

**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, NOVEMBER 1, 2000, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation - Jim Hale, Spirit of Life Christian Fellowship

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING NOVEMBER 5-11, 2000 AS "NATIONAL
NONTRADITIONAL STUDENT WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING NOVEMBER 11, 2000 AS "SALUTE TO VETERANS
DAY 2000" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING NOVEMBER, 2000 AS "HOSPICE MONTH" IN THE
CITY OF GRAND JUNCTION

PRESENTATION OF THE "SILVER BUCKLE AWARD" FOR SEATBELT
ENFORCEMENT TO THE GRAND JUNCTION POLICE DEPARTMENT

APPOINTMENTS

APPOINTMENTS TO THE GRAND JUNCTION HOUSING AUTHORITY

CERTIFICATES OF APPOINTMENT

PRESENTATION OF CERTIFICATES OF APPOINTMENT FOR URBAN TRAILS
COMMITTEE

CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Minutes of the October 16, 2000 Workshop and the Regular Meeting October 18, 2000
2. **Persigo Wastewater Treatment Plant Raw Sewage Pump** [Attach 2](#)

The management staff of Persigo Wastewater Treatment Plant, supported by the Purchasing Manager, requests Council authorization to make a sole source purchase of a new Fairbanks Morse raw sewage pump. This pump is necessary to handle the increased amount of raw sewage at the plant.

Action: Approve Sole Source Purchase of One Fairbanks Morse Raw Sewage Pump from Goble Sampson Associates, Inc. in the Amount of \$28,050

Staff Source: Larry Brown, Wastewater Maintenance Supervisor

3. **25½ Road and G Road Culvert Rehabilitation** [Attach 3](#)

The following bids were received on October 3, 2000:

Bidder	From	Total Bid
M. A. Concrete Construction	Grand Junction	\$ 91,243
Skyline Contracting	Grand Junction	\$ 98,343
R. W. Jones Construction	Fruita	\$244,621
Engineer's Estimate		\$ 91,450

Action: Award Contract for 25½ Road and G Road Culvert Rehabilitation to M.A. Concrete Construction in the Amount of \$91,243

Staff presentation: Tim Moore, Public Works Manager

4. **Vacating a Utility and Drainage Easement in Trolley Park Subdivision, Located at 552 25 Road** [File #VE-2000-160] [Attach 4](#)

The petitioner is requesting vacation of a utility and drainage easement (varies between 15' and 20') along the south side of Trolley Park Subdivision located at 552 25 Road. At the October 10, 2000 hearing, the Planning Commission forwarded a positive recommendation to City Council.

Resolution No. 104-00 – A Resolution Vacating a Utility and Drainage Easement in Trolley Park Subdivision

**Action: Adopt Resolution No. 104-00*

Staff presentation: Patricia Parish, Associate Planner

5. **Growth Plan Amendment for The Knolls Filings 4-7, Located South of the Southeast Corner of 27½ Road and Cortland Road** [File #GPA-2000-103] [Attach 5](#)

The applicant has requested a Growth Plan Amendment from Residential Medium (4 to 8 du/ac) to Residential Medium Low (2 to 4 du/ac) for the remaining undeveloped filings of the Knolls Subdivision. At its hearing of August 16, 2000 the City Council adopted an ordinance rezoning this property to PD with an underlying density of 2.5 dwellings per acre. A mixed-use development with 16 patio homes and 64 single-family homes is proposed.

Resolution No. 105-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (The Knolls Subdivision, Filings 4-7)

**Action: Adopt Resolution No. 105-00*

Staff presentation: Bill Nebeker, Senior Planner

6. **Setting a Hearing on Vacating the Remainder of the East/West Alley Right-of-Way between Ouray Avenue and Grand Avenue (Mesa County Library, 520 Grand Avenue) and the North/South Portion of the Alley** [File #VR-2000-149] [Attach 6](#)

The Mesa County Public Library, represented by John Potter of Blythe Design, is requesting approval of the ordinance to vacate the remainder of the east/west alleyway, located between Ouray Avenue and Grand Avenue, to North Fifth Street, and retain the 20-foot wide utility easement in this alley right-of-way; and also vacate the north/south portion of the alley. The remainder of the alley was previously vacated and recorded.

Proposed Ordinance Vacating the Remaining East/West Alley Right-of-Way between Grand Avenue and Ouray Avenue, Retaining a 20-Foot Wide Utility Easement, and Vacating the North/South Alley Right-of-Way from Grand Avenue to a Portion of the Alley

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 15, 2000

Staff presentation: Lori Bowers, Associate Planner

7. **Vacating Easements in Omega Business Park II, Located at the Northeast Corner of 28 Road and Bunting Avenue** [File #VE-2000-161] [Attach 7](#)

The petitioner, Conquest Development, LLC, is requesting the vacation of a 10' wide utility easement. Omega Business Park II is located on the northeast corner of 28 Road and Bunting Avenue. At the October 10, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

a. **Resolution**

Resolution No. 106–00 – A Resolution Vacating a Utility Easement in Omega Business Park II

**Action: Adopt Resolution No. 106–00*

The petitioner is also requesting the vacation of a 25' ingress-egress and utility easement in Omega Park. At the October 10, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

b. Ordinance

Proposed Ordinance Vacating the Ingress-Egress Easement and Utility Easement as Shown on the Plat of Omega Business Park II

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 15, 2000

Staff presentation: Joe Carter, Associate Planner

8. **Notice of Intent to Annex Davidson/Wilcox Enclave Annexation, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands** [File #ANX-2000-208] [Attach 8](#)

The 5.11-acre Davidson/Wilcox Enclave Annexation consists of one parcel of land and is located east of South Camp Road and north of the Ute Water Tanks on the Redlands. Under the 1998 Persigo Agreement, the City is to annex all enclave areas within 5 years.

Resolution No. 107–00 – A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Davidson/Wilcox Enclave, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands, Consisting of Approximately 5.11 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

**Action: Adopt Resolution No. 107-00*

Staff presentation: Dave Thornton, Principal Planner

9. **Setting a Hearing on Adopting the 2000 International Fire Code** [Attach 9](#)

The 2000 International Fire Code has been updated and staff is requesting adoption of the new standards.

Proposed Ordinance Adopting the 2000 Edition of the International Fire Code; Amending Certain Provisions in the Adopted Codes; Amending All Ordinances in

Conflict or Inconsistent Herewith; and Providing a Penalty for Violation of Any Provision of Said Codes

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

Staff presentation: Dan Wilson, City Attorney
Hank Masterson, Fire Inspector

10. **Setting a Hearing on Adopting the 1995 Model Traffic Code for Municipalities** [Attach 10](#)

This ordinance primarily adopts the 1995 Model Traffic Code for Municipalities, while repealing the 1977 version. The difference between the 1977 and 1995 versions of the Model Traffic Code are primarily that the 1995 version is more readable and contains less jargon. The parking sections of the 1977 version will remain in full force and effect.

Proposed Ordinance Amending Chapter 36 of the Code of Ordinances of the City of Grand Junction, Colorado, Adopting the 1995 Model Traffic Code and Amending Certain Provisions in the Adopted Code

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

Staff presentation: Stephanie Rubinstein, Staff City Attorney

11. **Setting a Hearing on Amending Chapter 24, City Code of Ordinances, Regarding Indecent Exposure** [Attach 11](#)

The words “intimate parts” were inadvertently left out of the “Indecent Exposure” ordinance passed last year. While the intent of Council was clear at the time, and through context the ordinance is clear, for absolute clarity, these words were included into the ordinance.

Proposed Ordinance Amending Chapter 24, Section 18, of the Code of Ordinances of the City of Grand Junction, Colorado, Regarding Indecent Exposure

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 15, 2000

Staff presentation: Stephanie Rubinstein, Staff City Attorney

12. **Purchase of a Portion of River Road Trail Property** [Attach 12](#)

The City currently co-owns a portion of the River Road Trail along with Stephen and Bobette McCallum. This contract will provide for the purchase of the property by the City so that the City owns that portion of the property solely.

Resolution No. 108–00 – A Resolution Accepting, Adopting and Affirming the Contract to Buy and Sell Real and Personal Property between the City of Grand Junction and Stephen D. McCallum and Bobette D. McCallum and Authorizing the City Manager to Sign the Contract as an Official Act of the City of Grand Junction

*Action: *Adopt Resolution No. 108–00*

Staff presentation: Stephanie Rubinstein, Staff City Attorney

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

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

13. **Holiday Parking Request for the Downtown** [Attach 13](#)

Last year the City Council agreed to suspend parking meters and fines for the holiday season. The merchants thought it was a great success and would like to do the same thing this year.

Action: *Authorize the Waiver of Parking Enforcement in the Downtown from Thanksgiving through Christmas*

Staff presentation: Barbara Creasman, DDA Executive Director

14. **Public Hearing - Amending Chapters 6 and 33 of the City of Grand Junction Code of Ordinances Regarding Animal Control** [Staff Requesting Continuance] [Attach 14](#)

A request has been made by James Bennett from the Division of Wildlife, Dr. Debbie Miller, President of the Grand Valley Veterinary Medical Society and Dr. John Heideman, veterinarian, for a continuance of the November 1, 2000 public hearing so that all interested parties can discuss the proposal to make any changes. The persons listed above are against the proposal and would like to meet with the representatives of Community Cat Care to discuss alternatives. Staff does not object to this request, with the understanding that the parties will work together for a mutually agreeable solution to the feral cats issue. Below is the staff report regarding the changes, should this request be denied by Council.

This proposal makes two changes to the City of Grand Junction Code of Ordinances. First, the Zoning and Development Code (Chapter 33) is being changed to permit registered participants of Community Cat Care to care for more

than three cats, so long as these persons follow the requirements set forth by Community Cat Care. The second change is to the Animal Control Regulations (Chapter 6) to require that registered participants of Community Cat Care have the cats they are caring for vaccinated.

- (1) Ordinance No. 3301 – An Ordinance Amending Chapter 6, Section 6-58(a) of the Code of Ordinances of the City of Grand Junction, Colorado
- (2) Ordinance No. 3302 – An Ordinance Amending Chapter 33 (Zoning and Development Code), Section 4.3.A.4.a of the Code of Ordinances of the City of Grand Junction, Colorado

**Action: Adopt Ordinances No. 3301 and No. 3302 on Second Reading*

Staff presentation: Stephanie Rubinstein, Staff City Attorney

15. **Public Hearing - Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District and Finalizing the Zoning, Design Standards and Guidelines for the 24 Road Corridor** [File #PLN-2000-192] [Attach 15](#)

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

a. Resolution Adopting the 24 Road Corridor Subarea Plan

Resolution No. 109–00 – A Resolution Adopting the 24 Road Corridor Subarea Plan

**Action: Adopt Resolution No. 109–00*

b. Ordinances

- (1) Ordinance No. 3303 – An Ordinance Amending the Sections 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zoning District
- (2) Ordinance No. 3304 – An Ordinance Adopting a New Zoning Map for the 24 Road Corridor Area
- (3) Ordinance No. 3305 – An Ordinance Amending the Zoning and Development Code to Add Section 7.5, 24 Road Corridor Design Standards and Guidelines

**Action: Adopt Ordinances No. 3303, No. 3304 and No. 3305 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

16. **Public Hearing - Route 30 Partners Annexation Located at 520 30 Road**
[File #ANX-2000-172] [Attach 16](#)

The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

a. Resolution Accepting Petition

Resolution No. 110-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Route 30 Partners Annexation is Eligible for Annexation, Located at 520 30 Road and Including a Portion of the I-70 Business Loop Road Right-of-Way

**Action: Adopt Resolution No. 110-00*

b. Annexation Ordinance

Ordinance No. 3306 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Route 30 Partners Annexation, Approximately 20.92 Acres Located at 520 30 Road and Including a Portion of the I-70 Business Loop Right-of-Way

**Action: Adopt Ordinance No. 3306 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

17. **Public Hearing - Zoning Route 30 Partners Annexation to C-1, Located at 520 30 Road** [File #ANX-2000-172] [Attach 17](#)

Second reading of the zoning ordinance to zone the Route 30 Partners Annexation Light Commercial, C-1, located at 520 30 Road.

Ordinance No. 3307 – An Ordinance Zoning Route 30 Partners Annexation to Light Commercial, C-1 Zone District, Located at 520 30 Road

**Action: Adopt Ordinance No. 3307 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

18. **Public Hearing - Mesa Moving Annexation Located at 2225 River Road and 681 Railroad Boulevard** [File #ANX-2000-177] [Attach 18](#)

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

a. Resolution Accepting Petitions

Resolution No. 111-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Mesa Moving Annexation is Eligible for Annexation, Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor's Records)

**Action: Adopt Resolution No. 111-00*

b. Annexation Ordinance

Ordinance No. 3308 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa Moving Annexation, Approximately 12.38 Acres Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor's Records)

**Action: Adopt Ordinance No. 3308 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

19. **Public Hearing - Zoning Mesa Moving Annexation to I-2, Located at 2225 River Road and 681 Railroad Blvd** [File #ANX-2000-177] [Attach 19](#)

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land located at 2225 River Road and 681 Railroad Blvd (also known as 637 Railroad Blvd on the Assessor's records). One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation. The proposed zoning designation is I-2 (Heavy Industrial).

Ordinance No. 3309 – An Ordinance Zoning the Mesa Moving Annexation to I-2 (Heavy Industrial), Located at 2225 River Road and 681 Railroad Blvd

**Action: Adopt Ordinance No. 3309 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

20. **Public Hearing - Vacating a Temporary Turnaround and Utility Easement for the Renaissance in the Redlands Subdivision, Filing 2, Located at South Camp Road and Renaissance Boulevard** [File #FP-2000-126] [Attach 20](#)

Request to vacate a temporary turnaround and utility easement at the end of existing Athens Way.

Ordinance No. 3310 – An Ordinance Vacating a Temporary Turnaround Access and Utility Easement for Athens Way

**Action: Adopt Ordinance No. 3310 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

21. **Public Hearing - Vacating a Temporary Turnaround Easement Located on Lot 1, Block 8, The Knolls Subdivision, Filing 2, Located at the Southeast Corner of Cortland Avenue and 27½ Road** [File #FPP-2000-141] [Attach 21](#)

The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turnaround had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request.

Ordinance No. 3311 – An Ordinance Vacating the Temporary Turnaround Easement on Piazza Way, The Knolls Subdivision, Filing 2

**Action: Adopt Ordinance No. 3311 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

22. **Public Hearing – Adoption of 2000 International Building Codes** [Continue to December 6, 2000] [Attach 22](#)

The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International Codes to include: International Building, Residential, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing Code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

Ordinance No. 3312 – An Ordinance of the City of Grand Junction, Colorado, Adopting and Amending the Latest Edition of the International Building Code, the Uniform Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy

Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; Providing for the Issuance of Permits and Collection of Fees Therefor; Authorizing Fees to be Set by Resolution and Providing for Penalties for the Violation Thereof and Repealing All Other Ordinances and Parts Of Ordinances in Conflict Herewith

**Action: Adopt Ordinance No. 3312 on Second Reading*

Staff presentation; Mark Relph, Public Works & Utilities Director

23. **NON-SCHEDULED CITIZENS & VISITORS**
24. **OTHER BUSINESS**
25. **ADJOURNMENT**

Attach 1

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

October 18, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 18th day of October, 2000, at 7:30 p.m. at the City Hall Auditorium, 250 N. 5th Street. 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 Kelly Arnold, 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 Rocky Shrable, Sonrise Church of God.

PROCLAMATION DECLARING OCTOBER 22-28, 2000 AS "RED RIBBON WEEK" IN THE CITY OF GRAND JUNCTION

RATIFICATION OF URBAN TRAILS COMMITTEE APPOINTMENTS

Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried, the following appointments and reappointments to the Urban Trails Committee were ratified: Jamie Lummis until June, 2003, John Halvorson until June, 2003, Robert Traylor until June, 2003, Janet Hollingsworth until June, 2003, Timothy Fry until June, 2002, and Judy Craddock until June, 2001.

CONSENT ITEMS

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, the following Consent items #1 through #14 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting October 4, 2000

2. **Visitor and Convention Bureau Advertising Agency Contract**

The contract period is January 2, 2001 through December 31, 2001. The general scope of this contract includes professional advertising, marketing and promotional services with the primary purpose of promoting Grand Junction as a visitor destination. Firms were required to submit a plan that focused primarily on advertising, but also included the integration of public relations, research, promotions and web site development.

Action: Award Visitor and Convention Bureau Advertising Contract to Hill & Tashiro Marketing and Advertising, in an Amount Not to Exceed \$300,000

3. **20-Year Long-Range Strategic Facilities Plan**

The long-range facility plan will be used to aid in long term planning for facility related capital improvements. It will be used by the City as a decision-making tool in evaluating the relative merits of various courses of action.

Action: Award Contract for 20-Year Long-Range Strategic Facilities Plan to Blythe Design + co in an Amount Not to Exceed \$50,000 for FY2000 Plus a Final Amount to be Negotiated for FY2001, Not to Exceed \$50,000

4. **Change Order for Additional Work under the Persigo Wastewater Treatment Plant Final Clarifier Addition Contract**

In 2001, the headworks at Persigo is budgeted to be reconstructed. Staff is proposing to contract with the existing contractor, Moltz Construction, already on site for the 2000 Final Clarifier Addition, to complete the headworks contract.

Action: Approve Change Order in the Amount of \$378,000 for Additional Work (Headworks Component) under the Persigo Wastewater Treatment Plant Final Clarifier Addition Contract with Moltz Construction

5. **Lease of Unimproved Land at Fire Station No. 2 to the United States of America for GPS Meteorological Observation Site**

The proposed lease is for a base term of one year with renewal options for 19 successive years. This is to be a no cost lease to the City, with the United States paying the City for actual costs to provide low wattage power to the facility, estimated to cost less than \$2.00 per year. The proposed resolution would authorize the National Oceanic and Atmospheric Administration to install, operate and maintain a GPS (Global Positioning Systems) Meteorological Station at Fire Station No. 2.

Resolution No. 98-00 – A Resolution Authorizing the Lease of City Owned Property to the United States of America, National Oceanic and Atmospheric Administration

Action: Adopt Resolution No. 98-00

6. **Setting a Hearing on Vacating Temporary Drainage Easement and Turnaround and Utility Easements for the Renaissance in the Redlands Subdivision, Filing 2, Located at South Camp Road and Renaissance Boulevard** [File #FP-2000-126]

Request to vacate 1) temporary turnaround and utility easement at the end of existing Athens Way; and 2) temporary drainage easement in the central portion of the site.

a. Proposed Ordinance Vacating Temporary Turnaround and Utility Easement

Proposed Ordinance Vacating Temporary Turnaround Access and Utility Easement for Athens Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 1, 2000

b. Resolution Vacating Temporary Drainage Easement

Resolution No. 99-00 – A Resolution Vacating a Temporary Drainage Easement within the Renaissance in the Redlands Subdivision

Action: Adopt Resolution No. 99-00

7. Setting a Hearing on Vacating a Temporary Turnaround Easement Located on Lot 1, Block 8, The Knolls Subdivision, Filing 2 [File #FPP-2000-141]

The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27 ½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turnaround had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request.

Proposed Ordinance Vacating the Temporary Turnaround Easement Located on Piazza Way, The Knolls Subdivision, Filing 2

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 1, 2000

8. Setting a Hearing on Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District and Finalizing the Zoning, Design Standards and Guidelines for the 24 Road Corridor [File #PLN-2000-192]

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

- (4) Proposed Ordinance Amending the Sections 3.2 and 3.5, and Adding Section 3.3.K to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zoning District

- (5) Proposed Ordinance Adopting a New Zoning Map for the 24 Road Corridor Area
- (6) Proposed Ordinance Amending the Zoning and Development Code to Add Section 7.5, 24 Road Corridor Design Standards and Guidelines

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

9. **Setting a Hearing on Redlands Parkway Bridge Annexation Located on Redlands Parkway Bridge across the Colorado River and Including Redlands Parkway Right-of-Way and Bridge** [File #ANX-2000-206]

The 2.15-acre Redlands Parkway Bridge Annexation is located at the Redlands Parkway Bridge and the Colorado River and consists of a portion of the Colorado River.

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

Resolution No. 100-00 – 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 – Redlands Parkway Bridge Annexation Located on the Redlands Parkway across the Colorado River and Including the Redlands Parkway Right-of-Way and Bridge

Action: Adopt Resolution No. 100-00 and Set a Hearing for December 6, 2000

b. **Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Redlands Parkway Bridge Annexation, Approximately 2.15 Acres, Located on the Redlands Parkway across the Colorado River and Including the Redlands Parkway Right-of-Way and Bridge

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

10. **Setting a Hearing on C.H.C. Cellular Annexation No. 1 and No. 2 Located at 2784 Winters Avenue** [File #ANX-2000-186]

The 10.85-acre C.H.C. Cellular Annexation No. 1 and No. 2 is located at 2784 Winters Avenue.

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

Resolution No. 101-00 – 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 – C.H.C. Cellular Annexation, a Serial Annexation Comprising C.H.C. Cellular Annexation No. 1 and No. 2 Located at 2784 Winters Avenue and Including the Winters Avenue Right-of-Way

Action: Adopt Resolution No. 101-00 and Set a Hearing for December 6, 2000

b. Set Hearings on Annexation Ordinances

- (1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, C.H.C. Cellular Annexation No. 1, Approximately 0.82 Acres Located at 2784 Winters Avenue and Including a Portion of the Winters Avenue Right-of-Way
- (2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, C.H.C. Cellular Annexation No. 2, Approximately 10.03 Acres Located at 2784 Winters Avenue and Including a Portion of the Winters Avenue Right-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for December 6, 2000

Staff presentation: Patricia Parish, Associate Planner

11. Setting a Hearing on Zoning Route 30 Partners Annexation to C-1, Located at 520 30 Road [File #ANX-2000-172]

First reading of the zoning ordinance to zone the Route 30 Partners Annexation Light Commercial, C-1, located at 520 30 Road.

Proposed Ordinance Zoning Route 30 Partners Annexation to Light Commercial, C-1 Zone District, Located at 520 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 1, 2000

12. Setting a Hearing on Zoning Mesa Moving Annexation to I-2, Located at 2225 River Road and 681 Railroad Blvd [File #ANX-2000-177]

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land located at 2225 River Road and 681 Railroad Blvd (also known as 637 Railroad Blvd on the Assessor's records). One currently houses Mesa Moving and United

Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation. The proposed zoning designation is I-2 (Heavy Industrial).

Proposed Ordinance Zoning the Mesa Moving Annexation to I-2 (Heavy Industrial), Located at 2225 River Road and 681 Railroad Blvd

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 1, 2000

13. **2000 Community Development Block Grant Subrecipient Contract with The Energy Office**

This contract formalizes the City's award of \$55,000 to the Energy Office for the rehabilitation of six duplexes (12 residential units) to be rented by the Energy Office to low and moderate income residents, located at 1838-1848 Linden Avenue. These funds come from the City's 2000 Community Development Block Grant Program.

Action: Authorize the City Manager to Sign the 2000 Community Development Block Grant Subrecipient Contract with the Energy Office
Staff presentation: David Varley, Assistant City Manager

14. **Setting Hearings on Amending Chapters 6 and 33 of the City of Grand Junction Code of Ordinances Regarding Animal Control**

This ordinance makes two changes to the City of Grand Junction Code of Ordinances. First, the Zoning and Development Code (Chapter 33) is being changed to permit registered participants of Community Cat Care to care for more than three cats, so long as these persons follow the requirements set forth by Community Cat Care. The second change is to the Animal Control Regulations (Chapter 6) to require that registered participants of Community Cat Care have the cats they are caring for vaccinated.

- (1) Proposed Ordinance Amending Chapter 6, Section 6-58(a) of the Code of Ordinances of the City of Grand Junction, Colorado
- (3) Proposed Ordinance Amending Chapter 33 (Zoning and Development Code), Section 4.3.A.4.a of the Code of Ordinances of the City of Grand Junction, Colorado

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

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

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

PUBLIC HEARING - BRUTSCHE ANNEXATION LOCATED AT 20 1/2 ROAD AND F 3/4 ROAD [FILE #ANX-2000-143]

The 10-acre Brutsche Annexation consists of one parcel of land that is sandwiched between the Independence Ranch Subdivision in the City and the Country Meadows Subdivision in the County. The parcel will be encompassed within the Independence Ranch Filings 7-13 revised preliminary plan for low-density single family lots.

The hearing opened at 7:38 p.m.

Bill Nebeker, Senior Planner, Community Development Department, reviewed this item. He stated the annexation meets the State Statute requirements and Staff recommends approval of the annexation.

Councilmember Payne inquired about access. Mr. Nebeker identified the new access being included.

There were no public comments. The hearing was closed at 7:41 p.m.

a. Resolution Accepting Petition

Resolution No. 102-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Brutsche Annexation is Eligible for Annexation, Located at the Northwest Corner of 20½ Road and F¾ Road

b. Annexation Ordinance

Ordinance No. 3295 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Brutsche Annexation, Approximately 10 Acres Located at the Northwest Corner of 20½ Road and F¾ Road

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 102-00 was adopted and Ordinance No. 3295 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING BRUTSCHE ANNEXATION TO PD, LOCATED NORTH OF F¾ ROAD AT 20½ ROAD [FILE #ANX-2000-143]

The applicant requests to revise the Preliminary Plan for the remaining filings of the Independence Ranch Subdivision by adding a 10 acre parcel that is being annexed into the City. Upon annexation the parcel and the remaining filings of Independence Ranch will be zoned to PD (Planned Development) with an overall density of 1.7 dwellings per

acre. At its September 19, 2000 hearing, the Planning Commission recommended approval of this request.

The hearing was opened at 7:42 p.m.

Craig Roberts, Ciavonne & Associates, represented the petitioner. He stated they were asking for no density increase but simply increasing the size of the subdivision. They are adding more access, open space and adding lots in the same density range.

Bill Nebeker, Senior Planner, reviewed this item. He said the zoning being applied is for more than just the Brutsche Annexation. It applies to the Independence Valley Subdivision. The density is in conformance with the surrounding area. The overall density range in the east half is two to four units per acre. The petition meets criteria and Staff recommends approval.

There were no public comments. The hearing was closed at 7:46 p.m.

Ordinance No. 3296 – An Ordinance Zoning Independence Ranch Filings 7-13, Located North of F³/₄ Road at 20¹/₂ Road to City PD

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3296 was adopted on second reading and ordered published.

PUBLIC HEARING - EPHEMERAL RESOURCES ANNEXATION NO. 1, NO. 2 AND NO. 3, LOCATED AT THE SOUTHWEST CORNER OF 29 5/8 ROAD AND D ROAD
[FILE #ANX-2000-144]

The Ephemeral Resources Annexation No. 1, No. 2 and No. 3 is located at the southwest corner of 29 5/8 Road and D Road and includes portions of 29 Road and D Road right-of-way. The 110.86-acre annexation area consists of seven parcels of land. Owners have signed a petition for annexation as part of a proposed gravel mine with accessory uses.

The hearing opened at 7:46 p.m.

Patricia Parish, Associate Planner, Community Development Department, reviewed this item. She gave the location and described the parcel. She said the property owner has signed an annexation petition and Staff finds it in compliance. Staff recommends approval.

Tom Logue, spokesman for Ephemeral Resources, said Staff has adequately explained the request.

There were no public comments. The hearing was closed at 7:50 p.m.

a. Resolution Accepting Petitions

Resolution No. 103–00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Ephemeral Resources Annexation No. 1, No. 2 and No. 3, Located at 29 5/8 Road and D Road, and Including Portions of 29 Road and D Road Rights-of-Way, is Eligible for Annexation

b. Annexation Ordinances

(1) Ordinance No. 3297 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 1, Approximately 0.50 Acres Located in Portions of the 29 Road Right-of-Way

(2) Ordinance No. 3298 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 2, Approximately 0.49 Acres Located in Portions of the 29 Road and D Road Rights-of-Way

(3) Ordinance No. 3299 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 3, Approximately 109.87 Acres Located at 29 5/8 Road and D Road and Including Portions of the 29 Road and D Road Rights-of-Way

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 103-00 was adopted and Ordinances No. 3297, 3298 and 3299 were adopted on second reading and ordered published.

PUBLIC HEARING - ZONING THE EPHEMERAL RESOURCES ANNEXATION TO RSF-R, LOCATED AT 29 5/8 ROAD AND D ROAD [FILE #ANX-2000-144]

The Ephemeral Resources Annexation is located at the southwest corner of 29 5/8 Road and D Road and includes 29 Road and D Road rights-of-way. The 110.86-acre Ephemeral Resources Annexation area consists of seven parcels of land. Owners of the property have signed a petition for annexation as part of a proposed development for gravel mining operation. State law requires the City to zone property that is annexed into the City of Grand Junction. The proposed zoning is similar to the existing Mesa County zoning of Residential Single Family-Rural. The Planning Commission forwarded a positive recommendation.

The hearing opened at 7:50 p.m.

Tom Logue, representing the applicant, said the intended use is a sand and gravel operation, and is currently in the process of obtaining a Conditional Use Permit.

Patricia Parish, Associate Planner, said they recommend the same zone as the property is in the County as allowed by the Persigo Agreement. A sand and gravel operation requires a Conditional Use Permit. The Planning Commission recommends zoning of RSF-R and the request meets the Zoning and Development Code criteria. Staff recommends approval.

Ordinance No. 3300 – An Ordinance Zoning the Ephemeral Resources Annexation to RSF-R, Located at 29 5/8 Road and D Road

There were no public comments. The hearing closed at 7:53 p.m.

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3300 was adopted on second reading and ordered published.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Stephanie Nye, CMC
City Clerk

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Sole Source – Persigo WasteWater Treatment Plant Raw Sewage Pump		
Meeting Date:	November 1, 2000		
Date Prepared:	October 19, 2000		
Author:	Rex Sellers	Purchasing/Senior Buyer	
Presenter Name:	Larry Brown	Wastewater Maintenance Supervisor	
	Workshop	X	Formal Agenda

Subject: Request council authorization to cause the sole source acquisition of a Fairbanks Morse raw sewage pump based on compatibility with existing equipment.

Summary: The management staff of Persigo Wastewater Treatment Plant supported by the Purchasing Manager requests Council authorization to make a sole source purchase of a new Fairbanks Morse raw sewage pump. This pump is necessary to handle the increased amount of raw sewage at the plant.

Background Information:

The Persigo Wastewater Treatment Plant currently runs four (4) Fairbanks Morse raw sewage pumps. The plant also currently stocks Fairbanks Morse emergency repair parts with an estimated value of \$7,387.00.

Budget: The budget for the pump, account 904-6221-80370-30-F06405 was \$41,400.00. The actual cost for the pump is \$28,050.00.

Action Requested/Recommendation: It is recommended that City Council approve the sole source purchase of one Fairbanks Morse raw sewage pump from Goble Sampson Associates Inc. for \$28,050.00

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Bid award for the 25 ½ Road and G Road Culvert Rehabilitation Project to M. A. Concrete Construction Inc. in the amount of \$91,243	
Meeting Date:	November 1, 2000	
Date Prepared:	October 24, 2000	
Author:	Mike Curtis	Project Engineer
Presenter Name:	Tim Moore	Public Works Manager
	Workshop	X Formal Agenda

Subject: Bid award for the 25 ½ Road and G Road Culvert Rehabilitation Project to M. A. Concrete Construction Inc. in the amount of \$91,243.00.

Summary: Bids were received and opened October 3, 2000 for the 25 ½ Road and G Road Culvert Rehabilitation Project. M. A. Concrete Construction submitted the low bid in the amount of \$91,243.00.

Background Information: The following bids were received on October 3, 2000:

Bidder	From	Total Bid
M. A. Concrete Construction	Grand Junction	\$91,243.00
Skyline Contracting	Grand Junction	\$98,343.00
R. W. Jones Construction	Fruita	\$244,621.00
Engineer's Estimate		\$91,450.00

Lonco, Inc., Consulting Engineers was contracted with the City of Grand Junction to Inventory and Evaluate several minor structures. The 25 ½ Road and G Road Culvert was recommended for replacement as soon as possible and a load posting of 10 tons. The existing 10-foot diameter culvert is rusting the full length of the culvert at the invert and the culvert corrugations are buckling at various locations. The rehabilitation of the culvert involves installing a new 9-foot diameter pipe inside of the existing culvert and grouting the annular space between the inside of the existing pipe and the outside of the new pipe.

Budget:

Financial Summary:

2000 Project Costs	
Construction Contract	\$91,450.00
City Purchased Pipe Material Contract	\$24,715.50
Engineering and Administration Costs (estimated)	\$10,000.00
Total 2000 Project Costs	\$126,165.50
Total 2000 Funding	\$150,000.00
1 Surplus City Funds	\$23,834.50

M. A. Concrete has proposed using a different type of pipe (high-density polyethylene pipe) in lieu of steel pipe. The City would purchase the pipe directly from the manufacturer. We have identified approximately \$33,185 in savings here (included above). A change order will be prepared after award identifying the installation cost savings to the City.

Action Requested/Recommendation:

Approve bid award for 25 ½ Road and G Road Culvert Rehabilitation to M. A. Concrete Construction.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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Attach 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Trolley Park Subdivision Easement Vacation		
Meeting Date:	November 1, 2000		
Date Prepared:	October 12, 2000		
Author:	Patricia Parish	Associate Planner	
Presenter Name:	Patricia Parish	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Vacation of an Easement, File # VE-2000-160

Summary: The Petitioner is requesting vacation of a utility and drainage easement (varies between 15' and 20') along the south side of Trolley Park Subdivision, located at 552 25 Road. At the October 10, 2000 hearing, the Planning Commission forwarded a positive recommendation to City Council.

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council accept the Resolution to Vacate a Utility and Drainage Easement along the south property line of Trolley Park Subdivision, located at 552 25 Road.

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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BACKGROUND INFORMATION			
Location:		552 25 Road	
Applicants:		Douglas Smith, Big S, LLC – Owner Chris McCallum, TPI Ind., Inc-Developer David Smuin, HydroTerra Inc- Representative	
Existing Land Use:		Vacant Lot	
Proposed Land Use:		Industrial Building	
Surrounding Land Use:	North	General Commercial	
	South	General Commercial	
	East	Vacant	
	West	General Commercial	
Existing Zoning:		C-2	
Proposed Zoning:		Same	
Surrounding Zoning:	North	C-2 (General Commercial)	
	South	C-2 (General Commercial)	
	East	C-2 (General Commercial)	
	West	C-2 (General Commercial)	
Growth Plan Designation:		Commercial Industrial	
Zoning within density range?		X	Yes
			No

Project Background/Summary:

The applicant is requesting vacation of the utility and drainage easement along the south side of Trolley Park Subdivision (see Attachment 2). Concurrently, a site plan review is being conducted for a new building to expand the Secret Auto Body business within Lot 3 of Trolley Park Subdivision located at 552 25 Road. Utility lines already exist in the Trolley Court Common Tract, a private road that acts as an access to Lots 1-4. The Grand Junction Drainage District has no owned interest of record in the drainage ditch easement and Public Service has expressed no objections.

Staff Analysis:

The vacation of the easement must be reviewed for conformance with the criteria established by Section 2.11 of the Zoning and Development Code, as follows:

1. The Growth Plan, major street plan and other adopted plans and policies of the City;
The proposed vacation has no impact on the Growth Plan, major street plan or other adopted plans and policies of the City.

2. No parcel shall be landlocked as a result of the vacation;
The vacation does not affect access to any of the properties involved or adjacent properties.
3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation:
The vacation will not affect access to any properties or devalue any property.
4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);
There will not be an impact to health, safety and/or welfare.
5. The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and
The proposed vacation will not prevent adequate services to adjacent properties as required by the Code. According to the Petitioner, the utilities to the Lots of Trolley Park Subdivision have already been installed.
6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
The proposed vacation will have no affect on maintenance requirements or traffic circulation.

Findings of Review:

The vacations must meet several criteria as set forth in Section 2.11 of the Zoning and Development Code. Staff has determined that the project meets the criteria for an easement vacation.

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION MOTION: On Item VE-2000-160, forwarded a positive recommendation to the City Council to accept the Resolution to Vacate a Utility and Drainage Easement along the south property line of the Trolley Park Subdivision.

Attachments:

1. Resolution
2. Site Plan/ Landscape Plan
3. Aerial Map

CITY OF GRAND JUNCTION

Resolution No.

VACATING A UTILITY AND DRAINAGE EASEMENT (TROLLEY PARK SUBDIVISION)

Recitals:

This resolution vacates a 15 foot wide utility and drainage easement across the south property line of Lot 3 of Trolley Park Subdivision and a 20 foot wide utility and drainage easement across the south portion of the Common Parking Tract and the south property line of Lot 4 of Trolley Park Subdivision, located at 552 25 Road. All relevant utility and drainage companies have agreed to the vacation and the Staff recommends approval.

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

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

1. The following described easement is hereby vacated:

A 15 foot wide utility and drainage easement across Lot 3 of Trolley Park Subdivision situated in the NW 1/4, SW 1/4, of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the southwest corner of lot 3 of said subdivision, being a found survey marker pin marked DH Surveys, the basis of bearing being N00o00'00"E to the northwest corner of said lot 3, being another found DH Surveys pin; with the southwest corner of said lot 3 as the point of beginning;

thence S89o 56'00"E a distance of 198.47 feet to the southeast corner of lot 3,

thence N00o04'00"E a distance of 7.31 feet to the southerly boundary of the Trolley Court common tract;

thence along an arc whose radius is 47 feet with an arc length of 27.27 ft and having a chord bearing N73o18'57"W and a chord length of 26.89 feet to another point on the southerly boundary of the Trolley Court common tract;

thence N89o56'00"W a distance of 172.72 feet to the west boundary of lot 3;

thence S00o00'00"W a distance of 15 feet to the point of beginning:

A 20 foot wide utility and drainage easement across Common Parking Tract and Lot 4 of Trolley Park Subdivision situated in the NW 1/4, SW 1/4, of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the southwest corner of lot 3 of said subdivision, being a found survey marker pin marked DH Surveys, the basis of bearing being N00o00'00"E to the northwest corner of said lot 3, being another found DH Surveys pin;
thence S89o 56'00"E a distance of 198.47 feet to the southeast corner of lot 3, being the point of beginning,
thence N00o04'00"E a distance of 7.31 feet to the southerly boundary of the Trolley Court common tract;
thence along an arc whose radius is 47 feet with an arc length of 35.36 ft and having a chord bearing N68o30'27"E and a chord length of 34.53 feet to another point on the southerly boundary of the Trolley Court common tract;
thence S89o56'00"E a distance of 309.96 feet to the east boundary of the slope maintenance and drainage easement for the Buthorn Drain Ditch;
thence S44o46'00"W a distance of 28.14 feet to the south boundary of Trolley Park Common Parking Tract;
thence N89o56'00"W a distance of 297.63 feet to the southeast corner of Lot 3, the point of beginning.

PASSED and ADOPTED this ___ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

Attach 5

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	The Knolls Filings 4-7 Growth Plan Amendment		
Meeting Date:	November 1, 2000		
Date Prepared:	October 20, 2000		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
Workshop		X	Formal Agenda

Subject: The Knolls Filings 4-7 Planned Development – Growth Plan Amendment, located south of the southeast corner of 27 ½ Road and Cortland Road; File #GPA-2000-103.

Summary: The applicant has requested a Growth Plan Amendment from Residential Medium (4 to 8 du/ac) to Residential Medium Low (2 to 4 du/ac) for the remaining undeveloped filings of The Knolls subdivision. At its hearing of August 16, 2000 the City Council adopted an ordinance rezoning this property to PD with an underlying density of 2.5 dwellings per acre. A mixed-use development with 16 patio homes and 64 single-family homes is proposed.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Adopt resolution amending the Future Land Use Map of the Growth Plan.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
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BACKGROUND INFORMATION			
Location:		South of SE Corner 27 ½ & Cortland Road	
Applicants:		O.P. Development Co. LLC	
Existing Land Use:		Vacant & 1 Single Family Home	
Proposed Land Use:		Residential (Patio Homes & SF Homes)	
Surrounding Land Use:	North	Single Family (The Knolls)	
	South	Single Family (Spring Valley)	
	East	Single Family (Spring Valley)	
	West	Single family residential & vacant	
Existing Zoning:		RSF-4 & PD (formerly PR-2.7)	
Proposed Zoning:		Planned Development	
Surrounding Zoning:	North	Planned Development	
	South	RMF-5	
	East	RSF-4 & RMF-5	
	West	RMF-5	
Growth Plan Designation:		Residential Medium 4 to 8 units per acre	
Zoning within density range?		Yes	<input checked="" type="checkbox"/> No

Staff Analysis

Background: The Knolls Planned Development, originally approved in 1997, was 66 acres in size. It included 33.8 acres in Filings 1-3 located north of this site, including a 4.8-acre church site, and 25.87 acres to the south that encompasses a portion of this development application. There were single family and patio homes in both the north and south portions of the development. A portion of the site to the north is located in the Airport Critical Zone, which at the time allowed residential development at densities up to 4 dwellings per acre with a Special Use Permit. Roughly the northern portion of the site was in the Residential Medium Low 2 to 4 dwellings per acre land use designation and the southern portion was in the higher 4 to 8 dwellings per acre area. Despite this difference the entire development, excluding the church site, was zoned to a planned residential zone of 2.7 dwellings per acre.

The preliminary plan for the Knolls has since expired and the developer has acquired an additional 6.6-acre parcel. The overall density now proposed by the applicant is only slightly less at 2.5 dwellings per acre. However, since the preliminary plan expired and a lesser density is requested, a rezone to a new Planned Development is required. A

Growth Plan Amendment is also required which will be heard at the public hearing for the second reading of the ordinance for the rezone.

Growth Plan Amendment: The applicant has provided extensive written analysis in the project report and response to comments on why this amendment meets the criteria required for a change in the Future Land Use Map. No attempt will be made in this report to summarize that analysis, other than in the findings listed below.

Staff finds that the proposed Growth Plan Amendment meets the criteria, as set forth in Section 2.5C of the Zoning and Development Code, as noted below.

1. **There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for:** The Growth Plan density designation for these parcels was influenced by the RSF-5 zone designation of Spring Valley and other subdivisions in the area. In actuality the overall density in Spring Valley is in the 2 to 4 dwellings per acre range. Most likely Spring Valley was zone RSF-5 because it provided greater flexibility in setbacks. The error in the map occurred when the land use was determined based upon the higher density zoning in the area.
2. **Subsequent events have invalidated the original premises and findings:** Despite the designation of 4 to 8 dwellings on these parcels, the southernmost portion of the preliminary plan was rezoned to PR 2.7 in 1997. Had the preliminary plan not expired the approved density would have de facto changed the density of the Growth Plan. The revised plan, at only slightly less the density, proposes a similar development pattern on the southern portion of the site.
3. **The character and/or condition of the area has changed enough that the amendment is acceptable:** Other than a few vacant parcels to the west of this site, the area has built out at the lower density range of the Growth Plan (2 to 4 du/ac). This is an infill parcel and development at the higher density (4 to 8) would be out of character with the rest of the neighborhood.
4. **The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans:** See page 4 of the applicant's response to comments, which lists several goals and policies that this plan is consistent with. Also there are no applicable special area, neighborhood or corridor plans for this area.
5. **Public and community facilities are adequate to serve the type and scope of land use proposed:** The recently widened 27 ½ Road and other street improvements in this area provide good access to this site. Adequate utilities are available to the site. Schools that serve this site are under capacity. A fire station is located within one mile of this site.

6. **An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use:** With the higher land use designations required in many areas with the Future Land Use Map and minimum densities imposed under the new Zoning and Development Code, there is an inadequate supply of land for the type of development that is requested under this proposal.

The community or area, as defined by the presiding body, will derive benefits from the proposed amendment: The Knolls subdivision is a mixed-use development with patio homes and single-family homes. The developer of Filings 1-3 has done an outstanding job of assuring quality in the development. If the same product is continued in these phases this development should be one that the community can be proud of. Benefits derived from the amendment include increased property values and a stable residential neighborhood.

Attachments:

1. Aerial photo
2. Assessors map (Vicinity Map)

Insert attachments here

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION
(THE KNOLLS FILINGS 4-7)**

Recitals:

The Knolls Filings 4-7, located south of the southeast corner of 27 ½ Road and Cortland Avenue is designated as Residential Medium Density (4-8 dwellings per acre) land use on the Future Land Use Map of the Growth Plan. Previously developed filings of the Knolls are designated as Residential Medium Low (2-4 dwellings per acre). The Spring Valley subdivision which borders Filings 4-7 on the east and south sides is zoned RMF-5 but has an overall density in the 2-4 dwellings per acre range.

The preliminary plan for the Knolls has expired and the applicant has added a 6.6-acre parcel to the land area of the original preliminary development. The overall density now proposed by the applicant is 2.5 dwellings per acre. Previous zoning in the development was PR-2.7. On August 16, 2000 the City Council approved a rezone for the new preliminary plan to PD with an underlying density of 2.5 dwellings per acre.

The City Council finds that the request meets the Growth Plan Amendment criteria as adopted in the "Agreement Between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" in the following ways:

1. There was an error in the original plan in designating this property as Residential Medium Density.
2. Subsequent events have invalidated the original premises and findings. The property was zoned PR 2.7 in 1997.
3. The character and/or condition of the area has changed enough that the amendment is acceptable. The majority of the land use surrounding the development is built-out at the Residential Medium Low Density designation.
4. Public and community facilities are adequate to serve the type and scope of land use proposed.
5. The community will derive benefits from the proposed amendment.

At its hearing of July 18, 2000 the City of Grand Junction Planning Commission recommended approval of the Growth Plan Amendment from Residential Medium Density to Residential Medium Low Density. At its hearing of August 16, 2000 the City Council of the City of Grand Junction adopted an ordinance rezoning this property to PD with an underlying density of 2.5 dwellings per acre.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS RECLASSIFIED ON THE FUTURE LAND USE MAP OF THE GROWTH PLAN FROM THE RESIDENTIAL MEDIUM DENSITY TO THE RESIDENTIAL MEDIUM LOW DENSITY.

A tract of land located in the SW4NE4 & the NW4SE4 Sec 1 T1S R1W UM Mesa Co, CO and is more particularly described as follows:

Beg at the NW cor of a tract of land whence the C4 cor Sec1 T1S R1W UM bears S29°38'50"W 82.93' and considering the N In of the SW4NE4 Sec 1 to bear S89°57'11"E, with all other bearings contained herein relative thereto: 1) N50°15'06"E 196.30'; 2) N81°59'06"E 299.62'; 3) N68°06'13"E 282.69'; 4) NWLY 5.06' along the arc of a circular curve to the left with a rad of 244.00', an delta of 01°11'16" and a chord bearing N37°54'10"W, 5.06'; 5) N65°53'00"E 153.94'; 6) S54°34'00"E 134.54'; 7) S35°59'00"E 317.84'; 8) S02°05'43"W 78.50'; 9) S89°54'17"E 139.00'; 10) S00°01'22"E 875.30'; 11) N89°51'56"W 1288.44'; 12) N00°00'59"E 167.22'; 13) N02°06'59"E 218.35'; 14) N00°00'59"E 561.12' to the POB. The tract described above contains 32.518 acres more or less.

PASSED on this 1st day of November, 2000.

ATTEST:

City Clerk

President of Council

Attach 6

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Vacating the remainder of east/west alley right-of-way, retaining the 20 foot utility easement, between Grand Avenue and Ouray Avenue; and vacating the north/south alleyway extending from Grand Avenue to the east/west alley, previously described.	
Meeting Date:	November 1, 2000	
Date Prepared:	October 25, 2000	
Author:	Lori V. Bowers	Associate Planner
Presenter Name:	Lori V. Bowers	
	Workshop	X Formal Agenda

Subject: The Mesa County Public Library, represented by John Potter of Blythe Design, is requesting approval of the ordinance to vacate the remainder of the east/west alleyway, located between Ouray Avenue and Grand Avenue, to North Fifth Street, and retain the 20-foot wide utility easement in this alley right-of-way; and also vacate the north/south portion of the alley, recorded at Book 1003, Page 162. The remainder of the alley was previously vacated and recorded at Book 1003, Page 161.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance to vacate 2 alley right-of-ways for Mesa County Public Library parking lot expansion.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	If Yes,
Name:	John Potter, Blythe Design, representative for library			
Purpose:				

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/> Consent	<input type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop
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AGENDA TOPIC: First reading of an ordinance to vacate the alley right-of-ways for the Mesa County Public Library parking lot expansion, file # VR-2000-149.

SUMMARY: The Mesa County Public Library, represented by John Potter of Blythe Design, is requesting approval of the ordinance to vacate the remainder of the east/west alleyway, located between Ouray Avenue and Grand Avenue, to North Fifth Street, and retain the 20-foot wide utility easement in this alley right-of-way; and also vacate the north/south portion of the alley, recorded at Book 1003, Page 162. The remainder of the alley was previously vacated and recorded at Book 1003, Page 161.

ACTION REQUESTED: First reading of the ordinance vacating the remainder of east/west alley right-of-way, retaining the 20 foot utility easement, between Grand Avenue and Ouray Avenue; and vacating the north/south alleyway extending from Grand Avenue to the east/west alley, previously described.

BACKGROUND INFORMATION					
Location:		502 Grand Avenue (NE corner of 5 th and Grand)			
Applicants:		Mesa County Public Library Blythe Design, Representative			
Existing Land Use:		Alley at Mesa County Library			
Proposed Land Use:		Parking lot			
Surrounding Land Use:	North	Single family residential			
	South	Office			
	East	Title Company			
	West	Church and parking lot			
Existing Zoning:		B-1 (Neighborhood Business)			
Proposed Zoning:		B-1 (Neighborhood Business)			
Surrounding Zoning:	North	B-1 (Neighborhood Business)			
	South	B-2 (Downtown Business)			
	East	RMF-16 (Residential Multi-family) & B-1 (Downtown Business)			
	West	B-1 (Neighborhood Business)			
Growth Plan Designation:		Commercial			
Zoning within density range?		N/A	Yes		No

Project Analysis:

Right-of-Way Vacation: The applicants are requesting that the City Council approve the ordinance for the vacation of the remaining alley that runs in an east/west direction between Ouray Avenue and Grand Avenue. The other portion of the alley runs in a north/south direction off of Grand Avenue. A portion of the east/west alley had been previously vacated at Book 1003, Page 161. The vacation of the alley right-of-way will provide more development options for the future expansion of the Mesa County Public Library. A 20-foot wide utility easement will be retained in the east/west section of the alley right-of-way. At this time the applicants are planning a paved parking lot on the site of the old gas station.

Vacation of Right-of-Way Criteria:

The vacation of the right-of-way must be reviewed for conformance with the criteria established by Section 2.11 of the Zoning and Development Code, as follows:

4. The Growth Plan, major street plan and other adopted plans and policies of the City;
The proposed vacation has no impact on the Growth Plan, major street plan or other adopted plans and policies of the City.
5. No parcel shall be landlocked as a result of the vacation;
The vacation does not affect access to any of the properties involved or adjacent properties.
6. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation:
The vacation will not affect access to any properties or devalue any property.
7. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);
There will not be an impact to health, safety and/or welfare. The existing 20-foot utility easement that runs in the east/west direction will remain.
8. The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and
The proposed vacation will not prevent adequate services to adjacent properties as required by the Code.
9. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, ect.
The proposed vacation will have no affect on maintenance requirements or traffic circulation.

Site Plan Review:

The proposed site plan for the parking lot expansion is currently under review. Staff is currently reviewing the construction documents. A 14-foot multi-purpose easement is being provided along the western most edge of the property. This proposal will not vacate the 20-foot wide utility easement that runs in the east/west portion of the alley.

STAFF RECOMMENDATION:

Staff and Planning Commission recommend approval of the two alley right-of-way vacations for the Mesa County Public Library.

PLANNING COMMISSION RECOMMENDATION:

Approval

Attachments:

- a. Ordinance
- b. Location Map

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

VACATING THE REMAINING EAST-WEST ALLEY RIGHT-OF-WAY BETWEEN GRAND AVENUE AND OURAY AVENUE, RETAINING THE 20 FOOT UTILITY EASEMENT, AND VACATING THE NORTH-SOUTH ALLEY RIGHT-OF-WAY FROM GRAND AVENUE TO A PORTION OF THE ALLEY

Recitals:

The Planning Commission at their October 10, 2000, meeting recommended approval of the vacation of the remaining east-west alley right-of-way between Grand Avenue and Ouray Avenue, retaining the 20-foot utility easement, and vacating the north-south alley right-of-way from Grand Avenue to the portion of the alley, recorded at Book 1003, Page 162. The remainder of the alley was previously vacated and recorded at Book 1003, Page 161. The City Council hereby finds that the vacation of the right-of-way is in compliance with the criteria set forth in Section 2.11 of the Zoning and Development Code.

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

That the land described below, known as the east-west alley right-of-way, is hereby vacated and a 20-foot wide multi-purpose utility easement is retained and the north-south alley right-of-way is hereby vacated:

A parcel of land being part of the alley located in Block 73, City of Grand Junction, Mesa County Colorado, being more particularly described as follows:

Beginning at the Northwest corner of Lot 32, Block 73 City of Grand Junction; Thence North 00 degrees 02 minutes 56 seconds West, along the East right-of-way line of North Fifth Street, a distance of 20.00 feet to the Southwest corner of Lot 1 of said Block 73; Thence North 89 degrees 59 minutes 50 seconds East, along the Northerly line of the alley, a distance of 100.39 feet to the Southeast corner of Lot 4 of said Block 73; Thence South 00 degrees 03 minutes 18 seconds East, a distance 20.00 feet to the Northeast corner of Lot 29; Thence South 00 degrees 03 minutes 18 seconds East, along the East line of Lot 29, a distance of 150.47 feet to the Southeast corner of Lot 29 of said Block 73; Thence North 90 degrees 00 minutes 00 seconds West, along the Northerly right-of-way line of Grand Avenue, a distance of 20.00 feet; Thence North 00 degrees 03 minutes 18 seconds West, a distance of 150.46 feet; Thence South 89 degrees 59 minutes 50 seconds West, along the South line of the existing alley, a distance of 80.40 feet to the POINT OF BEGINNING.

Basis of Bearing:

The 20-foot range line in Grand Avenue between North Sixth Street and North Fifth Street (both corners are in monument boxes). Said line bears North 90 degrees 00 minutes 00 West, a distance of 481.66 feet (bearing assumed).

INTRODUCED for FIRST READING and PUBLICATION this ____ day of _____, 2000.

PASSED on SECOND READING this ____ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Omega Business Park II Vacation of Easement,		
Meeting Date:	November 1, 2000		
Date Prepared:	October 25, 2000		
Author:	Joe Carter	Associate Planner	
Presenter Name:	Joe Carter	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Vacation of Easement, VE-2000-161

Summary: The Petitioner, Conquest Development, LLC, is requesting the vacation of a 10' wide utility easement. Omega Business Park II is located on the northeast corner of 28 Road and Bunting Ave. At the October 10, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council adopt the Resolution to vacate a 10' wide utility easement through Lots 1 and 2 of the Omega Business Park II subdivision.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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BACKGROUND INFORMATION

Location:		Northeast Corner of 28 Road and Bunting Ave.		
Applicants:		Conquest Developments, LLC, Petitioner Trevor Brown, Representative		
Existing Land Use:		Vacant		
Proposed Land Use:		Commercial Subdivision		
Surrounding Land Use:	North	Residential		
	South	Commercial		
	East	Residential		
	West	Residential and Commercial		
Existing Zoning:		B-1, Neighborhood Business		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	RMF-8 (City)		
	South	C-1 (City)		
	East	RMF-8 (City)		
	West	RMF-8 (City) and C-1 (City)		
Growth Plan Designation:		Commercial		
Zoning within density range?		N/A	Yes	No

Project Analysis

The petitioners are requesting acceptance of a resolution to vacate a 10' utility easement. The utility companies have agreed to the proposed vacation of the 10' utility easement, but have requested an additional 10' utility easement for existing overhead power lines. The applicant has agreed to the requested additional utility easement.

Staff Analysis:

The vacations must meet several criteria as set forth in Section 8-3 of the 'old' Zoning and Development Code (June 1997). The response to these criteria is listed below:

Landlocking – The vacation of these easements will not landlock any parcel of land. All of the lots proposed with the associated replat have suitable access from

Restrictive Access – The vacation of these easements will not restrict access to any parcel of land.

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

Adopted Plans and Policies – There are no adopted plans and policies pertinent to this type of vacation request.

Benefits to the City – There will be no effective change to the City.

Findings of Review:

The vacations must meet the criteria as set forth in Section 8.3 of the 'old' Zoning and Development Code. Staff has determined that the project meets the criteria for an easement vacation.

Staff Recommendation:

Approval

Planning Commission Recommendation:

On item VE-2000-161, the Planning Commission, upon finding the project Consistent with the Growth Plan and Section 8.3 of the Zoning and Development Code (June

1997), recommended the City Council accept the Resolution to vacate a utility easement for Omega Business Park II.

Attachments:

- a. Resolution
- b. Composite Site Plan
- c. Plat
- d. Aerial Map

CITY OF GRAND JUNCTION

Resolution NO. _____

VACATING A UTILITY EASEMENT IN OMEGA BUSINESS PARK II

Recitals:

This resolution vacates a 10-foot wide utility easement as shown on the plat of Omega Business Park and recorded in Book 12, Pages 421-422. The project is located on the northeast corner of 28 Road and Bunting Avenue. All relevant utility companies have agreed to the vacation and Staff recommends approval.

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

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

1. The following described easement is hereby vacated:

An existing utility easement, ten feet in width, as shown on the plat of Omega Business Park, recorded in Plat Book 12 at pages 421-422, Mesa County Clerk and Recorder, said easement situate in Tract C of said Omega Business Park, and being more particularly described as follows:

Commencing at the N.W. Corner of the SW1/4 SW1/4 of Section 7, Township One South, Range One East of the Ute Meridian, Mesa County, Colorado, thence S85°19'46"E 409.31 feet to the point of beginning; thence the following:

1. S00°04'37"W 138.85 feet;
2. N89°55'23"W 20.50 feet;
3. N00°04'37"E 10.00 feet;
4. S89°55'23"E 10.50 feet;
5. N00°04'37"E 128.86 feet;
6. S89°57'14"E 10.00 feet to the beginning.

PASSED and ADOPTED this _____ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

Attach 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Davidson/Wilcox Enclave Annexation		
Meeting Date:	November 1, 2000		
Date Prepared:	October 24, 2000		
Author:	David Thornton	Principal Planner	
Presenter Name:	David Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the Davidson/Wilcox Enclave, #ANX-2000-208

Summary: Resolution for Intent to Annex/Exercising land use jurisdiction immediately for the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands (#ANX-2000-208). The 5.11 acre Enclave consists of one vacant parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the resolution for the Intent to Annex and exercise land use immediately for the Davidson/Wilcox Annexation and set a hearing for December 6, 2000.

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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BACKGROUND INFORMATION			
Location:		East of South Camp Road and north of the Ute Water Tanks on the Redlands	
Applicants:		City of Grand Junction Staff Rep: Dave Thornton	
Existing Land Use:		Vacant	
Proposed Land Use:		No Change	
Surrounding Land Use:	North	Vacant	
	South	Vacant	
	East	Vacant	
	West	Vacant	
Existing Zoning:		RSF-E in County	
Proposed Zoning:		RSF-E zone district	
Surrounding Zoning:	North	RSF-4	
	South	Planned Development – 4 units per acre	
	East	Planned Development – 4 units per acre	
	West	RSF-4	
Growth Plan Designation:		Residential with 2 – 4 units per acre	
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes
		<input checked="" type="checkbox"/>	<input type="checkbox"/> No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 5.11 acres of vacant land. Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within 5 years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The Davidson/Wilcox Enclave has been enclaved since October 22, 1995.

Staff has been in contact with Mr. Davidson concerning the proposed annexation. A letter was also sent to Mr. Davidson and Mr. Wilcox, property owners, stating the City and County's position of annexing enclaves and informing them of the annexation schedule.

REDLANDS PARKWAY BRIDGE ANNEXATION SUMMARY

File Number:	ANX-2000-208	
Location:	East of South Camp Road and north of the Ute Water Tanks on the Redlands	
Tax ID Number:	2945-183-00-009	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	5.11 acres	
Developable Acres Remaining:	5.11 acres	
Right-of-way in Annexation:	None	
Previous County Zoning:	RSF-E	
Proposed City Zoning:	RSF-E	
Current Land Use:	Vacant	
Future Land Use:	Residential	
Values:	Assessed:	= \$ 870
	Actual:	= \$ 3,000
Census Tract:	14.01	
Address Ranges:	None	
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire
	Drainage:	
	School:	District 51
	Pest:	

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION and ZONING SCHEDULE</i>	
Nov 1, 2000	Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately
Nov 14, 2000	Planning Commission considers Zone of Annexation – Public Hearing
Nov 15, 2000	1 st Reading on Annexation and Zoning by City Council
Dec 6, 2000	Public hearing on Annexation and Zoning by City Council – 2 nd Reading
Jan 7, 2001	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Davidson/Wilcox Enclave Annexation.

Attachments:

1. Resolution of Intent to Annex/Exercising Land Use Immediately
2. Letter to property owners
3. Annexation Map

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
GIVING NOTICE THAT A TRACT OF LAND KNOWN AS**

DAVIDSON/WILCOX ENCLAVE

**LOCATED EAST OF SOUTH CAMP ROAD
AND NORTH OF THE UTE WATER TANKS ON THE REDLANDS**

CONSISTING OF APPROXIMATELY 5.11 ACRES

**WILL BE CONSIDERED FOR ANNEXATION
TO THE CITY OF GRAND JUNCTION, COLORADO,**

AND EXERCISING LAND USE CONTROL

WHEREAS, on the 1st day of November, 2000, the Community Development Director filed with the City Clerk of the City of Grand Junction, Colorado, a request that the City Council of the City of Grand Junction commence proceedings to annex to the City of Grand Junction a certain tract of land in the County of Mesa, State of Colorado, commonly known as the Davidson/Wilcox Enclave and more particularly described as follows:

W ½ SW ¼ SE ¼ SW ¼ Section 18, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado

The area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than 3 years, pursuant to 31-12-106(1). C. R. S.

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

1. That the City Clerk of the City of Grand Junction is hereby directed to give notice of the City Council's intent to annex the aforementioned area pursuant to the Municipal Annexation Act of 1965.
2. That the ordinance annexing the subject area for introduction and first reading on the 15th day of November, 2000 with second reading of the proposed annexation ordinance on December 6, 2000.
3. 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 ___ day of _____, 2000.

Attest:

President of the Council

City Clerk

<i>PUBLISHED</i>
November 3, 2000
November 10, 2000
November 17, 2000
November 24, 2000

October 10, 2000

Mr. Darren Davidson
Mr. James V. Wilcox
P.O. Box 9233
Grand Junction, CO 81502

Tax Parcel Number 2945-183-00-009
Property Address generally located east of South Camp Road and north of the Ute Water Tanks

Dear Mr. Davidson and Mr. Wilcox,

The Mesa County Board of Commissioners and Grand Junction City Council has forged a new relationship to improve service delivery to all county residents and to properly manage growth and development in the central Grand Valley. The foundation of this new relationship is the Persigo Agreement, a comprehensive document that covers a variety of service and growth issues, which was adopted by the Commission and Council October 1998. Included in the agreement is a provision to close all existing enclaves by bringing them into the City in a timely fashion in accordance with state annexation laws. Enclaves are small areas of unincorporated Mesa County that are entirely surrounded by the limits of the City of Grand Junction. Your property (listed above) is located within one of these enclaves.

Benefits of being part of the City of Grand Junction are detailed in the enclosed brochure, *What it means to live in the City of Grand Junction*. In order to provide for as smooth a transition as possible for those owning property in the enclaves, we would like to hear from you. Please review the enclosed map showing the area that is included within the Davidson/Wilcox Enclave.

The following annexation and zoning schedule for the Davidson/Wilcox Enclave is being proposed.

ANNEXATION and ZONING SCHEDULE	
Nov 1, 2000	Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately
Nov 14, 2000	Planning Commission considers Zone of Annexation – Public Hearing
Nov 15, 2000	1 st Reading on Annexation and Zoning by City Council
Dec 6, 2000	Public hearing on Annexation and Zoning by City Council – 2 nd Reading
Jan 7, 2001	Effective date of Annexation and Zoning

The proposed zoning will be Residential Single Family Estate (RSF-E), one unit per two acres which conforms with current Mesa County zoning of RSF-E, one residential unit per two acres. We encourage you to attend both public hearings currently scheduled for November 14, 2000 with Grand Junction Planning Commission to consider zoning and December 6, 2000 with Grand Junction City Council to consider annexation and zoning.

The Board of Commissioners and the City Council are proud of the recent level of trust and respect built between each entity; an accomplishment they hope is shared by all of their constituents. They truly believe they have an agreement and plan of action that is in the best interests of everyone in the county, and working with you to close the enclaves is an important part of that plan. During the past year ten enclave areas have been incorporated into the City.

If you have questions or comments, or are no longer the owner and/or resident of this property, please give me a call at 244-1450.

Thank you.

Respectfully,

David Thornton, Principal Planner
Grand Junction Community Development Department

CC: City Council
Mesa County Board of Commissioners
Kelly Arnold, City Manager
Bob Jasper, County Administrator
David Varley, Assistant City Manager

Enclosures

Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Adoption of International Fire Code 2000		
Meeting Date:	November 1, 2000		
Date Prepared:	October 6, 2000		
Author:	Stephanie Rubinstein	Staff City Attorney	
Presenter Name:	Dan Wilson/Hank Masterson	City Attorney/Fire Inspector	
	Workshop	xx	Formal Agenda

Subject: Adoption of 2000 International Fire Code

Summary/Background Information: The 2000 International Fire Code has been updated and staff is requesting adoption of the new standards.

Budget: None

Action Requested/Recommendation: Approval of Ordinance on First Reading and set hearing for December 4, 2000.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> If Yes,
Name:				
Purpose:				

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/> Consent	<input type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop
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ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2000 EDITION OF THE INTERNATIONAL FIRE CODE ; AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODES; AMENDING ALL ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH; AND PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION OF SAID CODES

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

The specified sections of the Code of Ordinances of the City of Grand Junction are hereby amended as follows:

SECTION 1.

Sec. 18-56. Adoption of International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, International Fire Code, (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, including appendices chapters B, C, D, E, F, and G, 2000 edition, except such portions as are hereinafter deleted, modified or amended by Section 18-58 of this Ordinance are hereby adopted. Not less than one (1) copy of the International Fire Code are filed in the office of the City Clerk. From the date on which this ordinance shall take effect, the provisions of the International Code shall be controlling within the limits of the City of Grand Junction, Colorado.

Sec. 18-57 Establishment and Duties of Division of Fire Prevention

- A. The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.
- B. The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.
- C. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

Sec. 18-58. Definitions

(a) Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.

(b) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the city attorney for the City.

(c) Wherever the term "City manager" is used, it shall mean the City Manager or any employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as "City Manager" or "Fire Chief," is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or designated officer.

Sec. 18-59. Amendments to the International Fire Code

The International Fire Code is amended and changed in the following respects:

Section 105.6. 105.6 Add an additional paragraph to read: "An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

- 105.6.1 Aerosol products
- 105.6.2 Amusement Buildings
- 105.6.3 Aviation facilities
- 105.6.4 Carnivals and fairs
- 105.6.5 Battery systems
- 105.6.6 Cellulose nitrate film
- 105.6.7 Combustible dust-producing operations
- 105.6.8 Combustible fibers
- 105.6.9 Compressed gases
- 105.6.10 Covered mall buildings
- 105.6.11 Cryogenic fluids
- 105.6.12 Cutting and welding
- 105.6.13 Dry cleaning plants
- 105.6.14 Exhibits and trade shows
- 105.6.16 Fire hydrants and valves
- 105.6.17 Flammable and combustible liquids
- 105.6.18 Floor finishing
- 105.6.19 Fruit and crop ripening
- 105.6.20 Fumigation and thermal insecticidal fogging
- 105.6.21 Hazardous materials
- 105.6.22 HPM facilities
- 105.6.24 Hot work operations
- 105.6.25 Industrial ovens
- 105.6.26 Lumber yards and woodworking plants
- 105.6.27 Liquid-or gas-fueled vehicles or equipment in assembly buildings
- 105.6.28 LP-gas
- 105.6.29 Magnesium

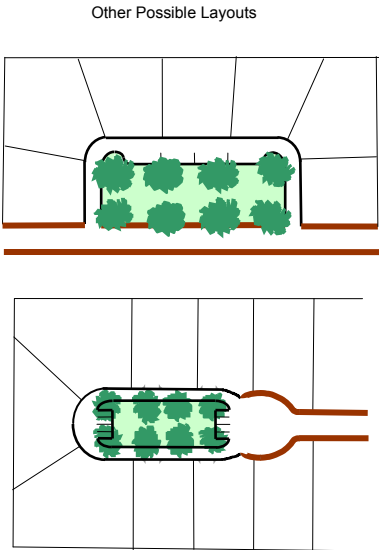
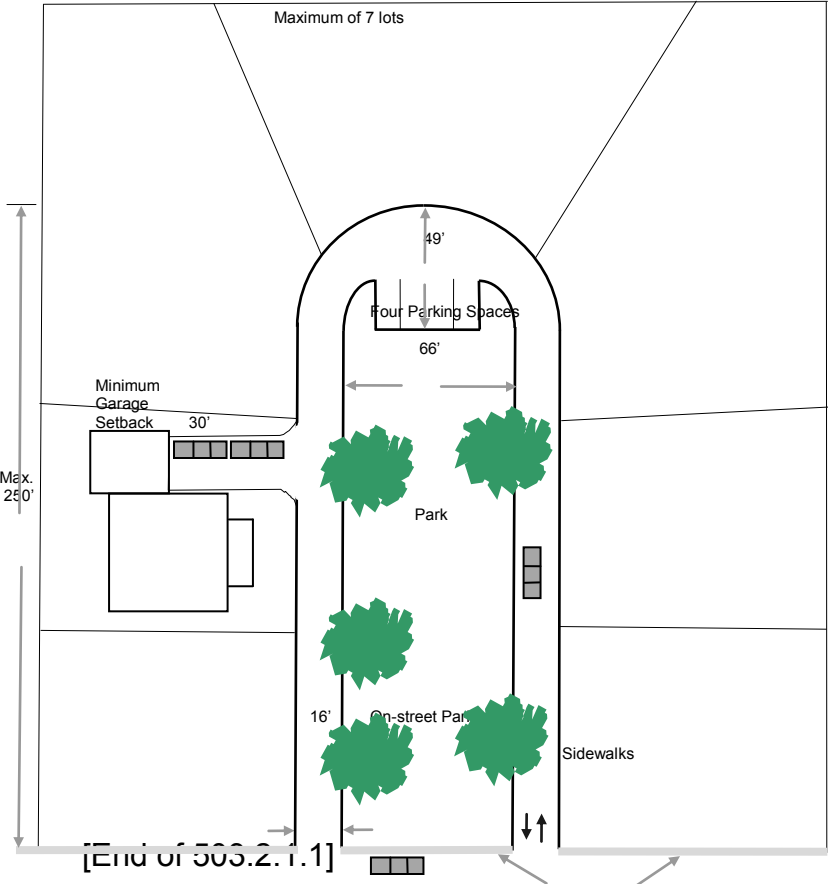
- 105.6.30 Miscellaneous combustible storage
- 105.6.32 Open flames and candles
- 105.6.33 Organic coatings
- 105.6.34 Places of assembly
- 105.6.35 Private fire hydrants
- 105.6.37 Pyroxylin plastics
- 105.6.38 Refrigeration equipment
- 105.6.39 Repair garages and service stations
- 105.6.40 Rooftop heliports
- 105.6.42 Storage of scrap tires and tire byproducts
- 105.6.43 Temporary membrane structures, tents, and canopies
- 105.6.44 Tire-rebuilding plants
- 105.6.45 Waste handling
- 105.6.46 Wood products

Amend section 503.2.1 by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

"503.2.1.1. Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet if constructed as a loop, ("fire loop lane"), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33') and an outside radius of less than forty-eight feet (48'). "Flow line" means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250') from the abutting street right-of-way;
5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. "No parking" signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be required to only obtain access from the fire loop lane;
10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than forty feet (30') from any portion of the fire loop lane;
11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and

12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

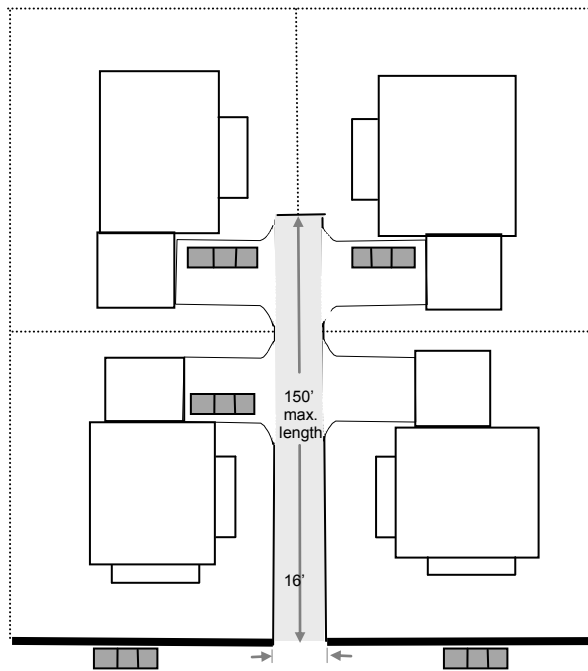


~~Section 503.2.1.2 The new section 503.2.1.2 shall read:~~

Fire code standards for a shared driveway:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;
3. A shared driveway shall be least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');
4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.
6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Community Development or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

Example Layout for a Shared Driveway



~~Section 2505 Outdoor Storage of Tires.~~ Section 2505 is deleted in its entirety and replaced with the following:

Section 2505.1. No person shall store more than 500 tires on any parcel, tract or lot of land.

Section 2505.2. Tires shall be arranged as required in sections 2505.3 through 2505.7.

Section 2505.3. Maximum pile or stack height shall not exceed six (6) feet.

Section 2505.4. Pile or stack width and length shall not exceed eight (8) feet.

Section 2505.5. Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 2505.6. Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 2505.7. Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

Section 311.1.1. The language of section 311.1.1 is deleted and replaced with:

Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code, 2000 Edition*, and the *International Building Code, 2000 Edition*.

Section 311.3. Section 311.3 shall be amended by addition of the following:

Section 311.3.1. In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3. It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4. The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of Section 1-9 of the Code of Ordinances of the City, but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(7) *Section 503.1.* Section 503.1 is amended by addition of the following: The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

(8) *Section 1007.3.3.6 Monitoring.* Section 1007.3.3.6 is amended by addition of the following:

Section 1007.3.3.8. **False alarms.** Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six times during any calendar year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

Section 1007.3.3.8.1. It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year, or more than six during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

Section 1007.3.3.8.2. Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

Section 1007.3.3.8.3. A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

Section 1007.3.3.8.3.1. A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(9) *Section B103* Section B103 is amended by addition of the following subsection:

B103.4 3.1 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

(10) *Section C102* Section C102 is amended by addition of the following:

Section C102.2 **Water supply lines.** Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water

line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.

4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

5. The Fire Chief may allow a new development, that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.

6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works Director and the Director of Community Development. In such cases, additional fire protection may be required as determined by the chief.

(11) *Section D107.1.* D107.1, exception 1: Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

SECTION 4. Validity

Any and all sections or parts of sections of the Code of Ordinances of the City of Grand Junction, Colorado, as amended, in conflict herewith, are hereby repealed.

SECTION 5. Penalty Provision.

Section 1-9 of the Code of Ordinance of the City of Grand Junction, Colorado shall apply as though fully set forth in each code and provision adopted in this ordinance.

Introduced this ____ day of _____, 2000.

Passed on second reading this _____ day of _____, 2000.

City of Grand Junction

President of the Council

Attest:

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2811, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the _____ day of _____, 2000, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City this _____ day of _____, 2000.

City Clerk

Published:
Published:
Effective:

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:		Model Traffic Code Adoption	
Meeting Date:		November 1, 2000	
Date Prepared:		October 24, 2000	
Author:		Stephanie Rubinstein	Staff City Attorney
Presenter Name:		Stephanie Rubinstein	Staff City Attorney
	Workshop	xx	Formal Agenda

Subject: Model Traffic Code

Summary: This ordinance primarily adopts the 1995 Model Traffic Code for Municipalities, while repealing the 1977 version. The difference between the 1977 and 1995 versions of the Model Traffic Code are primarily that the 1995 version is more readable and contains less jargon. The parking sections of the 1977 version will remain in full force and effect. Below are a list of substantive changes to the Model Traffic Code.

1. A section is added which allows the City to require persons who have trees, bushes, et cetera which have grown into the City right of way to trim or remove these plants if they “obstruct the view of drivers, obscure any traffic control device, or otherwise constitute a hazard to drivers or pedestrians.”
2. A section is added which requires volunteer firefighters and ambulance attendants to have specific alarm and light systems.
3. A section is added which creates a violation of the Code if a motor vehicle’s rear or front suspension is altered.
4. A section is added which creates a violation of the Code if a child between the ages of 4 and 16 is not wearing a seat belt, as a passenger. The fine is higher than a normal “failure to wear seat belt” charge.
5. A section is added which changes the process for a vehicle to receive a permit for an overweight/overlength truck permit. If this language is adopted as written, the City Council will also hear and consider, in the near future, regulatory standards for these permits.
6. Two sections are added which create a violation of the Code if a vehicle displays an official insignia, which is unauthorized and authorization to person’s with a disability to display a distress flag.

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 36 OF THE
CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO
ADOPTING THE 1995 MODEL TRAFFIC CODE
AND AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODE

RECITALS: In late 1995, the Colorado Department of Transportation, Transportation Commission, together with the Colorado Municipal League and a number of member municipalities, completed the process of amending the *Model Traffic Code for Colorado Municipalities*. Prior to this ordinance, the City of Grand Junction had been following the 1977 *Model Traffic Code*. The new version is generally more readable with less jargon, and makes some changes to the 1977 *Code*. The 1995 *Model Traffic Code* will be adopted in its entirety, with the exception of Part 12, which deals with parking. The sections related to parking in the 1977 *Code* will remain in effect. The adoption of the updated version of the *Code* will be useful to both citizens and police officers, as it is a clearer version of the law.

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

Chapter 36 of the Code of Ordinances of the City of Grand Junction, be amended as follows:

That Chapter 36 be repealed and a new Chapter 36 be added to read:

Section 36-1. Model Traffic Code--Generally

- (1) Adoption. Pursuant to applicable law including C.R.S. title 31, article 16, parts 1 and 2, there is hereby adopted by reference Article I, Part 1-19, excluding Part 12, Parking; and Article II inclusive, of the 1995 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. Articles X-XIV of the 1977 edition of the *Model Traffic Code* shall remain in full force and effect. The subject matter of the *Model Traffic Code* relates primarily to comprehensive traffic control regulations for the city. The purpose of this section and the code adopted in this section is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and nation. One copy of the *Model Traffic Code* adopted in this section is now filed in the office of the city clerk and may be inspected during regular business hours. The 1995 edition of the *Model Traffic Code* is adopted as if set out at length in this section.
- (2) Penalties. Penalties, including fines, points, incarceration and useful public service, as determined by the Judge of the municipal court, shall apply to violations of this chapter, and according to Section 1-9 of the City of Grand Junction Code of Ordinances.

- (a) It is unlawful for any person to violate any of the provisions stated or adopted in this section.
- (b) Every person convicted of a violation of any provision stated or adopted in this section shall be punished pursuant to and not in excess of the penalties specified in section 1-9 of the Grand Junction Code of Ordinances.

(3) Application. This section shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction to regulate. The provisions of sections 606, 1401, 1402, and 1413 of the adopted *Model Traffic Code*, respectively concerning unauthorized devices, reckless driving, careless driving and eluding officer shall apply not only to public places and ways but also throughout this municipality.

(4) Interpretation. This section shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of the sections of the adopted *Model Traffic Code* shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 36-2 Amendments.

The Model Traffic Code adopted in section 36-1 is hereby amended as follows:

Section 103 (2)(c) is added to read:

On no portion of any state highway or connecting link within the city shall any person violate any of the provisions of this Code, or any of the laws amending the same, or any of the rules or regulations issued pursuant thereto.

Section 238 is added to read:

- (a) Definition. For the purposes of this section, "golf cart" means a four-wheel, pneumatic tired vehicle powered by a gasoline or battery driven motor that is designed for use as a transport device on a golf course.
- (b) A golf cart may be driven upon streets under the jurisdiction of the city, excluding country roads, state or federal highways, in the area bounded on the west by 26 Road, on the east by 28 Road, on the south by Patterson Road, and on the north by H Road. Golf carts may be driven on 26 Road, 28 Road, and H Road, but are not permitted on Patterson Road or Horizon Drive (however, crossing Horizon Drive at an intersection is permitted).
- (c) (1) No person shall operate a golf cart on any public street in the city:
 - a. Unless within the boundaries set forth in subsection (b) of this section.

- b. Unless the golf cart is equipped at a minimum with:
 - 1. A state approved slow triangle mounted on the rear of the cart;
 - 2. A rearview mirror;
 - 3. An audible warning device;
 - 4. A steering wheel;
 - 5. A foot-controlled accelerator; and
 - 6. A foot brake.
- c. Except during the time from one-half hour before sunrise to one-half hour after sunset.
- d. Unless in a direct route from the operator's residence to a golf course, or from a golf course to the operator's residence.
- e. Unless such person possesses, on the person of the operator, a valid state driver's license.
- f. In a way or at a speed which impedes the normal flow of traffic; the operator has the affirmative duty to observe traffic behind and around him. If the golf cart is traveling at a speed which is more than five miles per hour below the applicable speed limit, the operator of a golf cart shall pull over to the right side of the road at the first safe opportunity and allow vehicles to pass the golf cart.
- g. While under the influence of, or impaired by, alcohol; nor shall any person operate a golf cart while under the influence of any drug. The definition of, and proof of, intoxication or impairment shall be as set forth in C.R.S. § 42-4-1202. The operator of a golf cart who is arrested for operating a golf cart while under the influence of or impaired by alcohol or drugs shall submit to chemical testing as set forth in C.R.S. title 42. Failure to submit to a test as required shall result in the immediate revocation of the permit issued to an operator.
- h. Without first obtaining a permit from the city police department, which permit shall be attached to the golf cart at all times that such cart being operated upon a city right-of-way.
- i. Unless such person has, on his person, proof of recreational vehicle or similar insurance that is current and provides coverage for injury to persons and property.

(2) The operator of a golf cart on public streets shall comply with the provisions of the Model Traffic Code as adopted by the city.

(3) Nothing in this section authorizes the operation of a golf cart on rights-of-way under the jurisdiction of the county. It is the duty of each operator of a golf cart to ascertain whether a right-of-way is within the city limits.

(d) The police chief, after having determined that the golf cart and the operator are in compliance with requirements of this section, shall issue a permit. Such permits shall be valid for three years from the date of issuance unless revoked for just cause. Fees for the permit shall be as established by resolution of the city council. The city council may alter such fees by resolution.

(e) Police officers are authorized to stop a golf cart which is being operated on a city right-of-way, without probable cause or other reason, at any time, to verify that the operator has a valid permit and to inspect for required safety equipment.

(f) The city council shall, by resolution, establish the minimum requirements of required insurance for operation of golf carts on city rights-of-way.

Section 1409. Section 1409 (3) shall be amended to read:

(3) When requested to do so by a peace officer following any lawful traffic contact or during any traffic investigation, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S. The Municipal Court shall not have jurisdiction under this section in those cases in which property damage and/or injury results.

Section 1503. Section 1503 is hereby amended by adding subsection (6), which shall read as follows:

(6) It shall be unlawful for any person to drive, ride or use a motorcycle, motor-driven cycle, motor scooter, motorbike, minibike, dune buggy, or other similar on- or off-road vehicle upon any public or private property which is not an improved public street or highway, or improved private street approved by the City of Grand Junction, except that this subsection shall not apply in either of the following instances:

(a) Where such vehicle is being driven, ridden, or used upon property by the owner, resident or tenant of such property, or by an authorized visitor when such visitor is accompanied by or has a written authorization in his possession from the owner, resident or tenant of the property.

(b) Where such use is permitted pursuant to a use permit or otherwise in accordance with the zoning regulations of the City of Grand Junction.

(7) Nothing herein shall be interpreted to permit the operation on city streets of vehicles otherwise prohibited from such operation.

Article II, Section 102. Section 102 (68) is hereby amended to read as follows:

(68) Sidewalk or sidewalk area means that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines.

Article II. Section 102. Section 102 is hereby amended by the creation of subsection (90) to read as follows:

(90) Golf cart means a four-wheel, pneumatic tired vehicle powered by a gasoline or battery driven motor that is designed for use as a transport device on a golf course.

Article II. Section 102. Section 102 is hereby amended by the creation of subsection (91) to read as follows:

(91) Holidays. Where used in this ordinance or on official signs shall, in addition to Sundays mean New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, General Presidential Election Day, Veterans Day, Thanksgiving Day, and Christmas Day.

The 1977 version of the Model Traffic Code pertaining to parking shall be amended as follows:

Section 11-1 (4). Section 11-1 (4) is amended to read as follows:

(5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings; every vehicle shall be parked wholly within a designated parking space. Parking space designations shall be made by markings, signs or other appropriate indication upon the curb and/or pavement. Except where prohibited by other provision of this code, a vehicle which is of a size too large to be parked within a single space shall be permitted to occupy two adjoining spaces when the vehicle will fit wholly and completely within the designated spaces and where, as applicable, the necessary number of parking meter charges have been paid.

Section 14-6. Section 14-6 is hereby added to read as follows:

(a) When a driver, owner, or person in charge of a vehicle has failed to respond to the following notices of illegal parking:

(1) A notice placed on the vehicle pursuant to section 1203, chapter 36 of the Code of Ordinances of the City of Grand Junction; and

(2) An additional notice mailed to the registered owner of the vehicle;

a police officer or other authorized person of the City of Grand Junction, acting in his official capacity, may temporarily immobilize such vehicle by attaching to it a device designed to restrict the normal movement of the vehicle; provided, however, that the vehicle shall be located on a public right-of-way or in such a place frequented by the public for public purposes, or private property where the public frequents for public purposes, or private property where the public is a business invitee. Prior to immobilization the municipal court shall review the procedure followed and enter an order directing the immobilization.

- (b) If a vehicle is immobilized, the officer shall affix a conspicuous notice to the vehicle informing the driver, owner or person in charge of the vehicle that:
- (1) The vehicle has been immobilized by the City of Grand Junction for a parking violation pursuant to the Code of Ordinances of the City of Grand Junction by an order issued by the judge of the municipal court.
 - (2) The owner of the vehicle may request an immediate hearing in the Grand Junction municipal court to contest the citation or immobilization of the vehicle, or the owner of the vehicle shall have the right, upon request, to a post-deprivation hearing within 48 hours after the request for such hearing, excluding Saturdays, Sundays and holidays. In the alternative, the owner may obtain immediate release of the vehicle by posting bond in the amount of the delinquent parking fines and fees plus booting costs as established by resolution of the city council and on file in the city clerk's office with the clerk of the municipal court. If the vehicle is so released, any hearing requested will be set within the normal time limits of any other hearing in municipal court.
 - (3) Release of the vehicle may be obtained without a hearing by payment of fines, fees and costs as established by resolution of the city council and on file in the city clerk's office to the clerk of the municipal court.
 - (4) Unless arrangements are made for the release of the vehicle within 72 hours, the vehicle shall be removed from the streets by a police officer pursuant to section 36-6 of the Code of Ordinances of the City of Grand Junction.
 - (5) That removing or attempting to remove the device before a release is obtained is unlawful.
- (c) It shall be unlawful for any person to remove or attempt to remove an immobilized vehicle before a release is obtained or to move any such vehicle before the police department releases it.

Section 36-3. Notice on illegally parked vehicle.

a. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding

such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice, directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

b. If upon the violation of any of the parking restrictions imposed by this ordinance a person produces photographic evidence of a stopping, standing or parking violation and reports the same to the Municipal law enforcement agency, then the Municipal law enforcement agency or the City Attorney, upon a determination of probable cause to believe that a stopping, standing or parking violation has been committed may issue a penalty assessment notice to the registered owner of the vehicle as otherwise provided in this section 36-3. Upon a determination of the registered owner of the vehicle, a penalty assessment may be mailed to the address of record shown on the current registration for the vehicle.

c. For purposes of this section 36-3 photographic evidence means still photographs, video or digital images which show the violation, the front and rear license plates of the vehicle and the date and time of the violation. The person procuring the photographic evidence shall for the purposes of prosecution be considered the complaining witness. The person procuring the photographic evidence shall in order for a prosecution thereon to be sustained, be sworn and under oath or affirmation testify that the photographic evidence is true and accurate and faithfully depicts what he/she observed.

Section 36-4. Failure to Comply with notice on parked vehicle.

a. If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond with the time specified to a penalty assessment notice affixed to such vehicle, by appearance and payment at the court having jurisdiction, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of said court shall send another notice by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that in the event such notice is disregarded for a period of twenty (20) days from date of mailing, a complaint will be filed and a warrant of arrest will be issued.

b. If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle or mailed to the registered owner of the vehicle, as provided in section 36-3, by appearance and payment at the Traffic Violations Bureau or court having jurisdiction, or by mailing payment by means of the United States mail or by other disposition of the charges as provided by law, the clerk of said court or Traffic Violations Bureau shall send notice by mail to the registered owner of the vehicle to which the penalty assessment was affixed or another notice to the registered owner of the vehicle to which the first mailed notice was sent, warning him that in the event such notice is disregarded for a period of twenty (20) days from the date of mailing a warrant of arrest will be issued.

Section 36-5. Presumption in reference to illegal parking.

In any prosecution charging a violation of any provision of this ordinance governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Section 36-6. Authority to Impound Vehicles.

- (a) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within this municipality in such a manner as to constitute a violation of Section 10-5 of the 1977 version of the Model Traffic Code, or left unattended for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by 42-4-1102(2) and 42-4-1103(2) C.R.S., such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.
- (b) In the event of abandonment of a vehicle on property within this municipality other than public rights-of-way, the owner of such property may, in addition to his other remedies, notify the police department, and such police shall after a period of 72 hours cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.
- (c) Impoundment
 - (1) As to any vehicle impounded pursuant to this chapter by or at the request of the city, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the city within ten days after such person has learned such vehicle has been impounded or within ten days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or his agent and to the garage where the vehicle is stored within 48 hours, excluding weekends and holidays, after impounding and storage of the vehicle.
 - (2) A hearing shall be conducted before a hearing officer designated by the city manager within 48 hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before

the hearing officer shall be whether there was probable cause to impound the vehicle in question.

“Probable cause to impound” shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer’s decision in no way affects any criminal proceeding in connection with the impounding in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

- (3) The hearing officer shall only determine that as to the vehicle in issue, either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor’s copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the city in accordance with arrangements made between the city and the official police garage. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within 24 hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

Section 36-7 Parking on state highways during snow removal.

There shall be no parking whatsoever on any roadway or contiguous shoulder of any state highway or connecting link within the city during the times and places where snow removal operations are in progress.

Section 36-8. Authorized service vehicles.

The warning lamps authorized by State law for authorized service vehicles and those service vehicles designated as emergency vehicles by the Police Chief shall be activated by the operator only when the vehicle is operating upon the roadway and may create a hazard to other traffic. The use of such lamps shall not relieve the operator from his duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by State law. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

Section 36-9. Operation of vehicles when in vicinity of authorized service vehicles.

Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized by State law, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking or passing such service vehicle.

Introduced this ____ day of _____ 2000.

Passed and adopted this ____ day of _____, 2000.

President of the Council

ATTEST:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 24, SECTION 18 OF THE
CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO
REGARDING INDECENT EXPOSURE**

RECITALS: On November 3, 1999, an amendment to the "Indecent exposure" ordinance was passed. Since that time, a typographical error was discovered, which created a fragment of a sentence which did not make sense. On October 18, 2000, City Clerk Stephanie Nye, pursuant to Section 1-10(5) made a slight change to the ordinance by administrative action. This ordinance will clarify that mistake by adding in the words which are missing and fulfilling the intent of Council to create a violation of law when a person's exposed his or her own intimate parts.

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

Section 24-18 of the Code of Ordinances of the City of Grand Junction, be amended as follows:

That the following emphasized language be added to Sec. 24-18 (3) to read:

(3) To willfully or knowingly: be nude; wear any indecent or lewd dress; make or perform any indecent exposure of such person's *intimate parts*; or to make or perform any indecent exposure of the intimate parts of another person. For the purposes of this ordinance: "Intimate Parts" means the external genitalia, the anus, the buttocks, the pubes or the breast or breasts of any person.

Introduced this _____ day of _____, 2000.

Passed and adopted this _____ day of _____, 2000.

President of the Council

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING, ADOPTING AND AFFIRMING THE CONTRACT TO BUY AND SELL REAL AND PERSONAL PROPERTY BETWEEN THE CITY OF GRAND JUNCTION AND STEPHEN D. MCCALLUM AND BOBETTE D. MCCALLUM AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AS AN OFFICIAL ACT OF THE CITY OF GRAND JUNCTION

Recitals: The City and Stephen D. McCallum and Bobette D. McCallum have jointly negotiated a contract for the sale of a portion of the River Road Trail which has been co-owned by these parties.

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

That the City Council finds and determines that the purchase of that portion of River Road Trail, in the public interest and furthers the interest of the City and that City Manager Kelly Arnold is hereby authorized to sign the contract between the City of Grand Junction and Stephen D. McCallum and Bobette D. McCallum.

PASSED AND ADOPTED this 1st day of November, 2000.

Attest:

President of the Council

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Holiday Parking	
Meeting Date:	November 1, 2000	
Date Prepared:	October 26, 2000	
Author:	Barbara Creasman	Title: DDA Executive Director
Presenter Name:	Same	Title: Same
Workshop	X	Formal Agenda

Subject: Free parking downtown Thanksgiving to Christmas

Summary: Last year the City Council agreed to suspend parking meters and fines for the holiday season. The merchants thought it was a great success and would like to do the same thing this year.

Background Information: Last year was the first time, at least in the last 10 years, that the suspension of meters and fines was tried. The positive feedback both in our office and to merchants was outstanding. Therefore, the merchants purpose that we repeat the "Free Holiday Parking" this year. They also recognize the concern about potential employee abuse and are committed to again monitoring the situation. Last year a letter was developed as well as a second notice to put on cars of identified abusers. This was very effective. Also a letter was sent to all businesses asking them to explain to their employees the importance of saving customer parking for customers. Once again the Association will advertise "Free Holiday Parking" in their overall holiday promotions. The DDA and Association are committed to increasing revenue to the parking fund. However, we are all striving to make Downtown parking positive for the community and this short period of suspended fees and fines goes a long way towards that end.

Budget: It is my understanding that this could result in a loss of revenue of approximately \$10,000. Last year the loss was less than anticipated.

Action Requested/Recommendation: Approval of suspended fines and fees Thanksgiving to Christmas.

Citizen Presentation:		No		Yes If Yes,
Name:				
Purpose:				

Report results back to Council:		No	Yes	When:	
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Placement on Agenda:		Consent	Indiv. Consideration		Workshop
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**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Feral Cats		
Meeting Date:	November 1, 2000		
Date Prepared:	October 24, 2000		
Author:	Stephanie Rubinstein	Staff City Attorney	
Presenter Name:	Stephanie Rubinstein	Staff City Attorney	
	Workshop	xx	Formal Agenda

Subject: Feral Cats

Summary: A request has been made by James Bennett from the Division of Wildlife, Dr. Debbie Miller, President of the Grand Valley Veterinary Medical Society and Dr. John Heideman, veterinarian for a continuance of the November 1, 2000 public hearing so that all interested parties can discuss the proposal to make any changes. The persons listed above are against the proposal and would like to meet with the representatives of Community Cat Care to discuss alternatives. Staff does not object to this request, with the understanding that the parties will work together for a mutually agreeable solution to the feral cats issue. Below is the staff report regarding the changes, should this request be denied by Council.

This proposal makes two changes to the City of Grand Junction Code of Ordinances. First, the Zoning and Development Code is being changed to permit registered participants of Community Cat Care to care for more than three cats, so long as these persons follow the requirements set forth by Community Cat Care. The second change is to the Animal Control Regulations to require that registered participants of Community Cat Care have the cats they are caring for vaccinated.

Background Information: Community Cat Care approached City Council at a recent Workshop regarding their program and asked the Council to amend the City of Grand Junction Code of Ordinances as described above. The purpose of these changes is to manage the feral cat population in our community by requiring persons who feed these cats to have the cats vaccinated and spayed or neutered. On October 10, 2000, the Planning Commission recommended approval of the amendment to the Zoning and Development Code.

Budget: None

Action Requested/Recommendation: Approval of Ordinances on Second Reading

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	If Yes,
Name:						
Purpose:						

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Workshop
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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO

RECITALS: The City of Grand Junction Zoning and Development Code, Section 4.3.A.4.a provides that “In all districts, a maximum of three (3) adult (four month or older) household pets, e.g. dogs and cats, per species, shall be allowed.” Under the City of Grand Junction Code of Ordinances, responsibility for an animal is triggered when a person “owns, keeps, or harbors” an animal. “Harboring” is defined in Section 6-57 as “the act of keeping or caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three (3) consecutive days.” Persons who feed feral cats would be in violation of the Zoning Code, even if the cat did not live with those persons, if the cats return for food to that residence. A feral cat is a cat which is the wild offspring of stray or abandoned cats. Community Cat Care is a non-profit group which seeks to end the suffering and inhumane treatment of feral cats to a caretaker to encourage the stabilization of the feral cat population. Unmanaged feral cat populations put the public at increased risk of exposure to rabies, other diseases and parasites and can become a nuisance in residential areas. A person registered with Community Cat Care will feed cats who have been screened and determined to be feral and unowned. The animals will also be vaccinated and spayed or neutered.

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

Chapter 33, Section 4.3.A.4.a of the Code of Ordinances of the City of Grand Junction, is amended as follows to add:

- d. Persons who are registered participants of the Community Cat Care program shall be exempt from the requirements of subsection (a) above, with regard to cats only. This exemption shall apply to cats which have been screened by Community Cat Care and have been determined to be unowned and feral. Additionally, these cats shall be spayed or neutered and the assigned caretaker shall keep all current vaccination records.
- e. Persons found to be in violation of any of the requirements of subsection (d) above may be prosecuted under any applicable City of Grand Junction ordinance.
- f. Within eighteen (18) months of the effective date of this ordinance, Community Cat Care shall report to Planning Commission on the effectiveness of this ordinance and otherwise report problems, successes and related issues. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the second anniversary of the effective date of this ordinance.

Introduced this 18th day of October, 2000.

Passed and adopted this _____ day of _____, 2000.

President of the Council

ATTEST:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO

RECITALS: The City of Grand Junction Zoning and Development Code, Section 4.3.A.4.a provides that “In all districts, a maximum of three (3) adult (four month or older) household pets, e.g. dogs and cats, per species, shall be allowed.” Under the City of Grand Junction Code of Ordinances, responsibility for an animal is triggered when a person “owns, keeps, or harbors” an animal. “Harboring” is defined in Section 6-57 as “the act of keeping or caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three (3) consecutive days.” Persons who feed feral cats would be in violation of the Zoning Code, even if the cat did not live with those persons, if the cats return for food to that residence. A feral cat is a cat which is the wild offspring of stray or abandoned cats. Community Cat Care is a non-profit group which seeks to end the suffering and inhumane treatment of feral cats to a caretaker to encourage the stabilization of the feral cat population. Unmanaged feral cat populations put the public at increased risk of exposure to rabies, other diseases and parasites and can become a nuisance in residential areas. A person registered with Community Cat Care will feed cats who have been screened and determined to be feral and unowned. The animals will also be vaccinated and spayed or neutered.

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

Chapter 6, Section 6-58 (a) of the Code of Ordinances of the City of Grand Junction, is amended as follows to add after the first sentence:

No person, except a registered Community Cat Care participant shall, own, keep or harbor in the City any feral cat which has been screened and accepted by Community Cat Care. Community Cat Care shall minimally ensure that such cats have been vaccinated and shall keep records of such vaccinations.

Introduced this 18th day of October, 2000.

Passed and adopted this _____ day of _____, 2000.

President of the Council

ATTEST:

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Setting a Hearing on Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District and Finalizing the Zoning, Design, Standards and Guidelines for the 24 Road Corridor	
Meeting Date:	October 18, 2000	
Date Prepared:	October 12, 2000	
Author:	Kathy Portner	Planning Manager
Presenter Name:	Kathy Portner	Planning Manager
	Workshop	x
		Formal Agenda

Subject:

- 1) Proposed Ordinance Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District
- 2) Proposed Ordinance Adopting a Zoning Map for the 24 Road Corridor Subarea
- 3) Proposed Ordinance Adopting the 24 Road Corridor Design Standards and Guidelines

Summary:

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

Background Information:

After over a year of study, the 24 Road Steering Committee has made a recommendation on the future land use of the 24 Road Study area, which is generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north. There are four documents that will be considered by the City Council on November 1, 2000. Those are:

1. The 24 Road Corridor Subarea Plan—This is the planning document that outlines the proposed general land uses for the area, as well as a vision for the area and implementation strategy. This subarea plan would become an element of the City's adopted Growth Plan and replace those sections that refer to this area.
2. Code Amendment Adding the Mixed-Use Zoning District—One of the recommendations of the Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the

Industrial-Office (I-O) zone district with an added residential component. Retail use is limited to neighborhood commercial with a 30,000 square foot maximum building size for retail. Staff is also proposing that for parcel greater than 5 acres in size, 25% of the land area must be designated for residential to ensure a true “mixed-use” development.

3. Zoning of the 24 Road Plan Area—At the time the City adopted the new zoning map, zoning in the 24 Road study area was not changed pending the outcome of this study. A new zoning map is proposed to implement the recommendations of the plan.
4. Adoption of the 24 Road Corridor Design Standards and Guidelines—The final component is a set of Design Standards and Guidelines that are proposed for the entire study area. The document includes guidelines and standards for Community Framework, Site Design, Landscaping, Architectural Design, Site Lighting and Signs.

A more detailed staff report will be provided for the November 1st hearing. The Planning Commission will have a public hearing on this on October 17th and will be making a recommendation to City Council.

Budget:

Action Requested/Recommendation: First reading of the ordinances

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> If Yes,
Name:				
Purpose:				

Report results back to Council:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	When:	November 1 st
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Placement on Agenda:	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop
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**Table 3.2
ZONING DISTRICTS DIMENSIONAL STANDARDS**

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks ⁽¹⁾ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front ⁽⁸⁾ (ft.)	Side (ft.)	Rear ⁽⁸⁾ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
RSF-R	5 Acres	150	50 ⁽²⁾	20/25	50/50	50/50	5	0.40 ⁽³⁾	35
RSF-E	2 Acres	100	50 ⁽²⁾	20/25	15/5	30/10	15	0.40 ⁽³⁾	35
RSF-1	1 Acres	100	50 ⁽²⁾	20/25	15/3	30/10	20	0.40 ⁽³⁾	35
RSF-2	17,000	100	50 ⁽²⁾	20/25	15/3	30/5	30	0.40 ⁽³⁾	35
RSF-4	8,000	75	20	20/25	7/3	25/5	50	0.40 ⁽³⁾	35
RMF-5	6,500	60	20	20/25	5/3	25/5	60	0.40 ⁽³⁾	35
RMF-8	4,500	40	20	20/25	5/3	10/5	70	0.45 ⁽³⁾	35
RMF-12	4,000	40	20	20/25	5/3	10/5	75	0.50 ⁽³⁾	40
RMF-16	4,000	40	20	20/25	5/3	10/5	75	0.60 ⁽³⁾	40
RMF-24	4,000	40	20	20/25	5/3	10/5	80	0.60 ⁽³⁾	40
R-O	5,000	50	20	20/25	5/5	10/5	70	0.40	35
B-1	10,000	50	N/A	20/25	0/0 ⁽⁵⁾	15/15	N/A	0.50	40
B-2	N/A	N/A	N/A	15/25 ⁽⁷⁾	0/0 ⁽⁵⁾	0/0 ⁽⁶⁾	N/A	4.00	65 ⁽⁴⁾
C-1	0.5	50	N/A	15/25	0/0 ⁽⁵⁾	10/10	N/A	1.00	40 ⁽⁶⁾

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks ⁽¹⁾ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front ⁽⁸⁾ (ft.)	Side (ft.)	Rear ⁽⁸⁾ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
	Acre								
C-2	0.5 Acre	50	Table 3.2 is continued ⁽⁵⁾			10/10	N/A	2.00	40
I-0	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.75	40 ⁽⁶⁾
I-1	1 Acre	100	N/A	15/25	5/5 ⁽⁵⁾	10/10	N/A	2.00	40

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks ⁽¹⁾ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front ⁽⁸⁾ (ft.)	Side (ft.)	Rear ⁽⁸⁾ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
I-2	1 Acre	100	N/A	15/25	0/0	10/10	N/A	2.00	40
CSR	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 ⁽⁴⁾
M-U	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40

GENERAL NOTE: See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Footnotes:

⁽¹⁾ Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be 20 feet, measured from the storage entrance to the property line.

⁽²⁾ Minimum street frontage on cul-de-sac is 30 feet.

⁽³⁾ RSF-R through RMF-5, the FAR (Floor Area Ratio) applies only to non-residential uses. RMF-8 through RMF-24, the FAR applies to multi-family and non-residential uses.

⁽⁴⁾ Maximum height is 40 feet if adjacent to any residential zoning district.

⁽⁵⁾ 10/5 foot setback if abutting a residential zone or use.

⁽⁶⁾ Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be 65 feet.

⁽⁷⁾ Setbacks may be reduced to zero feet (0') by the Director if located within the downtown area.

⁽⁸⁾ The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.

ORDINANCE NO.

ADOPTING A NEW ZONING MAP FOR THE 24 ROAD CORRIDOR AREA

RECITALS. The City has adopted the 24 Road Corridor Subarea Plan as a part of the Growth Plan.. The Subarea Plan includes a future land use map identifying uses for parcels within the study area. As a part of the implementation of the plan, a zoning map has been created that is consistent with the future land use map and vision as identified in the plan.

The Grand Junction City Council has determined that this new map for the 24 Road Corridor Area is necessary for the preservation of health, safety, and general welfare of the citizens of Grand Junction.

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

1. The existing maps depicting and describing the zones and districts of lands within the 24 Road Corridor Subarea of the City, which are a part of the City's Zoning and Development Code (the "Zoning Code") are hereby repealed and reenacted with the attached map. The Clerk may publish this map in conjunction with publication of the 24 Road Corridor Design Standards and Guidelines by pamphlet.
2. This reenactment shall not be construed to revive any ordinance or part thereof that had been previously repealed.
3. Nothing in this ordinance, nor any provision repealed by the adopted of this ordinance, shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date hereof.
4. Unless another provision is expressly provided in the Zoning Code, every person convicted of a violation of any provision of these newly provisions and maps shall be punished according to the City of Grand Junction Code of Ordinances, Chapter 1, Section 1-9.
5. If any zoning map or portion thereof adopted hereby or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these zoning maps which can be given effect without the invalid provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

Attest:

President of the Council

City Clerk

ORDINANCE NO.

**AMENDING THE ZONING AND DEVELOPMENT CODE TO ADD SECTION 7.5
24 ROAD CORRIDOR DESIGN STANDARDS AND GUIDELINES**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create design standards and guidelines to implement the plan. The Steering Committee has recommended the 24 Road Corridor Design Standards and Guidelines be adopted as an overlay zone district to apply to the entire study area.

Overlay zoning is one way to create a more flexible and discretionary alternative to traditional zoning. An overlay zone is defined as “a mapped overlay district superimposed on one or more established zoning districts which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program”.

An overlay zone supplements the underlying zone with additional requirements or incentives while leaving underlying zoning regulations in place. Examples might include special requirements such as design standards or guidelines, additional setbacks or height limits. A parcel within the overlay zone will thus be simultaneously subject to two sets of zoning regulations: the underlying and the overlay zoning requirements.

Overlay zone boundaries are also not restricted by the underlying zoning districts' boundaries. An overlay zone may or may not encompass the entire underlying zoning district. Likewise, an overlay zone can cover more than one zoning district, or even portions of several underlying zoning districts.

The 24 Road Corridor Design Standards and Guidelines are being proposed as an overlay district to cover the entire 24 Road planning area, generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north, and including several parcels north of I-70. The document includes guidelines and standards for Community Framework, Site Design, Landscaping, Architectural Design, Site Lighting and Signs.

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

The Zoning and Development Code is hereby amended to add section 7.5 entitled “24 Road Corridor Design Standards and Guidelines” to be applied to the area shown on Attachment A and authorizes the Clerk to publish the amendment by pamphlet.

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

Attest:

President of the Council

City Clerk

ORDINANCE NO.

**AMENDING SECTIONS 3.2 AND 3.5, AND ADDING SECTION 3.3.K
TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO CREATE A
MIXED-USE ZONE DISTRICT**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. This zone district is being added to the Zoning and Development Code and will be applied to the area designated as "Mixed-Use" on the Future Land Use Map of the 24 Road Corridor Subarea Plan. The zone district would also be available for other areas of the City if found to be appropriate.

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

The Zoning and Development Code is hereby amended to add section 3.3.K and amend Tables 3.2 and 3.5 as shown on attachment A.

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

President of the Council

Attest:

City Clerk

Attachment A

K. M-U: Mixed Use

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering, and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial*, *commercial/industrial* and *industrial* future land use classifications of the Growth Plan, as well as serving as a transition between residential and non-residential use areas.
2. **Summary.**

Primary Uses: Employment, residential, limited retail, open space.
Maximum Non-Residential Intensity: 0.50 FAR
Maximum Residential Density: 24 units per acre
Minimum Residential Density: 12 units per acre
Maximum Building Size: 150,000 sf; 30,000 sf for retail
3. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U District.
4. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
 - a. Non-residential intensity shall not exceed a floor area ratio (FAR) of 0.50;
 - b. Non-residential minimum lot size shall be one acre, except where a continuous commercial center is subdivided;
 - c. Maximum building size shall be 150,000 sf, unless a Conditional Use Permit is issued; 30,000 sf for retail
 - d. Maximum gross residential density shall not exceed 24 units per acre.
 - e. Minimum net residential density shall be 12 units per acre.
 - f. Development parcels and/or projects containing greater than 5 acres shall have a minimum of 25% of the gross land area in residential development.
5. **M-U Performance Standards.**
 - a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
 - b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
 - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an M-U District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire

hazards and hazardous materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.

Draft Mixed Use 10/2000 – Page 1

- (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.
 - (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 db at any point on the property line.
 - (3) **Glare:** Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
 - (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
 - (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
 - (6) **Outdoor Storage and Display:** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.
- d. Performance and development standards for residential uses shall be derived from the underlying multifamily zone district, as defined in Chapter Three of this Code.

Draft Mixed Use 10/2000 – Page 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Route 30 Partners Annexation	
Meeting Date:	November 1, 2000	
Date Prepared:	November 1, 2000	
Author:	Lisa Gerstenberger	Senior Planner
Presenter Name:	Lisa Gerstenberger	Senior Planner
	Workshop	X Formal Agenda

Subject: Resolution to Accept the Petition for Annexation and Second reading of the Annexation Ordinance for the Route 30 Partners Annexation, ANX-2000-172.

Summary: Resolution to Accept the Petition for Annexation and Second reading of the Annexation Ordinance for the Route 30 Partners Annexation, located at 520 30 Road and including I-70 Business Loop right-of-way. The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the Resolution for Acceptance of the Petition for Annexation and approve Second reading of the Annexation Ordinance for the Route 30 Partners Annexation.

Citizen Presentation:		No	X	Yes	If Yes,
Name:	John Bielke				
Purpose:	Presentation of annexation request				

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	X	Indiv. Consideration	Workshop
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CITY OF GRAND JUNCTION

DATE: November 1, 2000

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

AGENDA TOPIC: Resolution to Accept the Petition for Annexation and Second reading of the Annexation Ordinance for the Route 30 Partners Annexation, ANX-2000-172.

SUMMARY: Resolution to Accept the Petition for Annexation and Second reading of the Annexation Ordinance for the Route 30 Partners Annexation, located at 520 30 Road and including I-70 Business Loop right-of-way. The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

BACKGROUND INFORMATION			
Location:		520 30 Road	
Applicants:		Route 30 Partners	
Existing Land Use:		Vacant	
Proposed Land Use:		Commercial	
Surrounding Land Use:	North	Residential	
	South	Commercial	
	East	Vacant	
	West	Commercial	
Existing Zoning:		County Planned Commercial	
Proposed Zoning:		Light Commercial, C-1	
Surrounding Zoning:	North	County RSF-4; Planned Commercial; PUD	
	South	County RSF-4	
	East	County PUD	
	West	County B-2	
Growth Plan Designation:		Commercial	
Zoning within density range?	x	Yes	No

Action Requested/Recommendation: Request City Council approve the Resolution to Accept the Petition for Annexation and Second reading of the Annexation Ordinance for the Route 30 Partners Annexation.

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 20.92 acres of land including portions of the

I-70 Business Loop right-of-way. Owners of the property have signed a petition for annexation as part of their request to construct a general retail shopping center, pursuant to the 1998 Persigo Agreement with Mesa County.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Route 30 Partners Annexation is eligible to be annexed because of compliance with the following:

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

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to Accept the Petition for Annexation and Second reading of the Annexation Ordinance.

Attachments:

- * Annexation Summary
- * Resolution to Accept the Petition for Annexation
- * Annexation Ordinance
- * Annexation Map

H:\Projects2000\ANX-2000-172\CityAcceptPetAnnxOrd

ROUTE 30 PARTNERS ANNEXATION SUMMARY

File Number:		ANX-2000-172
Location:		520 30 Road
Tax ID Number:		2943-093-00-187
Parcels:		6 parcels and I-70 Business ROW
Estimated Population:		0
# of Parcels (owner occupied):		N/A
# of Dwelling Units:		0
Acres land annexed:		20.92 acres for annexation area
Developable Acres Remaining:		17 acres
Right-of-way in Annexation:		3.92, See Annexation Map
Previous County Zoning:		Planned Commercial
Proposed City Zoning:		Commercial Light, C-1
Current Land Use:		Vacant
Future Land Use:		Retail
Values:	Assessed:	= \$6, 130
	Actual:	= \$62,960
Census Tract:		11
Address Ranges:		520 30 Road; 3020 I-70 Business Loop
Special Districts:	Water:	Clifton Water
	Sewer:	Grand Valley Sanitation
	Fire:	Clifton Fire
	Drainage:	GJ Drainage District
	School:	District 51
	Pest:	N/A

RESOLUTION NO. __-00

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

ROUTE 30 PARTNERS ANNEXATION

IS ELIGIBLE FOR ANNEXATION

**LOCATED AT 520 30 ROAD
and including a portion of I-70 Business Loop road right-of-way**

WHEREAS, on the 20th day of September, 2000, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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

Commencing at the northwest corner of the SW 1/4 SW 1/4 of said Section 9; thence N 89°50'30" E along the north line of said SW 1/4 SW 1/4 a distance of 287.10 feet to the True Point of Beginning of the parcel described herein; thence continuing along the north line of said SW 1/4 SW 1/4 N 89°50'30" E a distance of 808.69 feet to a point on the southerly right of way line for the Grand Valley Canal; thence along the southerly right of way line for said Grand Valley Canal the following 2 courses:

S 42°27'15" E a distance of 92.94 feet to a point;

S 50°44'33" E a distance of 94.82 feet to a point;

thence S 00°02'45" W a distance of 756.96 feet to a point on the northerly right of way line for I70B; thence leaving said northerly right of way line S 45°59'59" E a distance of 227.29 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I70B a distance of 879.47 feet to a point; thence N 21°35'52" E a distance of 336.22 feet to a point on the northerly right of way line for said I70B; thence leaving said northerly right of way line N 00°15'00" W a distance of 256.04 feet to a point; thence S 89°45'00" W a distance of 101.85 feet to a point; thence N 00°15'00" W a distance of 311.98 feet to a point; thence S 89°45'00" W a distance of 285.00 feet to a point; thence N 00°15'00" W a distance of 128.74 feet to a point; thence S 89°50'30" W a distance of 247.10 feet to a point on the east right of way line for 30 Road; thence N 00°15'00" W along the east right of way line for said 30 Road a distance of 152.00 feet to a point; thence leaving said east right of way line N 89°50'30" E a distance of 247.10 feet to a point; thence a N 00°15'00" W a distance of 141.00 feet to the point of beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of November, 2000; and

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

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

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

ADOPTED this 1st day of November, 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**

ROUTE 30 PARTNERS ANNEXATION

APPROXIMATELY 20.92 ACRES

**LOCATED AT 520 30 ROAD and
Including a portion of the I-70 Business Loop Right-of-way**

WHEREAS, on the 20th day of September, 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 1st day of November, 2000; and

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

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

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

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

Commencing at the northwest corner of the SW 1/4 SW 1/4 of said Section 9; thence N 89°50'30" E along the north line of said SW 1/4 SW 1/4 a distance of 287.10 feet to the True Point of Beginning of the parcel described herein; thence continuing along the north line of said SW 1/4 SW 1/4 N 89°50'30" E a distance of 808.69 feet to a point on the southerly right of way line for the Grand Valley Canal; thence along the southerly right of way line for said Grand Valley Canal the following 2 courses:

- 1) S 42°27'15" E a distance of 92.94 feet to a point;
- S 50°44'33" E a distance of 94.82 feet to a point;

thence S 00°02'45" W a distance of 756.96 feet to a point on the northerly right of way line for I70B; thence leaving said northerly right of way line S 45°59'59" E a distance of 227.29 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I70B a distance of 879.47 feet to a point; thence N 21°35'52" E a distance of 336.22 feet to a point on the northerly right of way line for said I70B; thence leaving said northerly right of way line N 00°15'00" W a distance of 256.04 feet to a point; thence S 89°45'00" W a distance of 101.85 feet to a point; thence N 00°15'00" W a distance of 311.98 feet to a point; thence S 89°45'00" W a distance of 285.00 feet to a point; thence N 00°15'00" W a distance of 128.74 feet to a point; thence S 89°50'30" W a distance of 247.10 feet to a point on the east right of way line for 30 Road; thence N 00°15'00" W along the east right of way line for said 30 Road a distance of 152.00 feet to a point; thence leaving said east right of way line N 89°50'30" E a distance of 247.10 feet to a point; thence a N 00°15'00" W a distance of 141.00 feet to the point of beginning.

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

INTRODUCED on first reading on the 20th day September, 2000.

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

Attest:

President of the Council

City Clerk

Attach 17

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Route 30 Partners Annexation		
Meeting Date:	October 18, 2000		
Date Prepared:	October 18, 2000		
Author:	Lisa Gerstenberger	Senior Planner	
Presenter Name:	Lisa Gerstenberger	Senior Planner	
	Workshop	X	Formal Agenda

Subject: First reading of the Zoning Ordinance for the Route 30 Partners Annexation, ANX-2000-172

Summary: First reading of the Zoning ordinance to zone the Route 30 Partners Annexation Light Commercial, C-1, located at 520 30 Road.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve first reading of the Zoning ordinance for the Route 30 Partners Annexation.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
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CITY OF GRAND JUNCTION

DATE: October 18, 2000

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

AGENDA TOPIC: First reading of the Zoning ordinance for the Route 30 Partners Annexation, ANX-2000-172

SUMMARY: First reading of the Zoning ordinance to zone the Route 30 Partners Annexation Light Commercial, C-1, located at 520 30 Road.

BACKGROUND INFORMATION					
Location:		520 30 Road			
Applicants:		Route 30 Partners			
Existing Land Use:		Vacant			
Proposed Land Use:		Commercial			
Surrounding Land Use:	North	Residential			
	South	Commercial			
	East	Vacant			
	West	Commercial			
Existing Zoning:		County Planned Commercial			
Proposed Zoning:		Light Commercial, C-1			
Surrounding Zoning:	North	County RSF-4; Planned Commercial; PUD			
	South	County RSF-4			
	East	County PUD			
	West	County B-2			
Growth Plan Designation:		Commercial			
Zoning within density range?		x	Yes		No

Action Requested/Recommendation: It is recommended that City Council approve first reading of the Zoning ordinance for the Route 30 Partners Annexation.

Staff Analysis:

ZONE OF ANNEXATION:

The proposed Zone of Annexation for the Route 30 Partners property is Light Commercial, C-1 zone district. The proposed use of the site is retail and commercial, which is in keeping with the goals of the Growth Plan and C-1 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance with Section 2.6 to a

district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria are as follows:

- 1. The existing zoning was in error at the time of adoption.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area with existing residential, commercial and retail development. The request for Light Commercial, C-1 zoning is in keeping with the Growth Plan and Section 2.14 of the Zoning and Development Code.
- 3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.** Adverse impacts to the neighborhood will not be created with the Light Commercial, C-1 zone district. All development standards of the Zoning and Development Code will be adhered to during the development review process to ensure that there are no adverse impacts.
- 4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines.** The proposal is in conformance with the Growth Plan, and the policies and requirements of the Code and other City regulations and guidelines.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.** Adequate public facilities and services are available at this time or will be installed with development of the site.
- 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, this area is designated as Commercial on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14 of the Zoning and Development Code, the Light Commercial zone district is appropriate for this property.

7. The community or neighborhood will benefit from the proposed zone.

The surrounding neighborhood and community would benefit from the proposed rezone by providing a development which meets the goals and policies of the Growth Plan.

STAFF RECOMMENDATION

Staff recommends approval of the Light Commercial, C-1 zone district with the finding that the C-1 zone district is consistent with the goals and policies of the Growth Plan and meets the criteria found in Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Light Commercial, C-1 zone district for the following reasons:

- C-1 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- C-1 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

Attachments:

- Zoning Ordinance
- Annexation Map

H:Projects2000/ANX-2000-172/CityRefPet

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**Ordinance Zoning the Route 30 Partners Annexation to Light Commercial, C-1
Zone District, Located at 520 30 Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a Light Commercial, C-1 zone district to this annexation for the following reasons:

- The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area.
- The zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Light Commercial, C-1 zone district be established.

The Planning Commission and City Council find that the Light Commercial, C-1 zoning is in conformance with the stated criteria of Section 2.6(A) of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned Light Commercial, C-1 zone district:

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

Commencing at the northwest corner of the SW 1/4 SW 1/4 of said Section 9; thence N 89°50'30" E along the north line of said SW 1/4 SW 1/4 a distance of 287.10 feet to the True Point of Beginning of the parcel described herein; thence continuing along the north line of said SW 1/4 SW 1/4 N 89°50'30" E a distance of 808.69 feet to a point on the southerly right of way line for the Grand Valley Canal; thence along the southerly right of way line for said Grand Valley Canal the following 2 courses:

- 2) S 42°27'15" E a distance of 92.94 feet to a point;
- 3) S 50°44'33" E a distance of 94.82 feet to a point;
- 4) thence S 00°02'45" W a distance of 756.96 feet to a point on the northerly right of way line for I70B; thence leaving said northerly right of way line S 45°59'59" E a

distance of 227.29 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I70B a distance of 879.47 feet to a point; thence N 21°35'52" E a distance of 336.22 feet to a point on the northerly right of way line for said I70B; thence leaving said northerly right of way line N 00°15'00" W a distance of 256.04 feet to a point; thence S 89°45'00" W a distance of 101.85 feet to a point; thence N 00°15'00" W a distance of 311.98 feet to a point; thence S 89°45'00" W a distance of 285.00 feet to a point; thence N 00°15'00" W a distance of 128.74 feet to a point; thence S 89°50'30" W a distance of 247.10 feet to a point on the east right of way line for 30 Road; thence N 00°15'00" W along the east right of way line for said 30 Road a distance of 152.00 feet to a point; thence leaving said east right of way line N 89°50'30" E a distance of 247.10 feet to a point; thence a N 00°15'00" W a distance of 141.00 feet to the point of beginning.

Introduced on first reading this 18th day of October, 2000.

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

President of the Council

ATTEST:

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Mesa Moving Annexation		
Meeting Date:	November 1, 2000		
Date Prepared:	October 19, 2000		
Author:	Lori V. Bowers	Associate Planner	
Presenter Name:	Lori V. Bowers		
	Workshop	X	Formal Agenda

Subject: Public hearing for acceptance of the Petition for annexation, and second reading of the annexation ordinance for the 12.38 acre Mesa Moving Annexation located at 2225 River Road and 681 Railroad Blvd. File # ANX-2000-177.

Summary: The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council accept the petition for annexation and approve on second reading the annexation ordinance for the Mesa Moving Annexation.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	David Smuin, Representative for Saad Family LLC				
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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BACKGROUND INFORMATION					
Location:		2225 River Road & 681 Railroad Blvd. (known as 637 on Assessor's records)			
Applicants:		David Smuin, representative for Saad Family LLC			
Existing Land Use:		Vacant land and existing business – Mesa Moving and United Van Lines			
Proposed Land Use:		Truck repair facility			
Surrounding Land Use:	North	Railroad tracks/I-70B/ Truck Stop			
	South	Railroad Ave. and vacant land (United Companies)			
	East	United Companies			
	West	Vacant / McCarr Co.			
Existing Zoning:		Planned Industrial – County			
Proposed Zoning:		I-2			
Surrounding Zoning:	North	City C-2 (Heavy Commercial) and I-1 (Light Commercial)			
	South	County RSF-4 (Residential not to exceed 4 units per acre; S side of Colorado River)			
	East	County Industrial			
	West	County AFT			
Growth Plan Designation:		Commercial Industrial			
Zoning within density range?		X	Yes		No

ACTION REQUESTED: It is recommended that City Council accept the petition for annexation and approve on second reading the annexation ordinance for Mesa Moving Annexation.

Staff Analysis:

ANNEXATION:

This annexation area consists of 12.38 acres of land. The request for annexation comes from a request to develop the 2- acre parcel for a truck service center for Mesa Moving. A request for site plan review is forthcoming. The property is now being annexed into the City of Grand Junction.

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

a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

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

The following annexation schedule is being proposed.

ANNEXATION SCHEDULE	
Sept. 20 th	Referral of Petition to Annex & 1st Read (30 Day Notice)
Oct. 10th	Planning Commission considers Zone of Annexation
Oct. 18th	First Reading on Zoning by City Council
Nov. 1 st	Public hearing on Annexation and Zoning by City Council
Dec. 3 rd	Effective date of Annexation and Zoning

RECOMMENDATION:
Approval

- Attachments:
- Mesa Moving Annex Summary
 - Resolution
 - Annexation Ordinance
 - Annexation Map

MESA MOVING ANNEXATION SUMMARY

File Number:	ANX-2000-177	
Location:	2225 River Road & 681 Railroad Blvd.	
Tax ID Number:	2945-062-04-005 & 2945-062-04-003	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	0	
Acres land annexed:	12.38	
Developable Acres Remaining:	2.0	
Right-of-way in Annexation:	Approximately 840 feet in length, the entire width of I-70 B; a portion of Southern Pacific ROW; 900 feet, the entire width, of River Road	
Previous County Zoning:	County Industrial	
Proposed City Zoning:	I-2 (Heavy Industrial)	
Current Land Use:	Vacant & Mesa Moving and Storage	
Future Land Use:	Truck service facility for Mesa Moving	
Values:	Land:	= \$57,360
	Improvements:	= \$129,370
Census Tract:	9	
Address Ranges:	2225 River Road and 681 Railroad Blvd.	
Special Districts:	Water:	Ute Water
	Sewer:	Railhead Water & Sewer
	Fire:	Grand Junction Rural Fire District
	Drainage & Irrigation	Grand Junction Drainage
	School:	District 51
	Pest:	

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -00

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

MESA MOVING ANNEXATION

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 20th day of September, 2000, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
MESA MOVING ANNEXATION**

A parcel of land situate in the NW 1/4 of Section 6, Township 1 South, Range 1 West and in the SW 1/4 of Section 31, Township 1 North, Range 1 West all of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Block One of Railhead Industrial Park as Amended, whence the N 1/4 corner of Section 6, Township 1 South, Range 1 West bears N 56°31'00" W a distance of 628.81 feet & N 89°44'57" E a distance of 933.17 feet; thence N 56°31'00" W along the southwesterly right of way line for River Road a distance of 70.00 feet to the True Point of Beginning of the parcel described herein; thence leaving the southwesterly right of way line for said River Road S 14°46'37" E a distance of 100.00 feet to a point on the westerly right of way line for Railroad Boulevard; thence 282.38 feet along the westerly right of way line for said Railroad Boulevard and arc of a curve concave to the east, having a radius of 482.24 feet, a delta angle of 33°33'00" and a long chord bearing S 08°46'23" W a distance of 278.36 feet to a point; thence along the southwesterly line of Block One of said Railhead Industrial Park as Amended the following 2 courses: 22.97 feet along the arc of a curve concave to the northeast, having a radius of 478.34 feet, a delta angle of 02°45'06" and a long chord bearing N 57°53'32" W a distance of 22.97 feet to a point; N 56°31'00" W a distance of 1019.82 feet to a point; thence leaving the southwesterly line of said Block One N 33°29'00" E a distance of 320.00 feet to a point on the southwesterly right of way line for said River Road; thence N 33°29'00" E a distance of 368.11 feet to a point on the northeasterly right of way line for U.S. Highway 6 & 50 (I70B); thence S 56°31'00" E along said northeasterly right of way line a distance of 844.24 feet to a point on the section line common with Section 31,

Township 1 North, Range 1 West and Section 6, Township 1 South, Range 1 West; thence S 89°44'57" W along said section line a distance of 576.22 feet to a point on the southwesterly right of way line for the Southern Pacific Transportation Railroad; thence S 56°31'00" E along said southwesterly right of way line a distance of 486.77 feet to a point; thence leaving said southwesterly right of way line S 33°29'00" W a distance o 48.11 feet to the point of beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of November, 2000; and

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

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

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

ADOPTED this day of , 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA MOVING ANNEXATION

**APPROXIMATELY 12.38 ACRES
LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BLVD.
(KNOWN AS 637 RAILROAD BLVD. ON THE ASSESSOR'S RECORDS)**

WHEREAS, on the 20th day of September, 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 1st day of November, 2000; and

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

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

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

**PERIMETER BOUNDARY LEGAL DESCRIPTION
MESA MOVING ANNEXATION**

A parcel of land situate in the NW 1/4 of Section 6, Township 1 South, Range 1 West and in the SW 1/4 of Section 31, Township 1 North, Range 1 West all of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Block One of Railhead Industrial Park as Amended, whence the N 1/4 corner of Section 6, Township 1 South, Range 1 West bears N 56°31'00" W a distance of 628.81 feet & N 89°44'57" E a distance of 933.17 feet; thence N 56°31'00" W along the southwesterly right of way line for River Road a distance of 70.00 feet to the True Point of Beginning of the parcel described herein; thence leaving the southwesterly right of way line for said River Road S 14°46'37" E a distance of 100.00 feet to a point on the westerly right of way line for Railroad Boulevard; thence 282.38 feet along

the westerly right of way line for said Railroad Boulevard and arc of a curve concave to the east, having a radius of 482.24 feet, a delta angle of 33°33'00" and a long chord bearing S 08°46'23" W a distance of 278.36 feet to a point; thence along the southwesterly line of Block One of said Railhead Industrial Park as Amended the following 2 courses: 22.97 feet along the arc of a curve concave to the northeast, having a radius of 478.34 feet, a delta angle of 02°45'06" and a long chord bearing N 57°53'32" W a distance of 22.97 feet to a point; N 56°31'00" W a distance of 1019.82 feet to a point; thence leaving the southwesterly line of said Block One N 33°29'00" E a distance of 320.00 feet to a point on the southwesterly right of way line for said River Road; thence N 33°29'00" E a distance of 368.11 feet to a point on the northeasterly right of way line for U.S. Highway 6 & 50 (I70B); thence S 56°31'00" E along said northeasterly right of way line a distance of 844.24 feet to a point on the section line common with Section 31, Township 1 North, Range 1 West and Section 6, Township 1 South, Range 1 West; thence S 89°44'57" W along said section line a distance of 576.22 feet to a point on the southwesterly right of way line for the Southern Pacific Transportation Railroad; thence S 56°31'00" E along said southwesterly right of way line a distance of 486.77 feet to a point; thence leaving said southwesterly right of way line S 33°29'00" W a distance o 48.11 feet to the point of beginning.

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

INTRODUCED on first reading on the day of _____, 2000.

ADOPTED and ordered published this day of _____, 2000.

Attest:

President of the Council

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Mesa Moving Zone of Annexation		
Meeting Date:	November 1, 2000		
Date Prepared:	October 19, 2000		
Author:	Lori V. Bowers	Associate Planner	
Presenter Name:	Lori V. Bowers		
	Workshop	X	Formal Agenda

Subject: Second reading of the zone of annexation ordinance for Mesa Moving Annexation, located at 2225 River Road and 681 Railroad Blvd. (also known as 637 on the Assessor's records) to the zoning designation of I-2 (Heavy Industrial) File # ANX-2000-177.

Summary: The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

Background Information: See Attached
Budget: N/A

Action Requested/Recommendation: Second reading of the zone of annexation ordinance for Mesa Moving Annexation to I-2 (Heavy Industrial) and set a hearing for November 1, 2000.

Citizen Presentation:		No	X	Yes	If Yes,
Name:	David Smuin representative for Saad Family LLC				
Purpose:					

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	X	Indiv. Consideration		Workshop
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AGENDA TOPIC: Second reading of the Zone of Annexation Ordinance for Mesa Moving, file # ANX-2000-177.

SUMMARY: The Petitioner is requesting that the zoning designation of I-1 (Light Industrial) be placed upon the property upon annexation to the City. Staff is suggesting the zoning designation of I-2 (Heavy Industrial). The applicants are currently in the site plan review process for a new structure to house a truck service and repair facility.

ACTION REQUESTED: First reading of the Zone of Annexation Ordinance for Mesa Moving to I-2 (Heavy Industrial) located at 2225 River Road and 681 Railroad Blvd.

BACKGROUND INFORMATION					
Location:		2225 River Road & 681 Railroad Blvd.			
Applicants:		Mesa Moving c/o Saad Family LLC, David Smuin of Hydro Terra Inc., representative.			
Existing Land Use:		Vacant land and Mesa Moving business			
Proposed Land Use:		Truck service and repair			
Surrounding Land Use:	North	River Road/Railroad tracks/Highway 6 & 50/ Truck stop			
	South	Railroad Ave. and vacant land (United Companies)			
	East	United Companies			
	West	Vacant land / McCarr Co.			
Existing Zoning:		County Planned Industrial			
Proposed Zoning:		I-2			
Surrounding Zoning:	North	City C-2 (Heavy Commercial) and I-1 (Light Commercial)			
	South	County Planned Industrial			
	East	County Planned Industrial			
	West	County AFT			
Growth Plan Designation:		Commercial Industrial			
Zoning within density range?		X	Yes		No

Project Analysis:

Zone of Annexation / Rezoning: The petitioner is requesting approval of the zone of annexation/rezoning of approximately 12.38 acres to the zoning designation of I-1 (Light Industrial). Staff recommends the zone of I-2 (Heavy Industrial). The zone of I-2 is consistent

with the Mesa County zoning designation of P-I (Planned Industrial). This zoning designation is also consistent with previous annexation zonings in this subdivision of I-2. The Growth Plan designates this area as a Commercial Industrial area. The zone of I-2 (Heavy Industrial) will accommodate the existing use of warehousing and the proposed future use of a truck service facility.

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

1. The existing zoning was in error at the time of adoption;

The zoning at the time of adoption was not in error.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

There has been no change in the character of the neighborhood.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or nuisances;

The proposed zone of annexation/rezone is compatible with the neighborhood and should not create any adverse impacts.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

The proposal conforms to the goals, policies and requirements of the Code. The Growth Plan suggests a lighter use. The Persigo agreement allows the City to assign a zoning designation similar to what the existing County zoning is, which in this case the zone of I-2 (Heavy Industrial) is consistent.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Adequate facilities currently exist on the property.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and

7. The community or neighborhood will benefit from the proposed zone.

STAFF RECOMMENDATION:

Staff and Planning Commission recommend to the City Council approval of the request for the zone of annexation from County P-I to the City zoning designation of I-2 (Heavy Industrial) for the Mesa Moving Annexation, located at 2225 River Road and 681 Railroad Blvd.

Attachments:
Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Zoning the Mesa Moving Annexation to I-2 (Heavy Industrial)

Located at 2225 River Road & 681 Railroad Boulevard

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an I-2 (Heavy Industrial) zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-2 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned the I-2 (Heavy Industrial) zone district

Includes the following tax parcels #2945-062-04-003 & 2945-062-04-005

**PERIMETER BOUNDARY LEGAL DESCRIPTION
MESA MOVING ANNEXATION**

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Commencing at the northeast corner of Block One of Railhead Industrial Park as Amended, whence the N 1/4 corner of Section 6, Township 1 South, Range 1 West bears N 56°31'00" W a distance of 628.81 feet & N 89°44'57" E a distance of 933.17 feet; thence N 56°31'00" W along the southwesterly right of way line for River Road a distance of 70.00 feet to the True Point of Beginning of the parcel described herein; thence leaving the southwesterly right of way line for said River Road S 14°46'37" E a distance of 100.00 feet to a point on the westerly right of way line for Railroad Boulevard; thence 282.38 feet along the westerly right of way line for said Railroad Boulevard and arc of a curve concave to the east, having a radius of 482.24 feet, a delta angle of 33°33'00" and a long chord bearing S 08°46'23" W a distance of 278.36

feet to a point; thence along the southwesterly line of Block One of said Railhead Industrial Park as Amended the following 2 courses:

1) 22.97 feet along the arc of a curve concave to the northeast, having a radius of 478.34 feet, a delta angle of 02°45'06" and a long chord bearing N 57°53'32" W a distance of 22.97 feet to a point;

2) N 56°31'00" W a distance of 1019.82 feet to a point;

thence leaving the southwesterly line of said Block One N 33°29'00" E a distance of 320.00 feet to a point on the southwesterly right of way line for said River Road; thence N 33°29'00" E a distance of 368.11 feet to a point on the northeasterly right of way line for U.S. Highway 6 & 50 (I70B); thence S 56°31'00" E along said northeasterly right of way line a distance of 844.24 feet to a point on the section line common with Section 31, Township 1 North, Range 1 West and Section 6, Township 1 South, Range 1 West; thence S 89°44'57" W along said section line a distance of 576.22 feet to a point on the southwesterly right of way line for the Southern Pacific Transportation Railroad; thence S 56°31'00" E along said southwesterly right of way line a distance of 486.77 feet to a point; thence leaving said southwesterly right of way line S 33°29'00" W a distance of 48.11 feet to the point of beginning.

Introduced on first reading this 18th day of October, 2000.

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

President of the Council

ATTEST:

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Renaissance in the Redlands Filing 2 – Vacation of Easements		
Meeting Date:	November 1, 2000		
Date Prepared:	October 25, 2000		
Author:	Kristen Ashbeck	Senior Planner	
Presenter Name:	Same		
	Workshop	X	Formal Agenda

Subject: FP-2000-126 Renaissance in the Redlands Filing 2

Summary: Request to vacate temporary turnaround and utility easement at the end of existing Athens Way.

Background Information: See attached staff report.

Budget: N/A

Action Requested/Recommendation: Adopt ordinance vacating temporary turnaround and utility easement.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Vince Popish, Independent Survey				
Purpose:	Representing Petitioner				

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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AGENDA TOPIC: FP-2000-126 Renaissance in the Redlands Filing 2

SUMMARY: Request to vacate temporary turnaround and utility easement.

BACKGROUND INFORMATION			
Location:		Renaissance Boulevard and South Camp Road	
Applicant:		Cobble Ridge Construction Representative: Independent Survey, Vince Popish	
Existing Land Use:		Vacant	
Proposed Land Use:		Detached Single Family	
Surrounding Land Use:	North	Vacant	
	South	Single Family Residential (Filing 1)	
	East	Vacant	
	West	Liberty Baptist Church	
Existing Zoning:		Residential Single Family 4 units per acre (RSF-4)	
Proposed Zoning:		Same	
Surrounding Zoning:	North	PD	
	South	RSF-4	
	East	RSF-4 and PUD (Mesa County)	
	West	RSF-4	
Growth Plan Designation:		Residential (2 to 4units per acre)	
Zoning within density range?		X	Yes
			No

ACTION REQUESTED: Approve vacation of temporary turnaround and utility easement.

STAFF ANALYSIS

Project Background/Summary: The applicant is proposing to subdivide the remaining 13.8-acre portion of the Renaissance in the Redlands into 39 detached single family residential lots. This constitutes the second and final filing of the project. The Final Plat

for the subdivision was approved by the Planning Commission at its October 10, 2000 meeting.

Per the adopted Minor Street Plan for this area, proposed access to the project will primarily be from the extension of Renaissance Boulevard to the westerly property line. The street system of Filing 2 also connects with that of Filing 1 with an extension of Athens Way. A street stub will be provided to the north property line for the potential access to the adjacent undeveloped parcel.

Since this is the second filing of an existing subdivision, all utilities are available and can be extended in the rights-of-way and easements of the proposed streets within Filing 2. The various utilities made no comments of significance regarding the proposed project. The site is to be irrigated with existing rights for the property.

Vacation of Easement. The applicant is requesting to vacate a temporary turnaround and utility easement at the end of the presently-constructed Athens Way. The easement was platted with Filing 1 and is no longer needed. The vacation requests meet the criteria of Section 2-11 of the Zoning and Development Code as follows.

Conforms with Adopted Plans of the City. The vacation request conforms with the Growth Plan, major street plan and other adopted plans and policies of the City.

Landlocking. No parcel will be landlocked as a result of the vacation.

Restricted Access. Access will not be restricted to any parcel due to the vacation request.

No Adverse Impacts. The vacation will not have adverse impacts on health, safety, and/or welfare of the general community.

Provision of Public Services. Provision of public services will not be impacted by the proposed vacation.

Benefits to City. The vacation will allow for the completion of a desired public street (Athens Way) connecting portions of this neighborhood.

PLANNING COMMISSION RECOMMENDATION (10/10/00 – 5-0):

Recommendation of approval of the vacation of temporary turnaround and utility easement with the finding that the vacation is consistent with the Growth Plan, the Major Street Plan and Section 2.11 of the Zoning and Development Code.

- Attachments:
- a. Vacation Ordinance
 - b. General Location Map
 - c. Reductions of plat showing easement to be vacated.

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

VACATING A TEMPORARY TURNAROUND ACCESS AND UTILITY EASEMENT FOR ATHENS WAY

The applicant is proposing to construct Filing 2 of the Renaissance In The Redlands subdivision on the vacant parcel northwest of the intersection of Renaissance Boulevard and South Camp Road. When the first filing of this subdivision was platted, a temporary turnaround and utility easement for Athens Way was required. The applicant is proposing to vacate the easement that was previously dedicated with Filing 1 and replace it with dedication and construction of an extension of Athens Way to the northern part of the site.

The Grand Junction Planning Commission, having heard and considered the request at its October 10, 2000 hearing and found the criteria of Section 2-11 of the Zoning and Development Code to have been met, recommended approval of the vacation request.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE TEMPORARY TURNAROUND ACCESS AND UTILITY EASEMENT FOR ATHENS WAY DESCRIBED BELOW IS HEREBY VACATED:

Commencing at the Northeast corner of the NW4 SW4 of Sec 18 T1S R1W, of the UM, from the Southeast corner of the NW4 SW4 of Sec 18, bears S0°29'29"E, 1320.45'; along said line S0°29'29"E, 632.52', to the Northeast corner of Block 2 of Renaissance in the Redlands; S89°38'00"W, 138.46' to the Point of Beginning. Along a curve to the right with a radius of 20.00' and a length of 17.87' whose chord bears N25°13'25"E, 17.28' to a point of radius of 47' and a length of 231.62' whose chord bears S89°38'00"W, 58.93 to a point of reverse curvature; along said curve to the right with a radius of 20.00' and a length of 17.87', whose chord bears S25°57'25"E, 17.28'; S00°22'00"E, 12.82'; thence said easement contains 0.174 acres as described.

INTRODUCED for FIRST READING and PUBLICATION this 18th day of October, 2000.

PASSED on SECOND READING this _____ day of _____, 2000.

ATTEST:

City Clerk

President of Council

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Second Reading of the Ordinance vacating a temporary Turn Around Easement located on Lot 1, Block 8, The Knolls Subdivision, Filing 2	
Meeting Date:	November 1, 2000	
Date Prepared:	October 25, 2000	
Author:	Lori V. Bowers	Associate Planner
Presenter Name:	Lori V. Bowers	
	Workshop	X Formal Agenda

Subject: Second reading of the ordinance vacating a temporary turn-around easement located on Lot 1, Block 8, The Knolls Subdivision, Filing 2

Summary: First reading of the ordinance to vacate the temporary turn-around easement for The Knolls Subdivision, Filing 2. The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27 ½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turn-around had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request. File #FPP-2000-141.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Second reading of the ordinance to vacate the temporary turn-around right-of-way easement located on Piazza Way, the Knolls Subdivision, Filing 2.

Citizen Presentation:	X	No		Yes If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	X	Indiv. Consideration		Workshop
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AGENDA TOPIC: Second reading of the ordinance to vacate the temporary turn-around easement for The Knolls Subdivision, Filing 2. The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27 ½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turn-around had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request. File #FPP-2000-141.

SUMMARY: On July 18, 2000, the Planning Commission approved a new preliminary plan for The Knolls Subdivision. The approval allowed for a Growth Plan Amendment from Residential Medium (4 to 8 du/ac) to Residential Medium Low (2 to 4 du/ac). With the reduced density a rezone to a new Planned Development (PD) zone was approved, all under the old code. (Also approved was a variation in the street standards for the patio homes in future filings). This Subdivision is 32.518 acres in size. With the development of Filing 4, the applicants are requesting a vacation of a temporary turn-around easement. A temporary turn-around had previously been used for traffic on Piazza Way heading south. It is no longer needed as Piazza Way will be constructed and extended to 27 ½ Road. Staff and Planning Commission recommend approval of the vacation of the temporary turn around right-of-way.

ACTION REQUESTED: Second reading of the ordinance to vacate the temporary turnaround right-of-way easement located on Piazza Way, the Knolls Subdivision, Filing 2.

BACKGROUND INFORMATION		
Location:		South of SE Corner 27 ½ & Cortland Road
Applicants:		O.P. Development Co. LLC
Existing Land Use:		Vacant
Proposed Land Use:		Residential (24 Single-Family Homes)
Surrounding Land Use:	North	Single Family (The Knolls)
	South	Single Family (Spring Valley)
	East	Single Family (Spring Valley)
	West	Single family residential & vacant
Existing Zoning:		PD2.5
Proposed Zoning:		No change proposed
Surrounding Zoning:	North	Planned Development
	South	RMF-5
	East	RSF-4 & RMF-5

	West	RMF-5		
Growth Plan Designation:	Residential Medium 4 to 8 units per acre			
Zoning within density range?	X	Yes		No

Staff Analysis

Background: The Knolls Planned Development, originally approved in 1997, was 66 acres in size. It included 33.8 acres in Filings 1-3 located north of this site, including a 4.8-acre church site, and 25.87 acres to the south that encompasses a portion of this development application. There were both single family and patio homes in both the north and south portions of the development. A portion of the site to the north is located in the Airport Critical Zone, which at the time allowed residential development at densities up to 4 dwellings per acre. Roughly the northern portion of the site was in the Residential Medium Low 2 to 4 dwelling units per acre, land use designation, and the southern portion was in the higher 4 to 8 dwelling units per acre area. Despite this difference the entire development, excluding the church site, was zoned to a planned residential zone of 2.7 dwelling units per acre.

The preliminary plan for the Knolls expired and the developer had acquired an additional 6.6-acre parcel. On July 18, 2000, the Planning Commission approved with conditions a Growth Plan Amendment to a lower density; rezoned the parcel to PD2.5; approved a new Preliminary Plat and Plan; and approved a variation in the street standards for the patio homes.

The Applicant is now requesting approval for the vacation of a temporary turn-around easement on Piazza Way since Piazza Way will now be constructed to 27 ½ Road.

Access: Two access points are provided to The Knolls subdivision. All streets in the development access Piazza Way, for access to either Cortland Road to the north, via Filings 1-3, or to 27 ½ Road to the west. The temporary turn-around easement can now be vacated with the completion and connection of Piazza Way. Staff and Planning Commission support the vacation of this easement and find it compliant with Section 2.11 of the Zoning and Development Code. The purpose of section 2.11 is to permit the vacation of surplus right-of-ways and /or easements.

STAFF AND PLANNING COMMISSION RECOMMENDATION: Approval

Attachments to this report include the following:

- Ordinance
- Location map
- Subdivision map

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

**VACATING THE TEMPORARY TURN AROUND EASEMENT ON PIAZZA WAY, THE
KNOLLS SUBDIVISION, FILING 2**

Recitals:

The Planning Commission at their September 19, 2000 meeting recommended approval of the vacation of the temporary turn around provided on Piazza Way in the Knolls Subdivision, Filing 2. The City Council hereby finds that the vacation of the right-of-way is in compliance with the criteria set forth in Section 2.11 of the Zoning and Development Code.

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

That the land described below, known as the temporary turn around on Piazza Way right-of-way, is hereby vacated:

DESCRIPTION OF A TEMPORARY TURN AROUND EASEMENT

An easement located Lot 1, Block 8 of Knolls Subdivision, Filing 2, located in the SW 1/4 of the NE 1/4 of Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and is more particularly described as follows:

Beginning at the northwesterly corner of the easement, which is on the right-of-way line of Piazza Way and Tract B, Knolls Subdivision, Filing 2, located in the SW 1/4 of the NE 1/4 of Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 16 at Pages 87 through 90 in the office of the Mesa County Clerk and Recorder, from whence an angle point on the southerly boundary line of said Tract B bears S 68° 06' 13" W, 236.66 feet, with all other bearings contained herein being relative to the recorded plat of said Knolls Subdivision, Filing 2;

1. Thence S 38° 52' 51" E, 14.17 feet;
2. Thence southeasterly 17.82 feet along the arc of a circular curve to the right with a radius of 20.00 feet, a delta of 51° 03' 19" and a chord bearing S 13° 21' 11" E, 17.24 feet;

3. Thence northeasterly 231.61 feet along the arc of a circular curve to the left with a radius of 47.00 feet, a delta of 282° 20' 42" and a chord bearing N 51° 00' 07" E, 58.94 feet;

4. Thence northwesterly 18.45 feet along the arc of a circular curve to the right with a radius of 20.00 feet, a delta of 52° 51' 40" and a chord bearing N 63° 44' 23" W, 17.80 feet;

5. Thence S 68° 06' 13" W, 46.03 feet to the point of beginning.

The easement as described above contains 7602 square feet more or less.

INTRODUCED for FIRST READING and PUBLICATION this 18th day of October, 2000.

PASSED on SECOND READING this _____ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Adoption of 2000 International Building Codes	
Meeting Date:	November 1, 2000	
Date Prepared:	September 27,2000	
Author:	Bob Lee	Mesa County Building Department
Presenter Name:	Mark Relph	Public Works & Utilities Director
	Workshop	X Formal Agenda

Subject: Adoption of an Ordinance thereby adopting the 2000 International Building Codes plus related amendments and the 2000 Uniform Plumbing Code plus related amendments.

Summary: The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International codes to include: International Building, Residential, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

Background:

Prior to the year 2000, there were three major codes used in the United States. They were the BOCA, Southern and the Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. The Uniform Codes will no longer be printed. The end result is a series of codes that are more user-friendly and in some cases, less restrictive. With few exceptions, the least restrictive requirements of all the codes were used to formulate the new versions. A residential code has been created that places all residential building, plumbing, mechanical, insulation and fuel gas requirements into one manual. This code has been well received by the homebuilders.

The state of Colorado adopts a plumbing code and the Statutes allow local jurisdictions to adopt a different code provided it is not inferior to that of the states. The code adopted by the state is the Uniform Plumbing Code. There is some question as to the

International Plumbing Code (IPC) being an inferior code to that of the state. Recently, lawsuits have been filed against some Front Range jurisdictions that are attempting to adopt the IPC. Staff recommends adopting the same code as the state until this issue is settled at which time we would propose to change to the IPC.

This adoption process began in early summer with the formulation of a steering committee. The committee was made up of representatives of all the local contractor groups, design professionals, fire officials, city and county officials and citizens. All of the committee recommendations were incorporated into the proposed adoption. The steering committee completed its process in late August with a recommendation for adoption of this ordinance.

The Mesa County Building Department has developed a contractor-training program. To date they have conducted training for the commercial and residential contractors and more classes are planned for the near future. Classes will be conducted for the plumbing and mechanical trades later this fall. This program is ongoing.

Mesa County is moving for adoption of the 2000 codes, to be effective in late November. Due to the fact that the city contracts with the county for building inspection services, we need to adopt the same codes to eliminate enforcement problems.

Budget: N/A

Action Requested/Recommendation: Recommend City Council adopt the 2000 International Building Codes and the 2000 Uniform Plumbing Code as amended.

Citizen Presentation:	<input type="checkbox"/>	No: X	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GRAND JUNCTION, COLORADO, ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE UNIFORM PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AUTHORIZING FEES TO BE SET BY RESOLUTION AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed. After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the Codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction. The ordinance further provides for issuance of permits and collection of fees.

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

Adoption and Amendment of the International Building Code:

The International Building Code, 2000 Edition, promulgated by the International Code Council, Inc. together with amendments set forth below (hereafter "IBC

or International Building Code”) is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

The following chapters of the Appendix of the International Building Code, 2000 Edition, are adopted:

Chapter C, Group U-Agricultural Buildings

Chapter I, Patio Covers

No other chapters of the Appendix are adopted.

Amendments to International Building Code.

The building code adopted in Section 1, of this Part 4, is hereby amended as follows:

Section 105.2: Section 105.2 is amended by the addition of the word Platforms to Section 105.2, Item 6.

Section 108: Section 108 is amended by the addition of following Subsection 108.7. No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

Section 108.2: Section 108.2 is amended by the addition of Table 108-A, Fee Schedule, for building permits and/or combinations of building, mechanical,

plumbing, electrical, fuel gas piping and pool, hot tub and spa permits. (Copy of Table 108-A, Fee Schedule, in on file in the Building Inspection office).

Section 108.6: *Section 108.6* is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

Section 109: *Section 109* is amended by addition of Subsection 109.7 as follows:
No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

Section 112: *Section 112* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section 302: *Section 302*, Table 302.1.1 is amended to read: Storage rooms over 100 square feet in Group I and H occupancies.

Section 302: *Section 302*, Table 302.3.3 is amended by changing footnote b. to read: Occupancy separation need not be provided for incidental storage areas within all occupancies except Group I and H if the: Remainder of footnote b. remains unchanged.

Section 1003: *Section 1003.2.2.2* is amended to change maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

Section 1003.3.3.3: Section 1003.3.3.3 is amended to add Exception Item 7 to read: Within individual dwelling units of Group R-2 occupancies the maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

Section 1704.1: Section 1704.1 is amended to change the first paragraph to read: Where an application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owners agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Sections 1704 and 109.3.4.

All references in the International Building Code to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

Adoption and Amendment of the Uniform Plumbing Code:

Adoption of Uniform Plumbing Code.

- (a) The Uniform Plumbing Code, 2000 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, together with amendments set forth below (hereafter “UPC or Uniform Plumbing Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.
- (b) The following chapters of the Appendix of the Uniform Plumbing Code, 2000 Edition, are adopted.

Appendix A- Recommended Rules for Sizing the Water Supply

System

Appendix B- Explanatory Notes on Combination Waste and Vent
Systems

Appendix C- Sizing of Category 1 Venting

Appendix D- Sizing of Storm water Drainage Systems

Appendix H- Recommended Procedures for Design, Construction
and Installation of Commercial Kitchen Grease Interceptors

Appendix I Installation Standards

No other chapters of the Appendix are adopted.

Amendments to Uniform Plumbing Code.

The plumbing code adopted in Section 1 of this Part 5 is hereby amended as follows:

Section 102.3.2: *Section 102.3.2* is amended by deletion of the section and replacing with the following: Section 102.3.2 Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereto shall be subject to penalties as prescribed in Part 16 of this ordinance.

Section 103.4.1: *Section 103.4.1* is amended by deletion of the section and replacing with the following: Section 103.4.1 Permit Fees. A fee for each permit shall be as set forth in Part 4, Section 2, (c) of this ordinance.

Section 102.3.3: The UPC is amended to add Section 102.3.3 Board of Appeals.

The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section 103.4.2: Section 103.4.2 is amended by deletion of the section.

Chapter 12 and 13 are amended by deletion.

Adoption and Amendment of the International Mechanical Code:

Adoption of International Mechanical Code.

The International Mechanical Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IMC or International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

The following chapters of the Appendix of the International Mechanical Code, 2000 Edition, are adopted:

Chapter A, Combustion Air Openings and Chimney Connector
Pass-Throughs.

No other chapters of the Appendix are adopted.

Amendments to International Mechanical Code.

The mechanical code adopted in Section 1 of this Part 6 is hereby amended as follows:

Section 108.4: *Section 108.4* is amended by deletion of the section and replacing with the following: *Section 108.4 Violation Penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by in Part 16 of this ordinance.

Section 109: *Section 109* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

International Mechanical Code, 2000 Edition, references to the 2000 International Energy Conservation Code shall hereafter be changed to reference the 1998 International Energy Conservation Code.

International Mechanical Code, 2000 Edition, references to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

Adoption and Amendment of the International Fuel Gas Code:

Adoption of International Fuel Gas Code

The International Fuel Gas Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IFGC or International Fuel Gas Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

The following chapters of the Appendix of the International Fuel Gas Code, 2000 Edition, are adopted.

Chapter A, Sizing and Capacities of Gas Piping

Chapter B, Sizing of Vent Systems

Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

No other chapters of the Appendix are adopted.

Amendments to International Fuel Gas Code.

The fuel gas code adopted in Section 1 of this Part 7, is hereby amended as follows:

Section 108.4: Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violations Penalties. Any person who violates

a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Part 16 of this ordinance.

Section 109: Section 109 is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

International Fuel Gas Code, 2000 Edition, references to the 2000 International Energy Conservation Code shall hereafter be changed to reference the 1998 International Energy Conservation Code.

Section 404.4: Section 404.4 is amended by deletion and replacing with the following: Section 404.4. Underground piping outside of buildings shall terminate at exterior aboveground locations and shall enter buildings in exposed locations.

International Fuel Gas Code, 2000 Edition, references to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

Adoption and Amendment of the International Property Maintenance Code:

Adoption of International Property Maintenance Code.

The International Property Maintenance Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IPMC or International Property Maintenance Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

Amendments to International Property Maintenance Code.

The property maintenance code adopted in Section 1 of this Part 8, is hereby amended as follows:

Section 111: Section 111 is amended by the deletion of Sections 111.2, 111.2.1, 111.2.2, 111.2.3 and 111.2.4. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section 302: Section 302 is amended by deletion thereof.

Section 305: Section 305 is amended by deletion thereof.

Section 306: Section 306 is amended by deletion thereof.

Adoption and Amendment of the International Residential Code:

Adoption of International Residential Code.

The International Residential Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IRC or International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one-and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

The following chapters of the Appendix of the International Residential Code, 2000 Edition, are adopted.

Chapter H, Patio Covers

No other chapters of the Appendix are adopted.

Amendments to International Residential Code.

The residential code adopted in Section 1 of this Part 9, is hereby amended as follows:

Section R105.2: Section R105.2, Item 5, is amended to read Sidewalks, Driveways and Platforms.

Section R105.2: Section R105.2 is amended by addition of the following new sub sections;

Building Item 10. Re-siding of building regulated by this code.

Building Item

Section R105.3.1.1: Section R105.1.1.1 is amended by deletion thereof.

Section R106.3.1: Section R106.3.1 is amended by deletion of the second sentence of first paragraph. The building official shall retain one set of construction documents so reviewed.

Section R106.5: Section R106.5 is amended by deletion thereof.

Section R112: Section R112 is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section R112.2.3: Section R112.2.3 is amended by deletion thereof.

Section R112.2.4: Section R112.2.4 is amended by deletion thereof.

Section R301.2.4: Section R301.2.4 is amended by deletion thereof.

Section R302.1: Section R302.1 is amended to change the first paragraph to read:

Exterior walls with a fire separation distance less than 3 feet shall have not less than one-hour fire-resistive rating with exposure from both sides or when two residential buildings adjoin at a property line, a concrete or masonry wall with a minimum 3 hour fire-resistive rating is permitted when constructed per Sections R321.2, R321.2.1, R321.2.2, R321.2.3 and R321.2.4 for townhouses.

Section R309.3: Section R309.3 is amended by deletion of the second paragraph.

Section R309.5: Section R309.5 is amended by deletion thereof.

Section R314.2: Section R314.2 is amended by deletion of the first sentence of first paragraph and replacing with the following: The maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

Section R315.1: Section R315.1 is amended by deletion of second sentence of first paragraph and replacing with the following: All required handrails shall be continuous the full length of the stairs with four or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of a flight.

Section R327: Section R327 is amended by deletion thereof.

Section R908: The IRC is amended to add Section 908. Roof Covering Requirements in Wildfire Hazard Areas.

Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

Section R908.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPA C1.

Section 908.3. Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

(q) The IRC is amended by deletion of Chapters 25, 26, 27, 28, 29, 30, 31 and 32 in their entirety.

Adoption of the International Energy Conservation Code:

Adoption of the International Energy Conservation Code

The International Energy Conservation Code, 1998 Edition, promulgated by the International Code Council Inc. (hereafter "IECC or International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

Adoption of the National Electric Code:

Adoption of National Electric Code

The National Electric Code as promulgated by the National Fire Protection Association, Batterymarch Park, and Quincy, Massachusetts and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S. Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by the jurisdiction.

Repeal of Conflicting Provisions:

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

Board of Appeals, Appeals Procedures:

A common appellate procedure and Board of Appeals to hear all appeals arising under Codes adopted herein, EXCEPT with respect to the National Electric Code is contained within this Part.

In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of this code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Chief Building Official shall be an ex-officio member of and shall act as secretary to said board. The Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure. The Board shall adopt rules and procedures for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Chief Building Official.

The Board of Appeals shall have jurisdiction to decide any appeals from the Chief Building Official if the decision of the Chief Building Official concerns suitability of alternate materials, methods of construction or a reasonable interpretation of the code. The Board of Appeals shall not hear appeals of life safety items, administrative provisions of the codes nor shall the Board of Appeals be empowered to waive requirements of the codes. The first order of business at any hearing of the Board of Appeals shall be to determine if it has jurisdiction to hear the appeal.

Any appeal to the Board of Appeals shall be preceded by a written appeal to the Chief Building Official, who shall reply in writing. The decision of the Chief Building Official may be appealed to the Board of Appeals, within ten days from the date of the decision of the Chief Building Official, a Notice of Appeal

together with a copy of the original written appeal to the Chief Building Official and a copy of the Chief Building Officials decision.

The Board of Appeals shall meet within 30 days of the written appeal, hear evidence and argument if it deems appropriate, and shall render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant.

Administration:

The Director of Public Works and Utilities as Chief Building Official of the City by and through a contractual arrangement with the Mesa County Building Department shall administer and enforce such codes as are adopted and provided for in this ordinance and as otherwise provided by law. Fees and costs other than for or resulting from a violation, penalty or enforcement action shall be set by separate resolution adopted by the City Council, which fees and charges may be amended from time to time by resolution.

Violation and Penalty:

The penalties imposed for violation of the Codes and of the statutory sections authorizing their adoption are as follows:

Any person, firm or corporation violating this Ordinance or any provision of any adopted code herein is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a

separate offense. In case any building or structure is or is proposed to be erected, constructed, remodeled, used or maintained in violation of this part or of any provision of this ordinance the City Attorney may institute an appropriate action injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use. The City Attorney may use or enforce any remedies provided by law or in equity. Jurisdiction for any action brought under this ordinance shall be in the Municipal Court of the City of Grand Junction and such action shall be heard and decided in accordance with the rules of that court.

Miscellaneous Provisions:

- (a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.
- (2) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any

prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

- (3) *Copies of Code Available for Inspection.* At least three (3) copies of each of the Codes hereby adopted; all certified to be true copies, are now and shall remain on file with the Mesa County Building Department.
- (4) *Nonassumption, nonwaiver.* The City of Grand Junction, its officials, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under service or an act of assistance for the benefit of any person under service or an act of assistance for the benefit of any person under this Ordinance. The adoption of these Codes shall not give rise to a duty of care. The enforcement or failure to enforce this Ordinance or the mere fact that an inspection was conducted in the course of enforcing this Ordinance shall not give rise to a duty of care where none otherwise existed. Enactment of this Ordinance shall not constitute a waiver of sovereign immunity by the City of Grand Junction, its officials, employees and agents.

- (5) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

A public hearing on the adoption by reference thereto of the International Building Code, the Uniform Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on November 1, 2000 at 7:30 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S. Such notice shall specifically include but not necessarily be limited to a description of the purpose of the Code, the subject matter of the Code by title, that the Codes are promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401 and that the 2000 version of the Code is being adopted.

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. The clerk shall publish notice at least fifteen (15) and eight (8) days preceding said public hearing. The proposed ordinance and copies of the Codes may be inspected by interested persons between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

This Ordinance shall become Section 8 of the Code of Ordinances of the City of Grand Junction.

INTRODUCED ON FIRST READING this 4th day of October 2000.

PASSED and ADOPTED this ____ day of _____, 2000.

Gene Kinsey
President of the Council

Attest:

Stephanie Nye
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. * , was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the ___ day of _____, 2000 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least fifteen and eight days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ___ day of _____, 2000.

Stephanie Nye, CMC
City Clerk

