

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

WEDNESDAY, MARCH 15, 2000, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Joe M. Jones
Redlands Pentecostal Church of God

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING APRIL 2-8, 2000 AS "THE WEEK OF THE TARTAN"
IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

APPOINTMENTS TO THE RIDGES ARCHITECTURAL REVIEW COMMITTEE

CITIZEN COMMENTS

* * * CONSENT CALENDAR * * *

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

Action: Approve the Minutes of the Regular Meeting February 16, 2000, Special Meetings February 22 and February 23, 2000, and Regular Meeting March 1, 2000

2. **Artwork for the New City Hall Entrance Lobby** [Attach 2](#)

On January 26 and March 6 the Commission, plus three local artists, a representative from City Hall, and two Council members reviewed proposals from 14 Colorado artists for aerial artwork in the City Hall entrance lobby, and selected an artist to commission.

Action: Authorize the City Manager to Sign the Contract to Commission George Peters and Melanie Walker to Create a Work of Art for the City Hall Entrance Lobby for an Amount Not to Exceed \$50,000

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

3. **Funding Support to Local Organizations for Art and Cultural Events/Projects/Programs** [Attach 3](#)

On February 23 and 28 the Commission reviewed 25 requests from local organizations and agencies for financial support, per Commission criteria and guidelines, and recommends that the City Council approve funding for 19 art and cultural events and projects. The Commission recommends supporting the following:

Recommended for full funding:

Grand Valley Community Theater "Brigadoon" musical	\$1500
Institute of Dancing Arts costumes for elder care facilities performances	\$1500
Grand Junction Downtown Association Art & Jazz Festival	\$1000
Grand Junction Senior Theatre Annual Talent Showcase	\$1000
Western Colorado Center for the Arts Summer Art Camp for kids	\$ 900

Thunder Mt. Camera Club slide presentation at the Avalon	\$ 750
Advocates for Children's Enrichment Creede Repertory Performances	\$ 500
Bookcliff Barbershop Harmony Chorus Regional Convention/Performance	\$ 500
Very Special Arts GJ Festival for Developmentally Disabled Adults	\$ 500
Valley Wide PTA Annual Reflections Student Art Exhibit	\$ 400
Western Colorado Botanical Gardens portable VCR/TV purchase	\$ 300

Recommended for partial funding (requests in parentheses):

Theatre Works' Shakespeare in the Park "Twelfth Night" production (\$10,000)	\$4900
Grand Junction Musical Arts Association/GJ Symphony opening concert (\$3500)	\$2000
Italian Cultural Society Second Annual Festival Italiano concerts (\$3500)	\$2000
Museum of Western Colorado Pride of the Valley Art Festival (\$3000)	\$2000
Celtic Festival & Highland Games (\$5000)	\$1500
Friends of the Mesa County Public Library ethnic theme programs (\$1615)	\$1000
Brush & Palette Club workshop/annual exhibit (\$3000)	\$ 750
Grand Valley Blacksmith Guild monthly programs/Pride of the Valley (\$1370)	\$ 500
	Total \$23,500

Action: Approve Commission Recommendations for Arts and Cultural Events/Projects/Programs

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

4. **Pitkin Avenue Waterline Replacement Project** [Attach 4](#)

The following bids were received on March 6, 2000:

Mountain Valley Contracting, Grand Junction	\$161,531.95
M. A. Concrete Construction, Grand Junction	\$179,649.60
R. W. Jones, Fruita	\$223,812.50
Engineer's Estimate	\$172,426.00

Action: Award Contract for Pitkin Avenue Waterline Replacement Project to Mountain Valley Contracting in the Amount of \$161,531.95

Staff presentation: Greg Trainor, Utilities Manager

5. **Kannah Creek Water Treatment Plant** [Attach 5](#)

The following bids were received on March 6, 2000:

Filter Tech Systems, Inc., Commerce City, CO	\$57,075.00
U.S. Filter, Ames, IA	\$75,587.00
Engineer's Estimate	\$92,000.00

Action: Award Contract for Kannah Creek Water Treatment Plant to Filter Tech Systems, Inc. in the Amount of \$57,075.00

Staff presentation: Greg Trainor, Utilities Manager

6. **2000 Waterline Replacement Project** [Attach 6](#)

The following bids were received on March 7, 2000:

Mountain Valley Contracting, Grand Junction	\$282,721.40
Taylor Constructors, Grand Junction	\$288,811.00
M. A. Concrete Construction, Grand Junction	\$329,820.30
Skyline Contracting, Inc., Grand Junction	\$341,238.20
R. W. Jones, Fruita	\$397,912.26

Engineer's Estimate \$309,042.00

Action: Award Contract for 2000 Waterline Replacement Project to Mountain Valley Contracting in the Amount of \$282,721.40

Staff presentation: Greg Trainor, Utilities Manager

7. **North Avenue Curb, Gutter and Sidewalk Replacement, First Street to 29 Road** [Attach 7](#)

The following bids were received on March 7, 2000:

R. W. Jones, Fruita	\$219,749.00
Reyes Construction, Grand Junction	\$208,306.00
G & G Paving, Grand Junction	\$172,580.00
Precision Paving, Grand Junction	\$172,345.00
Mays Concrete, Inc., Grand Junction	\$168,471.50

Engineer's Estimate \$179,107.72

Action: Award Contract for North Avenue Curb, Gutter and Sidewalk Project to Mays Concrete, Inc. in the Amount of \$168,471.50

Staff presentation: Tim Moore, Public Works Manager

8. **Independent Ranchmen's Ditch/Leech Creek Floodplain Study and Revision of FEMA Floodplain Mapping** [Attach 8](#)

One bid was received for a design contract for the Independent Ranchmen's Ditch/Leech Creek Floodplain Study and application to revise FEMA Floodplain Mapping.

Action: Award Contract for the Design of Independent Ranchmen's Ditch/Leech Creek Floodplain Study to ICON Engineering, Inc. of Englewood, CO, in the Amount of \$52,647 and the Application to Revise FEMA Floodplain Mapping and Transfer \$56,647 from the General Fund Contingency to the Project Account

Staff presentation: Greg Trainor, Utilities Manager

9. **Setting a Hearing on Miller Annexations No. 1, No. 2 and No. 3 Located at 2978 Gunnison Avenue** [File #ANX-2000-037] [Attach 9](#)

The 2.29-acre Miller Annexation area consists of one parcel of land (Lot 8, Banner Industrial Park Subdivision); 0.16 acres of right-of-way from 30 Road (for a distance of 100 feet) to Gunnison Avenue; then 0.58 acres of the right-of-way of Gunnison Avenue to the subject parcel (approximately 13,355 feet). The owners of the property have signed a petition for annexation and a request for site plan review.

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

Resolution No. 24-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexations and Exercising Land Use Control – Miller Annexations No. 1, No. 2 and No. 3 Located at 2978 Gunnison Avenue

**Action: Adopt Resolution No. 24-00 and Set a Hearing on May 3, 2000*

b. Set a Hearing on Annexation Ordinance

- (1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 1, Approximately 0.16 Acres, Located at 2978 Gunnison Avenue
- (2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 2, Approximately 0.58 Acres, Located at 2978 Gunnison Avenue
- (3) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 3, Approximately 1.55 Acres, Located at 2978 Gunnison Avenue

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for May 3, 2000

Staff presentation: Lori Bowers, Associate Planner

10. **Vacating Easements Located at the Northwest Corner of Patterson Road and First Street (Community Hospital Medical Park-Single Day Surgery Center)** [Attach 10](#)
[File #FP-2000-020]

Resolution to vacate several utility and irrigation easements which are no longer required due to property being replatted for the Community Hospital Single Day Surgery Center, located at the northwest corner of Patterson Road and First Street.

Resolution No. 25-00 – A Resolution Vacating Utility and Irrigation Easements for the Community Hospital Site Located at the Northwest Corner of Patterson Road and First Street

**Action: Adopt Resolution No. 25-00*

Staff presentation: Lisa Gerstenberger, Senior Planner

11. **Live Scan/Mug System for Police Department** [Attach 11](#)

This is a sole source purchase of one Live Scan/Mug System from Digital Biometrics, Inc. in the amount of \$86,000 installed.

Action: Approve Sole Source Purchase of One Live Scan/Mug System from Digital Biometrics, Inc. in the Amount of \$86,000 Installed

Staff presentation: Martyn Currie, Acting Police Chief
Ron Watkins, Purchasing Manager

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

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

NONE

12. **NON-SCHEDULED CITIZENS & VISITORS**
13. **OTHER BUSINESS**
14. **ADJOURNMENT**

Attach 1

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

February 16, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 16th day of February, 2000, at 7:47 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by retired minister Eldon Coffey.

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

NATIONS IN BLOOM AWARD

Joe Stevens, Director of Parks & Recreation, announced the City received second place in the worldwide competition. He recognized City Forester Mike Vendegna's contribution to the presentation. He said they will make a more thorough presentation at a later date.

RECOGNITION OF BOY SCOUTS

Mayor Kinsey acknowledged the presence of two boy scouts that were working on their Communications Badges. He welcomed them to the City Council meeting.

APPOINTMENT TO THE PLANNING COMMISSION

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried, Jerry Ainsworth was appointed to the Planning Commission to fill an unexpired term until October, 2001.

CONSENT ITEMS

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried by roll call vote, the following Consent items 1 through 6 were approved:

1. **Minutes of Previous Meetings**

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**

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

3. **Trunk Extension Funds for Costs Incurred in Upsizing the Lift Station and a Trunk Sewer Extension along Desert Hills Road**

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

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

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

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

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

6. **Filing of Eminent Domain Action to Acquire Right-of-Way for Horizon Drive Improvements**

The City will save money if the Horizon Drive improvements, from G Road to the roundabout 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

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

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

PUBLIC HEARING – VACATING A PORTION OF RIGHT-OF-WAY ON SOUTH COMMERCIAL DRIVE [FILE #VR-1999-288]

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.

The public hearing was opened at 7:58 p.m.

Patricia Parish, Associate Planner, reviewed this item stating that she was representing both City staff and the petitioner. The request is due to an error in the installation of the landscaping and parking. A theme of non-compliance occurs along S. Commercial Drive. There are existing utilities so an easement will remain. Staff recommends approval of the vacation with the condition that the City reserve a multi-purpose easement.

There were no comments. The hearing was closed at 8:01 p.m.

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

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3230 was adopted on second reading and ordered published.

PUBLIC HEARING - VARIANCE TO A CONDITIONAL USE PERMIT FOR THE PERSIGO GRAVEL PIT [FILE #CUP-1999-224]

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.

The public hearing was opened at 8:02 p.m.

Greg Hoskin represented the petitioner, M. A. Concrete. He explained the request. The property is a triangular parcel which adjoins the Persigo Wastewater Plant on the east side. The site does not lend itself to landscaping. The variance was contingent on the attempt to gain a Ute Water tap in order to get water for the landscaping. An attempt was made and the request was denied since no residential dwelling is planned. They are now requesting a variance so they do not have to vegetate according to the Code.

Associate Planner Patricia Parish reviewed the request. She said the Ute Water requirement is not necessarily residential but it did have to be development and the gravel pit did not qualify. Section 5-4 allows City Council to grant a variance. The requirements are certain soils or topography – water would be necessary. The EPA is against using Persigo's discharge water for irrigation.

Staff finds that the Natural Resource Conservation Service and the Tri River Extension Service are of the opinion that the soil and groundwater at this site are extremely salty and nothing will grow without other water. The Planning Commission recommended approval of the variance to the landscaping requirement.

Councilmember Theobald asked if M.A. Concrete already has a permit for the operation. Ms. Parish said the Conditional Use Permit was approved on December 14, 1999. They also felt dust mitigation could be addressed with the existing groundwater in the pit of the gravel operation.

Councilmember Terry asked for clarification of the Ute Water denial. Ms. Parish said since they didn't already have water rights to the property, they would have to request a water tap from Ute Water. Ute Water's policy is there must be development on the property before a water tap can be issued.

Councilmember Theobald said the Ute's water is for domestic use only, and landscaping is not a valid reason under their policy.

Councilmember Terry asked if it can be assumed Ute Water will not ever grant such a water tap and future petitioners in similar circumstances would not be required to request that.

City Attorney Dan Wilson said there is a proposed change in the new Code to solve this issue. If water is not available through irrigation (untreated water), then Ute Water will possibly consider changing their policy if it is the only backup plan. A map is needed showing where irrigation water is available in all possible areas. Most areas below the Grand Valley Highline Canal that have a ditch can get irrigation water, those areas above the GVHC would be considered by Ute Water for an alternate plan. If not, Ute Water could specifically identify areas that would be subject to the backup plan.

Councilmember Terry said Council can hope to do that pro-actively and have that information available if this would come up again.

There were no public comments. The hearing was closed at 8:14 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried, the Variance to the Conditional Use Permit was approved.

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]

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.

Councilmember Terry recused herself from this matter due to her husband's close association with the petitioner and the possibility of future financial gain by her. She left the dais and sat in the audience.

The public hearing was opened at 8:15 p.m.

Rich Krohn, 744 Horizon Court, spoke representing the petitioner, Community Hospital. He also introduced Project Coordinator Kay Ogren and Trevor Brown from Rolland Engineering.

He displayed a list of uses and described the various ones allowed. He explained they want to add the use of a day surgery center. He showed a drawing of the site plan. He explained the nature of

day surgery stating no emergency treatment is done there. It is only for scheduled surgery and there are no overnight stays. It adds to the comfort level to the patient and family and reduces costs. It allows no walk-in patients. There would be approximately 12 to 15 employees and 15 to 20 procedures per day. The hours are close to regular business hours (6:30 a.m. to 5:00 p.m.). Pictures from the various elevations were displayed. Mr. Krohn said the appearance will be as non-institutional as possible.

There were no questions from Council at this time.

Lisa Gerstenberger, Senior Planner, reviewed this item saying Mr. Krohn gave an excellent presentation. The request has been termed a rezone, although it's actually an amendment to the list of permitted uses for a PB planned zone district. She related the request to the Growth Plan as being consistent. The property was annexed in 1991 and zoned Planned Business with a list of uses. A day surgery center is not on the City's list of allowed uses. The next closest use is a hospital. A hospital is not on the current list of permitted uses, so a rezone is necessary. Phase 1 will consist of the day surgery center. Phase 2 will be a diagnostic imaging office and medical facilities. She cited the criteria of Section 4-4-4 of the Zoning & Development Code. The first question is whether there is an error in zoning at the time of adoption. There does not appear to be an error in the zone of annexation at the time the property was annexed into the City. This particular use was not on that list. The proposed use is in keeping with the list of permitted uses for that zone district. Staff recommends the approval of the day surgery center and the amendment of the list of permitted uses.

There were no comments. The hearing was closed at 8:25 p.m.

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

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3231 was adopted on second reading and ordered published.

Councilmember Terry returned to her seat on the dais.

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]

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, 1/2-2 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.

The public hearing was opened at 8:26 p.m.

Rob Katzenson, 259 Grand Avenue, LanDesign, was present to present the plan for the Rump property. Mr. Katzenson chose to go through each of the three parcels and deal with the zoning of each individually. He will then deal with the Growth Plan Amendment.

Mr. Katzenson began his presentation with Parcel #1. He stated his request for growth plan amendment is from the Rural classification to the Estate classification of 2-5 units/acre. They have complied with all requirements for Parcel #1. Regarding the zone of annexation, they have requested RSF-E which is 2-5 units/acre. Staff and the Planning Commission have recommended an RSF-R zone for this parcel due to the absence of a plan associated with the Growth Plan

Amendment process. He said there is a limited amount of property suitable for development. To determine this, the City's 30% slope rationale was used. It is possible that only three units will be possible. From a geological perspective, there is an adequate amount of acreage, in excess of 8 acres, that can be developed, but being conservative and trying to convey the actual facts, and noting that with the rock rollout, the amount of developable land is less. That is one reason for requesting the RSF-E zoning. Another limitation is the number of units that can access off of one access. Desert Hills Road has been changed to Escondido Drive with a single access. Mr. Katzenson asked for five units. The City Code allows up to 250 trips/day per residential dwelling unit. When calculating the stacking distance for Desert Hills Road, 28 dwelling units were used as the average. That was acceptable to the City's Transportation Department. The Fire Department has said it will allow up to 30 units on a single access. They are therefore requesting the RSF-E zone for Parcel #1.

Next, Mr. Katzenson explained the request for Parcel #2. The parcel was zoned in error to Public Park property when, in fact, it is private property. They are requesting the RSF-R zone classification and the Estate classification for both this Parcel #2 and Parcel #3. They are asking for the RSF-R zoning on both Parcel #2 and Parcel #3 and agree to limiting Parcel #1 to five units, and only if Escondido Drive is constructed and the sewer system installed. The property owners are also willing to reduce the number of units if it is proven that five units cannot be constructed on the property.

Councilmember Theobald asked for the size of each of the parcels. Mr. Katzenson said Parcel #1 is 16.01 acres, #2 is 5.2 acres, and Parcel #3 is 8.26 acres.

Lisa Gerstenberger, Senior Planner, reviewed this item. She said the applicant has changed his zone request for Parcels #2 and #3. There is one piece of property in three parcels, with one tax parcel number. They are all contiguous. Parcel #1 is currently classified as Rural, Parcel #2 is Park and not appropriate. Staff does agree there was an error in the Growth Plan. Parcel #2 is classified as Residential Low. The original request was to designate all three parcels residential estate and a zone of annexation of RSF-E.

Ms. Gerstenberger continued with considerations for a Growth Plan Amendment. She went through the criteria. She briefly addressed the access. No plan has been submitted so that could not be analyzed. Staff recommends that Parcel #1 stay RSF-R (up to 5 acres/unit). There are constraints on Parcel #2. The applicant has not provided sufficient justification for redesignation for this property to Residential Estate, therefore Staff recommends Parcel #2 be redesignated from the Park designation to Residential Rural and the same designation for Parcel #3. Staff is recommending all three parcels be classified as Residential Rural. The Planning Commission wanted 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, but without a plan for consideration, they were not comfortable with RSF-E due to the physical and topographical constraints of the Rump property. Still the Planning Commission has recommended approval of the petitioner's request to redesignate Parcels #1, #2 and #3 to Residential Estate (2-5 acres/unit).

Regarding the zone of annexation, Staff recommends RSF-R. The Planning Commission recommended a zoning of RSF-R to all three parcels.

Councilmember Theobald asked if all three parcels are in the 201 sewer boundary. Ms. Gerstenberger said Parcel #3 is split by the boundary and could be deleted.

Councilmember Terry asked for an explanation of the difference between the Growth Plan designation of Residential Rural (5-35) and the RSF-R zoning designation. Ms. Gerstenberger said the designation for Residential Rural is a guideline and when applying the zone of annexation, that's the goal for density. Then the zone of annexation would be either RSF-R or RSF-E depending on whether going to the high or low end. RSF-R allows one unit per five acres.

Councilmember Terry asked if it allows up to 35 acres. Ms. Gerstenberger said yes it could, but there must be at least five acres per unit in RSF-R.

David Woodward, manager of Tierra Ventures, LLC, said he supports the Rump request for RSF-E for Parcel #1.

City Attorney Dan Wilson asked if there have been any discussions to co-develop. Mr. Woodward said they have not been approached by the Rump family but they are aware of their plans. Mr. Woodward said Tierra Ventures has no ownership interest.

There were no other comments.

Rob Katzenson clarified there may be some wetlands on Parcel #3, but no delineation has been performed, so they cannot verify that such jurisdiction exists. He also explained the vehicle count number regarding the access issue, resulting in 26.2 units for calculation of the number of allowable lots. Regarding staff's determination that there may not be enough acreage to do five units, they feel they have given enough detail to see that there is enough room for a cul-de-sac and five units with eight developable acres. The applicant cannot construct a Desert Hills Road access that will limit them to the single access. That is not a self-induced hardship.

Councilmember Terry clarified that staff has recommended the Growth Plan amendment RSF-R (5-35) and RSF-R zoning on all three parcels. The Planning Commission has recommended residential estate for the Growth Plan Amendment and RSF-R zone of annexation. Mayor Kinsey said the Planning Commission recommended that because it gives the opportunity for the petitioner to come back for a zoning change without having to go through a plan amendment.

Councilmember Spehar asked for an explanation of the math figures. Ms. Gerstenberger explained how the number of lots were calculated by the number of allowable trips. The number 25 comes from the City's development engineers. There are 2500 possible trips, using the round figure of 10 trips per household. The actual number is 9.555 and would come out to 26 lots that could use that road. There are 22 already assigned to the Desert Hills development. There was an easement which was previously granted and would be 23, leaving approximately three lots possible.

Councilmember Theobald asked how the easement grants a 23rd lot. Ms. Gerstenberger said the easement was granted to someone not involved in the Desert Hills property but they have a legal right to use the roadway when it's constructed. So it would be counted as a household. Ms. Gerstenberger said no one at City staff disputed the number 28. She said for purposes of the TEDS Manual, 26 would be the maximum number of lots.

Councilmember Theobald said if it will stay in the 201 boundary then it should be RSF-E. If not then RSF-R. He liked the Planning Commission's recommendation with the Growth Plan solution which somewhat delays that. The applicant wants Rural instead of Estate on Parcel #2 and he was comfortable with that. Regarding the maximum of three units on Parcel #1, the zoning doesn't matter because of other considerations. He agreed with the Planning Commission's recommendation to stipulate no more than three units on Parcel #1.

Councilmember Spehar felt it was important to limit that to 3 developable lots because that impression was left with the neighborhood in the previous hearing. If the estate designation is approved, then they will likely see five units. He asked if Council can limit the number of lots. City Attorney Wilson said yes, as it will give the applicant some direction.

Councilmember Spehar asked why a Growth Plan Amendment is needed a limit of three is being placed on Parcel #1. Mayor Kinsey said it makes them all the same.

Councilmember Theobald said it troubled him to have a growth plan that on the face violates the Persigo Agreement. The Persigo Agreement says the maximum is two acres.

Councilmember Terry said there may be exceptions to that within the urban area. Council will have to work on it later.

There were no other comments. The hearing was closed at 9:00 p.m.

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)

b. Zoning Ordinance

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

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 17-00 was adopted and Ordinance No. 3232 was adopted on second reading and ordered published.

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]

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.

The public hearing was opened at 9:02 p.m.

Joe Carter, Associate Planner, reviewed this item. He said the petitioner does not plan on speaking. He displayed a vicinity map and then displayed a map of the area. He explained the request as above, and stated the property is eligible for annexation. Staff recommends Council accept the annexation petition and approve the annexation ordinance.

There were no public comments. The hearing was closed at 9:05 p.m.

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

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

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, Resolution No. 18-00 was adopted and Ordinance No. 3233 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING ROBERTSON ANNEXATION TO RSF-2, LOCATED AT 522 20 1/2 ROAD [FILE #ANX-1999-269]

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.

The public hearing was opened at 9:06 p.m.

Associate Planner Joe Carter reviewed this item. The petitioner did not choose to speak. Mr. Carter said the proposed zone complies with the criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code. The Growth Plan designates this area as Residential Medium to Low, with densities ranging between 2 and 3.9 units/acre. The Planning Commission recommended approval of the RSF-2 zoning

Councilmember Theobald asked what is County R1B. Mr. Carter said it is 2 units per acre.

There were no public comments. The hearing was closed at 9:08 p.m.

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

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3234 was adopted on second reading and ordered published.

PUBLIC HEARING – CROWE ANNEXATION, LOCATED AT THE SOUTHEAST CORNER OF I ROAD AND 26 ½ ROAD [FILE #ANX-1999-271]

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

The public hearing was opened at 9:09 p.m.

Dave Thornton, Principal Planner, reviewed this item. He located the parcel for Council, adjacent to Summer Hill Subdivision. He recommended both parts of this agenda item (acceptance of the annexation and zoning) be approved.

Councilmember Payne asked where the 201 boundary stopped. Mr. Thornton said it stops at I Road.

There were no public comments. The hearing was closed at 9:10 p.m.

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

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

Upon motion by Councilmember Theobald, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 19-00 was adopted and Ordinance No. 3235 was adopted on second reading and ordered published.

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]

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.

The public hearing was opened at 9:10 p.m.

Doug Theis, engineer with Thompson Langford Corp. was present representing the petitioner. He identified the surrounding zoning. The request for the Growth Plan Amendment is to make this property more compatible with the surrounding land use.

Dave Thornton, Community Development Department, said staff is supporting this request because there was a change on a surrounding property and this request will be more compatible with that change. The reduction in density will allow around 2 units per acre. It is a better transition to the larger lots to the north. The zone request for RSF-4 falls into either of the Growth Plan designations so it is not affected by the decision on the Growth Plan Amendment.

Councilmember Theobald said he would like to see the zone designations match the Growth Plan designations.

There were no public comments. The hearing was closed at 9:20 p.m.

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)

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)

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 20-00 was adopted and Ordinance No. 3236 was adopted on second reading and ordered published.

PUBLIC HEARING - WEBB CRANE ANNEXATION, LOCATED AT 761 23 1/2 ROAD
[FILE #ANX-1999-277]

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.

The public hearing was opened at 9:20 p.m.

Kathy Portner, Planning Manager, reviewed this item.

Cindy Enos-Martinez stated for the record she is a partner in Development Concepts, the developer for Webb Crane.

Kathy Portner reviewed this item. She stated the eligibility of the annexation of the Webb Crane property. Staff finds the application meets State requirements for annexation and recommends approval of the annexation. She noted the Webb Crane Annexation does create an enclave. She pointed out four properties to the south of I-70 that are not within the City limits. In annexing this property, those properties become enclaved and subject to the provisions of the Persigo Agreement that they be annexed within five years.

Councilmember Theobald noted that Council does not inadvertently create enclaves but due to the configuration of this parcel, an enclave is created.

Councilmember Terry urged that those in the enclave be notified. She suggested such notification come from the Council and Mayor, as well as copies to the Mesa County Commissioners.

There were no other comments. The hearing was closed at 9:26 p.m.

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

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

City Attorney Wilson noted the name of Councilmember Enos-Martinez will not be called when voting on this item.

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 21-00 was adopted and Ordinance No. 3237 was adopted on second reading and ordered published.

PUBLIC HEARING - GROWTH PLAN AMENDMENT FOR WEBB CRANE ANNEXATION, LOCATED AT 761 23 1/2 ROAD [FILE #ANX-1999-277]

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.

The public hearing opened at 9:27 p.m.

Mike Joyce, Development Concepts, 2764 Compass Drive, represented the petitioner and reviewed the history of this property. He also read the motion that rezoned this property by Mesa County back in the 80's. The motion stated that they recommend approval of the rezone to the Planning Commissioners subject to the review sheet comments subject to the following reasons:

- (1) The corridor between 23 and 24 Roads represents the only opportunity for the trucking industry to have an access on and off of I-70.
- (2) The planned commercial zone will provide the opportunity for the Planning Commission and Planning Department to mitigate any impacts on neighborhood uses.

- (3) The density of this area was established by placing of this interchange at that location long before the Colorado Kenworth application.
- (4) The proposal does not violate sound planning principles.

That motion was not considered in the Appleton Plan or the North Central Valley Plan which were developed later. The only way Webb Crane can continue is to expand their business. Webb Crane has been meeting with the neighborhood and talking about the impacts. He rescinded the application for the rezone to I-1. They were going to put some residential units on 23 ½ Road and provide a berm and buffering to protect the integrity of the area. The neighborhood was in agreement. They found they can't put residential next to I-1 under the current Code. It is allowed in the new Code. The petitioner wants to withdraw and rethink the application. They have 90 days to zone. He said they will probably request a Planned Zone to insure buffers for the neighborhood. It will also allow Webb Crane to plan where certain pieces of equipment can be stored on the property.

Mr. Joyce then went through the Growth Plan Amendment criteria.

- (a) An error in the original plan such that the then facts, projects or trends that were reasonably foreseeable were not accounted for – There is no contemplation of additional residential. There may have been a mistake by not taking into account past decisions made by the County Commissioners when earlier plans were drafted. There is a need for a provision that existing businesses should be allowed to grow. Mr. Joyce felt it is time for an update of the Growth Plan which is now approximately five years old, as many changes have taken place over time.
- (b) Events subsequent to the adoption of the plan have invalidated the original premises and findings – There have been some significant changes in the area, a church has been constructed generating a traffic impact.
- (c) Character has changed enough to justify amendment – There is some expansion on other corners that make this more logical now than in that past.

Mr. Joyce asked Kevin Williams to talk about the physical plant and the cost to relocate.

Kevin Williams, Webb Crane Service, 761 23 ½ Road, said they have considered the option of relocating their facility to another area within the community, but it is more convenient being close to I-70 and having the frontage road configuration. A relocation would also be quite costly. The appraisal of the value of their Grand Junction property (including their 13 acres) was approximately \$1 million in 1999. They have a 40-acre parcel in Gypsum where they're trying to build another facility. The new facility will cost approximately \$3 million minus the utilities that must be installed. Webb Crane employs approximately 60 people in the Grand Junction area with an average salary between \$13.75 and \$15.25. They house approximately \$10 to \$12 million dollars of equipment in Grand Junction. Mr. Williams felt they are a good neighbor by maintaining the character of the neighborhood with employee housing.

Mr. Joyce met with the neighbors and came to a verbal agreement. Webb Crane has agreed to construct the houses on 23 ½ Road and place the berms prior to storing any additional equipment on the back portion of the property. Staff has brought up the issue that this property is an Estate area requiring two acre minimum lot sizes. They are planning on one acre sites, and they are not planning to plat separately. He feels they have mitigated the neighbor concerns.

Councilmember Theobald asked for clarification on the withdrawal of the zone request. Mr. Joyce said they are wanting to withdraw the zone of annexation only. During the 90-day period, they want to work with the City and the neighborhood so they can do what they want to do. They are requesting only the Growth Plan Amendment tonight. A zone of annexation will come back to Council at a later date.

Councilmember Terry asked if Council approves the Growth Plan Amendment that takes the property to the commercial/industrial designation, will that give them the flexibility to do a planned zone in the future. Ms. Portner said yes.

Kathy Portner, Planning Manager, reviewed the options. She noted the red (Parcel #1) is designated as commercial. The green area (Parcel #2) is designated as estate (2-5 acres/unit). They have approval on a Conditional Use Permit on Parcel #2 for 4 ½ acres of the property. The south portion does not extend to 23 ½ Road. The approval of the CUP was for the storage of their equipment and required screening of that equipment. The County AFT zone allows a much broader range of uses than the City's equivalent zone of RSF-R. The City's RSF-R zone would make them non-conforming, although they would be allowed to continue to operate under the provisions of the County-approved CUP. If Webb Crane is annexed and given similar zones to what it has in the County, they could continue to operate, but would not be allowed to expand. She recommended a Growth Plan Amendment to a commercial/industrial designation. Staff does not support the designation for the northern Parcel #2. Staff has concerns with the compatibility of expanding further to the north with the surrounding area. Staff agrees the depth of the commercial designation to the west might warrant some of Parcel #2 being given that designation. The major concern is the 23 1/2 Road frontage. If Council considers amending the Growth Plan for any of Parcel #2, enough land should be left on 23 ½ Road as residential estate to meet the two-acre minimum lot size. The Planning Commission recommends approval of the proposed Growth Plan Amendment for Parcel #2, but gave specific direction to the applicant on what is expected with a zone of annexation. The Planning Commission wanted to see residential uses along 23 ½ Road and some good screening and buffering between those uses and the Webb Crane operation to the west. The Planning Commission was willing to entertain that under a Planned Zone district where it is a part of the plan and would not necessarily hold them to the estate designation of the two-acre lots.

Councilmember Theobald asked what Ms. Portner would envision for the depth back from 23 ½ Road if the Growth Plan designation were to be amended to come short of 23 ½ Road. Kathy Portner said the applicant has considered that and they would remain with approximately eight acres of Parcel #2 for future expansion. It won't give them the area they desire.

Councilmember Spehar said if the frontage is left as Estate, then Council is causing a conflict with the three units and screening. Ms. Portner concurred. They would need to come back with a plan that met the density of the Estate zoning, meaning two acres per parcel.

Councilmember Theobald asked if density is the primary factor, or the buffering for the neighborhood. Kathy Portner said both are key issues. She thought that once they have residential uses along 23 ½ Road on one acre lots, eventually they will want to sell those lots off. At that time, the estate designation would be reevaluated for a much larger area than just the lots on the 23 ½ Road frontage.

Councilmember Payne asked if the petitioner had said they would sign a statement saying that could not happen. Kathy Portner said they agreed they would come back with a planned zone where the homes would actually be under their ownership. It would have to come through the public hearing process. The Planning Commission was comfortable with the Growth Plan Amendment for the entire parcel knowing at the time the petitioner comes back with the zoning request, Planning Commission can consider the criteria for rezoning and determine the appropriateness of the proposal at that time. An option would be to not go ahead with the Growth Plan Amendment and suggest it come back with the request for zoning because then the plan is known.

City Attorney Wilson said creating lots has an advantage because the neighborhood knows what they have. Staff could not address internal circulation because it's one property. There is an advantage to subdividing. Kathy Portner did not see a great advantage. The homes on 23 ½ Road

will have driveways to 23 ½ Road no matter what the ownership is. They are not proposing to have the business access onto 23 ½ Road. There will be no internal circulation.

Councilmember Terry asked if the issues stated in the other neighborhood letters, other than the Penningtons, were addressed. Mr. Joyce said most of the letters were generated after the Penningtons met with the neighborhood residents. Their main concern is the traffic on 23 ½ Road and the noise. Colorado Kenworth now generates a lot of noise with outside speakers. Webb Crane doesn't have the outside speakers. Another issue was the buffering to the north end of the property. They are looking at a regional detention basin in this area. Webb Crane has voluntarily restricted access onto 23 ½ Road to service vehicles. They only want to use 23 ½ Road for access to the residential structures.

There were no other comments. The hearing was closed at 10:01 p.m.

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

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 22-00 was adopted.

ADJOURNMENT

The meeting was adjourned at 10:02 p.m.

Stephanie Nye, CMC
City Clerk

Insert February 22 minutes

**JOINT HEARING OF THE
GRAND JUNCTION CITY COUNCIL
AND
PLANNING COMMISSION
PROPOSED ZONING & DEVELOPMENT CODE**

FEBRUARY 22, 2000

The specially scheduled joint meeting of the Grand Junction City Council and the Grand Junction Planning Commission was convened at 7:03 p.m. at Two Rivers Convention Center and was continued from February 10, 2000.

Representing the Grand Junction City Council were Gene Kinsey (Mayor/Council President) and Councilmembers Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar and Janet Terry. Representing the Grand Junction Planning Commission were Chairman John Elmer and Planning Commissioners Paul Dibble, Terri Binder and Joe Grout. City Clerk Stephanie Nye was present to record the minutes.

Chapter 3 and Chapter 4 were reviewed during the February 10, 2000 meeting.

Council President Kinsey welcomed the audience and invited input on the draft Code. The hearing then continued.

CONTINUATION OF PUBLIC INPUT AND CONSIDERATION OF THE FINAL DRAFT OF THE ZONING AND DEVELOPMENT CODE

CHAPTER FIVE – PLANNED DEVELOPMENT

Planning Manager Kathy Portner stated no significant changes have been made to the Planned Development section since the last draft.

She noted it is a change from the existing Code in how Planned Developments are used by the Community Development Department. She anticipated it would not be used often because there is now additional flexibility in the Straight Zone that many were using Planned Zones for in the past. For the most part, it would be used for large developments of mixed use.

There were no public comments or discussion regarding Chapter Five.

CHAPTER SIX – DESIGN AND IMPROVEMENT STANDARDS

- Section 6-2-2 – Significant portions of this section dealing with streets, alleys and easements were deleted from this draft of the Code to be included instead in the TEDS (Transportation Engineering Design Standards) Manual.
- Section 6-3 – The section on Public Parks and Open Space was revised since the last draft to incorporate the requirements for a 10% land dedication, or payment of the appraised value of the land, for subdivisions of ten or more lots. The City will have the option of accepting the land or fee in lieu of land dedication.
- Section 6-5 – The landscaping section of the Code has been revised since the last draft to further simplify the regulations. The overall landscaping requirements have not changed substantially.

Planning Manager Kathy Portner discussed Section 6-2-2 dealing with Public Infrastructure improvements required with any development. She noted significant portions of this section dealing with streets, alleys and easements were deleted from the draft to be included in the TEDS manual

that the Public Works Department is currently working on updating. For the most part, they will remain the same in this Code and that document.

Section 6-3 (page 9) deals with Public Parks and Open Space. That section has been revised since the last draft. The previous draft had a complex formula for determining how much open space would be required for any residential subdivision. This draft indicates there will still be a Parks and Open Space fee paid to the City for any residential development. The fee is currently \$225 per unit with no proposal to increase the fee. Regarding the Public Parks and Open Space dedication requirement for any subdivision of 10 lots or greater, there would be a requirement that 10% of the land area be dedicated for public parks or the appraised value of that 10% land area paid to the City for future neighborhood parks in the area. The City would decide whether to accept the land, or to take the fee in lieu of the land. The language in this section may need to be clarified somewhat to make that statement clear.

Councilmember Spehar asked how the 10% requirement is different from the current requirements. Ms. Portner said the current Code requires the \$225/unit fee be paid into the parks system and there are no plans to change that fee. The current Code does not provide for a public open space dedication requirement, however, in the Planned Zone category in the existing Code, there is a requirement for some type of dedication. It does not specify the amount. She estimated 90% of all of the residential development has been in Planned Zones in the recent past. Land has been dedicated through the subdivision process as private open space. A general survey of the amount of land that was generally dedicated, was usually 15% to 20% range, so this proposal is actually at a low end of what had been dedicated in the past. Existing subdivisions that do dedications, dedicate it as private open space. It is anticipated there will be no private open space unless a developer chooses to do that through a Planned Development or if it was needed for a facility such as irrigation or detention. It would be a public neighborhood park system that would be established.

Planning Commissioner Terri Binder verified the 10% dedication would not include retention/detention ponds. Ms. Portner said that is correct. It would have to be useable as a public park or a unique feature the City felt was important to the community as a whole, rather than just specific to that subdivision.

Planning Commission Chairman John Elmer said the standards for open space in Section 6-7-6 later on really pertain more to open spaces provided. He said the standards for usability, what is dedicated, and where, has nothing to do with the 10% standard which is cited in Section 6-3-2. Ms. Portner said that would be separate, for private open space that was either dedicated for the use of the homeowners through a Planned Development, or through the choice of the developer. Ms. Portner said in a straight zone development where the need for a detention/irrigation pond exists, the location would still be considered and an effort would be made to maximize the benefits of how it's located.

Chairman Elmer said it is confusing because Section 6-3-1 discusses both the park open space fee and a park impact fee. But at this point, there is no park impact fee unless Ms. Portner is referring to the 10% that is paid in cash. Ms. Portner agreed clarification is needed. Section 6-3-1 was meant to cover the existing fee that is based on a per unit basis. Section 6-3-2 would be the 10% required dedication in addition to the per unit fee.

CITIZEN COMMENTS

Larry Rasmussen, representing the Realtors and Home Builders Association, reiterated that they have no problem with the open space aspect. Open space contributes to the community, the value and attractiveness of certain projects. Their concern is the 10% requirement. The cost is going to be passed on to the homeowners. It is an awkward situation when one tries to explain to a homeowner the requirement of the 10% of the value without relating it to a specific park plan. He felt the Parks Master Plan needs to be in place first so the homeowner can see where their money is going.

Councilmember Scott asked Mr. Rasmussen what he felt was a reasonable amount of time to get the Master Plan in place. Mr. Rasmussen responded by suggesting six months.

Councilmember Terry asked if Mr. Rasmussen was in agreement with the principal of the section if delayed. She suggested once a revised Parks Master Plan is in place, he would have something to show prospective buyers. Mr. Rasmussen said the theory of providing open space is okay.

Councilmember Spehar said he could agree with Mr. Rasmussen's suggestion if the only purpose of open space was to develop recreational parks and facilities. However, some open space is indeed left open and natural. Councilmember Spehar suggested creating the opportunity for both developed and undeveloped open space in proximity to new homes realizing that some of the land will not be developed or have facilities on it.

Mr. Rasmussen reiterated he had no problem with that. He just felt it ought to be a part of the Master Plan. He felt the draft Code is going about it backwards.

Discussion of lotto funds and GOCO monies for parks and open space then took place.

Councilmember Payne said a Parks Master Plan is difficult to do. He gave an example of a subdivision going in with 30 homes, RSF-4 and 100 units. If it was known such a subdivision was going in, the Parks Master Plan could accommodate plans for a complete park. Next door to this subdivision is one with five acres, 20 homes. He asked how a park can be constructed in the five acres using a Parks Master Plan.

Mayor Gene Kinsey said the fee is for the total Parks system. Council has made a commitment to pursue neighborhood parks where feasible. They will continue to develop regional parks such as Canyon View, Las Colonias and Eagle Rim. Those parks are available to everyone in the City. They are trying to create a method to allow development to contribute to continually improving parks.

Mr. Rasmussen reiterated that his groups still feel very strongly about this section of the Code.

Councilmember Payne said a couple of years ago the fee discussed was much higher than the reasonable fee recommended in the new Code.

Dean VanGundy, a property owner on the south end of 5th Street, said he has reviewed this draft. He felt it takes away his property rights. He said he pays taxes with no rights. He felt it was the same method used by Adolph Hitler in 1937. His major concern was the amortization provision in the draft which he felt allows him to remain on his property, although he must build a fence within five years. If the fence is not built, he is expected to get out, and can expect a fine if he doesn't leave. He said it is unfair. He felt the Code should define the term "amortization" as well as "overlay district." He was also concerned with a "policing agency" that will enforce the Code.

Continued discussion on the open space issue then took place.

Mike Joyce, 2764 Compass Drive, representing the Chamber of Commerce, said they are in agreement with the Board of Realtors and the Home Builders Association on trying to get a parks plan adopted that states the minimum amount of park land needed for neighborhood parks, regional parks, etc. The plan should guarantee that part of the open space/parkland fee paid by a property owner will go to a neighborhood park and directly benefit those residing in the immediate area. It's not an easy task, but it can be done.

Mayor Kinsey agreed, although the amount of funding determines the density of parks, etc.

Councilmember Payne said the maintenance cost for small parks (under five acres) is horrendous. Mr. Joyce agreed it is a dilemma.

Councilmember Spehar said the Code states in Section 6-3-2.f. that three acres or less won't be accepted unless there is a special or compelling need. Whether it's land dedications or the fees, neither pays much of the parks costs. The General Fund subsidizes the parks funding annually.

Mr. Joyce said he felt the City is going in the right direction with this section. People want to know where their impact fee or tax dollars are going.

Doug Clary, 2691 Kimberly Drive, agreed with Councilmember Spehar. Open space doesn't necessarily have to be a developed park and it does have value. He felt 10% is too little an amount of land for such a use. A 100-home subdivision needs open space, not necessarily a developed park.

Mayor Kinsey clarified the 10% figure was not intended to be the minimum size or only amount of land. It would only be the subdivision's contribution and there would be additional contribution from the City.

Planning Commission Chairman John Elmer said the 10% fee equates to a cost per lot. Staff must make sure it is a defensible number.

Commissioner Paul Dibble said the plan is the most important object in this discussion. It must be in place before anything is developed according to it. He also commented on Mr. VanGundy's presentation. He suggested Mr. VanGundy contact a staff member for further clarification, and discussion of specifics, knowing City staff would be willing to do that. Many of the items in the proposed Code are good for the community. There are some areas that need to be fine tuned. The purpose of these public meetings is to get the public, staff, City Council and the Planning Commission to meet and discuss all aspects of the draft Code.

Ms. Portner said the 10% figure came from a typical open space requirement. It is very much at the low end. Considering what was being received in private land dedication, through the planned development, it is definitely at the low end. The City is getting 15% to 20% open space generally. Nationally, requirements for parks and open space range from 10% to 20%, even as high as 25%.

Councilmember Spehar said most residential is in PUDs and usually the requirement or dedication is more than the 15% to 20% range, not 10%. Ms. Portner agreed.

Planning Commissioner Joe Grout asked if that is based on undeveloped land. Ms. Portner said yes.

Councilmember Terry said the comments on waiting for the Parks Master Plan were thoughtful. She agreed with Mayor Kinsey about which comes first, the Plan or the fee. She assured the audience the Council and Commissioners have diligently decided to pursue a revision to the current Parks Master Plan. She encouraged public participation on that Master Plan.

City Council and Planning Commission concurred with going ahead with the foregoing provision.

Kathy Portner then discussed Section 6-5 – Landscaping (page 15). She stated there are no major changes to the overall concept of this section. The formatting has been simplified. She asked Joe Carter to review this portion of the draft.

Associate Planner Joe Carter, Community Development Department, said there has been a format change since the last draft. Landscape designers wanted more creative flexibility. The quantities that are produced by use of this Code are derived from existing projects. The perimeter landscaping Section 6-5-3 has been eliminated from this section. There is a section regarding

fences which is a duplication of Section 4-1-10. That will be resolved. This levels the playing field. He showed some comparisons of existing commercial projects on the overhead projector. The comparisons showed tree and shrub quantities. Under the old Code Alpine Bank on Horizon Drive was required to have 28 trees and 206 shrubs. Under the new Code, 18 trees and 150 shrubs would be required. As larger commercial projects are proposed such as The Home Depot and the proposed Redlands Market Place, the landscape requirement is slightly increased. Smaller businesses such as Schlotzky's are doing more landscaping percentage-wise than the larger projects. This is based on the improved area of the development, and it can be modified by the administrator.

Councilmember Spehar asked, in leveling the playing field, where were the reduction or increased requirements made. Mr. Carter said the amount of landscaping has been decreased with smaller projects. There seems to be a slight increase on larger projects. The proposed Redlands Market Place are individual lots which do not have landscaping on them, so he could not say for sure that it would be a marked increase with the new Code on that particular project.

Councilmember Enos-Martinez asked Mr. Carter if Section 6-5-3, Perimeter Lot Landscaping, had been deleted. Mr. Carter said yes.

Councilmember Payne noted the huge difference in the amount of shrubs required on two different 10-acre projects. Home Depot was required 360 less shrubs than was required of the Redlands Market Place, and asked why. Mr. Carter said it is based on the entire area of the site. Redlands Market Place does have individual lots within the ten-acre parcel.

Councilmember Terry noted that Schlotzky's did more landscaping than required.

Mr. Carter referred to Texas Roadhouse. The footprint of the building was approximately 10% to 12% of the area of the site. The Home Depot building is using 25% of the area. He said Texas Roadhouse is doing more landscaping under the old Code than what will be required in the new Code.

Councilmember Terry suggested taking the actual building into account and consider the remaining undeveloped portion when calculating required shrubs and trees, etc.

Mr. Carter used the Texas Roadhouse as an example, if 90% of their total lot, minus the footprint of the building, was to be planned, percentage-wise, big box retail would end up doing less landscaping. The entire lot area was taken into account when calculating the requirements. The Code allows the improved area to be modified by the administrator when only two acres of a ten-acre parcel are being used for the development. Texas Roadhouse has a larger lot, but has only improved 4/5 of the lot.

Councilmember Spehar said under the old Code the difference between Schlotzky's and Texas Roadhouse would be Schlotzky's doing approximately 26 or 27 trees/acre on 9/10 of an acre, versus 16 trees/acre for the Redlands Market Place. In the new Code, they will both be required around 14 or 15 trees/acre.

Mr. Carter said they are trying to level the playing field. This section will be scrutinized and reviewed again. There are certain uses such as gravel mining operations that will not require this type of intensity in landscaping. He felt this will satisfy the minimum requirements.

Chairman John Elmer said car dealers don't like to use deciduous trees because of the leaves impacting the new car finishes. He asked if there is enough flexibility in the new Code to work under those circumstances. Mr. Carter said yes. Evergreen trees can be used in those cases. The screening affect is encouraged, although it is not regimented. The new Code satisfies those concerns by allowing substitutions in many cases.

Dean VanGundy addressed Chapter 6 (page 27) – Monthly Requirements. He had a problem with the 25' wide landscaping strip with trees and shrubs around the total perimeter of the property. He felt that was a ridiculous width for the entire perimeter of his property. It would barely leave enough room to function and operate his business.

Mayor Kinsey felt Mr. Van Gundy was misinterpreting the section. He explained a buffer is an area between two adjacent uses and is meant to minimize the impact. A 25' buffer is required between an industrial use and a residential single family neighborhood. That is not the case in Mr. Van Gundy's area.

Mr. Van Gundy said he could not see where all of the regulations are needed.

Councilmember Enos-Martinez asked Mr. Van Gundy if a free-for-all should be allowed in the City. Mr. Van Gundy agreed regulations are needed, but not to this extent.

Marty White, owner of multiple residential properties, asked about commercial properties. He bought property with an existing building on it. He said the City requires he dedicate a certain amount of the property for a certain number of parking spaces which are calculated by the square footage of his building. If he adds the required landscaping, there will not be enough room for the required parking spaces and he is going to be in violation of one section of the Code or another. He did not understand how the specific number of trees and shrubs are required. He asked how existing commercial properties are being accommodated under the new Code.

Ms. Portner said existing properties where a building exists and is being used for commercial uses in the past, they can continue to be used as they have in the past without improvements to the parking or landscaping. If there is a change of use where the proposed type of use actually increases the demand for parking, such as warehouse to retail, the non-conforming code section would dictate how much additional parking and landscaping would be required. The non-conforming section has been modified allowing exceptions so either parking can be added or landscaping.

Mayor Kinsey explained the intent of the new Code is for new development and there are provisions for existing buildings.

Ray McGhghy, a local salvage yard owner, said the City's Code Enforcement Officer has come to his property saying he is a non-conforming business. He asked for proof of his non-conformance. He did not ask to be annexed into the City, but would do what he can to try to conform. He insisted salvage yards do a service for the community although they don't generate the sales tax revenue that other businesses do. Mr. McGhghy asked for incentives such as tax breaks, credits or some other means to help salvage yards comply. Salvage yards have not had a good name in the past, but they have cleaned up their businesses and are now operating credible and state of the art businesses. Salvage yards are disappearing at a rate of almost 10% per year. In ten years, there won't be many left.

Councilmember Spehar agreed the Code needs to deal with its own salvage yards and waste disposal sites. He suggested one of the purposes of the Code is to protect such businesses, and asked Mr. McGhghy to work with the Council and Commission on some of the problems. Councilmember Terry said the Council and Commission has conducted meetings on the draft for two years. She has talked to many small business owners who are very concerned with the impact of this Code on their businesses. They have worked diligently on the section that discusses existing businesses in trying to minimize the impacts, realizing they must deal more with new development. They do not want to create hardships for existing businesses. She invited Mr. McGhghy to review the sections of the draft Code and sit down with Staff. If he still has real concerns about fairness and appropriateness, the Council and Commissioners need the specifics of his concerns.

Mr. McGhghy said the current regulations can be interpreted loosely. In the future he wanted Code Enforcement to have proper documentation with them before they go to businesses stating a business is non-compliant. He felt it was Council's responsibility to assure its citizens that City employees are doing their job properly.

Councilmember Terry said they know the Code is not perfect. It is based on a Master Plan that was created by the citizens and they are trying make the Code a document that implements the goals of the citizenry. She invited Mr. McGhghy to come into the Council and Commission offices and go through his specific concerns.

Councilmember Spehar offered to participate in such discussions with Mr. McGhghy stating it would educate him on the practical applications of this issue. He asked Mr. McGhghy to continue thinking about his part in being able to exist in the community long-term. The community needs to have an interest in his type of business existing long-term. Mr. McGhghy's landscaping efforts is a good beginning in an effort to familiarize citizens that don't understand the importance of having someone to haul vehicles off, etc. Councilmember Spehar felt that would be part of the answer to Mr. McGhghy being able to be in business ten years from now.

Leroy Winters, 3065 Highway 50, just before Whitewater Hill, owner of an auto salvage business at 3061 Highway 50, said he has 1500 cars on 7 ½ acres, with 8 to 18 employees. He said this community creates manufactured waste daily. His industry is a service to the community. He referred to Section 4-3-4, paragraph 7 (page 28) which states his business must comply by 2004. He has been told by Council and the Commission this section won't affect him tomorrow but it says it will affect him in 3 ½ years. Mr. Winters asked for clarification of this section.

Ms. Portner said screening requirements exist in both the current and proposed Code for various types of outdoor storage. The provision in Chapter 4 dealing with amortization talks about the required screen fence as well as the perimeter landscaping using the Buffer Type B. Staff is proposing that be modified. The intent was to do the street frontage landscaping which would normally be required in any buffering based on Table 6-5. It would depend on whether it is adjacent to a certain type of zone district as to whether they would have to do the actual landscape strip adjacent to another use. Industrial next to Industrial does not have to use the 25' strip, but the screen fence is required around it.

Councilmember Scott said he knows Grand Junction needs salvage yards. He said this Code is trying to make it easier on the salvage yard owners and the City. The citizens will like it better.

Dean Van Gundy asked for a definition of amortization. Mayor Kinsey said it says the year 2004. Councilmember Spehar said Mr. Van Gundy can operate exactly as he is currently operating for a period of three years. It gives him an opportunity to amortize his existing use. Mr. Van Gundy said that is not fair.

Councilmember Terry said the Council and the Commission are trying to balance everyone's needs in this community and asked Mr. Van Gundy if he had a proposed date that he felt would be fair. Mr. Van Gundy said amortization is taking of property without just and fair compensation.

Commissioner John Elmer said the year has been changed to 2005.

Mayor Kinsey asked if there were additional comments on landscaping requirements or required buffering between different uses.

Marty White asked if he must comply by 2005 with a buffer zone because it is Residential behind his business. Commission Chairman Elmer said that provision applies to only junkyards, salvage yards and heavy equipment and industrial storage lots.

Tony Long, a County resident, said he admired Mr. Van Gundy's landscaping. He suggested even more regulation as there is a lot of rock landscaping in the City. He said rock landscaping is boring and bare and suggested screening such landscaping. He likes old things and feels it is good for the mind to view old equipment. He suggested working together and perhaps regulations would be unnecessary. He felt the Golden Rule would solve a lot of problems.

Linda Todd was concerned with areas in the City that overlap the Ute Water district, specifically the usage of Ute water for irrigation requirements. The Ute Water Conservancy District implemented a policy in 1976 or 1977 does not provide irrigation taps. People will be fined if using domestic Ute water for irrigation purposes. This has not been addressed in the Code. If properties are located in an area where water is not available, the Code could be causing people to become non-conforming in their use and subject to fine by their water provider. It needs to be negotiated and addressed with Ute Water in particular areas.

Mayor Kinsey said that issue was discussed at the last meeting and adjustments were made. Staff was directed to make changes in the language to reflect that if irrigation water was available, it would be used. They would work on a solution when water is not available. Ms. Portner said the City Attorney is working on language in the Code stating if irrigation water is available, the City would require its use. There may be some agreement with Ute Water that in areas where irrigation is unavailable, they would consider issuing a water tap for that purpose. Ms. Portner understood Ute's policy is that they will not sell a tap for the sole purpose of irrigation. If there are other uses for the water on the property, they won't check to see how much is being used for irrigation and how much is being used in the building itself.

City Attorney Dan Wilson said staff has talked with Ute Water's staff to come up with language that Ute Water can agree to. They will approach their board for a reaction. It is hopeful that such areas of the valley where irrigation water is available can be clearly mapped. There are some areas below the Government Highline Canal that were not favored by the original stock subscription agreement and they will legally have no water available. That water goes with the land as originally subscribed in earlier years. Those are the areas that Ute Water's board will discuss. If the City requires landscaping be irrigated with some form of water, then Ute Water will consider changing their policy in the limited circumstances. Ute Water wants to be cautious, and not inadvertently become a supplier of irrigation water.

Mr. McGhghy said he has a small impound lot with frontage that needs landscaping. There is no building on the property. He has no water tap and he doesn't need a water tap. A Ute Water tap would be used only for watering plants. Irrigation water was available on the property years ago, but the rights have since been sold. He will either have to buy a water tap for watering the landscaping or buy excessive shares of water to irrigate two trees and six shrubs. His cost to comply will negate any benefit. Transporting water to the property in a 55-gallon drum would be more feasible for his property.

Councilmember Scott said Mr. McGhghy needs to talk to the Planning Commission for an exception in his case.

Mr. McGhghy said it gets back to what he talked about earlier. It will work out now, but what will happen in 2005. Today's agreements won't apply five years from now. Mr. McGhghy estimated 10% of his gross profit will be eaten up over the next five years by required fencing. His net profit is also 10% which means he will make no money over the next five years.

Scott Holman, Wagner Caterpillar, said the business moved eight months ago to 2707 Highway 50 on Orchard Mesa and took over the old U.S. Armory building. In order to comply they must construct a fence. Their equipment is two years old, or newer, and stands over 8' tall. He asked if they will have to abide by that since nothing can exceed the 8' height. Screen fencing will make it difficult for prospective buyers or lessors to see the equipment they have to offer.

Ms. Portner said the provision applies to heavy equipment storage. If it's a sales lot, it would be treated as any other type of sales lot where the screening would not be required. Equipment over 8' high needs to be excepted from the provision for total screening. The exception will apply to many pieces of heavy equipment where extension pieces are an integral part of a piece of equipment. An example would be some of the Webb Crane equipment. Ms. Portner proposed this clarification.

Joe Schnitker had the same concern as Mr. Holman. Mayor Kinsey said the fences and buffering zones are meant for storage yards. Councilmember Spehar asked Ms. Portner to differentiate between rental/sales and storage. Planning Commissioner Paul Dibble said a rental is a retail agreement for the purpose intended short-term. He saw it as a sales function. Councilmember Spehar agreed, saying Mr. Schnitker's lot would need the back and sides screened.

Councilmember Spehar reiterated that heights over 8' will be excepted. If the City Shops lot falls under the definition of storage, by December, 2005, the City will also be required to do the fencing.

Ms. Portner said the intent was that it would require the 8' fence and things could not be stacked above the 8' height. Pieces that are integral to a unit could exceed that limit. Storage of seven vehicles on top of each other would exceed 8' and would not be unacceptable.

Mr. McGhghy said he has 20' pallet racks on which he stores parts, etc. It is not an integral part of any piece of equipment and asked what will be required of him. Ms. Portner said it is up to the Council and Commission whether the height of the 20' rack will be considered a unit.

Carl Murphy, owner of Any Auto Wrecking, 549 Noland Avenue, referred to Chapter 4-3-4 (page 28). Item 5 says unusable items shall be disposed of and not be allowed to collect on the premises. He asked for a definition of "unusable items". Everything he sells is a usable item once it is sold. He was concerned that an enforcement officer might come on his premises in 2005 and tell him he's storing unusable items.

City Attorney Wilson asked Mr. Murphy if he has anything that is not usable in his business. Mr. Murphy said no. He buys automobiles at auctions. He has nothing that goes to the landfill other than tires, and he must pay to have them accepted by the landfill. City Attorney Wilson said the definition of "unusable items" needs to be changed, or dropped completely.

Consensus was to delete Item 5 under Section 4-3-4. Mr. Murphy thanked the Council and Commission.

Commissioner Jerry Ainsworth agreed more definition is needed. He appreciated an encounter, upon first moving to Grand Junction, where he contacted the Planning Department regarding an infraction on his part and was able to deal with the department in a professional manner. He said a set of rules this size will not be perfect. There will be areas in the Code that will need to be addressed personally. Mayor Kinsey said Chapter 9 of this code deals with definitions.

Councilmember Payne reiterated this Code can be changed and probably will be changed as time goes on.

Getting back to the rack issue, City Attorney Wilson referred to Chapter 9 – Definitions. Ms. Portner said it needs to be treated separately from retail commercial. It is an allowed accessory use to retail. Commissioner Joe Grout said this is an existing business and what is existing on the property wouldn't especially fall under a different part of the Code such as landscaping requirements. The racks exist today so they may be non-conforming within the property but would not be subject to this Code.

Ms. Portner said there is a need to better define each unit, or an exception, because it is in the section where it says "it must be brought into compliance." Everything must be screened to be in compliance in 2005.

Councilmember Spehar asked if storage units could be included in the definition of equipment to take into account the storage racks. City Attorney Wilson said it could, although he wanted more time to evaluate it. He felt the neatly stacking of Mr. McGhghy's parts, etc. is different than stacking five car bodies that is still a relatively neat stack but not as easily accessible. He suggested working with Mr. McGhghy to write a definition in this section 4-3-4 exempting this type of unit dealing with this type of storage facility. This definition would be isolated. He said another meeting is scheduled for February 23, 2000 and hopefully, they can have something crafted for consideration. The Council and Commission requested a reasonable height limitation be included in the definition.

Mayor Kinsey solicited additional comments on Landscaping.

Doug Clary, 2691 Kimberly Drive, said there is no provision for non-irrigating type of landscaping to substitute trees and shrubs. He suggested alternatives to plant materials that don't use water. The Code requires all landscaped areas must have irrigation water.

Ms. Portner said this Code does require living materials to meet the landscaping requirement. The use of xeriscape materials is encouraged, which is still living materials, with varying watering needs. The section does not contemplate non-living materials (rocks, concrete, etc.) would replace living materials.

There were no other comments.

Mayor Kinsey said some direction has been given staff regarding problems of unavailable water.

RECESS

A brief recess was taken at 9:20 p.m. Council and Commission reconvened at 9:34 p.m.

Ms. Portner said there were no other major changes in Chapter 6.

Mayor Kinsey said, as a result of earlier discussion in the meeting and during the break, Council and the Commission would direct the City Attorneys to write some proposed language which would deal with mandating the use of irrigation water when it is available; thus, avoiding the use of potable water. This is for residential and commercial development. If the water is available, it needs to be utilized.

Councilmember Terry said Faircloud Subdivision chose not to do any irrigation, although irrigation water was available. Councilmember Terry said this is a big change compared to previous amendments. She was concerned about this language at so late a date. It is a significant change. She wanted more public input on this.

Mayor Kinsey said he was not suggesting it be incorporated into the Code, but merely planned to take a look at new language for further discussion.

Commissioner Terri Binder discussed the School Land Dedication Fee and wondered why the fee is refunded to the developer after five years. The need is still there after five years. Other fees are not refundable. She also understood the Land Dedication Fee is passed onto the buyer by the developer, so the refund should go back to the purchaser of the property, not to the developer.

Chairman John Elmer said this fee was crafted within the Tabor Amendment. Since the School District has been "de-Bruced", they no longer fall under that provision. The provision saying the money must be refunded can now be taken out. Ms. Binder said there has been no response from the School District and wondered where all of this fits in. She realized there is no time tonight to discuss the matter, but wanted to bring it up for future discussion.

City Attorney Wilson said this was crafted to try to be consistent between the City and the County and the School District. There was a lot of effort put forth in crafting something that would be acceptable to the development community. Since the Persigo Agreement has been adopted and all new development in the urban growth area would automatically come into the City's limits, there will be some policy possibilities Council didn't have then. Namely, the County was trying to do impact fees with limited powers. A home rule city's attempt, based on a different legal analysis, might get a different result. If Council wants to pursue it, Mr. Wilson would want to meet with the County and School District attorneys and the affected individuals with the development community, and come back with some ideas.

Commission Chairman John Elmer referred to the first and second pages of Section 6-1 where developers present a low, medium and high alternative regarding use of the land in Section 6-1-4. It did not make sense to him. He felt several variations of the presented plan still keep the same intent. Ms. Portner said staff agreed. Staff feels that section meant to say was the developers show areas of high development potential, moderate development potential and low development potential. It came up in the mapping of the Redlands Mesa. They were not showing different development scenarios but were indicating the capability of the property in various areas to be developed at all. Ms. Portner said clarification is needed in this section.

Larry Rasmussen referred to the first line in Chapter 6 – Map Requirement and reaffirmed their position regarding the consideration of raising the 50 acres to 100 acres which has been discussed many times in the past.

There were no other comments on Chapter 6.

CHAPTER 7 – SUPPLEMENTAL USE REGULATIONS

Planning Manager Kathy Portner pointed out two changes in Chapter 7, Section 7-7-2-4 – Wildfire Standards (page 7). The provisions have been modified to reflect those contained in the Mesa County Code that refer specifically to the urban area. It does not include all their other provisions that were meant to include the mountain communities. This provision would rarely be used inside the City. There are a few properties on the Redlands where the clearing of brush surrounding homes might be important, especially if there are areas with slower response time for fire protection.

Ms. Portner discussed the major changes to Chapter 7. She referred to Section 7-2-6 - Nighttime Light Pollution (page 8). The current Code has fairly general provisions saying light being generally contained on the site that it's meant to light, not having excess spillage and glare into surrounding roadways. Staff is proposing in this draft to have the same provision as Mesa County. Those elements include: (1) floodlights shall not be used to light all or any portion of any building facade between the hours of 10:00 p.m. and 6:00 a.m.; (2) no outdoor light source will be mounted more than 35' above the ground. The current Code for parking lot lighting says a maximum of 25' poles. The 25' pole is not a standard length and has been hard to acquire, so a 35' pole is recommended. That would not include lighting that is approved as part of an outdoor recreation facility; (3) full cut-off light fixtures will be used to light parking lots and other outside areas. A cut-off light fixture includes a shield on top of the light to reduce the amount of light going up, focusing the light down, and (4) paragraph d. which tries to minimize as much as possible the spillage onto other properties.

Commissioner Paul Dibble referred to Section 7-2-5.b. and asked for clarification of the 100' setback. Ms. Portner said that is not in the current Code. That provision says that new structures shall not be located within 100' of the floodways of the Colorado or Gunnison rivers. The purpose is to protect the riparian habitat along those riverways. This provision is in the County Code. It was in a previous draft, although it did not get in the draft prior to this. It was inadvertently dropped, although it has been discussed at prior meetings. It does not prohibit development in the floodplain. The floodway is an area where there is moving water. Ms. Portner said it restricts

development in some cases, but in many areas the 100 year floodplain extends much farther than 100' from the floodways.

Mr. Dibble asked if the term "structure" referred to buildings only. Ms. Portner said yes. City Attorney Dan Wilson said the definition of "structure" in the Uniform Building Code can speak very broadly. He suggested setting examples of structures that are not buildings such as fences, bridges, docks, etc. Ms. Portner said this provision is making specific exemptions that would be taken out of the definition of "structure."

Larry Rasmussen said they believe the maps should be the governing factor, not an arbitrary 100' which could prohibit some industrial and commercial properties along the river from being developed. It could be in a light or moderate wildlife area as an example. Inasmuch as there are wildfire and wildlife habitat, the attached maps should be the controlling factor.

Regarding ridgeline development, Mr. Rasmussen was positive it had been agreed at an earlier meeting that the 200' setback had been reduced to a 50' setback rather than 100'. This draft shows a 200' setback from the ridge line (page 8, Section 7-2-8). Mayor Kinsey said the 200' applies unless they can show there's no impact, and it can be as little as 30'. Ms. Portner said she recalled the discussion at an earlier meeting with debate back and forth. Her notes did not reflect the change to 50'. The opportunity to bring it closer using certain methods was sufficient, even to within 30'.

Mike Stubbs, Dynamic Investments, said this section applies to a large portion of their property which is located on the Redlands near the Ute Water tanks. He was concerned with the area behind the tanks which would provide wonderful home sites with fantastic views. They would require in their covenants that people have low profile structures, use earth tones and vegetation. He felt all these requirements are subject to someone's interpretation. The default standard of 200' is a problem with the topography of their property. He felt setting back 200' will create a lot of engineering problems. He would be happier with a default standard of less than 200'.

Linda Todd talked about the setbacks from the rivers. She felt everything is still being measured on horizontal and no elevation is taken into consideration. She said a structure can be 40' up and then back from the block area with the rivers, and still not meet the 100' setback as it is written. She felt there needs to be an allowance for block situations which can be 30' or 40' above the floodway. She felt some elevation needs to be addressed. Ms. Todd noted this same discussion took place in the County also.

Ms. Portner explained the reason for the 200' ridgeline setback. Staff did some cross sections in looking at skyline views along various portions of the ridge lines along the Monument Road Corridor. They found a structure that was set 200' back was never a problem. Depending on the location on a ridgeline, it could move forward further, but the 200' came from the cross sections that staff did and shared with the Planning Commission. She noted the ridgeline going up Red Canyon which makes a swing. She felt some clarification is needed as to where that is measured from. She recommended they set a point on South Camp Road, perhaps the center of Red Canyon, and the views from that point for those sites. The method for the rest of the area is to take the center point of the roads most perpendicular to the lot for the proposed structure.

Councilmember Terry said this section doesn't leave clear direction and there could be misinterpretation depending upon who was looking at the proposed plan. Ms. Portner said it would ultimately be up to the decision-making body for the subdivision which would be the Planning Commission, or, upon appeal, to the City Council. Staff would not make the final determination as to whether the requirement is met.

Councilmember Spehar said he recalled the South Rim discussion and was comfortable with the 200'.

Mr. Rasmussen said when the 200' first came into being, there was a lot of discussion and remembered Scott Harrington, the Community Development Director at that time, saying "pick a number." It has been 200' since then because it was a comfortable number.

Mayor Kinsey said there are many opportunities to mitigate the development and move it up as close as 30'. He felt the section gives enough guidance.

There were no other comments on Chapter 7.

CHAPTER 8 – ADMINISTRATION AND ENFORCEMENT

Kathy Portner said there are no additional comments on this chapter. There were no substantial changes made on this section between this and the last draft. It is very similar to the existing Code.

City Attorney Wilson referred to page 2, the Civil Penalty, saying it has not been used as an enforcement tool locally. He wanted the public, Council and the Commission to be aware of this section. It is an enforcement mechanism that does not make code violations a crime.

CHAPTER 9 – DEFINITIONS

Mayor Kinsey felt there is nothing in particular that needs discussion in this chapter as a few additions will be incorporated as a result of previous meetings on the Code.

Mayor Kinsey noted another meeting was scheduled for February 23, although it appears that meeting is not necessary. He suggested postponing the public hearing and decision for approximately two weeks to give staff the opportunity to make the changes for review. Once the public, Council and Commission have reviewed the changes, a final public hearing can be scheduled.

City Attorney Wilson reminded Council and the Commission they had directed him to talk with Mr. Ray McGhghy and come back with policy guidance. He plans to meet with Mr. McGhghy tomorrow, February 23, 2000. Mr. Wilson will propose new numbering in the Code and add many definitions with new language. Final drafts will be provided to all concerned.

Mr. Wilson said he and Assistant City Attorney John Shaver have noted substantive issues that will not be changed now. Such issues may be listed separately and addressed at a later date. All other changes will be dealt with now so no delays will occur.

Mr. Rasmussen noted it is important that language relative to the transition period and the revision process be made a part of the Code.

Councilmember Spehar felt closure is needed on this Code. He suggested the changes be brought before the Council and Commission at a joint meeting on Tuesday, March 7, 2000, 7:00 p.m.

Upon motion by Commissioner Dibble, seconded by Councilmember Scott and carried, Mayor Kinsey and City Clerk Stephanie Nye were appointed to attend and represent both boards at the February 23, 2000 meeting.

ADJOURNMENT

The meeting was adjourned at 10:23 p.m.

Stephanie Nye, CMC
City Clerk

**JOINT HEARING OF THE
GRAND JUNCTION CITY COUNCIL
AND PLANNING COMMISSION
PROPOSED ZONING & DEVELOPMENT CODE**

FEBRUARY 23, 2000

The specially scheduled joint meeting of the Grand Junction City Council and the Grand Junction Planning Commission convened at 7:00 p.m. at Two Rivers Convention Center and was continued from February 22, 2000.

Representing the Grand Junction City Council were Gene Kinsey (Mayor/Council President) and City Clerk Stephanie Nye.

Mayor Kinsey announced that on February 22, 2000 the City Council and Planning Commission completed their review of the Zoning Code. Therefore, the continuation of the meeting tonight is not necessary. He was authorized by both the City Council and the Planning Commission to represent them tonight and announce the adoption of the Zoning Code on Tuesday, March 7, 2000, at Two Rivers Convention Center.

Mayor Kinsey said additional input will still be taken by providing written comments or contacting the Grand Junction Community Development office until such time as the final hearing on the Code is conducted on Tuesday, March 7, 2000.

ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

Stephanie Nye, CMC
City Clerk

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

March 1, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 1st day of March, 2000, at 7:39 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Jim Spehar was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Payne led in the Pledge of Allegiance.

Rev. Hale, Spirit of Life Christian Fellowship, announced the National Day of Prayer, a City-wide prayer meeting, to be held on May 4, 2000, in the Gunnison Room at Two Rivers Convention Center, and invited Council to attend. The audience remained standing during the invocation by Jim Hale.

PRESENTATION OF CERTIFICATE OF APPOINTMENT TO THE PLANNING COMMISSION TO JERRY AINSWORTH

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, the following Consent Calendar items #1 through #8 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meeting February 10, 2000

2. **Purchase and Installation of Modular Furniture Systems in the New City Hall**

Council has previously approved the purchase of modular and common area furniture for City Hall. The furniture plan includes 38 complete workstations as well as some additional components to complement existing workstations. The plan includes furniture for common areas such as training, conference, hearing and lunchrooms as well as reception and lobby areas. The furniture has been selected in coordination with the overall interior design of the new building. The purchase will be made off of the State price agreement.

Action: Award Contract for the Purchase and Installation of Modular Furniture Systems in the New City Hall to Office Outfitters & Planners, Inc. in the Amount of \$156,000

3. **Parking Lot Expansion at Canyon View Park**

The parking lot expansion is needed to allow for additional parking required by the scheduling of the three new multi-purpose fields on the south end of Canyon View Park. The following bids were received on February 18, 2000:

Palisade Constructors, Palisade	\$158,187.64
Vista Paving, LLC, Grand Junction	\$142,789.19
Elam Construction, Grand Junction	\$153,769.00
United Companies of Mesa County, Inc., Grand Junction	\$129,494.15
G & G Paving Construction, Grand Junction	\$139,488.39
Precision Paving & Construction, Grand Junction	\$186,323.50

Action: Award Contract for Construction of the Parking Lot Expansion at Canyon View Park to United Companies of Mesa County, Inc., in the Amount of \$129,494.15

4. **Police Services for Mesa State College**

The Grand Junction Police Department will provide a Police Sergeant and three Police Officers to patrol the college campuses during the afternoon, evening and nighttime hours while classes are in session. During the summer vacation months the Police Officers and Sergeant would be assigned to other schedules and duties resulting from the annual summer increase in demands for police services. Mesa State College would pay approximately 75% of the personnel costs for the City providing the service.

Action: Authorize the City Manager to Sign the Contract with Mesa State College for Police Services by the Grand Junction Police Department

5. **Escrow Agreement for Horizon Drive Construction**

An agreement to allow the City to use \$219,000 (without triggering TABOR) from an adjacent development to pay part of the construction cost of the Horizon Drive reconstruction project.

Action: Approve Escrow Agreement for Horizon Drive Construction

6. **27 1/2 Road Reconstruction, Phase 3 (Includes Horizon Drive from 12th Street to G Road)**

The following bids were received on February 15, 2000:

M.A. Concrete Construction, Grand Junction	\$1,136,501.60
United Companies, Grand Junction	\$1,292,065.50
Bogue Construction, Fruita	\$1,297,349.90
Engineer's Estimate	\$1,178,528.50

Action: Award Contract for 27 1/2 Road Reconstruction, Phase 3, to M.A. Concrete Construction in the Amount of \$1,136,501.60

7. **Ute Avenue and Pitkin Avenue (1st Street to 14th Street) Curb, Gutter and Sidewalk Replacement**

The following bids were received on February 22, 2000:

Mays Concrete, Grand Junction	\$195,645.00
Precision Paving, LLC, Grand Junction	\$189,541.50
G & G Paving, Grand Junction	\$187,187.00
Reyes Construction, Grand Junction	\$185,201.00
Vista Paving, Grand Junction	\$169,193.80
Engineer's Estimate	\$183,737.81

Action: Award Contract for Ute Avenue and Pitkin Avenue Curb, Gutter and Sidewalk Reconstruction to Vista Paving, LLC, in the Amount of \$169,193.80

8. **Setting a Hearing on White Willows Annexation Located at 2856 C 1/2 Road, 2851 and 2863 D Road** [File #ANX-2000-018]

The 40.41-acre White Willows Annexation area consists of three parcels of land. The owners of the property have signed a petition for annexation as part of a request for preliminary subdivision plat approval.

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

Resolution No. 23-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – White Willows Annexation Located at 2856 C ½ Road, 2851 and 2863 D Road and Including a Portion of the D Road Right-of-Way

Action: Adopt Resolution No. 23-00 and Set a Hearing on April 5, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, White Willows Annexation, Approximately 40.41 Acres, Located at 2856 C ½ Road, 2851 and 2863 D Road and Including Portions of the D Road Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 5, 2000

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

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

PUBLIC HEARINGS - VACATIONS IN ARROWHEAD ACRES II FILING 2

[FILE #FP-2000-008]

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) Ordinance No. 3238 – An Ordinance Vacating a Temporary Turnaround Access Easement for the B.4 Road Cul-de-Sac West of 28 ½ Road
- (2) Ordinance No. 3239 – An Ordinance Vacating a Portion of the B.4 Road Right-of-Way West of 28 ½ Road

The public hearing was opened at 7:46 p.m.

Petitioner Doug Fassbinder, 368 Independent Avenue, explained his request. He referred to the overhead for the locations of the two vacations. He indicated the circle is the turnaround and an additional easement was added to make it a full 50'. They would now like to vacate that easement and put in a road for the approved subdivision. The road will connect to B.4 Road.

City Attorney Dan Wilson said the portion of the road that will remain should be delineated in order to see the continuous right-of-way. The road continues through, and only the crescents are being vacated.

Senior Planner Kristen Ashbeck, Community Development Department, clarified what is being vacated by stating all of the red area as well as the yellow area is being vacated. B.4 Road will then be rededicated to connect to 28 ½ Road with Filing 2. City Attorney Wilson said this must be contingent on the rededication in Filing 2.

Councilmember Terry asked if a time limit can be placed on the platting and dedication. City Attorney Wilson said yes.

City Attorney Wilson asked if any of the lots have been sold. Ms. Ashbeck said it is not platted yet.

Councilmember Theobold verified that Lots 9 and 13, which will be directly impacted by the vacation, have not been platted. Ms. Ashbeck said yes.

Councilmember Theobold asked about the time frame for the next extension. Mr. Fassbinder said within one year.

City Attorney Wilson said he didn't understand the logic in vacating the piece of the road that will end up being the road. He suggested vacating everything except the road. Ms. Ashbeck said a new legal description would be required.

Councilmember Theobold said the reason for the cul-de-sac is because the other road does not exist today. That is the concern of the contingency. Mr. Fassbinder said the road cannot be platted until it is vacated.

Councilmember Theobold said if the economy takes a downturn and the filing doesn't get built, there will be no cul-de-sac. Access for emergency services could be affected.

Mr. Fassbinder said there is only one house between that and the main intersection. He felt it was not a critical issue.

Mr. Wilson suggested vacating everything but the road and have Mr. Fassbinder dedicate the balance of the roadway to the west by deed.

City Manager Mark Achen asked what the dedication accomplishes right now. Mr. Fassbinder said they need to vacate this before they can file a plat. Mr. Achen felt both could be done simultaneously.

Mr. Wilson thought Mr. Fassbinder was not going to plat for up to one year. Mr. Fassbinder said they plan to plat before one year, possibly within 60 days. Mr. Wilson said the vacations should be contingent on filing of the plat.

Councilmember Theobold asked which ordinance will be amended. Mr. Wilson said both ordinances should be contingent on the plat being recorded and the road being dedicated.

Councilmember Terry explained to Mr. Fassbinder the reason Council is being so thorough on this item is because of the awkward situation created in the Mesa View Retirement Center area.

There were no other public comments. The hearing was closed at 8:01 p.m.

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried by roll call vote, Ordinances No. 3238 and 3239 were adopted, as amended, to be effective only upon the recording of the Final Plat for Filing 2, Arrowhead Acres II, to include the dedication of B.4 Road, within 90 days of publication of the ordinances, on second reading and ordered published.

OTHER BUSINESS

St. Louis Sports Turf Award

Parks & Recreation Director Joe Stevens recognized an award from St. Louis SportsTurf. Mr. Stevens said Ron Felt, City Forestry Department, assembled the presentation regarding Stocker

Stadium for the award and was successful in receiving the Parks & Recreation award for the 1999 Football Field of the Year. Council congratulated Mr. Felt on the award.

Nations in Bloom Presentation

Joe Stevens went forward with the presentation with the help of City Forestry Superintendent Mike Vendegna. Mr. Stevens said Mr. Vendegna gave an outstanding presentation during competition in Hamamatsu, Japan for the Nations in Bloom award. A brief video was presented for Council's view along with some slides. Tea and treats were also served during the presentation.

EXECUTIVE SESSION

Mayor Kinsey announced the purpose of the executive session and said Council will not return with any decisions.

City Council adjourned into executive session at 8:58 p.m. to discuss:

- (1) Property Acquisitions (Layton Bros./Hansen Container)
- (2) Contract Negotiations with Purdy Mesa
- (3) Potential Litigation

ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Stephanie Nye, CMC
City Clerk

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: March 15, 2000

Date Prepared: March 7, 2000
Author: Allison Sarmo
Title: Cultural Arts Coordinator
Presenter Name: Allison Sarmo
Title: Cultural Arts Coordinator

Subject: Recommendation from the Commission on Arts and Culture for art for the City Hall.

Summary: The Commission on Arts and Culture recommends that the City Council commission George Peters and Melanie Walker to complete a work of art for the main entrance lobby of the new City Hall.

Background Information: On January 26 and March 6 the Commission, plus three local artists, a representative from City Hall, and two Council members reviewed proposals from 14 Colorado artists for aerial artwork in the City Hall entrance lobby, and selected an artist to commission.

The January 26 meeting narrowed the 14 proposals to three finalists: 1.) Susan Cooper, Englewood, CO, who proposed "Colorado Confluence" which replicates the Colorado and Gunnison Rivers in dichroic stained glass with painted steel renditions of the Bookcliffs, the Colorado National Monument, and two lines of trees, suspended from the ceiling and walls of the lobby, all of which will create beautiful shadows and patterns; 2.) Bill and Clarissa Hudson, Pagosa Springs, CO, who proposed "Crystal Canyon" which replicates the walls of a canyon, with a river at the bottom and petroglyphs on the rocks, all accomplished in suspended curtains made of fire-polished colored glass beads hung from curved copper tubing; and 3.) George Peters and Melanie Walker, Boulder, CO, who proposed "Cloud Round-up" depicting twelve large cloud forms in muted colors made of fiberglass sunscreen fabric stretched over fiberglass rods, plus a large etching on the glass ceiling over the revolving door showing the confluence of the Colorado and Gunnison Rivers.

At the March 6 meeting the finalists presented models of their designs in the City Hall lobby and the Commission voted almost unanimously to select and recommend "Cloud Round-up". A copy of the Peters/Walker proposal is available separately.

A copy of a draft contract to commission the artwork is also attached.

Budget: \$50,000 (1% for the arts program)

Action Requested/Recommendation: To approve the Commission's recommendation and execute a contract to commission George Peters and Melanie Walker to create a work of art for the City Hall entrance lobby.

Citizen Presentation: Yes No. If yes,

Name **Priscilla Mangnall, Commission chair**

Purpose Presentation of the three artists' models and an explanation of the reasons for this recommendation.

Report results back to Council? No Yes, When _____

Placement on agenda: Consent Individual Consideration Workshop

CONTRACT FOR COMMISSION OF ARTWORK
GRAND JUNCTION CITY HALL

This contract is made this fifteenth day of March, 2000 by and between the City of Grand Junction, the Grand Junction Commission on Arts and Culture (herein after called "the City") and George Peters and Melanie Walker, 815 Spruce Street, Boulder, Colorado 80302 (hereinafter called "the artist").

SCOPE OF SERVICES

1. The artist will design, engineer, execute, fabricate, install, and document a work of art entitled "Cloud Round-up" which will consist of numerous cloud elements suspended from the ceiling and constructed primarily of coated fiberglass sunscreen material stretched onto a framework of fiberglass rods, tubing, and bars. The artwork also includes the confluence of two rivers etched into the glass panels over the entranceway with small mirrored accent pieces. The artist is responsible for completion of the entire work of art as described in the proposal presented to the Commission on Arts and Culture on March 6, 2000, which is attached and is made a part of this contract.
2. The permanent location for the art will be the main entrance lobby of the City Hall, 250 North Fifth Street, Grand Junction, Colorado, 81501.
3. The artist will perform all services and furnish all supplies, materials, and equipment as necessary for the design, engineering, execution, fabrication, transportation, and installation of the work of art. The artist will perform this work as an independent contractor and not as an agent or an employee of the City. The artist will coordinate with the architect and the various professional and trade people to assure timely and professional results are maintained throughout the entire process.
4. The artist will complete the design, fabrication, and installation of the work as described in this contract and in "Cloud Round-up: A Proposal for the Grand Junction City Hall by George Peters and Melanie Walker" presented to and approved by the Commission March 6, 2000 and approved by the City Council March 15, 2000, which is an attachment to this contract. Should there be any conflict between the conditions in the proposal and those in this contract, the contract shall take precedence.
5. The City appoints Allison Sarmo, Cultural Arts Coordinator for the Commission on Arts and Culture, and Jim Shanks, Project Engineer for the City Hall, to serve as liaisons between the artist and the City. The liaisons will have the authority to inspect the work in progress, with advance notice to the artist, to review and approve the satisfactory completion of the project as described in this contract, and to approve the release of funds for payment to the artist. Should the liaisons be changed or replaced by the City, the artist will be notified in writing within ten (10) days.
6. In performance of the work described herein, the artist agrees to comply with all applicable State and local laws, rules, and regulations.
7. The artist agrees to obtain and maintain a policy or policies of insurance/bonds sufficient to insure against all obligations assumed by the artist pursuant to this contract prior to beginning work on the art.

TIMETABLE AND PAYMENT SCHEDULE

1. The Coalition will pay the artist a fixed fee of \$50,000 to design, create, deliver, and install "Cloud Round-up". The artist will complete, deliver, and install the work of art to the City on or before July 15, 2000.

2. The artist's fee will be paid in the following installments:

~ 50% (\$25,000) upon approval and signing of this contract by the artist and the City; and
~ 50% (\$25,000) following permanent installation, inspection, and acceptance of the art by the City's Project Engineer and after the artist has supplied a letter of authenticity, identification plaque, and written instructions for maintenance of the artwork.

WARRANTIES AND OWNERSHIP

The artist warrants that the work is solely the result of the creative efforts of the artist and is free and clear of any liens from any source whatsoever. The artist warrants that the work will be free of defects in material and workmanship for a period of three (3) years after final acceptance and payment for the work. Immediately following satisfactory installation and inspection by the City's Project Engineer, the art will become the property of the City.

MODIFICATION OF CONTRACT

The terms of this contract may only be altered or modified in writing and signed by both parties.

Signed:

George Peters
815 Spruce Street, Boulder, Colorado 80302

Melanie Walker

Mark Achen, City Manager
City of Grand Junction, 250 North Fifth Street, Grand Junction, Colorado 81501

Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: March 15, 2000

Date Prepared: February 18, 2000
Author: Allison Sarmo
Title: Cultural Arts Coordinator
Presenter Name: Allison Sarmo
Title: Cultural Arts Coordinator

Subject: Recommendations from the Commission on Arts and Culture for funding support to local organizations for art and cultural events/projects/programs.

Summary: On February 23 and 28 the Commission reviewed 25 requests from local organizations and agencies for financial support, per Commission criteria and guidelines, and recommends that the City Council approve funding for 19 art and cultural events and projects.

Background Information: The Commission recommends supporting the following events/projects:

Recommendations for full funding (requests in parenthesis):	
Grand Valley Community Theater "Brigadoon" musical (\$1500)	\$1500
Institute of Dancing Arts costumes for elder care facilities performances (\$1500)	\$1500
Grand Junction Downtown Association Art & Jazz Festival (\$1000)	\$1000
Grand Junction Senior Theatre annual talent showcase (\$1000)	\$1000
Western Colorado Center for the Arts Summer Art Camp for kids (\$900)	\$ 900
Thunder Mt. Camera Club slide presentation at the Avalon (\$750)	\$ 750
Advocates for Children's Enrichment Creede Repertory Performances (\$500)	\$ 500
Bookcliff Barbershop Harmony Chorus Regional Convention/Performance (\$500)	\$ 500
Very Special Arts GJ Festival for Developmentally Disabled Adults (\$500)	\$ 500
Valley Wide PTA Annual Reflections Student Art Exhibit (\$400)	\$ 400
Western Colorado Botanical Gardens portable VCR/TV purchase (\$300)	\$ 300
Recommendations for partial funding:	
Theatre Works' Shakespeare in the Park "Twelfth Night" production (\$10,000)	\$4900
Grand Junction Musical Arts Association/GJ Symphony opening concert (\$3500)	\$2000
Italian Cultural Society second annual Festival Italiano concerts (\$3500)	\$2000
Museum of Western Colorado Pride of the Valley Art Festival (\$3000)	\$2000
Celtic Festival & Highland Games (\$5000)	\$1500
Friends of the Mesa County Public Library ethnic theme programs (\$1615)	\$1000
Brush & Palette Club workshop/annual exhibit (\$3000)	\$ 750
Grand Valley Blacksmith Guild monthly programs/Pride of the Valley (\$1370)	\$ 500
Total \$23,500	

Budget: \$23,500 (\$20,000 in city funds and \$3,500 from the Colorado Council on the Arts)

Action Requested/Recommendation: Approve Commission recommendations for arts and cultural events/projects/programs.

Citizen Presentation: Yes No. If yes,
Name: **Priscilla Mangnall, Commission chair**
Purpose: To answer questions

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

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
 Meeting Date: March 15, 2000

Date Prepared: March 8, 2000
 Author: Bret Guillory
 Title: Project Engineer
 Presenter Name: Greg Trainor
 Title: Utilities Manager

AGENDA TOPIC: Award of a Construction Contract for the **Pitkin Waterline Replacement Project** to **Mountain Valley Contracting** in the amount of **\$161,531.95**.

SUMMARY: Three bids were received and opened on March 6, 2000 for the **Pitkin Waterline Replacement Project**. The low bid was submitted by **Mountain Valley Contracting** in the amount of **\$161,531.95**.

ACTION REQUESTED: City Council motion authorizing the City Manager to execute a Construction Contract for the **Pitkin Waterline Replacement Project** with **Mountain Valley Contracting** in the amount of **\$161,531.95**.

BACKGROUND ISSUES: This project is being completed by the City in coordination with the Colorado Department of Transportation Ute Avenue and Pitkin Avenue street overlay project that is scheduled summer of this year. The project is located along Pitkin Avenue from 9th Street to 13th Street and consists of replacement of approximately 2000 lineal feet of 6 inch cast iron waterline with 8 inch PVC waterline. Lead service lines along the waterline replacement project will be replaced with copper service lines with this contract.

The \$161,531.95 construction cost will be funded out of Fund 301 Activity F04800. The fund has a balance of \$596,000 with approximately \$296,721.40 already earmarked for the remaining 2000 Waterline Replacements Project. Taking this project into account along with proposed interest revenues, the year end balance in the fund should be around \$132,246.65. Future capital projects should not be jeopardized by these expenditures.

The following bids were received for this project:

Contractor	City	Bid
Mountain Valley Contracting	Grand Junction	\$ 161,531.95
M. A. Concrete Construction	Grand Junction	\$ 179,649.60
R. W. Jones	Fruita	\$ 223,812.50
Engineers Estimate		\$ 172,426.00

PROJECT COSTS:

Construction Contract	\$ 161,531.95
Construction Engineering/ Inspection Cost (Estimate)	\$ 5,500.00
Total Project Costs	\$ 167,031.95

FUNDING:

2000 Budget	\$ 596,000.00
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Pitkin Avenue Waterline Replacement	\$ -167,031.95
2000 Water line Replacements	<u>\$ -296,721.40</u>
Balance Remaining	\$ 132,246.65

CONTRACT INFORMATION:

The Contractor is required to furnish 100% Performance and payment Bonds.

The Contract Time has been set at 15 Working Days. Construction is tentatively scheduled to begin April 17, 2000 and will be completed by May 8, 2000.

Mountain Valley Contracting has indicated that CC Enterprises of Grand Junction will be its subcontractor for traffic control, and Vista Paving will be the subcontractor for asphalt patching. All other work will be performed by Mountain Valley Contracting.

RECOMMENDATION: It is recommended that the City Council authorize the City Manager to enter into a Construction Contract with **Mountain Valley Contracting** in the amount of **\$161,531.95** for the **Pitkin Avenue Waterline Replacement Project**.

Citizen Presentation: Yes No. If yes,
Name
Purpose

Report results back to Council? No Yes, When _____

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

Attach 5

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date:
March 15, 2000

Date Prepared: March 7, 2000
Author: Trent Prall
Title: City Utility Engineer
Presenter Name: Greg Trainor
Title: Utilities Manager

Subject: Award of a equipment procurement contract for the **Kannah Creek Water Treatment Plant to Filter Tech Systems Inc** out of Commerce City Colorado in the amount of **\$57,075**.

Summary: Two bids were received and opened on March 6, 2000 for **Kannah Creek Water Treatment Plant**. The low bid was submitted by **Filter Tech System Inc** of Commerce City Colorado in the amount of **\$57,075**.

Background Information:

With the City's recent agreement to purchase the Purdy Mesa Livestock Water Company, the City plans to abandon the company's existing plant off of Kannah Creek Road and construct a new plant below Purdy Mesa Reservoir. This equipment procurement will provide a 100 gallon per minute packaged water treatment plant that will be able to meet the requirements of the Interim Enhanced Water Surface Treatment Rule due out in 2003. The plant will initially serve the 55 taps currently connected to the PMLWC system, but eventually up to 450 taps will be served by the plant.

This plant will be installed by City crews inside the rehabilitated City Microstrainer building below Purdy Mesa Dam.

The following bids were received for this project:

<u>Contractor</u>	<u>City</u>	<u>Bid</u>
Filter Tech Systems Inc	Commerce City, CO	\$ 57,075.00*
US Filter	Ames, IA	\$ 75,587.00
Engineers Estimate		\$92,000.00

*Revised bid amount. Original bid was \$48,488, however there were some options broken out separately that staff would like to add the plant. These options include a catwalk and access ladder, controls upgrade, aluminum tank construction and skid-mounting of the equipment.

Filter Tech Systems have been in business over 30 years and has over 60 installations within Colorado and Eastern Utah. City staff toured two of the facilities in Mancos Colorado prior to the bid opening and found the plants to be acceptable. All references stated that the customer support by Filter Tech Systems Inc was outstanding.

The project schedule calls for the package plant to be delivered by June 12 for installation by City crews. The facility is planned to be operational by July 5, 2000.

Budget:

\$500,000 was budgeted under Fund 301 / Activity F44000 for purchase of the PMLWC and plant/piping upgrades. \$339,000 was the final purchase amount leaving \$161,000 for plant / piping upgrades.

Staff is evaluating using the savings from the good bid prices and investing in a new finished water storage facility to be placed on City property at an elevation that would provide gravity service all the way to the City's intake facility.

Anticipated project costs are as follows:

Package Water Treatment Plant	\$57,075
Microstrainer Upgrades / Rehabilitation	\$15,000
Pumps / effluent piping	\$45,000
New 40,000 gallon storage tank	\$40,000
<hr/>	
Total project costs	\$157,075

Action Requested/Recommendation: Public Works staff recommends that the City Council authorize the City Manager to enter into a contract with **Filter Tech Systems Inc** in the amount of **\$57,075** for the **Kannah Creek Water Treatment Plant**.

Placement on agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop
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**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: March 15, 2000

Date Prepared: March 8, 2000
Author: Bret Guillory
Title: Project Engineer
Presenter Name: Greg Trainor
Title: Utilities Manager

AGENDA TOPIC: Award of a Construction Contract for the **2000 Waterline Replacement Project** to **Mountain Valley Contracting** in the amount of **\$282,721.40**.

SUMMARY: Five bids were received and opened on March 7, 2000 for the **2000 Waterline Replacement Project**. The low bid was submitted by **Mountain Valley Contracting** in the amount of **\$282,721.40**.

ACTION REQUESTED: City Council motion authorizing the City Manager to execute a Construction Contract for the **2000 Waterline Replacement Project** with **Mountain Valley Contracting** in the amount of **\$282,721.40**.

BACKGROUND ISSUES: This is a continuation of the yearly replacement of old City waterlines through areas that have a significant waterline break history. The project consists of replacement of approximately 4500 lineal feet of 6 inch and 8 inch cast iron waterline with 8 inch PVC waterline. Lead service lines along the waterline replacement project will be replaced with copper service lines with this contract.

The \$282,721.40 construction cost will be funded from Fund 301 Activity F04800. The fund has a balance of \$596,000 with approximately \$167,031.95 already earmarked for the Pitkin Avenue Waterline Replacement Project. Taking this project into account along with proposed interest revenues, the year end balance in the fund should be around \$132,246.65. Future capital projects should not be jeopardized by these expenditures.

The following bids were received for this project:

<u>Contractor</u>	<u>City</u>	<u>Bid</u>
Mountain Valley Contracting	Grand Junction	\$ 282,721.40
Taylor Constructors	Grand Junction	\$ 288,811.00
M. A. Concrete Construction	Grand Junction	\$ 329,820.30
Skyline Contracting, Inc.	Grand Junction	\$ 341,238.20
R. W. Jones	Fruita	\$ 397,912.26
Engineers Estimate		\$ 309,042.00

PROJECT COSTS:

Construction Contract	\$ 282,721.40
Construction Engineering/Inspection Cost (Estimate)	\$ 14,000.00
Total Project Costs	\$ 296,721.40

FUNDING:

2000 Budget	\$ 596,000.00
2000 Water line Replacements	\$ -296,721.40
Pitkin Avenue Waterline Replacement	<u>\$-167,031.95</u>

Balance Remaining **\$ 132,246.65**

CONTRACT INFORMATION:

The Contractor is required to furnish 100% Performance and payment Bonds.

The Contract Time has been set at 60 Working Days. Construction is tentatively scheduled to begin May 8, 2000 and will be completed by July 31, 2000.

Mountain Valley Contracting has indicated that CC Enterprises of Grand Junction will be its subcontractor for traffic control, and Asphalt Specialist will be the subcontractor for asphalt patching. All other work will be performed by Mountain Valley Contracting.

RECOMMENDATION: It is recommended that the City Council authorize the City Manager to enter into a Construction Contract with **Mountain Valley Contracting** in the amount of **\$282,721.40** for the **2000 Waterline Replacement Project**.

Citizen Presentation: Yes No. If yes,

Name

Purpose

Report results back to Council? No Yes, When _____

Placement on agenda: Consent Individual Consideration Workshop

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 X Formal Agenda
Meeting Date: March 15, 2000

Date Prepared: March 7, 2000
Author: Mike Best
Title: Sr. Engineering Technician
Presenter Name: Tim Moore
Title: Public Works Manager

Subject: Construction Contract award for the **North Ave. Curb, Gutter and Sidewalk Replacement 1st Street to 29 Road.**

Summary: This project will replace the damaged and displaced curb and gutter along North Ave.; before, the State of Colorado, Department of Transportation (CDOT) starts its asphalt overlay of North Ave.

Background Information: CDOT will overlay North Ave. from 1st Street to 30 Road. The City will replace portions of the substandard curb, gutter, and sidewalk that has been damaged and displaced. Handicap curb ramps will be installed with this work at several intersections. Unnecessary and unused curb cuts will also be closed.

The east and west bound left turn pockets at 12th Street and North Ave. and 7th Street and North Ave. will be increased in length to provide more left turn storage at the intersections.

The contractor will provide traffic control for the project. Lane closures will not be allowed on North Ave. from 11:30 AM to 1:00PM and 4:00 PM to 6:00 PM.

The bids for the **North Ave. Curb, Gutter and Sidewalk Replacement 1st Street to 29 Road** were opened on March 7, 2000. The following is a summary of the bids:

Bidder	Total Bid
RW Jones	\$219,749.00
Reyes Construction	\$208,306.00
G and G Paving	\$172,580.00
Precision Paving	\$172,345.00
Mays Concrete	\$168,471.50
Engineer's Estimate	\$179,107.72

Staff recommends **Mays Concrete Inc.**, be awarded the construction contract for the total contract price of **\$168,471.50**. The Contractor is prepared to complete the construction of the curb, gutter, and sidewalks in the 60-day contract time. The construction completion date is July 5, 2000. The Contractor is required to furnish performance and payment bonds for 100% of the contract amount.

Budget: This project will be funded from several sources. The majority of the funds will be from the Curb, Gutter and Sidewalk Replacement Fund, 2011-F00904.

Project Costs:

Engineering Costs to Date	\$ 1,500.00
Construction Inspection (Estimate)	\$ 20,000.00
Project Management (Estimate)	\$ 3,000.00
Construction Contract	\$168,471.50
Total	\$192,971.50

<u>Project Funding:</u>	
Accessibility F02000	\$ 18,800.00
Curb, Gutter and Sidewalk Replacement F00904	\$171,053.26
New Sidewalks F01300	\$ 1,372.00
Water Department (Fund 301)	\$ 1,746.24
Total	\$192,971.50

Action Requested/Recommendation: It is recommended that the City Council authorize the City Manager to enter into a Construction Contract with **Mays Concrete Inc.** for the **North Ave. Curb, Gutter and Sidewalk Replacement 1st Street to 29 Road** in the amount of **\$168,471.50**.

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

Attach 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date:
March 15, 2000

Date Prepared: March 9, 2000
Author: Trent Prall
Title: City Utility Engineer
Presenter Name: Greg Trainor
Title: Utilities Manager

Subject: Award of a design contract for the **Independent Ranchmen's Ditch / Leech Creek Floodplain study and application to Revise FEMA Floodplain Mapping** to ICON Engineering, Inc of Englewood, CO in the amount of **\$52,647** and to transfer \$56,647 from the General Fund Contingency to the project account.

Summary: One lump sum fee proposal was received and opened on March 3, 2000. **ICON Engineering Inc**, submitted a proposal in the amount of **\$52,647**.

Background Information:

Recently it has become apparent that development in the Mesa Mall area has been allowed to progress in much of the area being identified on Federal Emergency Management Agency (FEMA) maps as residing within the 100 year floodway. Both Leech Creek and Independent Ranchman's Ditch (IRD) drainages converge at the southwest corner of the Mall site. When the Mall was developed in the County, IRD was allowed to be piped with a significantly smaller pipe than the 1990 FEMA study found would be required to handle the 100 year storm event. The resulting floodway and floodplain from such a storm event may flood many of the businesses along the south side of the Mesa Mall loop such as Red Lobster, Bennet's, McDonalds, Wendy's, Taco Bell and the recently developed Outback Steakhouse. Since these businesses are shown within the 100 year floodway, they are unable to procure flood insurance. Now that FEMA, through the Colorado Water Conservation Board, has made the issue known to Public Works, it is necessary for the issue to be addressed. Development on two undeveloped parcels west of Taco Bell are in question until the FEMA maps are revised.

Budgeted detention ponds on both Leech Creek and IRD in 2001-2002 will reduce or eliminate the flooding around Mesa Mall in a 100 year storm event, thereby allowing development of the last two remaining parcels.

Prior to investing the money in the detention ponds, it is necessary for the City to confirm that FEMA will accept the planned facilities and will adjust the floodplain and floodway accordingly. This is accomplished through a Conditional Letter of Map Revision process.

Under this contract, ICON Engineering will be responsible for

- #1) Examining FEMA's modeling that resulted in their original floodplain mapping of the IRD and Leech Creek drainages and compare that result with storm water studies recently conducted by Williams Engineering. After determining the adequacy of the FEMA method or the Williams' model, the consultant will apply the FEMA-acceptable engineering analysis of the effect of proposed City storm water capital construction on floodplain/flood elevations along both IRD and Leech Creek at Mesa Mall.
- #2) Prepare application to FEMA to revise floodplain mapping on the IRD and Leech Creek conditioned upon City's proposed improvements.

Even though procurement of FEMA's Conditional Letter of Map Revision will not allow the Mall to develop the properties immediately, it will speed up the federal map revision process once the improvements are in place.

Note that this step would be required eventually. It is important to verify that the detention ponds will be acceptable to FEMA prior to investing money in the improvements. This should allow Mesa Mall to develop the properties approximately 9-12 months earlier than if we waited to start the application for the Letter of Map Revision completed after the improvements are completed.

In addition to the consultant's fees, FEMA charges a \$4000 review fee, therefore that amount will need to be added to the total appropriated for this project.

Budget:

This project is unbudgeted. Staff is proposing approximately \$56,647 be allocated from contingency for this project. There is currently \$600,000 in contingency.

Action Requested/Recommendation: Public Works staff recommends that the City Council authorize the City Manager to enter into a contract with **ICON Engineering, Inc** in the amount of **\$52,647** for the **Independent Ranchmen's Ditch / Leech Creek Floodplain study and application to Revise FEMA Floodplain Mapping** and to transfer \$56,647 from the General Fund Contingency to the project account.

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

Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date: March 15, 2000

Date Prepared: March 8, 2000
Author: Lori V. Bowers
Title: Associate Planner
Presenter Name: Lori V. Bowers
Title: Associate Planner

Subject:

Referral of the Petition for Annexation, First Reading of the Annexation Ordinance and Land Use Jurisdiction for the Miller Annexation, located at 2978 Gunnison Avenue, file number ANX-2000-037.

Summary:

The 2.29-acre Miller Annexation area consists of one parcel of land; (Lot 8, Banner Industrial Park Subdivision) 0.16 acres of right-of-way from 30 Road; (for a distance of 100 feet) to Gunnison Avenue; then 0.58 acres of the right-of-way of Gunnison Avenue to the subject parcel, (approximately 13355 feet). The owners of the property have signed a petition for annexation and a request for site plan review.

Background Information:

See attached report.

Budget:

N/A

Action Requested/Recommendation:

Staff recommends that City Council pass the resolution accepting the petition for the Miller Annexation, approve on First Reading the Annexation Ordinance and grant Land Use Jurisdiction for the Miller Annexation, located at 2978 Gunnison Avenue.

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

CITY COUNCIL

STAFF PRESENTATION: Lori V. Bowers

AGENDA TOPIC: ANX-2000-037 Petition Referral/First Reading of Annexation Ordinance/Exercise of Land Use Jurisdiction for the Miller Annexation located at 2978 Gunnison Avenue.

SUMMARY: The 2.29-acre Miller Annexation area consists of one parcel of land; (Lot 8, Banner Industrial Park Subdivision) 0.16 acres of right-of-way from 30 Road; (for a distance of 100 feet) to Gunnison Avenue; then 0.58 acres of the right-of-way of Gunnison Avenue to the subject parcel, (approximately 13355 feet). The owners of the property have signed a petition for annexation and a request for site plan review.

ACTION REQUESTED: Request to: 1) approve the resolution for the referral of the petition for the Miller annexation and set a hearing for May 3, 2000: 2) approve first reading of Annexation Ordinance; and 3) exercise of Land Use Jurisdiction.

BACKGROUND INFORMATION:

Location: 2978 Gunnison Avenue

Applicants: Kimberly D. and David E. Miller

Existing Land Use: Vacant industrial land

Surrounding Land Use:

North: commercial

South: vacant

East: vacant

West: storage/junk

Existing Zoning: Industrial – Mesa County

Proposed Zoning: applicant requests C-2

Surrounding Zoning:

North: County Industrial

South: County Industrial

East: County Industrial

West: County Industrial

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

Staff Analysis:

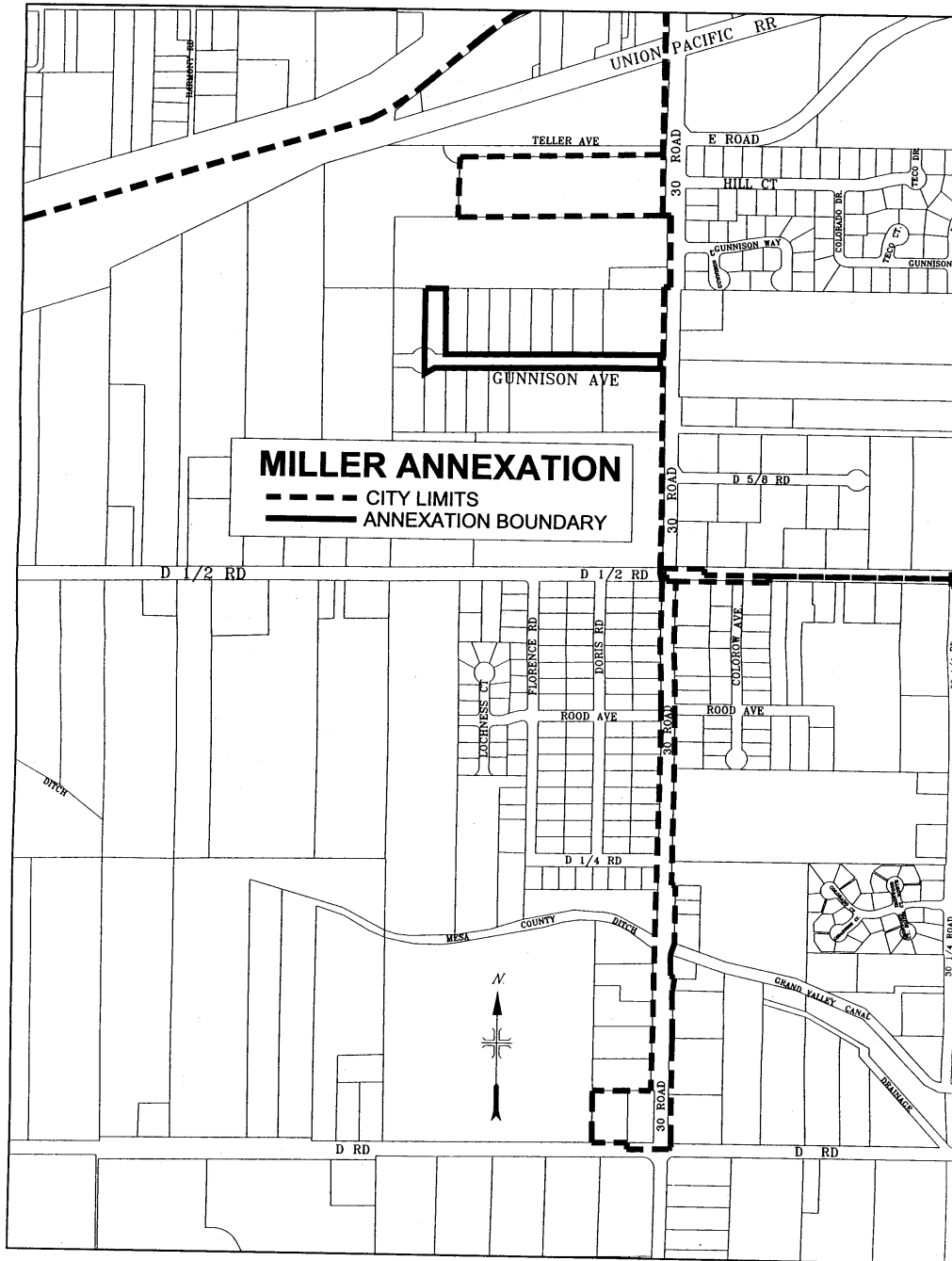
Annexation. The petition for the Miller Annexation was signed by David E. and Kimberly D. Miller, the property owners, thereby making it a petition signed by 100 percent of all property owners included within the annexation boundary. The Miller annexation consists of one, half-acre lot, Lot 8, Banner Industrial Park Subdivision. Banner Industrial Park Subdivision is located west of 30 Road. Contiguity is obtained from the previous Fruitvale annexation of 30 Road as well as the northern portion of Gunnison Avenue, as allowed under the state statutes. Once jurisdiction is established, the applicants will develop this parcel for their gymnastics building.

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

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

Exercising Land Use Jurisdiction. This property is presently vacant land. The Millers are proposing to develop this lot with a new building for their gymnastics business. An application for site plan review is already in process with the City Community Development Department. Thus, land use jurisdiction should be exercised immediately in order to expedite the land use review process for the applicant.

RECOMMENDATION: Staff recommends approval of the Petition Referral/First Reading of Annexation Ordinance/Exercise of Land Use Jurisdiction for the Miller Annexation.



MILLER ANNEXATION SUMMARY

File Number: ANX-2000-037

Location: 2978 Gunnison Avenue
Tax ID Number: 2943-171-07-008

Parcels: 1

Estimated Current Population: 0

of Parcels (owner occupied): 0
of Dwelling Units: 0

Acres in annexation: 2.29

Developable Acres Remaining: 0

Right-of-way in Annexation: 100 feet along 30 Road; 1355 feet along Gunnison Avenue, the entire width of the right-of-way.

Previous County Zoning: Industrial

Proposed City Zoning: C-2

Current Land Use: Vacant

Future Land Use: Gymnastics building

Assessed Values: Land = \$5,590.
Improvements = \$0
TOTAL VALUE = \$5,590

Census Tract: 8

Address Ranges: 2978 Gunnison Avenue

Special Districts:
Water: Ute Water
Sewer: Central Grand Valley Sewer
Fire: Grand Junction Rural Fire
Drainage: Grand Junction Drainage
School: District 51
Irrigation: Grand Valley Irrigation
Pest: -
Other: -

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 15th day of March 2000, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

**MILLER ANNEXATION, A SERIAL ANNEXATION COMPRISING
MILLER ANNEXATION NO.1, MILLER ANNEXATION NO. 2 AND
MILLER ANNEXATION NO. 3**

LOCATED AT 2978 GUNNISON AVENUE

WHEREAS, on the 15th day of March, 2000, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
MILLER ANNEXATION**

A serial annexation comprising Miller Annexation No 1, Miller Annexation No. 2 and Miller Annexation No.3

MILLER ANNEXATION NO.1

A parcel of land situate in the NE 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the southeast corner of Lot 8 of Banner Industrial Park Subdivision as found recorded in Plat Book 11 at Page 362 of the records of the Mesa County Clerk and Recorder; thence S 89°58'41" E along the north right of way line for Gunnison Avenue a distance of 831.41 feet to the True Point of Beginning of the parcel described herein; thence continuing along said north right of way line S 89°58'41" E a distance of 188.58 feet to a point of curvature; thence 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 89°58'41" and a long chord bearing N 45°01'24" E a distance of 28.29 feet to a point on the west right of way line for 30 Road; thence S 00°00'00" E along the west right of way line for said 30 Road a distance of 100.00 feet to a point of curvature; thence 31.41 feet along the arc of a curve concave to the southwest, having a radius of 20.00 feet, a delta angle of 90°01'18" and a long chord bearing N 44°59'02" W a distance of 28.28 feet to a point on the south right of way line for said Gunnison Avenue; thence leaving said south right of way line N 00°03'55" W a distance of 30.00 feet to a point; thence N 89°58'41" W along a line 30.00 feet south of and parallel with the north right of way line for said Gunnison Avenue a distance of 188.58 feet to a point; thence N 00°01'19" E a distance of 30.00 feet to the point of beginning.

MILLER ANNEXATION NO.2

A parcel of land situate in the NE 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:
Commencing at the southeast corner of Lot 8 of Banner Industrial Park Subdivision as found recorded in Plat Book 11 at Page 362 of the records of the Mesa County Clerk and Recorder; thence S 89°58'41" E along the north right of way line for Gunnison Avenue a distance of 831.41 feet to the True Point of Beginning of the parcel described herein; thence leaving said north right of way line S

00°01'19" W a distance of 30.00 feet to a point; thence S 89°58'41" E along a line 30.00 feet south of and parallel with the north right of way line for said Gunnison Avenue a distance of 188.58 feet to a point; thence S 00°03'55" E a distance of 30.00 feet to a point on the south right of way line for said Gunnison Avenue; thence N 89°58'41" W along said south right of way line a distance of 10.00 feet to a point; thence leaving the south right of way line for said Gunnison Avenue N 00°01'19" E a distance of 15.00 feet to a point; thence N 89°58'41" W along a line 15.00 feet north of and parallel with the south right of way line for said Gunnison Avenue a distance of 674.63 feet to a point; thence N 00°01'19" E a distance of 45.00 feet to a point on the north right of way line for said Gunnison Avenue; thence S 89°58'41" E along said north right of way line a distance of 496.00 feet to the point of beginning.

MILLER ANNEXATION NO.3

A parcel of land situate in the NE 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the southeast corner of Lot 8 of Banner Industrial Park Subdivision as found recorded in Plat Book 11 at Page 362 of the records of the Mesa County Clerk and Recorder; thence S 89°58'41" E along the north right of way line for Gunnison Avenue a distance of 335.41 feet to a point; thence leaving said north right of way line S 00°01'19" W a distance of 45.00 feet to a point; thence S 89°58'41" E along a line 15.00 feet north of and parallel with the south right of way line for Gunnison Avenue a distance of 674.63 feet to a point; thence S 00°01'19" W a distance of 15.00 feet to a point on the south right of way line for said Gunnison Avenue; thence along the south right of way line for said Gunnison Avenue the following 3 courses:

N 89°58'41" W a distance of 1047.57 feet;

17.91 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 51°19'04" and a long chord bearing S 64°22'04" W a distance of 17.32 feet;

53.72 feet along the arc of a curve to the right, having a radius of 60.00 feet, a delta angle of 51°19'04" and a long chord bearing S 64°21'47" W a distance of 51.94 feet to the northwest corner of Lot 5 of said Banner Industrial Park Subdivision;

thence leaving the south right of way line for said Gunnison Avenue N 00°00'00" E a distance of 120.00 feet to the southwest corner of Lot 8 of said Banner Industrial Park Subdivision; thence N 00°00'00" W along the west line of said Lot 8 a distance of 269.70 feet to the northwest corner of said Lot 8; thence S 89°58'26" E along the north line of said Lot 8 a distance of 100.00 feet to the northeast corner of said Lot 8; thence S 00°00'00" W along the east line of said Lot 8 a distance of 299.69 feet to the southeast corner of said Lot 8 and point of beginning.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 3rd day of May, 2000, at Two Rivers Convention Center, located at 159 Main Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any 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; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 15th day of March 2000.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

Published: March 17, 2000
 March 24, 2000
 March 31, 2000
 April 7, 2000

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
MILLER ANNEXATION NO. 1**

**APPROXIMATELY 0.16 ACRES
LOCATED 2978 Gunnison Avenue**

WHEREAS, on the 15th day of March, 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 3rd day of May, 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:
MILLER ANNEXATION NO.1

A parcel of land situate in the NE 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the southeast corner of Lot 8 of Banner Industrial Park Subdivision as found recorded in Plat Book 11 at Page 362 of the records of the Mesa County Clerk and Recorder; thence S 89°58'41" E along the north right of way line for Gunnison Avenue a distance of 831.41 feet to the True Point of Beginning of the parcel described herein; thence continuing along said north right of way line S 89°58'41" E a distance of 188.58 feet to a point of curvature; thence 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 89°58'41" and a long chord bearing N 45°01'24" E a distance of 28.29 feet to a point on the west right of way line for 30 Road; thence S 00°00'00" E along the west right of way line for said 30 Road a distance of 100.00 feet to a point of curvature; thence 31.41 feet along the arc of a curve concave to the southwest, having a radius of 20.00 feet, a delta angle of 90°01'18" and a long chord bearing N 44°59'02" W a distance of 28.28 feet to a point on the south right of way line for said Gunnison Avenue; thence leaving said south right of way line N 00°03'55" W a distance of 30.00 feet to a point; thence N 89°58'41" W along a line 30.00 feet south of and parallel with the north right of way line for said Gunnison Avenue a distance of 188.58 feet to a point; thence N 00°01'19" E a distance of 30.00 feet to the point of beginning.

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

INTRODUCED on first reading on the 15th day of March, 2000.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
MILLER ANNEXATION NO. 2**

**APPROXIMATELY 0.58 ACRES
LOCATED 2978 Gunnison Avenue**

WHEREAS, on the 15th day of March, 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 3rd day of May, 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:
MILLER ANNEXATION NO. 2

A parcel of land situate in the NE 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the southeast corner of Lot 8 of Banner Industrial Park Subdivision as found recorded in Plat Book 11 at Page 362 of the records of the Mesa County Clerk and Recorder; thence S 89°58'41" E along the north right of way line for Gunnison Avenue a distance of 831.41 feet to the True Point of Beginning of the parcel described herein; thence leaving said north right of way line S 00°01'19" W a distance of 30.00 feet to a point; thence S 89°58'41" E along a line 30.00 feet south of and parallel with the north right of way line for said Gunnison Avenue a distance of 188.58 feet to a point; thence S 00°03'55" E a distance of 30.00 feet to a point on the south right of way line for said Gunnison Avenue; thence N 89°58'41" W along said south right of way line a distance of 10.00 feet to a point; thence leaving the south right of way line for said Gunnison Avenue N 00°01'19" E a distance of 15.00 feet to a point; thence N 89°58'41" W along a line 15.00 feet north of and parallel with the south right of way line for said Gunnison Avenue a distance of 674.63 feet to a point; thence N 00°01'19" E a distance of 45.00 feet to a point on the north right of way line for said Gunnison Avenue; thence S 89°58'41" E along said north right of way line a distance of 496.00 feet to the point of beginning.

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

INTRODUCED on first reading on the 15th day of March, 2000.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
MILLER ANNEXATION NO. 3**

**APPROXIMATELY 1.55 ACRES
LOCATED 2978 Gunnison Avenue**

WHEREAS, on the 15th day of March, 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 3rd day of May, 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:
MILLER ANNEXATION NO. 3

A parcel of land situate in the NE 1/4 of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the southeast corner of Lot 8 of Banner Industrial Park Subdivision as found recorded in Plat Book 11 at Page 362 of the records of the Mesa County Clerk and Recorder; thence S 89°58'41" E along the north right of way line for Gunnison Avenue a distance of 335.41 feet to a point; thence leaving said north right of way line S 00°01'19" W a distance of 45.00 feet to a point; thence S 89°58'41" E along a line 15.00 feet north of and parallel with the south right of way line for Gunnison Avenue a distance of 674.63 feet to a point; thence S 00°01'19" W a distance of 15.00 feet to a point on the south right of way line for said Gunnison Avenue; thence along the south right of way line for said Gunnison Avenue the following 3 courses:

N 89°58'41" W a distance of 1047.57 feet;

17.91 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 51°19'04" and a long chord bearing S 64°22'04" W a distance of 17.32 feet;

53.72 feet along the arc of a curve to the right, having a radius of 60.00 feet, a delta angle of 51°19'04" and a long chord bearing S 64°21'47" W a distance of 51.94 feet to the northwest corner of Lot 5 of said Banner Industrial Park Subdivision;

thence leaving the south right of way line for said Gunnison Avenue N 00°00'00" E a distance of 120.00 feet to the southwest corner of Lot 8 of said Banner Industrial Park Subdivision; thence N 00°00'00" W along the west line of said Lot 8 a distance of 269.70 feet to the northwest corner of said Lot 8; thence S 89°58'26" E along the north line of said Lot 8 a distance of 100.00 feet to the northeast corner of said Lot 8; thence S 00°00'00" W along the east line of said Lot 8 a distance of 299.69 feet to the southeast corner of said Lot 8 and point of beginning.

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

INTRODUCED on first reading on the 15th day of March, 2000.

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

Attest:

President of the Council

City Clerk

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date:
March 15, 2000

Date Prepared: March 15, 2000
Author: Lisa Gerstenberger
Title: Senior Planner
Presenter Name: Same
Title:

Subject: File No. FP-2000-020, Community Hospital Medical Park-Single Day Surgery Center

Summary: Resolution to vacate several utility and irrigation easements which are no longer required due to property being replatted for the Community Hospital Single Day Surgery Center, located at the NW corner of Patterson Road and First Street.

Background Information: See attached

Budget: N/A

Action Requested/Recommendation: Approval of resolution for vacation of easements.

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: FP-2000-020, Community Hospital Medical Park-Single Day Surgery Center.

SUMMARY: Request for approval to vacate 10' utility and irrigation easements.

ACTION REQUESTED: Approval of Resolution for vacation of easements.

BACKGROUND INFORMATION:

Location: NW corner of First Street and Patterson Road

Applicant: Community Hospital

Existing Land Use: Vacant

Proposed Land Use: Phase One: Single Day Surgery Center

Surrounding Land Use:

North: Residential
South: Patterson Road
East: First Street
West: Meander Drive

Existing Zoning: Planned Business (PB)

Proposed Zoning: N/A

Surrounding Zoning:

North: R1A (County)
South: Patterson Road, PR-10
East: First Street, PR-12.7 and PR-4
West: Meander Drive, PB, Planned Business

Relationship to Comprehensive Plan: The Growth Plan Future Land Use Map does not address easement vacations, however, the proposed use for the property is compliant 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. 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, has been added as a permitted use to this PB zone district.

The 5.57 acre site was granted Preliminary Approval for a two-phase development by the Planning Commission in January, 2000. Phase One will consist of a day surgery center of 14,300

square feet on a two acre site. Phase Two will include an outpatient diagnostic imaging office and medical office building totaling 45,700 square feet on a 2.90 acre site.

The site is being replatted to combine seven lots from the Willowdale Subdivision into two lots. The applicant has requested the vacation of several utility and irrigation easements which were created for the Willowdale Subdivision, but are now no longer necessary.

VACATION OF EASEMENTS

In accordance with Section 8-3, Vacation of Rights-of-Way and Easements, the following criteria must be met:

- 1. Landlocking-The proposal shall not landlock any parcel of land.** The proposal does not landlock any parcel of land.
- 2. Restrictive Access-The proposal shall not so restrict access to any parcel that such access is unreasonable, economically prohibitive, and reduces or devalues any property affected by the proposed vacation.** The proposal does not restrict access to any parcel nor is it unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation.
- 3. Quality of Services-The proposal shall have no adverse impacts on the health, safety, and/or welfare of the general community, and shall not reduce the quality of public services provided to any parcel of land, e.g. police/fire protection and utility services.** The proposal has no adverse impacts on the health, safety, and/or welfare of the general community, and does not reduce the quality of public services provided to any parcel of land.
- 4. Adopted Plans and Policies-The proposal shall not conflict with adopted plans and policies.** The proposal does not conflict with adopted plans and policies.
- 5. Benefits to City or County-The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.** The proposal removes unnecessary easements from undeveloped property.

PLANNING COMMISSION RECOMMENDATION:

Recommend approval of the request to vacate easements for the following reasons:

- Applicant's request meets the criteria of Section 8-3, Vacation of Rights-of-Way and Easements, of the Zoning and Development Code.

STAFF RECOMMENATION:

Staff recommends vacation of easements as requested by the applicant based on compliance with the criteria of Section 8-3 of the Zoning and Development Code.

COMMUNITY HOSPITAL Vacation of Easements

Location: First and Patterson, Northwest Corner

The following vacation of right-of-way/easement criteria are in addition to the General Project Report as written for the Final Submittal of the Single Day Surgery Center for Community Hospital.

General Criteria

The easements to be vacated are all utility, irrigation, or drainage. The easements were created to allow 6 lots within the Willowdale Subdivision to be supplied with utilities, irrigation water, and drainage. The Willowdale Subdivision has been replatted, along with the Single Day Surgery Center Proposal for Community Hospital, into two large lots. Any necessary easements have been left intact, especially any easements as recorded in Books and Pages of the Mesa County real property records. New easements have been created on the Community Hospital Single Day Surgery Center Plat to allow for irrigation, drainage, and multi-purpose utilities.

LANDLOCKING

The proposal to vacate easements within the original Willowdale Subdivision will not landlock any parcel of land.

RESTRICTIVE ACCESS

The proposal will not restrict access to any parcel that such access is unreasonable or economically prohibitive. The proposal will not devalue any property. The vacation of easements only affects the Community Hospital properties. The easements are all located on the original 6 lots of the Willowdale Subdivision which are being replatted into 2 lots for the Single Day Surgery Center of Community Hospital.

QUALITY OF SERVICES

The proposal will not have any adverse impacts on the health, safety, or welfare of the general community. It will not reduce the quality of public services provided to any parcel of land.

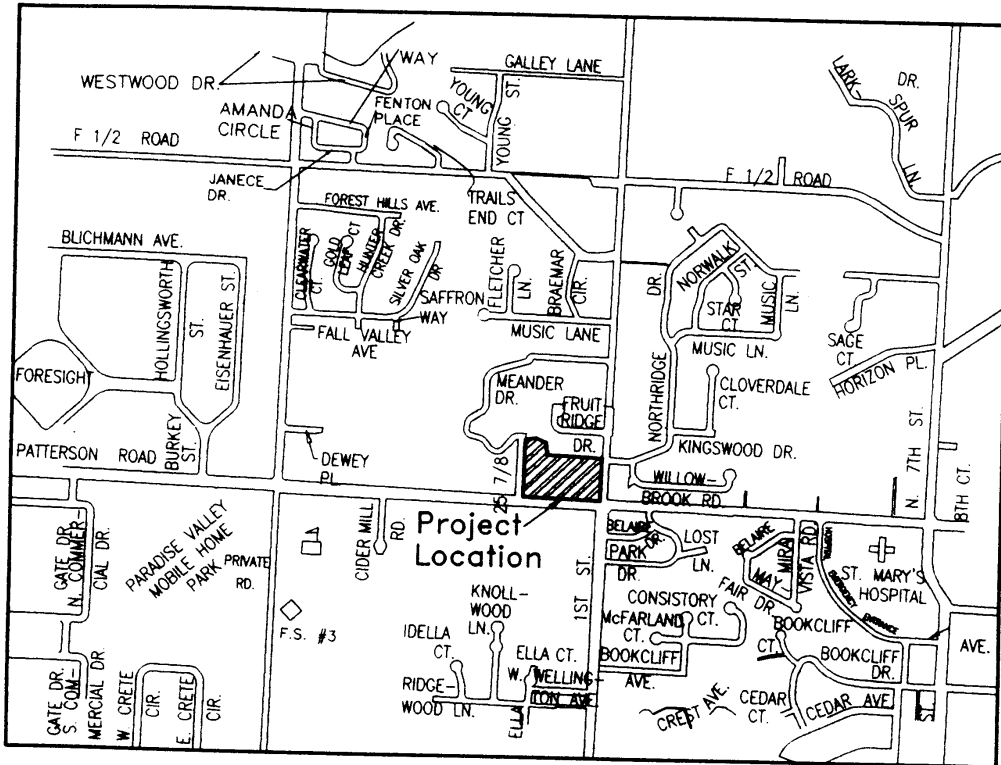
The site is presently undeveloped property. All necessary easements for the development of the Single Day Surgery Center, and replatting of the property into 2 lots, have been left in place or have been created on the new plat as necessary to service the two new lots.

8-3-4 ADOPTED PLANS AND POLICIES

The vacation of easements will not interfere with any adopted plans or policies of the City of Grand Junction. The zoning for the property has been amended to allow for the Single Day Surgery Center. The vacation of unnecessary easements will allow the Surgery Center to be placed on the newly created lot.

BENEFITS TO CITY

Removes unnecessary easements on undeveloped property.



VICINITY MAP

NOT TO SCALE

March 7, 2000

**COMMUNITY HOSPITAL
Vacation of Easements**

Location: First and Patterson, Northwest Corner

The following vacation of right-of-way/easement criteria are in addition to the General Project Report as written for the Final Submittal of the Single Day Surgery Center for Community Hospital.

8-3 General Criteria

The easements to be vacated are all utility, irrigation, or drainage. The easements were created to allow 6 lots within the Willowdale Subdivision to be supplied with utilities, irrigation water, and drainage. The Willowdale Subdivision has been replatted, along with the Single Day Surgery Center Proposal for Community Hospital, into two large lots. Any necessary easements have been left intact, especially any easements as recorded in Books and Pages of the Mesa County real property records. New easements have been created on the Community Hospital Single Day Surgery Center Plat to allow for irrigation, drainage, and multi-purpose utilities.

8-3-1 LANDLOCKING

The proposal to vacate easements within the original Willowdale Subdivision will not landlock any parcel of land.

8-3-2 RESTRICTIVE ACCESS

The proposal will not restrict access to any parcel that such access is unreasonable or economically prohibitive. The proposal will not devalue any property. The vacation of easements only affects the Community Hospital properties. The easements are all located on the original 6 lots of the Willowdale Subdivision which are being replatted into 2 lots for the Single Day Surgery Center of Community Hospital.

8-3-3 QUALITY OF SERVICES

The proposal will not have any adverse impacts on the health, safety, or welfare of the general community. It will not reduce the quality of public services provided to any parcel of land.

The site is presently undeveloped property. All necessary easements for the development of the Single Day Surgery Center, and replatting of the property into 2 lots, have been left in place or have been created on the new plat as necessary to service the two new lots.

8-3-4 ADOPTED PLANS AND POLICIES

The vacation of easements will not interfere with any adopted plans or policies of the City of Grand Junction. The zoning for the property has been amended to allow for the Single Day Surgery Center. The vacation of unnecessary easements will allow the Surgery Center to be placed on the newly created lot.

8-3-5 BENEFITS TO CITY

Removes unnecessary easements on undeveloped property.

CITY OF GRAND JUNCTION

Resolution No. _____

**VACATING UTILITY AND IRRIGATION EASEMENTS
FOR THE COMMUNITY HOSPITAL SITE LOCATED AT
THE NW CORNER OF PATTERSON ROAD AND FIRST STREET**

RECITALS:

This resolution vacates the utility and irrigation easements located on the property at the corner of Patterson Road and First Street. Seven lots formally platted as the Willowdale Subdivision are being replatted into two lots. The utility and irrigation easements are no longer necessary due to the replatting of lots.

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommend that the vacation be approved.

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

1. The following described easements are hereby vacated:

The following easements are shown on Exhibit A as part of these vacation of easement descriptions.

Vacate the following utility and irrigation easements: The north 10 feet of Lot 6. The north 10 feet of Lot 5 and the East 10 feet of Lot 5 for a distance of 139.97 feet from the north property line. The north 10 feet of Lot 4 and the east 10 feet of Lot 4 for a distance of 150 feet from the north property line. The east 10 feet of Lot 3 for a distance of approximately 102.18 feet from the north property line.

Vacate the following irrigation easement: The west 5 feet of Lot 2.

Vacate the following easements in Lot 1: An irrigation easement on the west 5 feet of Lot 1 for a distance of approximately 57.82 feet from the south property line. A 10 foot wide utility and ditch easement running east and west the full width of Lot 1. The south line of the easement is approximately 47.82 feet from, and parallel with, the south property line of Lot 1. A utility and irrigation easement on the north 10 feet of Lot 1 for a distance of approximately 71.04 feet beginning at the east property line of Lot 1. A 10 foot wide utility and irrigation easement running north and south the full width of Lot 1. The east line of said easement beginning 17 feet from, and parallel with, the east property line of Lot 1.

PASSED and ADOPTED this _____ day of March, 2000.

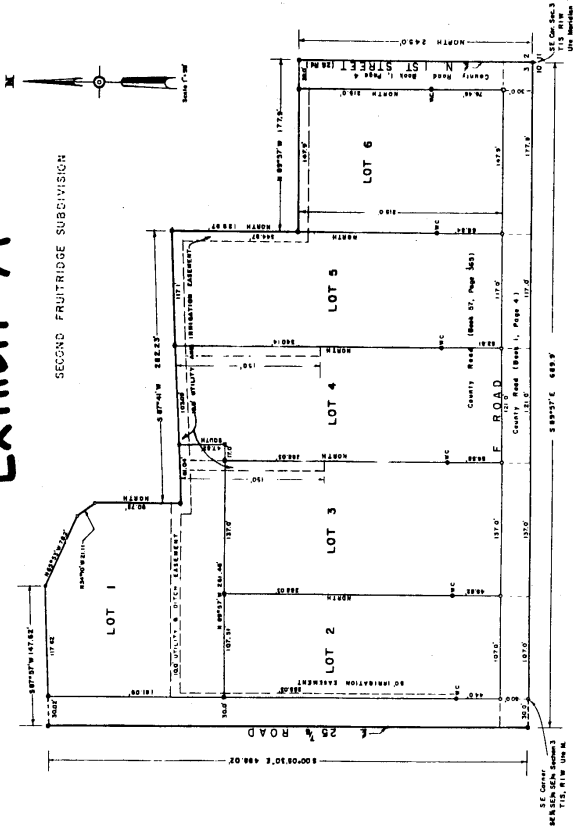
ATTEST:

City Clerk

President of City Council

"Exhibit A"

SECOND FRUITRIDGE SUBDIVISION



LEGEND
 A. Street Pin
 B. Street Pin set in Concrete

WILLOWDALE SUBDIVISION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS That the undersigned, James S. Gorman, William B. Schmitt, and Matthew W. Schmitt, all of the County of Meigs, State of Ohio, do hereby dedicate to the public use of the County of Meigs, State of Ohio, the following described property, to-wit:

That certain lots of land situated in the County of Meigs, State of Ohio, and more particularly described as follows:

Block 1 of the City of Columbus, Ohio, containing 1.00 acre, more or less, situated in the County of Meigs, State of Ohio, and more particularly described as follows:

That certain lots of land situated in the County of Meigs, State of Ohio, and more particularly described as follows:

That certain lots of land situated in the County of Meigs, State of Ohio, and more particularly described as follows:

That certain lots of land situated in the County of Meigs, State of Ohio, and more particularly described as follows:

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That certain lots of land situated in the County of Meigs, State of Ohio, and more particularly described as follows:

That certain lots of land situated in the County of Meigs, State of Ohio, and more particularly described as follows:

CLERK AND RECORDERS CERTIFICATE

STATE OF OHIO
 COUNTY OF MEIGS

James S. Gorman, William B. Schmitt, and Matthew W. Schmitt, all of the County of Meigs, State of Ohio, do hereby certify that the foregoing was filed in my office as Clerk and Recorder of Meigs County, Ohio, on this 11th day of January, 1964, at 10:30 A.M.

FILED

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 11th day of January, 1964, at Columbus, Ohio, by the County Planning Commission of the County of Meigs, Ohio, A.C. 1964.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

Approved this 11th day of January, 1964, at Columbus, Ohio, by the Board of County Commissioners of the County of Meigs, Ohio, A.C. 1964.

SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing part of Willowdale Subdivision, as described herein, is a true and correct copy of the original plat as filed in my office, and is a true and correct copy of the original plat as filed in my office.

Beulah Surveys, Inc.
 Surveyors
 WILLOWDALE SUBDIVISION
 MEIGS COUNTY, OHIO
 SURVEYED BY BEULAH SURVEYS, INC., 11/11/64
 010-460111

Attach 11

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

City Council
 Workshop
 Formal Agenda
Meeting Date:

Date Prepared: March 10, 2000
Author: Ron Watkins
Title: Purchasing Manager
Presenter Name: Martyn Currie
Title: Acting Police Chief

Subject: Authorize the sole source purchase of a Live Scan/Mug System for Police Department.

Summary: Authorize the Purchasing Office to purchase one Live Scan/Mug System from Digital Biometrics, Inc., (DBI) in behalf of the Police Department. The purchase price is \$82,000 installed.

Background Information: Equipment compatibility and conformity with City, County, and State owned equipment is the major factor with regard to this request. The requested equipment will provide the Police Department with a high quality Automated Fingerprint identification System (AFIS) and a Mug Shot Video Imaging System (MSVIS) compatible with the Mesa County Sheriff's Department and the Colorado Bureau of Investigations. The Police Department is not aware of any other systems that are compatible with the DBI System.

Budget: \$82,000 for the purchase of this equipment was approved in the 2000FY Budget.

Action Requested/Recommendation:

Authorize staff to purchase the Live Scan/Mug System for the Grand Junction Police Department from Digital Biometrics, Inc., (DBI).

Citizen Presentation: Yes No. If yes,
Name
Purpose

Report results back to Council? No Yes, When _____

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