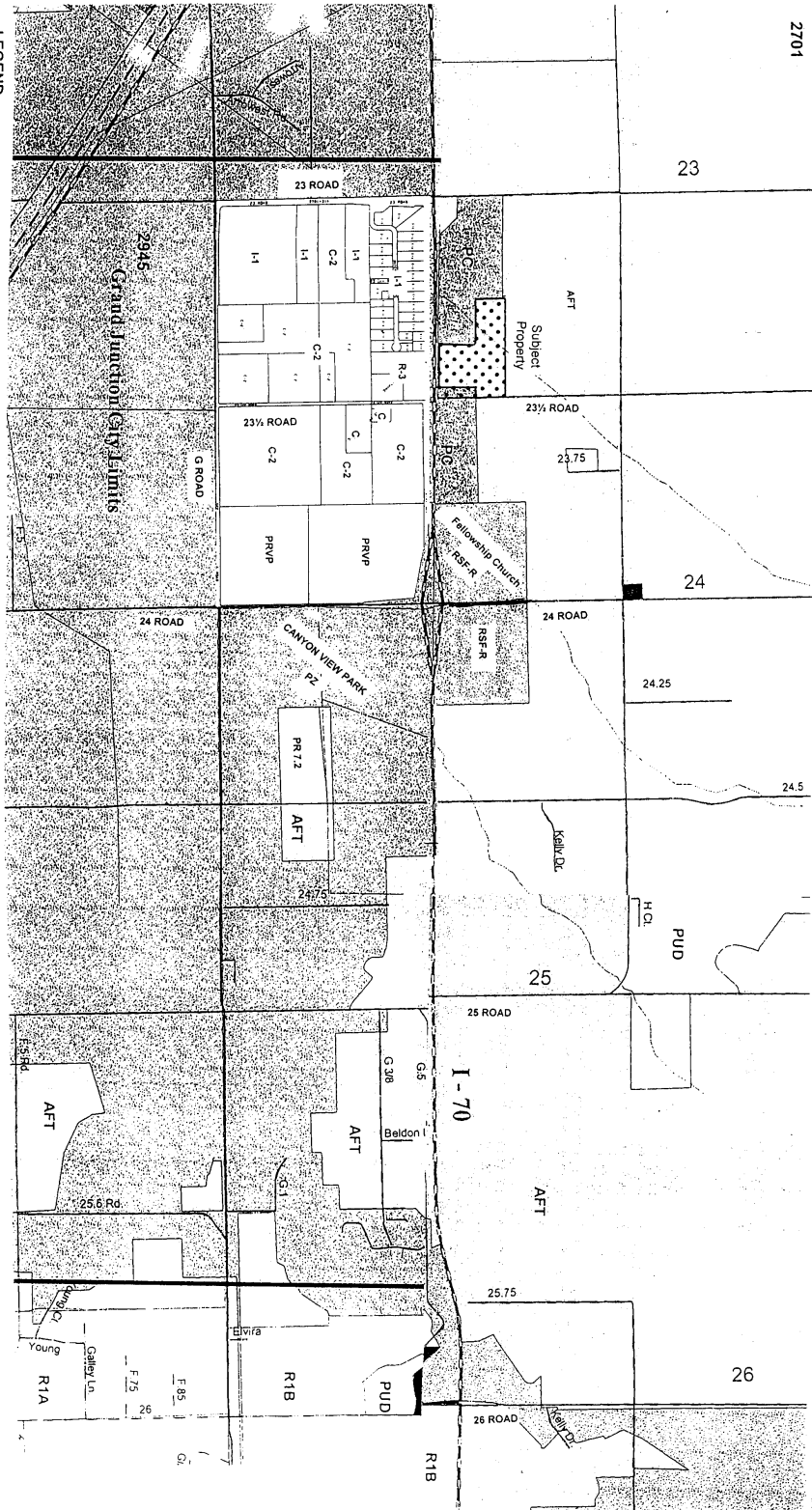
Attachment 3 – Future Land Use Map – 1996 Growth Plan

Development Concepts, Inc.
 Planning and Development Services
 2764 COMPASS DRIVE, SUITE 217-4
 GRAND JUNCTION, CO 81506
 970-255-1131



Attachment 1 – Mesa County Assessor's Maps

Development Concepts, Inc.
 Planning and Development Services
 2764 Compass Drive, Suite 217-1
 Grand Junction, CO 81506
 970.255.1131



LEGEND

- City of Grand Junction Zoning**
- RSF-R Residential Single Family - Rural
 - C-2 Heavy Commercial
 - L-1 Light Industrial
 - PRVP Planned Recreational Vehicle Park
 - PR-2 Planned Residential / 2 duvuc

- Mesa County Zoning**
- AFT Agricultural Forestry Transitional
 - C Commercial
 - PC Planned Commercial
 - R3 Residential

Attachment 2 - City of Grand Junction and Mesa County Zoning

Development Concepts, Inc.
 Planning and Development Services
 2784 COMPASS DRIVE, SUITE 217-1
 GRAND JUNCTION, CO 81506
 970-255-1131

REVIEW COMMENTS

Page 1 of 2

FILE # ANX-1999-277

TITLE HEADING: WEBB CRANE ANNEXATION
/GPA/REZONE

LOCATION: 761 23 1/2 Rd

PETITIONER: Webb Crane

PETITIONER'S ADDRESS/TELEPHONE: 761 23 1/2 Rd
Grand Junction CO 81506
242-3656

PETITIONER'S REPRESENTATIVE: Mike Joyce, Development Concepts
255-1131

STAFF REPRESENTATIVE: Kathy Portner

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 3:00 P.M., DECEMBER 23, 1999.

CITY COMMUNITY DEVELOPMENT 12-14-99
Kathy Portner 244-1446

1. Provide a description of the PC zoning currently on the south parcel. What are the allowed uses and standards?
2. Provide the details of the Conditional Use Permit for the use of the north parcel, including a delineation of the area approved for the CUP.
3. Provide a sketch of how the entire property is currently being used so we can better review the additional impacts created by this request.

CITY DEVELOPMENT ENGINEER 12-14-99
Rick Dorris 256-4034

1. No comment on the growth plan amendment.
2. All normal site plan requirements will be addressed at the time of Site Plan Review.
3. This site is one of a few that have been identified by the City of Grand Junction for a regional detention basin. The City is currently discussion possible options with the owner.

CITY UTILITY ENGINEER 12-01-99
Trent Prall 244-1590

No sewer related objections to rezone.

CITY PROPERTY AGENT 12-08-99
Steve Pace 256-4003

No comment.

REVIEW COMMENTS / ANX-1999-277 / PAGE 2 OF 2

CITY FIRE DEPARTMENT 12-08-99
Norm Noble 244-1473

1. No comment on the growth plan amendment, or annexation.

CITY ATTORNEY 12-09-99
Stephanie Rubinstein 244-1501

No comments.

MESA COUNTY PLANNING 12-13-99
Mesa County 244-1650

The subject property is located in the Joint Urban Planning Area (page 69), in the Mesa Countywide Land Use Plan (1996). The North Central Valley Neighborhood Plan (1998) is also applicable to this request. The Mesa Countywide Future Land Use Map (page 80) contained in the Mesa Countywide Land Use Plan depicts the property as commercial and Rural (one dwelling unit per 5-35 acres) use. The North Central Valley Neighborhood Plan's Future Land Use Map (page 14), depicts the property as Estate 2 - 5 acre densities. The property is zoned Planned commercial and Agricultural Forestry Transition (AFT). Mesa County issued a Conditional Use Permit (CUP) (C278-97), which was inconsistent with the future land use designations in the North Central Valley Neighborhood Plan. A rezone from AFT to Light industrial would further erode the integrity (predictability and fair certainty) as well as the spirit and intent of the North Central Valley Neighborhood Plan. The plan amendment and rezone should not be recommended.

UTE WATER 12-07-99
Jim Daugherty 242-7491

1. No objections.
2. ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.

GRAND JUNCTION DRAINAGE DISTRICT 12-08-99
John Ballagh 242-4343

See attached sheet for comments.

PUBLIC SERVICE 12-03-99
Tom Boughton 244-2675

Natural Gas: No objections

Comments not received as of 12-13-99:

City Police Dept
Grand Valley Irrigation
US West
Colorado Dept of Transportation
TCI Cablevision



REVIEW AGENCY COVER SHEET

FILE NO. Any-999-277

Community Development Department
250 North 5th Street, Grand Junction, CO 81501
(970) 244-1430

AP

DEC 0 1999

DEC 0 1999

Petitioner, Please Fill in:

Review Agency <u>Grand Junction Drainage District</u>

Petitioner, Please Fill in:

PROPOSAL <u>Webb Crane Service Growth Plan</u> <u>Amendment to Commercial/Industrial from</u> <u>Commercial /Estate; and Zone of Annexation to</u> <u>Light Industrial (I-1)</u>
LOCATION <u>761 23½ Road</u>
REPRESENTATIVE <u>Development Concepts, Inc.</u> <u>c/o Mike Joyce, AICP (255-1131)</u>
PETITIONER <u>Webb Crane c/o Kevin Williams</u>
ADDRESS <u>761 23½ Road, Grd. Jct., CO 81505</u>
PHONE NO. <u>242-3656</u>

Return to Community Development By 12-10

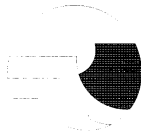
Staff Planner Kathy/Dave

COMMENTS -For Review Agency Use Only

The site of the WEBB Crane plan is wholly within the Drainage District. A portion of the APPLETON DRAIN flows southwesterly through the western portion of the northern half of the site. The owner and the District have had several discussions about the existing drain line. Use of the surface of the ground above such a drain line for open purposes such as parking and storage is fine with the District. Construction of a permanent structure where the existing line is now located will require relocation of the line, regardless of the zoning. The Drainage District has no problem with rezoning of the land from agricultural to Industrial.

Use Additional Sheets If Necessary And Refer to File Number

REVIEWED BY John L. Ballagh PHONE 242-4343 DATE 12/7/99



MESA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
LONG RANGE PLANNING DIVISION
615 White Avenue * P.O. Box 20,000 * Grand Junction, Colorado 81502-5047
Ph. (970) 255-7189 ♦(970) 244-1650 * Fax (970) 244-1769

January 3, 2000

TO: Kathy Portner & Dave Thornton, City of Grand Junction Community Development
FROM: Mesa County Long Range Planning Division

SUBJECT: Revision to December 10, 1999 review comments for the Web Crane Service Growth
Plan Amendment to Commercial/Industrial from Commercial/Estate.

The previous comments from this office on the above referenced project were in correct in saying:

"Mesa County issued a Conditional Use Permit (CUP) (C278-97), which was inconsistent with the future land use designations in the *North Central Valley Neighborhood Plan*."

Instead this sentence should read:

"Mesa County approved a Conditional Use Permit, CUP, (C278-97) for Web Crane's expansion just prior to the adoption of the *North Central Valley Neighborhood Plan*."

We apologize for the confusion this misstated sentence may have caused.

Mesa County



Development Concepts, Inc.

Planning and Development Services

2764 Compass Drive
Suite 217-1
Grand Junction, CO 81506

Office - 970 - 255-1131
Fax - 970 - 255-1159
e-mail - yobubba@gjct.net

RESPONSE TO REVIEW COMMENTS
Webb Crane Service
Annexation, Growth Plan Amendment
& Zone of Annexation to I-1

FILE #: ANX-1999-277
LOCATION: 761 23½ Road
PETITIONER: Webb Crane c/o Kevin Williams
PETITIONER'S ADDRESS/TELEPHONE: 761 23½ Road
Grand Junction CO 81506
242-3656

PETITIONER'S REPRESENTATIVE: Mike Joyce, AICP c/o Development Concepts
255-1131

STAFF REPRESENTATIVE: Kathy Portner

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 3:00 P.M., DECEMBER 23, 1999.

CITY COMMUNITY DEVELOPMENT

12-14-99

Kathy Portner
244-1446

1. Provide a description of the PC zoning currently on the south parcel. What are the allowed uses and standards?

Attached is the Mesa County Planning Commission minutes and Mesa County Commissioners' resolution (Resolution MCM 82-16, dated February 2, 1982) approving the PC zoning. Also attached are excerpts from the 1974 *Mesa County Land Development Code* zoning regulations, which indicates the allowed uses in the Planned Development (PD) zone. The types of developments allowed in the PD zone is found on page 45, which states "Business and Commercial uses as specified in Section C." No section C was found in the Mesa County front desk copy of the 1974 *Code*. Attached are the 1974 uses permitted in the Commercial zone.

2. Provide the details of the Conditional Use Permit for the use of the north parcel, including a delineation of the area approved for the CUP.

Attached are copies of the Mesa County project review and resolution approving the CUP. The delineation of the CUP is also attached on an aerial photo.

3. Provide a sketch of how the entire property is currently being used so we can better review the additional impacts created by this request.

A sketch plan of the property, prepared by Webb Crane, has been attached to this response.

CITY DEVELOPMENT ENGINEER

12-14-99

Rick Dorris
256-4034

1. No comment on the growth plan amendment. All normal site plan requirements will be addressed at the time of Site Plan Review. This site is one of a few that have been identified by the City of Grand Junction for a regional detention basin. The City is currently discussion possible options with the owner.

No response is required.

CITY UTILITY ENGINEER

12-01-99

Trent Prall
244-1590

No sewer related objections to rezone.

No response is required.

CITY PROPERTY AGENT

12-08-99

Steve Pace
256-4003

No comment.

No response is required.

CITY FIRE DEPARTMENT
Norm Noble
244-1473

12-08-99

1. No comment on the growth plan amendment, or annexation.

No response is required.

CITY ATTORNEY
Stephanie Rubinstein
244-1501

12-09-99

No comments.

No response is required.

MESA COUNTY PLANNING
Mesa County
244-1650

12-13-99

The subject property is located in the Joint Urban Planning Area (page 69), in the *Mesa Countywide Land Use Plan* (1996). The *North Central Valley Neighborhood Plan* (1998) is also applicable to this request. The *Mesa Countywide Future Land Use Map* (page 80) contained in the *Mesa Countywide Land Use Plan* depicts the property as commercial and Rural (one dwelling unit per 5-35 acres) use. The *North Central Valley Neighborhood Plan's Future Land Use Map* (page 14), depicts the property as Estate 2 - 5 acre densities. The property is zoned Planned Commercial and Agricultural Forestry Transition (AFT). Mesa County issued a Conditional Use Permit (CUP) (C278-97), which was inconsistent with the future land use designations in the *North Central Valley Neighborhood Plan*. A rezone from AFT to Light industrial would further erode the integrity (predictability and fair certainty) as well as the spirit and intent of the *North Central Valley Neighborhood Plan*. The plan amendment and rezone should not be recommended.

The proposed rezoning is located in the West Rural Planning Area of the *Mesa Countywide Land Use Plan*, and the *North Central Valley Plan* area. The *Mesa Countywide Land Use Plan* designated land-use for the proposed subdivision is "Rural - will accept residential development between 5 and 35-acre densities and, encourage clustering techniques." The *North Central Valley Plan* calls for Estate" development of 2-5-acre densities.

Before the *Mesa Countywide Land Use Plan* (1996), the *Lower Valley Plan* (1985), and the *North Central Valley Plan* (1998) were adopted, the Mesa County Planning Commission recommended the following in their approval of the PC rezone for the subject property:

"Reicks/Sommerville/Passed 6-1 (Stuart voting against)/A motion to recommend approval of the rezone to the County Commissioners, subject to review sheet comments, for the following reasons: That the corridor between 23 and 24 Roads represents the only opportunity for the trucking

industry to have an access on and off I-70; That the Planned Commercial zone will provide the opportunity for the Planning Commission and the Planning Department to mitigate any impacts on neighborhood uses; That we feel that the destiny of this area was established by the placing of the interchange at that location, long before the Colorado Kenworth application; and, the proposal does not violate sound planning principles." (Emphasis added)

The applicants take issue with the statement by the Mesa County Long Range Planning Division that

"...A rezone from AFT to Light industrial would further erode the integrity (predictability and fair certainty) as well as the spirit and intent of the North Central Valley Neighborhood Plan..."

The applicants contend that when the *Appleton/Mid-Valley Plan* (1989), *Mesa Countywide Land Use Plan* (1996) and the *North Central Valley Plan* (1998) were completed, that the County, nor the City, took into consideration previous decisions of the Mesa County Planning Commission and the Mesa County Board of County Commissioners in determining land use in this area. This is shown in the future Land Use Maps which indicates a few parcels along the I-70 frontage road as AFT and/or Estate development. No areas of expansion of these businesses were contemplated in the Plans, although "the destiny of this area was established by the placing of the interchange at that location, long before the Colorado Kenworth application; and, the proposal does not violate sound planning principles."

The *Mesa Countywide Land Use Plan* is considered to be a "living" document. The *Mesa Countywide Land Use Plan* effort was developed to provide generalized land-uses in the City of Grand Junction and unincorporated Mesa County. The Future Land Use Plan of the *Mesa Countywide Land Use Plan* is designated to provide guidance for the 15 year period from 1996 to 2010. The goals, policies, and action items are intended to provide guidance, priorities, and implementation strategies needed to accomplish the principles and features of the Future Land Use Plan.

In December 1993, the Board of County Commissioners adopted 5 general goals for the *Mesa Countywide Land Use Plan*. On September 3, 1996, the Mesa County Planning Commission adopted a Goal 6 to supplement the 5 goals adopted by the Board of County Commissioners:

- "6. Through monitoring and evaluation, ensure prompt recognition and appropriate response to changed conditions related to factors such as shifting demographics, altered public attitudes and values, different economic conditions, or other pertinent factors."

While no conscious errors were made in drafting the *Mesa Countywide Land Use Plan*, certain facts, projects, and trends have occurred since the adoption in 1996 of the *Mesa Countywide Land Use Plan* document. When the *Plan* was completed, many demographic projections have occurred at an even greater rate than anticipated in the *Plan*.

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and construction growth trends. In an October 27, 1999, "Preliminary Market Findings" for the 24 Road Corridor Area Plan, by Leland Consulting Group, indicates that the Grand Junction and unincorporated Mesa County areas will continue the current levels of growth in all sectors – retail, office, industrial and residential. The Market Context of the "Supply Conditions" state:

- ✓ High levels of residential growth and speculative non-residential construction in western Colorado

- ✓ Overall market stability in retail, office and industrial sectors, with falling vacancy rates (10% to 15%), steady absorption and increased rent inflation

This study also reviewed "Demand Factors" of population, number of households, and household size for Mesa County.

The *Growth Plan*, completed in 1996, states in Exhibit III.2 – Population Change, that the average growth for the City of Grand Junction from 1995 to 2010 was projected at 2%. According to the Leland study population growth from 1990 to 1999 actually increased at an annual rate of 3.05%. The annual number of households is increasing at an annual rate of 2½% to 3%. The Leland Consulting Group considers this population and household growth as "very healthy." The demographics also indicate that Mesa County is keeping pace with the State of Colorado average growth. The average estimated household size in the State of Colorado for 1999 is 2.5.

The "Preliminary Market Findings" for the *24 Road Corridor Area Plan* indicates a continued strong commercial/industrial and residential construction market in the City of Grand Junction and Mesa County. This construction demand will also require increased support services, not only for Mesa County, but for the western slope of Colorado and eastern Utah. In order to continue providing for the increased demands of their customers, is why Webb Crane must expand at this time.

The existing facts, projects, or trends used in the development of the *Growth Plan*, the *Lower Valley Policies*, and the *North Central Valley Plan* were understated and/or were not anticipated since the adoption of these Plans. Also in 1982, prior to the adoption of these Plans. The Mesa County Planning Commission and Board of County Commissioners recognized the importance of this frontage road between 23 and 24 Roads prior to the approval of the Kenworth and Williamson Trucking rezones, although these directives are not found in the currently adopted Plans. These reasons justify the request for a *Growth Plan* amendment.

UTE WATER

12-07-99

Jim Daugherty
242-7491

1. No objections.
2. ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.

No response is required. Water tap is existing and no new water service is proposed on the site.

GRAND JUNCTION DRAINAGE DISTRICT

12-08-99

John Ballagh
242-4343

The site of the WEBB CRANE Plan is wholly within the Drainage District. A portion of the APPLETON DRAIN flow southwesterly through the western portion of the northern half of the site. The owner and the District have had several discussions about the existing drain line. Use of the surface of the ground above such a drain line for open purposes such as parking and storage is fine with the District. Construction of a permanent structure where the existing line is now located will relocation of the line,

regardless of the zoning. The Drainage District has no problem with rezoning the land from agricultural to industrial.

No response is required.

PUBLIC SERVICE
Tom Boughton
244-2675

12-03-99

Natural Gas: No objections

No response is required.

Comments not received as of 12-13-99:

City Police Dept
Grand Valley Irrigation
US West

Colorado Dept of Transportation
TCI Cablevision

MCPC 058-79
Rezone

building where the business is located. Mr. Hawkins pointed out that in the Town of Mesa there is no zoning other than APT.

Harry Talbott asked for comments from the audience, and there were none.

Bob Kettle: I will clarify that locating residential and business uses on the same property is uniquely available in planned zones.

Harry Talbott closed the public hearing. George Jovan read a letter in favor of the request signed by four of the seven members of the Mesa Planning and Zoning Committee. (See letter in file.)

MEAN/DESS/PASSED 7-0/A MOTION RECOMMENDING APPROVAL TO THE COUNTY COMMISSIONERS, BECAUSE THE MESA PLANNING AND ZONING COMMITTEE IS IN FAVOR OF THE REQUEST, AND BECAUSE PLANNED BUSINESS WOULD ALLOW THE RESIDENCE TO BE LOCATED ON THE SAME SITE AS THE BUSINESS USE.

10. C 57-79 REZONE: APT to I

Because no representative of the petitioner was present, Harry Talbott asked that the item be dropped from the agenda.

11. C 58-79 REZONE: APT to PC

Petitioner: Williamsen Truck Equipment Corp., Vic Mitchell.
Location: North side of I-70, West side of 23.5 Road. Request to change from agricultural/forestry uses to planned commercial use on 4 acres.

Harry Talbott read the request and opened the public hearing. Bob Kettle outlined the location of the parcel for the Planning Commission, and noted that no specific use or site plan has been submitted for this request. Bob Kettle called attention to the Review Sheet comments.

Vic Mitchell, representing the petitioner, stated that the petitioner had been informed that no site plan was required at this stage. Mr. Mitchell went on to explain that the site would be utilized for a truck equipment supplier oriented towards dealer sales. Vic Mitchell presented a site plan to the Planning Commission, and pointed out specific details of the proposed facility.

Bob Kettle asked if the petitioner is proposing zoning on 4 acres or 12. Vic Mitchell responded that the petitioner wants to rezone only the eastern 4 acres of the subject parcel, and had purchased the 12 acres because they couldn't buy just part of it. Bob Kettle pointed out that the legal advertisement covered 12 acres, and Mr. Mitchell stated that was the petitioner's error.

Gerry Stuart asked where access to the property would be located. Vic Mitchell responded that there would be one access located on the frontage road and one access off 23.5 Road.

Harry Talbott asked for comments from the audience. John Porter asked if this request will be subjected to further review with respect to screening, site plan, et cetera. Bob Kettle responded that this request would proceed to preliminary and final reviews, and that the site plan would be submitted to the various review agencies. Mr. Porter

stated he wanted to make sure this petitioner would go through the same review process that Colorado Kenworth was required to go through.

Rick Mason, H Road, asked what the difference is between planned commercial and a straight commercial zone. Bob Kettle explained the differences between those zones. Rick Mason stated that he is opposed to the request because an elementary school is located approximately one-quarter mile away, and truck traffic would be incompatible with the other uses existing in that area. Paul Early, 776 23.5 Road, stated that he is opposed to the request because it is not suited to a rural setting. Mr. Early stated that, in order to gain access to the subject parcel, trucks would have to make a 180-degree turn, which is very difficult. Trucks attempting to make these turns would tear down stop signs and sidewalk corners, Mr. Early said. Paul Early requested that the County require signs or barricades to prevent trucks from travelling north on 23.5 Road or H Road.

In rebuttal, Vic Mitchell stated that the subject parcel is only 400 feet closer to the elementary school than I-70, and that the petitioner's customers have no need or desire to go farther north. Mr. Mitchell acknowledged that the turn from the frontage road back to I-70 is a tight, 180-degree turn. Mr. Mitchell went on to say that the petitioner that day had taken a truck 64' 10" long through that turn, taking approximately 3 feet over the center line on 24 Road. Vic Mitchell added that the petitioner's trucks would not be that long and, therefore, could manage that turn with little difficulty.

Bob Kettle requested that Vic Mitchell elaborate on the nature of the petitioner's business. Mr. Mitchell stated that it is a whole-sale operation, with some walk-in trade from farmers, contractors, et cetera. However, Mr. Mitchell said, the bulk of the business comes from truck dealers. The petitioner builds truck bodies on stock chassis. Vic Mitchell indicated that over 50% of the petitioner's business comes from the Grand Valley, but the operation does draw customers from all over the Western Slope.

Bob Kettle: On the Planning Commission's motion on Colorado Kenworth, you recommended by a 4-2 vote to approve planned commercial zoning on 4 acres.

Mary Buss: Did we or did we not say that we did not intend Colorado Kenworth to set a precedent? The Comprehensive Planner comment says we did set a precedent.

Bob Kettle: Not you, but the County Commissioners did.

Bob Kettle read the previous Planning Commission motion on the Colorado Kenworth request. Bob Kettle asked if any of the petitioner's customers would be using I-70, and Vic Mitchell responded that most of them would.

Bob Kettle: Karl Metzner has asked for an outline plan. Obviously, he wasn't aware of the one submitted either. My comment is no objection. The precedent for light industrial use along this frontage road has already been set. This zoning will only constitute official open-mindedness toward proposals yet to be received and reviewed via the PD process. Now that you have seen the site plan, you can respond to it. We need to enable the review agencies to do the same.

Mrs. Paul Early, 776 23.5 Road, stated she is opposed to the request because she does not want commercial buildings surrounding her house.

Harry Talbott closed the public hearing.

Lloyd Sommerville: It appears to me we ought to table this because the petitioner needs only 4 acres rezoned instead of 12, and I see no need for rezoning more than that 4 acres. Site review should be given to the other agencies. I don't think it will hold it up that long.

Charlie Reicks: I realize we might have had inappropriate advertising on this. The question is: Are we as a planning commission going to be looking at more light industrial planned commercial zoning in that area? If we are going to be receptive to it, we should encourage this petitioner to go forward. If we are not, I would try to avoid any future expense to the petitioner. Are we going to set a precedent and strip both sides of I-70 with planned business, planned commercial?

Lloyd Sommerville: Several areas along I-70 don't have frontage roads to serve businesses. Where they have frontage roads, planned commercial might be appropriate; and where they do not, it may not be. I don't think access to 23.5 Road is necessary because it may cause additional hazards.

Charlie Reicks: Going back to Colorado Kenworth, only 6 of the 9 members were there, and perhaps with the three additional people the recommendation might have gone the other way. I don't think the result was all that positive from our standpoint, although it was very positive from the County Commissioners' standpoint. I think we need to take a good close look at what we want to do along that frontage road.

Lloyd Sommerville: We might set a precedent in those areas that are directly accessible to I-70 by frontage road, but that doesn't mean we set a precedent all along I-70 because of the access problems.

John Vezakis: I recommend we postpone our decision until next month and give us some time to study this question.

Harry Talbott: Perhaps we can discuss this request in connection with one of our luncheons and work out guidelines for development along I-70.

Lloyd Sommerville: We can also allow time for proper advertising and site plan review. It ought to be presented in proper form so whatever recommendation we would make, that it go to the County Commissioners clean.

VEZAKIS/STUART/PASSED 7-C/A MOTION TO POSTPONE DECISION ON THIS REQUEST TO ALLOW TIME FOR PROPER ADVERTISING AND SITE PLAN REVIEW BY THE VARIOUS AGENCIES, AND GIVE THE PLANNING COMMISSION AN OPPORTUNITY TO DISCUSS THE QUESTION OF DEVELOPMENT ALONG I-70.

planned developments, would suffice to insure that I-70 will be an attractive corridor through this area.

REICKS/SOMMERVILLE/PASSED 6-1 (STUART VOTING AGAINST)/A MOTION TO RECOMMEND APPROVAL OF THE REZONE TO THE COUNTY COMMISSIONERS, SUBJECT TO REVIEW SHEET COMMENTS, FOR THE FOLLOWING REASONS: THAT THE CORRIDOR BETWEEN 23 AND 24 ROADS REPRESENTS THE ONLY OPPORTUNITY FOR THE TRUCKING INDUSTRY TO HAVE ACCESS ON AND OFF I-70; THAT THE PLANNED COMMERCIAL ZONE WILL PROVIDE AN OPPORTUNITY FOR THE PLANNING COMMISSION AND THE PLANNING DEPARTMENT TO MITIGATE ANY IMPACTS ON NEIGHBORING USES; THAT WE FEEL THAT THE DESTINY OF THIS AREA WAS ESTABLISHED BY THE PLACING OF THE INTERCHANGE AT THAT LOCATION, LONG BEFORE THE COLORADO KENWORTH APPLICATION; AND THE PROPOSAL DOES NOT VIOLATE SOUND PLANNING PRINCIPLES.

BUSS/REICKS/PASSED 7-0/A MOTION TO RECOMMEND APPROVAL OF THE OUTLINE DEVELOPMENT PLAN AND USES TO THE COUNTY COMMISSIONERS, SUBJECT TO THE USE BEING RESTRICTED TO THE TRUCK OPERATION AS DESCRIBED BY WILLIAMSEN TRUCKING, AND THOSE USES DIRECTLY ASSOCIATED WITH THAT TRUCK OPERATION; RECOMMENDING THAT THE PETITIONER LOOK INTO PREVIOUS PLANNING COMMISSION RECOMMENDATIONS ON NEARBY PROPERTIES IN DEVELOPING HIS LANDSCAPING AND FINAL PLAN, BECAUSE REQUIREMENTS IMPOSED ON OTHER PETITIONERS MAY ALSO BE IMPOSED ON THIS PETITIONER TO INSURE EQUITABLE TREATMENT.

REICKS/FRAKKEN/PASSED 7-0/A MOTION TO REQUIRE THE PETITIONER TO SUBMIT A LIST OF PROPOSED USES FOR THE SUBJECT PARCEL TO THE PLANNING COMMISSION AT THE FINAL REVIEW STAGE. *(No list is found in the County file. Attached is Resolution; staff recommend on Final Plat.)*

9. C 75-79 REZONE: APT to R1B

Petitioner: John Benson, John & Marjorie Moore. Location: West side of 12th Street at G.5 Line. Request to change from agricultural/forestry uses to single family residential uses at 2 units/acre on 3 acres.

Harry Talbott read the request and opened the public hearing. Bob Kettle outlined the location of the parcel, and called attention to the Review Sheet comments.

John Moore, the petitioner, noted that he originally thought the adjoining property was zoned APT, but recently discovered it is zoned R1B.

Harry Talbott asked for audience comments, and there were none. Bob Kettle stated that Staff has no objection to this request. Harry Talbott closed the public hearing.

FRAKKEN/STUART/PASSED 7-0/A MOTION TO RECOMMEND APPROVAL TO THE COUNTY COMMISSIONERS.

10. C 76-79 REZONE: R2 to PD 11 & FINAL DEVELOPMENT PLAN: Lincoln Orchard Mesa Subdivision

Petitioner: Marion Williams, John Giancanelli, Gene Forney. Location: North side of B.5 Road, 900' East of 28.5 Road. Request to change from single family/duplex residential uses at 3.5+ units/acre

RESOLUTION NO. MCM 82-16

Planning Department No. C58-79

ADOPTING A DECISION ON REQUEST FOR ZONING CHANGE
BY WILLIAMSEN TRUCK EQUIPMENT CORPORATION.

WHEREAS, Williamsen Truck Equipment Corporation sought to have the zoning changed from AFT (Agricultural Forestry Transitional) to PC (Planned Commercial) on the following described land situated in the County of Mesa, State of Colorado, to wit:

The East four acres of that part of the South Half of the Southeast Quarter of the Northwest Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, lying North of the right of way for Highway I-70; (Common location: Northwest Corner of I-70 and 23 $\frac{1}{2}$ Road);

and

WHEREAS, the hearing before the Board of County Commissioners of the County of Mesa was held August 28, 1979; and

WHEREAS, the Board considered the evidence presented at the hearing and the zoning maps and regulations of the County and FINDS:

1. That the hearing was duly held after proper notice.
2. That the Mesa County Planning Commission recommended approval of the application.
3. That said change in zoning is in the best interests of the public peace, health and safety.

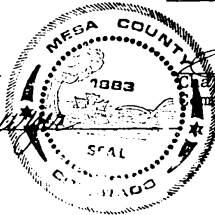
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA:

That the application of Williamsen Truck Equipment Corporation for a change in zoning from AFT to PC (Planned Commercial) on the above described property be approved.

PASSED and ADOPTED this 2nd day of February, 1982.

Attest:

Earl Simpson
County Clerk



[Signature]
Chairman of the Board of County
Commissioners of the County of Mesa

C58-79 WILLIAMSEN SUBDIVISION - FINAL PLAN & PLAT

C58-79
Final plat

DESIGN & DEVELOPMENT PLANNER

Design falls short of recommendations required at preliminary conference:

- a) It was indicated that entrances were too close to corner; only one has been re-located.
- b) Drainage plan is incomplete; only DIRECTION has been indicated, whereas runoff calculations, receiving channels and 5 year and 10 year storm were required.
- c) Landscaping proposed along northern boundary of site, composed of lilacs and russian olive is "skimpier" than that submitted by Colorado Kenworth.

10-11-79 UTE WATER

The Ute Water District has a 4" PVC line in 23 $\frac{1}{2}$ Road that can serve domestic water supply. This 4" line will not be adequate for fire flow protection. Tap fees and extension policies in effect will apply.

STAFF RECOMMENDATIONS

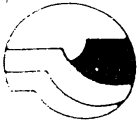
Recommend approval because of the following factors:

- 1) Recommend county road comments be addressed by formation of an improvement district for 23rd to share improvement costs between Williamson Trucking and Colorado Kenworth.
- 2) City rural fire department has approved utilities plan with the stipulation that power of attorney for upgrading water lines be provided.
- 3) State Highway Department has approved curb cut location.
- 4) Petition agrees to mix evergreen landscaping with the deciduous to provide year round screening.
- 5) Drainage calculations have been submitted.

Approval should be subject to all other review comments.

MCPC 10-11-79

BUSS/STUART/PASSED 6-0/A MOTION TO RECOMMEND APPROVAL TO THE COUNTY COMMISSIONERS, SINCE THE PETITIONER HAS EITHER MET OR AGREED TO MEET ALL OF THE STAFF RECOMMENDATIONS.



Mesa County Department of Planning and Development
Land Use and Development Division

750 Main Street • P.O. Box 20,000 • Grand Junction, Colorado 81502-5022 • Ph. (970) 244-1867

PROJECT REVIEW
February 13, 1998

**A. PROJECT: C278-97 WEBB CRANE COMPANY
CONDITIONAL USE PERMIT**

APPLICATION: The use of 4.5-acres of the 13-acre AFT zoned parent parcel for heavy equipment storage
PETITIONER: Webb Crane Service, Grand Junction, Colorado
REPRESENTATIVE: Kevin Williams/Webb Crane Service
LOCATION: 763 23 ½ Road, Grand Junction
REVIEWED BY: Richard Goecke, Senior Planner, APA

B. PROJECT DESCRIPTION:

1. In accordance with **Section 9.1.5.D, Zone/Use Matrix** of the Mesa County Land Development Code, a **Conditional Use Permit** is required for the exterior storage of heavy equipment in the Agricultural Forestry Transitional zone (AFT).
2. This application proposes the use of 4.5-acres of the 13-acre parent parcel for the parking and storage of specialized lifting equipment. Typical equipment includes multiple axle cranes, crane boom extensions and support vehicles, forklifts, flatbeds and tractors.
3. The 13-acre parcel is immediately north, and adjacent to the existing Webb Crane facilities fronting on State Highway 6 & 50 Frontage Road and 23 ½ Road. Approximately 12-acres of this parcel is in pasture and grass hay with a house and barn situated at the southeast corner.
4. The 4.5-acres designated for the Conditional Use Permit is situated adjacent to the north property line of the existing Webb Crane holdings defined as a 200-foot deep, 1,000-foot long parcel. Webb Crane Service proposes to continue farming the remaining acreage.

C278-97/ Webb Crane Service
Conditional Use Permit
February 13, 1998

C. SURROUNDING LAND USE AND ZONING:

The subject property is located along the Interstate 70 corridor comprised of **Planned Commercial (PC)** zoning along the *north* side of the Frontage Road and City of Grand Junction annexed **Planned Commercial** lands on the *south* side of Interstate 70. Planned Commercial developments along the north side of the Frontage Road include:

- *Webb Crane Service (existing facility), formerly Lot 1 of the Williamson Commercial Subdivision*
- *Elder, Quinn & McGill, Inc. Planned Commercial Park (Triune Mining Supply)*
- *Appleton West Planned Commercial Park*
- *Kenworth Trucking Facility Planned Commercial plat*

Planned Commercial developments along the south side of Interstate 70 include:

- *Interstate Commercial Park*
- *Former Grand Junction Tech Center (RV Park Subdivision)*

Agricultural Forestry Transitional (AFT) lands dominate the unincorporated lands north of this Planned Commercial district.

D. COMPLIANCE WITH MESA COUNTY CODE REQUIREMENTS AND POLICIES:

MESA COUNTY LAND DEVELOPMENT CODE: All Conditional/Special Use Permit applications are required to be reviewed for compliance with the criteria found in **Section 10.2: Criteria for Evaluating Conditional/Special Uses** of the Mesa County Land Development Code as follows:

C278-97/ Webb Crane Service
Conditional Use Permit
February 13, 1998

10.2.1.A *The proposed use must be compatible with adjacent uses. Such compatibility may be expressed in appearance, site design and scope as well as the control of adverse impacts including noise, dust, odor, lighting, traffic, etc.*

Expressed in terms of compatibility with the adjacent Webb Crane facility and the neighboring Kenworth and Appleton West facilities, this application **MEETS** the compatibility aspect of this criteria.

The proposed use of 4.5-acres of the 13-acre parcel, designated as the southwest corner of that parcel, installs compatibility through contiguity with the adjoining Appleton West facility, retaining the north and east portions in agriculture as buffer to the adjoining AFT lands. Measures to further mitigate the potential negative aspects of the installation have been proposed with this application, they include:

- *no lighting is being proposed*
- *hours of operation will be confined to business hours consistent with the existing facility*
- *no new access points are proposed onto Mesa County Roadways*
- *no structures are proposed in the storage area*
- *noise emissions would be associated with vehicle start-up, operation and repair*
- *continued crop production (hay or oats) on the 8-acre portion of the site*
-

10.2.1.B *Adequacy of design features of the site, such as service areas, pedestrian and vehicular circulation, safety provisions, accessory uses, access ways to and from the site, buffering, etc. shall be considered.*

Expressed in terms of the utilization of approximately two-thirds of the parcel, retained in agricultural, as buffer to the surrounding AFT lands to the north and east, this application **MEETS** this Code section. Establishing a maximum height for storage **can further enhance** the buffering aspect of the proposal when viewed from adjacent AFT lands.

C278-97/ Webb Crane Service
Conditional Use Permit
February 13, 1998

10.2.1.C *Accessory uses proposed shall be necessary and desirable. These uses shall not have undesirable impacts on adjacent uses or the principal use. Undesirable impacts on these uses shall be controlled or eliminated.*

Not applicable. No accessory uses such as buildings for caretaker or night-watchmen facilities are proposed.

10.2.1.D *Adequate public services including sewage and waste disposal, domestic and irrigation water, gas, electricity, and police and fire protection must be available without the reduction of services to other existing uses.*

This application proposes no addition of public services as the installation will be a "dry facility". The designated acreage for equipment storage is an extension of the existing Webb Crane Service facility and as such will be accessed internally from that operation. Expressed as an extension of the existing operation, this application **MEETS** this Code section.

10.2.1.E *Other uses complementary to and supportive of the proposed project shall be available, including schools, parks, hospitals, business and commercial facilities, transportation facilities, etc.*

The petitioner's narrative states that "Webb Crane Service needs to expand its existing facility due to the increased need for specialized lifting equipment in the area. Webb is a participant in most of the construction activity in the area. Webb has been involved in, and is currently working on, schools, parks, hospitals, businesses, commercial and transportation facilities."

Expressed in terms of providing support to these community facilities via the existing access points and location, this application **MEETS** this Code section as presented.

C278-97/ Webb Crane Service
Conditional Use Permit
February 13, 1998

10.2.1.F Provisions for proper maintenance shall be provided.

Proposed as an extension of the existing Webb Crane Service, accessed by the existing facilities, this application **MEETS** this Code Section.

- E. **REVIEW AGENCY COMMENTS:** The following significant Review Agency comments were received:

Mesa County Development Engineer

A Drainage Report and drawing is required to demonstrate how the historical drainage will not change as stated in the project narrative.

Grand Junction Drainage District

The main Appleton Drain runs through the westerly half of the site in a northeast to southwest direction. The line can be located by the District. There is one manhole near the south line (common line with Triune, Inc.). Access to the manhole should remain unobstructed. The line is over eight feet in depth so there is no problem with storage of heavy equipment directly over the line. There should be no permanent improvements over the tile line.

- F. **PETITIONERS COMMENTS:** The petitioners' narrative is attached to this review.
- G. **PUBLIC COMMENTS:** To date, the Planning Department has received one letter expressing concerns over expansion of commercial use along the Frontage Road (letter attached)

H. PROJECT SUMMARY AND RECOMMENDATION(S):

Planned Commercial, Industrial and Commercial/Industrial zoning dominates this area of unincorporated Mesa County and annexed City of Grand Junction lands, filling in the area bounded roughly by U.S. Highway 50, 24 Road and Interstate 70, west to the overpass of U.S. Highway 50. The general area's zoning and land use in place takes advantage of removed location from populated areas, state and federal transportation facilities and rail service, and is buffered by the Colorado River to the south and west, and AFT zoned lands to the north. Existing commercial/industrial zoning does encroach into AFT lands as far north as H Road at the I-70 overpass. The AFT zoned lands carry a "Rural (5-34.9 acres per dwelling unit)" recommendation in the Mesa Countywide Land Use Plan (Map) providing for buffering and dispersment of residential settlements in the AFT zone.

Finding the application demonstrates compliance with Sections 10.2.1.A, 10.2.1.B, 10.2.1.D., 10.2.1.E, and 10.2.1.F. of the Code and does not conflict with the Plan with respect to recommended zoning (no zone change has been requested), the project recommendation is for **APPROVAL** with review agency comments and the following conditions:

1. In accordance with Section 10.2.1.A and the petitioner's narrative, the undisturbed 8-acre portion of the site shall remain in agriculture for the duration of the use.
2. No structures or lighting shall be installed/erected within the 4.5-acre storage area portion of the property for the duration of the use.
3. In accordance with the Mesa County Development Engineer, a Drainage Plan and Report is to be submitted for review and approval.
4. The petitioner shall have 1-year from the date of approval of the Conditional Use Permit by the *Mesa County Board of Commissioners* to comply with condition #3. Upon completion of the necessary site preparation, the petitioner shall arrange for an inspection by the *Mesa County Development Engineer* to ensure compliance with the Drainage Plan and Report. Upon verification for compliance by the *Development Engineer*, the *Mesa County Planning Department* shall issue a "Development Permit".
5. The use shall be inspected annually to determine compliance with all conditions of approval.

C278-97/ Webb Crane Service
Conditional Use Permit
February 13, 1998

I. **MCCPC RECOMMENDATION: (2/26/98) Approved on the Consent Agenda.**

J. **MCC ACTION: (3/24/98) *Approved on the consent Agenda.***

APPROVAL OF A CONDITIONAL USE PERMIT FOR WEBB CRANE SERVICE

WHEREAS, Webb Crane Service sought to have approval of a Conditional Use Permit for the use of 4.5-acres of AFT zoned land as heavy equipment storage in the following location:

(See Attachment A)

WHEREAS, the public hearing before the Board of County Commissioners was held on March 31, 1998.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the project recommendation was contained in a project review dated February 13, 1998;

That the Mesa County Planning Commission made a recommendation for approval of the Conditional Use Permit at the public hearing held on February 26, 1998;

That the Conditional Use Permit application meets Chapter 10 requirements of the Mesa County Land Development Code.

That approval of the Conditional Use Permit is in accordance with the health, safety and welfare of the residents of Mesa County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO:

That the Conditional Use Permit for exterior storage of heavy equipment on 4.5-acres of AFT zoned land is approved subject to the attached conditions:

PASSED AND ADOPTED THIS THE 14th DAY OF APRIL, 1998

James R. Baughman
James R. Baughmann, Chairman of the Board of Mesa County Commissioners

Recorder's Note: No Attachment A at time of recording.

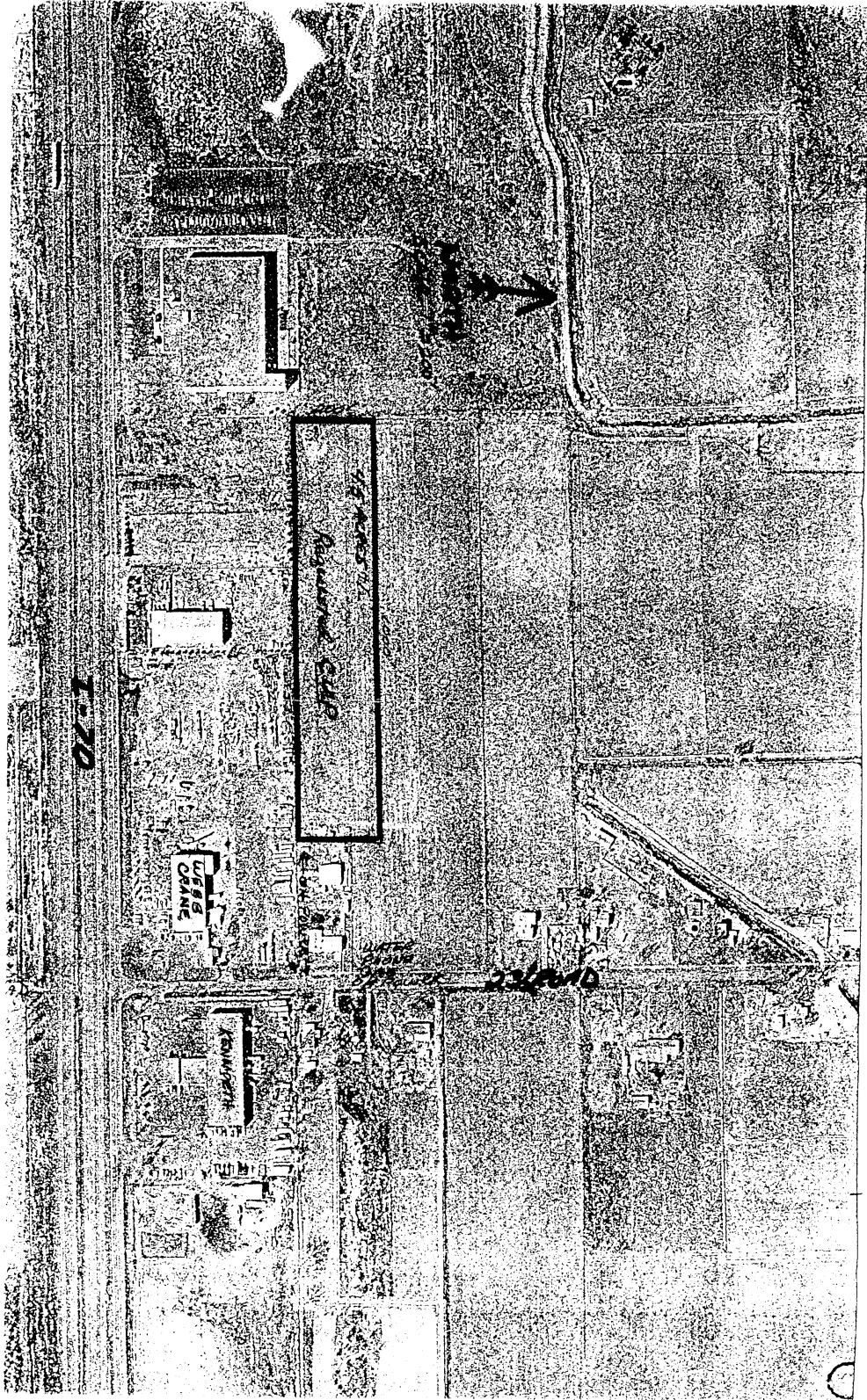


ATTEST

Monika Todd
Monika Todd, County Clerk
Attachment A:
by Kolbert Kelly deputy

CONDITIONS OF APPROVAL
WEBB CRANE SERVICE
C278-97

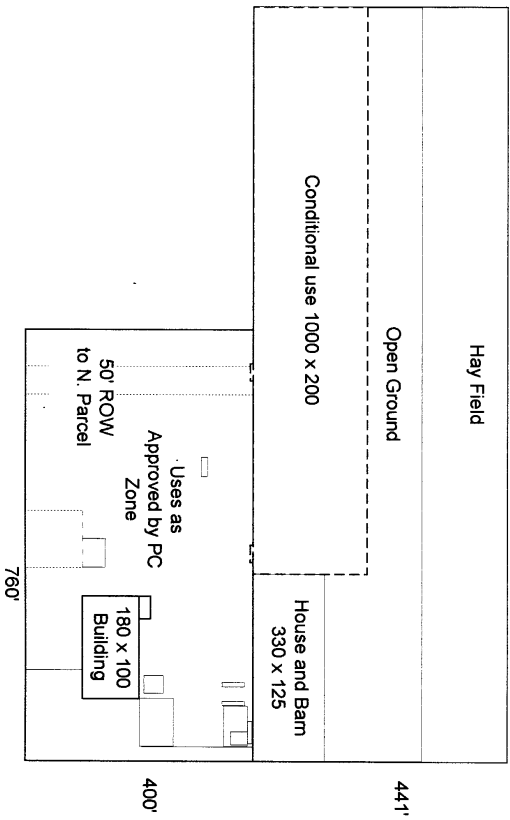
1. In accordance with Section 10.2.1.A and the petitioner's narrative, the undisturbed 8-acre portion of the site shall remain in agriculture for the duration of the use.
2. No structures or lighting shall be installed/erected within the 4.5-acre storage area portion of the property for the duration of the use.
3. In accordance with the Mesa County Development Engineer, a Drainage Plan and Report is to be submitted for review and approval.
4. The petitioner shall have 1-year from the date of approval of the Conditional Use Permit by the *Mesa County Board of Commissioners* to comply with condition #3. Upon completion of the necessary site preparation, the petitioner shall arrange for an inspection by the *Mesa County Development Engineer* to ensure compliance with the Drainage Plan and Report. Upon verification for compliance by the *Development Engineer*, the *Mesa County Planning Department* shall issue a "Development Permit".
5. The use shall be inspected annually to determine compliance with all conditions of approval.



Webb Crane, Inc.
761 23 1/2 Road
Grand Junction CO

1320'

Sketch as requested in
question # 3.



1-5-00
Regarding Webb Crane Rezone

After learning about the pending land use application for Webb Crane we would like to express our views on the subject since we are the adjacent land owners. We do not want the acreage next to our house and property line zoned light industrial. It would de-value our property and increase the noise and dust. My wife and I both work nights and the noise would only make it harder to get any rest during the day. When they purchased the property they assured us they would keep the field next to ours as a buffer Zone.

Sincerely,

Wade & Linda Bretey
771 23.5 Road
Grd. Jct Co. 81505

Paul & Janice Early
776 23 $\frac{1}{2}$ Rd.
Grand Jct., Co.

Attention: Kathy Portner

This letter is in protest of the proposal by Webb Crane for annexation into the city in order to develop the remaining 8.5 northern acres from AFT to commercial.

We have owned and lived in our home on 23 $\frac{1}{2}$ Rd for 25 years. Our property sits across 23 $\frac{1}{2}$ Rd to the east and approximately 75 yards to the north of the property being proposed for change.

We feel that there is adequate property across the interstate and in other areas of the county that are already zoned for commercial use. There is no need to rezone more good farmland.

When the house and acreage south of this area was up for rezone, we wrote a letter voicing our concerns that it would not stop there but eventually move ~~to~~ north on 23 $\frac{1}{2}$ Rd. Well, the rezone was ok'd and guess what? Here we are again. Who is to say that when Webb decides they still don't have enough property, that they don't buy the property next to this. Not only them, but also Colorado Kenworth and

Honnan Equipment may someday want to do the same thing. To okay this rezone, would be opening up a can of worms.

If you have never lived next to a business such as this, you have no idea how noisy it can be. The backup alarms on the equipment are going into the middle of the night and as early as 5:00 AM. We also don't care to have any more lighting or cranes stuck up in the air in that area.

We have our yard light on a switch so we can turn it on only when needed, because we enjoy looking at the stars & not lights or cranes.

If this rezone is approved, we ask that you please address some of our ideas as listed below.

1. The east end of the mentioned property be zoned for residential, not industrial. This will require Webb Crame or future owners to use the frontage road as an entrance. Also the two or three houses built on property would go along with the surrounding properties.
2. No P.A systems and no loud activities (backup horns) in the early morning or middle of the night.
3. No security or street lighting.

4. No cranes to be stored in an upright position on the 8.5 acres facing 23 1/2 Rd. We are very concerned that if this proposal is approved the property values in the surrounding area would drop significantly and encourage other property owners to apply for a rezon of their properties. After all, there is more money in commercial land than AFT.

Yours Sincerely,
Paul & Janice Early

Paul Early
Janice Early

January 5, 2000
Grand Jet Planning
ATTN: Kathy Portner
RE: Webb Crane Regone

I am opposed to any light
industrial zoning along 23 $\frac{1}{2}$ Rd.
I am an owner of property across
the street from this proposal.

Sincerely,
Mailep Scott
782 23 $\frac{1}{2}$ Rd
Grand Jet, Co.
81505

JANUARY 5, 2000

GRAND JUNCTION PLANNING DEPT.
ATTENTION: KATHY PORTNER

RE: WEBB CRANE REZONE

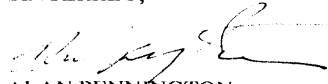
AT ONE TIME THEY PROPOSED TO EXPAND ACROSS THE BACK OF THE PROPERTY AND BUILD A COUPLE OF NEW HOUSES ALONG 23 1/2 ROAD WITH A BUFFER OF TREES AND BUSHES BEHIND THEM. THE HOUSES TO BE USED BY EMPLOYEES, AS RENTALS, ETC.

THIS I AGREE WITH.

I AM NOT IN FAVOR OF ANY LIGHT INDUSTRIAL ZONING ALONG 23 1/2 ROAD.

I FEEL THAT THE LIGHT INDUSTRIAL ALONG 23 1/2 ROAD WOULD GREATLY DECREASE THE PROPERTY VALUE OF THE TWO PROPERTIES I OWN DIRECTLY ACROSS THE STREET FROM THIS NEW PROPOSAL.

SINCERELY,



ALAN PENNINGTON
782 23 7/10 ROAD
GRAND JUNCTION, COLO.
81505

January 5, 2000

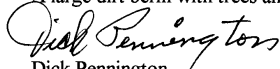
Grand Junction Planning Dept.
Attn: Kathy Portner

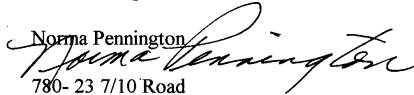
Re. Webb Craine Rezone
761-23.5 Road

We are opposed to changing the apx. 20 acres to light industrial from residential. There are houses bordering this 20 acres, some almost new.

We would consider Webb Crane rezoning the west 10 acres if a requirement was attached in the development permit that the east 10 acres would forever have to be kept residential in the future. If the west 10 acres is rezoned, the lights should be shaded and no PA system in the area. The hours of operation should be addressed also, as there is a lot of noise created by these large vehicles.

A large dirt berm with trees and shrubs should be required on the east side of this 10 acres.


Dick Pennington

Norma Pennington

780- 23 7/10 Road
Grand Junction, Colorado
81505

Sir: My name is Douglas &
Murphy at 768-23 1/2 Road
Grand Jet, Co. 81505.

I'm concerned about the propertiers
of Webb Crane and what they want
to do to the excess property they have
on 23 1/2 Road -

I feel if they want to expand
their storage area for equipment,
fine; but do not store it in
front of my property - Did object
if they took to the open land
and put it into residential property.
either woods house in the front
of 23 1/2 Rd - and storage in the back
of the property -

Thank you
Douglas & Murphy

January 5, 2000

Re: Webb Crane Rezoning
761 - 23 1/2 Rd.

Grand Jet Planning Dept.

ATTN: Kathy Partner

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to light industrial from residential. There are
houses bordering this, some almost new.

We would consider Webb Crane rezoning
the west 10 acres, if a requirement was attached
that the east 10 acres would have to be kept
residential in the future.

Harold Widegren

Marjorie Widegren

718 - 23 1/2 Rd.

Grand Jet, Colorado 81505

