

**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, DECEMBER 20, 2000, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Scott Hogue, First Baptist Church

**CITIZEN COMMENTS**

**\* \* \* CONSENT CALENDAR \* \* \***

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

*Action: Approve the Summary of the December 4, 2000 Workshop and the Minutes of the Regular Meeting December 6, 2000*

2. **Authorize Regular Municipal Election to be Held by Mail Ballot** [Attach 2](#)

The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. Timelines for a mail ballot election differ from polling place elections. In order to go forward on January 2 with making nomination petitions available, as per the mail ballot timeline, Council needs to formally authorize the April, 2001 election to be conducted by mail ballot.

Resolution No. 130-00 – A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction for the April 3, 2001 Regular Municipal Election

*\*Action: Adopt Resolution No. 130-00*

Staff presentation: Stephanie Nye, City Clerk

3. **New Boundaries for Council Districts** [Attach 3](#)

Every two years a new voting district boundary resolution has been adopted, as allowed by City Charter, just prior to the regular election. This resolution helps to ensure the inclusion of all newly annexed areas into City voting districts. The interior boundaries of the districts have not been changed since 1993.

Tremendous growth has occurred in and around the City limits in the last seven years. The result has been that some voting districts have grown

disproportionately. The boundaries for the districts as established in the resolution rebalance Council district representation.

Resolution No. 134–00 – A Resolution Designating the Voting District Boundaries in the City of Grand Junction

*\*Action: Adopt Resolution No. 134–00*

Staff presentation: Stephanie Nye, City Clerk

4. **Grant from the Colorado Council on the Arts to the Grand Junction Commission on Arts and Culture** [Attach 4](#)

The Commission would like approval to accept a \$3,200 grant from the Colorado Council on the Arts in 2001. This funding will be added to the existing \$20,000 annual Commission support for local arts and cultural events, projects and programs.

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

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

5. **Authorizing the Exchange of Real Property Located at 2980 F Road with Gerald D. DuCray and Ted J. DuCray** [Attach 5](#)

The proposed resolution will authorize the conveyance of City property located on Purdy Mesa in exchange for property located adjacent to the Burkey Park property on Patterson Road.

Resolution No. 135–00 – A Resolution Authorizing the Exchange of Real Estate with Gerald D. DuCray and Ted J. DuCray

*\*Action: Adopt Resolution No. 135–00*

Staff presentation: Tim Woodmansee, Real Estate Manager

6. **Lease of City Property Located at 545 Noland Avenue to Donald Fugate, Jr. dba Don's Automotive** [Attach 6](#)

The proposed resolution will extend the term of the existing lease through December 31, 2002. The proposed action will also amend the existing lease by increasing the rent from \$3,000 per year (\$250/month) to \$4,650 per year (\$387.50/month)

Resolution No. 136–00 – A Resolution Amending and Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., Doing Business as Don's Automotive

*\*Action: Adopt Resolution No. 136–00*

Staff presentation: Tim Woodmansee, Real Estate Manager

7. **Grazing Leases for City Properties South of Whitewater** [Attach 7](#)

The proposed resolutions will extend the terms of these two existing leases through December 31, 2003. All other terms and conditions will remain unchanged.

a. **Lease with William Arthur Mertz for 240 Acres**

Resolution No. 137–00 – A Resolution Extending the Dry Grazing Lease of City Property with William Arthur Mertz

b. **Lease with Sally Marie Smith for 191 Acres**

Resolution No. 138–00 – A Resolution Extending the Dry Grazing Lease of City Property with Sally Marie Smith

*\*Action: Adopt Resolutions No. 137–00 and No. 138-00*

Staff presentation: Tim Woodmansee, Real Estate Manager

8. **Setting a Hearing on Rezoning Property Adjacent to Mesa State College from RMF-8 and B-1 to CSR** [File #RZ-2000-209] [Attach 8](#)

The petitioner is requesting rezoning 6 parcels adjacent to Mesa State College from RMF-8 and B-1 to CSR. Mesa State College or the Mesa State Foundation owns all parcels.

Proposed Ordinance Zoning 1315 College Place, 1405 College Place, 1435 College Place, 1450 N. 12<sup>th</sup> Street, 1460 N. 12<sup>th</sup> Street and 1235 Kennedy Avenue to CSR

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 3, 2001*

Staff presentation: Joe Carter, Associate Planner

9. **Setting a Hearing on Rezoning Colonial Heights Property, Located at the Southeast Corner of 25 Road and G Road, from PD-4.4 to RMF-8**

[File #RZ-2000-179]

[Attach 9](#)

The petitioner is requesting approval of a rezone of a 46.8-acre parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD 4.4 units per acre. The petitioner is requesting a zoning of RMF-8, Residential Multi-family 8 units per acre. The Planning Commission recommended denial of the zoning request. The applicant's appeal will be heard at the time of second reading of the zoning ordinance.

Proposed Ordinance Rezoning Property Located at the Southeast Corner of 25 Road and G Road from PD-4.4 to RMF-8

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 3, 2001*

Staff presentation: Joe Carter, Associate Planner

10. **Setting a Hearing on Amending Zoning Ordinance for Redlands Mesa**

[File #FP-2000-219]

[Attach 10](#)

A request to revise the zoning ordinance for Redlands Mesa to increase the maximum size of the golf clubhouse from 6,000 square feet to 9,000 square feet.

Proposed Ordinance Amending the Zoning Ordinance for Redlands Mesa

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 3, 2001*

Staff presentation: Kathy Portner, Planning Manager

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

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

11. **Public Hearing – Creating and Establishing Sanitary Sewer Improvement District No. SS-44-00 and Award Construction Contract for Area South of G Road, North of the Grand Valley Canal, East of 1<sup>st</sup> Street and West of 7<sup>th</sup> Street (Glen Caro and Northfield Estates No. 2)**

[Attach 11](#)

The owners of real estate located in the vicinity south of G Road, north of the Grand Valley Canal, east of 1<sup>st</sup> Street and west of 7<sup>th</sup> Street, have petitioned the City Council to create an improvement district for the installation of sanitary sewer facilities for the Glen Caro and Northfield Estates No. 2 sewer project. The public hearing, proposed resolution and contract award are the final steps in the formal process required to create the proposed improvement district.

**a. Resolution Creating Improvement District**

Resolution No. 139-00 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-44-00 within the Corporate Limits of the City of Grand Junction, Colorado; Authorizing the Installation of Sanitary Sewer Facilities and Adopting Details, Plans and Specifications for the Same

*\*Action: Adopt Resolution No. 139-00*

**b. Award Contract**

This project consists of two components: 1) Trunk Line Extension, and 2) Installation of facilities within the limits of the proposed district. The following bids were received for both components:

Mountain Valley Contracting	Grand Junction	\$ 391,979.35
MA Concrete Construction	Grand Junction	\$ 403,250.05
Skyline Contracting	Grand Junction	\$ 477,907.05
Sorter Construction	Grand Junction	\$ 534,948.65
Continental Pipeline Construction	Mesa	\$ 612,674.50
Engineer’s Estimate		\$452,530.50

*Action: Award Contract for the Construction of Sanitary Sewer Improvement District No. SS-44-00 to Mountain Valley Contracting in the Amount of \$391,979.35*

Staff presentation: Tim Woodmansee, Real Estate Manager

**12. Public Hearing - Amending Chapter 4 of the Zoning and Development Code Regarding Group Living Facilities [Attach 12](#)**

This ordinance makes major changes to Section 4.Q of the Zoning and Development Code, Group Living Facilities. The City has been requested to revisit this section of the Code as several issues were not addressed or considered in the original adoption. Various groups which met with City staff included representatives from Hilltop, Colorado West Mental Health, Mesa Developmental Services, Salvation Army, Community Corrections Board, and others.

Ordinance No. 3314 – An Ordinance Amending Chapter 4 of the Zoning and Development Code of the City of Grand Junction, Colorado

*\*Action: Adopt Ordinance No. 3314 on Second Reading*

Staff presentation: Stephanie Rubinstein, Staff City Attorney

13. **Public Hearing - Annexing Davidson/Wilcox Enclave, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands**  
[File #ANX-2000-208] [Attach 13](#)

Public hearing for second reading of the annexation ordinance to annex the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land.

Ordinance No. 3315 – An Ordinance Annexing the Territory to the City of Grand Junction, Colorado, Davidson/Wilcox Enclave Annexation, Located East of South Camp Road and North of Ute Water’s Water Tanks on the Redlands, Consisting of Approximately 5.11 Acres

*\*Action: Adopt Ordinance No. 3315 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

14. **Public Hearing - Zoning the Davidson/Wilcox Enclave Annexation to RSF-E, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands** [File #ANX-2000-208] Continued from December 6, 2000 Meeting  
[Attach 14](#)

Second reading of the zoning ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E) for the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land.

Ordinance No. 3316 – An Ordinance Zoning the Davidson/Wilcox Enclave Annexation to Residential Single Family Estate (RSF-E), Located East of South Camp Road and North of the Ute Water Tanks

*\*Action: Adopt Ordinance No. 3316 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

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

16. **OTHER BUSINESS**

17. **ADJOURNMENT**

## Attach 1

### GRAND JUNCTION CITY COUNCIL WORKSHOP

December 4, 2000

The City Council of the City of Grand Junction, Colorado, met on Monday, December 4, 2000 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey.

#### Summaries and action on the following topics:

1. **REDISTRICTING:** Discussion of Council's preferred option for redistricting the City Council election districts.

Three redistricting options were presented by City Clerk Stephanie Nye.

**Action Summary** – Council selected Option 1a. Staff will prepare a formal resolution to bring to Council on December 20, 2000.

2. **DE-BRUCING:** Council's discussion of de-brucing on the April election ballot.

Council discussed the proposed ballot issue and whether to tie the question to a specific project or projects or make the ballot question more general in nature.

**Action Summary** – Council decided there will be no debt question on this ballot, the debrucing term requested will be 15 years, the question will go on the April, 2001 ballot, the ballot language will be as general as possible and property tax will be excepted from the debrucing.

Councilmembers Terry and Spehar along with City Manager Arnold will craft proposed ballot language and bring it back for full Council review at the mini-workshop on Wednesday, January 3 (6 pm). City Manager Arnold will also have the resolution referring the measure to the ballot prepared for Council's review at that time.

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

**December 6, 2000**

The City Council of the City of Grand Junction convened into regular session the 6<sup>th</sup> day of December, 2000 at 7:30 p.m. at the City Auditorium. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, and President of the Council Gene Kinsey. Reford Theobald was absent. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

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

**PROCLAMATION EXTENDING BIRTHDAY WISHES TO DICK WOODFIN ON HIS 100<sup>TH</sup> BIRTHDAY**

Representative Matt Smith also read a proclamation from the State of Colorado for Mr. Woodfin.

**THE 2000 INDIVIDUAL ACHIEVEMENT AWARD PRESENTED TO BARBARA BOWMAN BY THE COLORADO TOURISM CONFERENCE**

**BOY SCOUT TROOP 388**

The Mayor recognized the attendance of Boy Scout Troop 388.

**CONSENT ITEMS**

It was moved by Councilmember Payne, seconded by Councilmember Scott and carried by a roll call vote to approve the Consent Calendar items #1 through 10.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the November 13, 2000 Joint City/County Persigo Boundary Meeting, the Minutes of the Regular Meeting November 15, 2000, the Minutes of the Special Meeting November 20, 2000 and the Summary of the November 27, 2000 Workshop*

2. **Levying Property Taxes for Collection in the Year 2001**

The resolutions set the mill levies of the City of Grand Junction, Ridges Metropolitan District #1 and #2, Grand Junction West Water and Sanitation District, and the Downtown Development Authority. The City and DDA mill levies



are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the purpose of refunding revenue collected in 1999 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The City will levy a temporary credit of 1.570 mills for the purpose of refunding approximately \$600,000.

- a. Resolution No. 120-00 – A Resolution Levying Taxes for the Year 2000 in the City of Grand Junction, Colorado
- b. Resolution No. 121-00 – A Resolution Levying Temporary Credit Taxes for the Year 2000 in the City of Grand Junction, Colorado
- c. Resolution No. 122-00 – A Resolution Levying Taxes for the Year 2000 in the Ridges Metropolitan District, a Part of the City of Grand Junction, Colorado
- d. Resolution No. 123-00 – A Resolution Levying Taxes for the Year 2000 in the Grand Junction West Water and Sanitation District, a Part of the City of Grand Junction, Colorado
- e. Resolution No. 124-00 – A Resolution Levying Taxes for the Year 2000 in the City of Grand Junction, Colorado, Downtown Development Authority

*Action: Adopt Resolutions No. 120-00, 121-00, 122-00, 123-00 and 124-00*

3. **Lease of Warehouse Space Located at 2757 Highway 50 for Fire Equipment Storage**

Existing apparatus/equipment inventory has exceeded the amount of available interior storage space. The Fire Department is requesting approval to lease a storage building at 2757 Highway 50 for the winter months to house this apparatus and equipment.

Resolution No. 125-00 – A Resolution Authorizing the Lease by the City of Certain Real Property Located at 2757 Highway 50 in the City of Grand Junction

*Action: Adopt Resolution No. 125-00 and Approve the Transfer of Funds from the CIP Fund to Cover the Lease and Associated Costs*

4. **2001 Rural Fire Protection District Services Contract**

The Grand Junction Rural Fire Protection District Board has requested continued services from the City of Grand Junction Fire Department for the year 2001. A memorandum of agreement between the City and District calls for the provision of certain services by the Fire Department to citizens of the District. Pursuant to and

defined in the agreement, the District pays the City an allocated portion of the annual budget for services. The projected cost of services for 2001 is \$1,165,291.

*Action: Approve the 2001 Contract with Grand Junction Rural Fire Protection District in the Amount of \$1,165,291*

5. **Revocable Permit to the Mesa State College Foundation for the Installation of Buried Electric Lines in Various Public Rights-of-Way**

The Mesa State College Foundation is proposing to install buried electric lines in public rights-of-way to serve Mesa State's new fine arts and humanities facilities. The buried lines would be located in public rights-of-way for College Avenue, Mesa Avenue, Texas Avenue and Elm Avenue.

Resolution No. 126-00 – A Resolution Concerning the Issuance of a Revocable Permit to the Trustees of State Colleges in Colorado

*Action: Adopt Resolution No. 126-00*

6. **Utility Rate Changes, Effective January 1, 2001**

Effective January 1, 2001 utility rates for wastewater, solid waste, water and irrigation services are proposed to change.

Resolution No. 127-00 – A Resolution Adopting Utility Rates for Water, Solid Waste, Irrigation Services and the City-County Joint Sewer Fund, Effective January 1, 2001

*Action: Adopt Resolution No. 127-00*

7. **Revocable Permit for Surplus City, Located at 200 West Grand Avenue**  
[File #SPR-2000-147]

The owner of Surplus City requests a revocable permit for landscaping and driveway improvements to be located in the right-of-way adjacent to the site. Staff recommends approval.

Resolution No. 128-00 – A Resolution Concerning the Issuance of a Revocable Permit to James A. Holmes

*Action: Adopt Resolution No. 128-00*

8. **Setting a Hearing on Annexing Davidson/Wilcox Enclave, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands**  
[File #ANX-2000-208]

First reading of the annexation ordinance to annex the Davidson/Wilcox Enclave located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land.

Proposed Ordinance Annexing the Territory to the City of Grand Junction, Colorado, Davidson/Wilcox Enclave Annexation, Located East of South Camp Road and North of Ute Water's Water Tanks on the Redlands, Consisting of Approximately 5.11 Acres

*Action: Adopt Proposed Ordinance and Set a Hearing for December 20, 2000*

9. **Setting a Hearing on Amending Chapter 4 of the Zoning and Development Code Regarding Group Living Facilities**

This ordinance makes major changes to Section 4.Q of the Zoning and Development Code, Group Living Facilities. The City has been requested to revisit this section of the Code as several issues were not addressed or considered in the original adoption. Various groups which met with City staff included representatives from Hilltop, Colorado West Mental Health, Mesa Developmental Services, Salvation Army, Community Corrections Board, and others.

Proposed Ordinance Amending Chapter 4 of the Zoning and Development Code of the City of Grand Junction, Colorado

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 20, 2000*

10. **Cemetery Fee Adjustment for Disinterment**

It has been requested that the City waive the customary fee for disinterment and reinterment of three unmarked gravesites for the purposes of conducting DNA testing to determine if the remains might be those of the grandfather of Mr. Melvin G. Southam.

*Action: Authorize Waiver of Customary Fees and Assess Only Time and Materials with the Balance of Revenue between the Established Charge and the Time and Materials Charge to be Taken from Council Contingency and Credited to the Cemetery Fund*

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

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

**PUBLIC HEARING - ZONING THE DAVIDSON/WILCOX ENCLAVE ANNEXATION TO RSF-E, LOCATED EAST OF SOUTH CAMP ROAD AND NORTH OF THE UTE WATER TANKS ON THE REDLANDS [FILE #ANX-2000-208] - CONTINUE TO DECEMBER 20, 2000**

Second reading of the zone of annexation ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E) for the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land. Staff is requesting a continuance so the annexation can occur first.

Mayor Kinsey opened the public hearing at 7:39 p.m.

David Thornton, Principal Planner, Community Development Department, displayed a location map and asked that the item be continued.

There were no public comments on the continuance. The Mayor closed the public hearing at 7:41 p.m.

Proposed Ordinance Zoning the Davidson/Wilcox Enclave Annexation to Residential Single Family Estate (RSF-E), Located East of South Camp Road and North of the Ute Water Tanks

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, this item was continued to December 20, 2000.

**PUBLIC HEARING - 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]**

Resolution for acceptance of the annexation petition to annex and second reading of the annexation ordinance for the Redlands Parkway Bridge Annexation located on Redlands Parkway across the Colorado River and including Redlands Parkway right-of-way and bridge. The 2.15-acre Redlands Parkway Bridge Annexation consists of a portion of the Colorado River.

David Thornton, Community Development Department, reviewed this item stating that it consists only of the bridge and right-of-way between US 6 & 50 and Broadway.

Mayor Kinsey opened the public hearing at 7:41 p.m.

There were no public comments. The Mayor closed the public hearing at 7:43 p.m.

Councilmember Terry commented that this is one example of the ongoing work between the City and County in using tax dollars more efficiently in the maintenance of public facilities.

**a. Resolution Accepting Petition**

Resolution No. 129–00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Redlands Parkway Bridge Annexation, Located on the Redlands Parkway across the Colorado River and Including the Redlands Parkway Right-of-Way and Bridge, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3313 – An 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

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 129-00 was adopted and Ordinance No. 3313 was adopted on second reading and ordered published.

**PUBLIC HEARING - CHC CELLULAR ANNEXATIONS NO. 1 AND NO. 2 LOCATED AT 2784 WINTERS AVENUE [FILE #ANX-2000-186] CONTINUED TO JANUARY 17, 2001 MEETING**

**AND**

**PUBLIC HEARING - ZONING THE CHC CELLULAR ANNEXATION I-2, LOCATED AT 2784 WINTERS AVENUE [FILE #ANX-2000-186] CONTINUED TO JANUARY 17, 2001 MEETING**

Public Hearing for the acceptance of the petition to annex and second reading of the annexation ordinances for the CHC Cellular Annexation, a serial annexation comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. The entire annexation area consists of 10.85 acres.

and

Second reading of the zoning ordinance for the CHC Cellular Annexation located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. State law requires the City to zone property that is annexed into the City of Grand Junction. The proposed zoning of I-2 is similar to the existing Mesa County zoning of Industrial. The Planning Commission forwarded a positive recommendation.

Patricia Parish, Associate Planner, asked for legal direction prior to her presentation. There is some question as to whether or not the application will go forward. Assistant City Attorney John Shaver advised the Council to receive the information first and then to decide.

The Mayor opened the public hearing at 7:45 p.m.

Ms. Parish proceeded in reviewing the request. She stated the staff recommends annexation of this location.

Petitioner Jill Cleveland, Western Wireless, reported the company wants to add equipment to this cell tower. She also represents the property owner. She does not represent AT&T Wireless, the owner of the tower. The property owner has asked that they not go forward with the annexation request. Western Wireless has secured the lease with the property owner, but AT& T has rejected the request for the tower location. The owner's consent was based on the lease with AT& T. She asked that the request be continued for 30 days to see if they are able to reach an agreement with AT & T.

Mayor Kinsey clarified that the primary objection to annexation was the perceived increase in taxes. Ms. Cleveland confirmed this and stated the property owner does not want to see this move forward because it is not likely negotiations with AT&T will work out.

Councilmember Payne asked who was the signer of the annexation agreement. Ms. Parish said the property owner signed the agreement.

Councilmember Terry asked Ms. Cleveland if she felt there was any possibility of this being resolved. Ms. Cleveland responded that she felt there might be a ten percent chance of something being worked out. There is a slim chance that it would work, so to continue would make sure that possibility is ruled out.

Councilmember Payne asked the Assistant City Attorney to clarify that under these circumstances where the petitioner is withdrawing the request, and if there is no development, would there then not be any trigger point for annexation. John Shaver, Assistant City Attorney, responded to the question of whether or not the Council will allow the applicant to request to withdraw the petition. In the past the Council has stated that the lack of application approval was irrelevant. There were two cases, one that Council allowed the petitioner to withdraw and one that they did not. It is speculative if there will be development in the future in terms of this application.

Councilmember Enos-Martinez asked if in the future should there be any development, would the petitioner need to come before the Council again. Mr. Shaver confirmed that they would.

There were no public comments. The Mayor closed the public hearing at 7:54 p.m.

Councilmember Terry stated she could not support the annexation petition if there is to be no development. Development triggers annexation.

Councilmember Enos-Martinez asked Councilmember Terry if she would support the 30-day continuance. Councilmember Terry responded she could support the 30-day continuance. Councilmember Enos-Martinez stated she would support the 30-day continuance for the parties to work out an agreement.

Councilmember Payne would support the continuance tonight, and also agreed to the withdrawal if there is no development.

Councilmember Spehar stated he could support a continuance until January 17, 2001.

**a. Resolution Accepting Petitions**

Resolution No. 130-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as CHC Cellular Annexation, a Serial Annexation Comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, Located at 2784 Winters Avenue and Including the Winters Avenue Right-of-Way, is Eligible for Annexation

**b. 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

Proposed Ordinance Zoning the C.H.C. Cellular Annexation to General Industrial (I-2), Located at 2784 Winters Avenue

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, Council agreed to continue Items #13 and #14 regarding accepting petitions, annexation ordinances and zoning for the CHC Cellular Annexation No. 1 and No. 2 to the January 17, 2001 meeting, for full hearing.

**PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DENIAL OF OUTLINE DEVELOPMENT PLAN AND ZONING THE ETTER-EPSTEIN PROPERTY TO PD, LOCATED AT THE SOUTHEAST CORNER OF HORIZON DRIVE AND G ROAD**  
[FILE #ODP-2000-058]

The 22.56-acre Etter-Epstein ODP property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing this ODP to retain the PD zoning.

Mayor Kinsey opened the public hearing at 8:01 p.m.

Bruce Phillips, representing the estate of Jimmie Etter, and Manuel Epstein (who was not able to attend tonight's meeting) presented Council with a brief history of the property. The owners are not developers but do have ideas about how the property should be developed. They will not, in all likelihood, be the developers of the property. During the meeting at the Adam's Mark, it was expressed how inappropriate residential development would be along Horizon Drive. As a result of that meeting, the property owners were instructed by the City to come up with a plan. The owners felt it should be developed as mixed use. They tried to provide a mixture of uses but at the same time keep and preserve development options, and limit some objectionable uses. Mr. Phillips proposed a mix of business and commercial uses of 12.5 acres, residential of 5.26 acres at 4–8 units per acres and open space of 3.18 acres. This plan was brought to the Planning Commission. The Planning Commission reviewed this Outline Development Plan with the instruction that they could not approve the plan with conditions. City Council does not have the same limitation and could approve this plan with conditions. The Planning Commission was asked to tell the applicant what was wrong with the plan and what their concerns were. The Planning Commission responded that 1) the height of structures along 27½ Road - the applicant is willing to go 65 feet on Horizon but limit to 35 feet in height on 27½ Road; 2) commercial uses proposed are too broad for the area; 3) the density in the critical fly zone is too high. Conditional Use allows up to 4 units per acre in the airport critical zone. Based on the Planning Commission's comments and staff's comments, a list of conditions was prepared that was acceptable to the owners. The first condition states the density within area 5 critical zone would be 4 units per acre (permitted in the airport critical zone and less than Ptarmigan Point); 2) building height shall not exceed 65 feet on Horizon Drive nor 35 feet on the north/south section of 27½ Road; 3) removing uses from area 4 along 27½ Road; retail and alcohol sales would be prohibited unless it is an accessory to a hotel /motel. No auto repair, oil lube or gas stations would be permitted.

Staff recommended that this go back to the Planning Commission with an amended application addressing these concerns. The problem is that if an amended application is submitted, the applicant is back to square one with more fees and a new set of rules. Mr. Phillips' understanding of the City's position, based upon the meeting at Adam's Mark, was to have this put on a faster track and get something approved that is workable.

Councilmember Payne asked Mr. Phillips if a time frame was discussed for submitting development plans at the Adam's Mark meeting. Mr. Phillips stated they were not given



a time at the meeting but later on they were. Councilmember Payne asked if that time frame had been met and Mr. Phillips responded yes.

Councilmember Terry read a staff report excerpt regarding the bulk standards applying to area 5. Mr. Phillips responded that in the initial Outline Development Plan the applicant asked for 4 units per acre in that area.

Kristen Ashbeck, Senior Planner, Community Development Department, presented more detail on the site and constraints the staff is working with. She stated the applicant had not provided staff with the constraints analysis map as requested. There are both natural and manmade constraints, i.e. wetlands, drainage, the airport critical zone, and 27½ Road cuts through the property right now. It is conducive to transitional zoning. There are a lot of natural, topographical constraints. The slopes could be used for buffering purposes.

The concerns with uses are in area 1 as well as those in area 4 include the height of structures in the area of old 27½ Road and staying compatible with residential units in that area. Allowed uses in the airport critical zone were discussed with hotels and motels specifically not allowed. The applicant agreed to go down in density but wanted to maintain bulk requirements in order to allow flexibility with housing other than detached single family. The possibility of clustering units in some areas had been discussed.

Councilmember Terry asked if this was discussed with staff and the Planning Commission. Ms. Ashbeck said that was discussed afterward.

Councilmember Terry asked Ms. Ashbeck about the staff's reaction. Ms. Ashbeck said it could work but a Conditional Use Permit would need to be obtained and submitted with a more detailed plan. The application did not meet criteria of Section 2-2 of the Zoning and Development Code and the staff's recommendation is that they go back to the Planning Commission and Council not consider these concessions tonight.

Mayor Kinsey asked why it took six months to come to Council. Ms. Ashbeck stated there a number of issues. Staff worked with the applicant for a few months. Ms. Etter then passed away and there was some turmoil as a result.

Councilmember Terry asked for clarification on why staff was recommending Council deny this plan. Assistant City Attorney Shaver stated one of the difficulties is the Planned Zone without a plan. The Planning Commission was advised and part of the reason it was advised that this be returned to the Planning Commission is because the plan and zone are so interrelated. Staff took time to work with the applicant so that there would be no contentious issues.

Councilmember Terry confirmed that the new regulations in the Code allowed for ODP's. Assistant City Attorney Shaver confirmed, but stated this is not at the ODP level.

Councilmember Terry commented that this is a proposed ODP. Assistant City Attorney Shaver stated that the specific detail required to translate it to the ODP plan is the zone. The question is whether the detail being provided will allow zoning to take place.

Councilmember Terry asked if the ODP is approved, what are the conditions, and what is the next step in the process. Assistant City Attorney Shaver stated the next step would be the actual zoning.

Councilmember Terry stated this would require a more specified plan to allow for that zone. Mayor Kinsey clarified that this area is already zoned PD. Assistant City Attorney Shaver responded yes, which is why all these elements are so important, because the Plan will dictate the zone.

Councilmember Terry asked if the plan and zone are typically done together. Mr. Shaver said they were. Assistant City Attorney Shaver stated the staff felt that is the missing level of detail and it was determined this should be returned to the Planning Commission in order to provide specific direction to the Council. Ms. Ashbeck noted the proposed ordinance for zoning is based on the original plan which does not reflect the changes.

Councilmember Spehar asked if Council has the option to refer this back to the Planning Commission. Assistant City Attorney Shaver said that Council does have this option. They also have the option to craft conditions, but that would be very difficult to do and it would be better to have the Planning Commission deal with it.

Councilmember Spehar asked if this was referred to the Planning Commission, would the owners be required to refile a new application, incurring additional fees. Assistant City Attorney Shaver responded they would not.

Councilmember Terry asked if the plan was remanded back to the Planning Commission why would Planning Commission's instructions be any different than they were before, and why would this create a different situation. Assistant City Attorney Shaver explained that it would not actually be remanded back but they would be asked to take the concessions that are discussed tonight and incorporate them.

Councilmember Terry acknowledged that, but still questioned why this is different. For instance, she was assuming this remand would include instructions to include those conditions. Assistant City Attorney Shaver stated Council had three options, 1) to accept with concessions; 2) remand back to Planning Commission with specific questions; or 3) deny entirely and allow applicant to file a new plan.

Councilmember Terry asked if the Planning Commission still says no, even with the new set of instructions, could it then be appealed back to the Council. Assistant City Attorney Shaver responded that it could.

City Manager Arnold stated that the Council's instructions might include for them to consider this new information.

Mayor Kinsey opened the public hearing.

Lowell Gustafson, adjacent property owner, addressed the Council stating that Ms. Ashbeck has been a tremendous help in responding to their recommendations. The topography is very unique and will require a skilled developer to stabilize the soil due to the swamp-like nature of the property. There is also a lot of wildlife living in the area. Ptarmigan Ridge is less than 4 units per acre, and is not crying out for commercial development. That side of G Road is transitioning to residential, not hotels or commercial development. If that were so, from his back yard he would be looking up at a 65-foot structure. He asked that structures be kept at 35 feet in height.

Councilmember Terry asked Mr. Gustafson to point out his lot on the map. He indicated the location of his lot and the slope, which causes a constant flow of water from the irrigation in the summer and there is no way of shutting it off.

Councilmember Scott asked if the elevation from his house to Horizon Drive is 30 feet. Mr. Gustafson said it was 30 feet, and that the new road is a natural place to start the transition.

Councilmember Payne asked if the 65 foot structure would be on right side of Horizon Drive, would it be the same on the east side on Horizon Drive. Mr. Gustafson responded that was correct.

Councilmember Payne pointed out that there was a setback on 7<sup>th</sup> Street and asked Mr. Gustafson, since it is his thought the property be developed residential, would he want his home directly off of Horizon Drive. Mr. Gustafson stated he thought people would. He reiterated that it would take a lot in order to stabilize the hills on that property, and a builder skilled in this type of topography would be required.

Terry Farina, 2673 Homestead Road, lives a few blocks from this area. He has known Manny Epstein most of his life. Mr. Epstein has been involved with this property since 1961 and it was always thought that there was going to be some commercial development. He travels by the property all the time. It seemed clear to him that this is a mixed use area and given the concessions that have been offered, it seems to meet, or is very close to, what Council wants. Remanding this with instructions gives the Planning Commission what they need to consider the concessions. He recommended that if remanded with instructions, Council should be really specific so all parties will be able to work together.

Bruce Phillips asked the Council to approve this plan, put the conditions on it and be done with it.

Mayor Kinsey closed the public hearing at 8:58 p.m.

Councilmember Terry stated that in her opinion, the plan makes sense with the concessions. There will need to be some type of buffering between the commercial and residential areas. She would be willing to grant an approval tonight or could be persuaded to remand to Planning Commission with instructions.

Mayor Kinsey stated that it has been mentioned several times that this area has been under informal planning for a long time and never got off the ground. It is a difficult area with several constraints, including being a high profile area. Council has tried to deal with all of those things with the new Code. This would require a Planned Zone which is something Council has tried to eliminate, with the exception of specific detail for specific areas. His inclination would be to deny the plan this evening.

Councilmember Terry stated the plan would have to be scrutinized by City staff.

Councilmember Payne agreed with Councilmember Terry stating the Council had just spent a lot of time on 24 Road mixed use, and this is a good area for mixed use. Horizon Drive is a commercial type corridor. It appears the applicant has made every attempt to address concerns.

Councilmember Spehar asked how specific a direction Council can give without making it a moot point in remanding it back. Assistant City Attorney Shaver responded that the general direction would be regarding the concessions, the clustering of houses, the setbacks, and that these are elements of the plan. This does not decide approval of the plan.

Councilmember Enos-Martinez asked why Council could not approve the plan.

Assistant City Attorney Shaver stated legally Council could. The Planning Commission was not considering the zoning of this property in previous conversations. The property owners were required to submit a plan to keep that zoning. As long as Council is comfortable in translating that into a zoning ordinance, it could be approved.

Councilmember Spehar stated one of the issues is the limited ability of the public to be involved in the concessions due to this type of hearing. He is willing to go forward but is concerned about the lack of neighborhood input.

Councilmember Terry asked Ms. Ashbeck if she had any knowledge of why there is a lack of neighborhood response. Ms. Ashbeck did not know. This meeting was noticed as an appeal.

Councilmember Terry asked if the notice and information relating to this item was presented clearly enough so that the neighbors understood the issues to be discussed. Ms. Ashbeck stated she believed so. There were not that many neighbors present at the Planning Commission meeting either.

Councilmember Spehar stated his concern was if the neighborhood was aware that a decision on the appeal could have been made during this meeting or if the understanding was that the Council would be crafting/working through the specific conditions as a different issue.

Councilmember Scott agreed that this is going to be commercial, but did not understand area 4. It seems to him that area should be buffered, and should be more residential, not commercial.

Councilmember Terry asked if Council were to approve this plan tonight, would the applicant have to come back with more detail. Assistant City Attorney Shaver said the major concern is if there is sufficient detail in the preliminary plan.

Councilmember Terry asked if this is to be remanded, could the instructions to the Planning Commission include the statement that Council would like to see this approved subject to the conditions. Assistant City Attorney Shaver said that wording is not recommended.

**a. Appeal of Denial of Outline Development Plan**

**b. Zoning Ordinance**

Ordinance No. 3317 – An Ordinance Zoning Three Parcels of Land Located on the Southeast Corner of the Horizon Drive and G Road Intersection to PD (Planned Development)

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried by roll call vote, with Mayor **KINSEY** voting **NO**, Ordinance No. 3317 was remanded back to the Planning Commission with instructions to consider concessions and concerns expressed including heights, density, airport critical zone, set back, buffering, etc.

**PUBLIC HEARING – ADOPTION OF 2000 INTERNATIONAL BUILDING CODES AND RELATED FEES**

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.

Mayor Kinsey opened the public hearing opened at 9:13 p.m.

Mark Relph, Public Works Director, reviewed this item and recommended approval.

There were no public comments. The public hearing closed at 9:15 p.m.

**a. Ordinance Adopting Code**

Ordinance No. 3318 – 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

**b. Resolution Setting Fees**

Resolution No. 131–00 – A Resolution Setting Building Code Fees under the 2000 International Building Code

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3318 was adopted on second reading and ordered published, and Resolution No. 131-00 was adopted.

**PUBLIC HEARING – ADOPTING THE 2000 INTERNATIONAL FIRE CODE AND RELATED FEES**

The 2000 edition of the International Fire Code is part of the 2000 International Code set, currently being adopted by the City. The 2000 Codes are written to be well-coordinated so that the provisions do not conflict. The compatible sections of the International Building Code and International Fire Code contain identical language. There is a minor new amendment included concerning looped water lines. The amendment will provide the Fire Department with more flexibility in enforcement of looped water line requirements for new developments. All other Code amendments in this ordinance were previously adopted as part of the 1994 Uniform Fire Code, and are carried over to be part of the 2000 International Fire Code.

Mayor Kinsey opened the public hearing at 9:15 p.m.

Hank Masterson, Fire Inspector, reviewed this item and recommended its approval.

Councilmember Terry asked if this is to be adopted by the County as well. Mr. Masterson stated the Rural Fire District will be asked to approve it and then it will go to the County Commissioners.

There were no public comments. The public hearing closed at 9:16 p.m.

**a. Ordinance Adopting Code**

Ordinance No. 3319 – 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

**b. Resolution Setting Fees**

This resolution sets forth fees which are required in the International Fire Code, 2000 Edition, for Operational and Construction permits.

Resolution No. 132–00 - A Resolution Setting Fees for Operational and Construction Permits for the International Fire Code in the City of Grand Junction, Colorado

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3319 was adopted on second reading and ordered published, and Resolution No. 132-00 was adopted.

**PUBLIC HEARING - ADOPTING THE 1995 MODEL TRAFFIC CODE FOR MUNICIPALITIES**

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.

Mayor Kinsey opened the public hearing opened at 9:16 p.m.

Stephanie Rubinstein, Staff Attorney, reviewed this item and asked for adoption of the 1995 Code with the exception of the 1977 parking regulations which is included in the ordinance. The 1995 regulations are more workable and contain less jargon. Changes highlighted include proof of insurance requirement and seatbelt requirements for anyone 16 years of age or under, no matter where seated in the vehicle. There are more regulations for school buses.

Councilmember Spehar asked why the parking code was not updated. Ms. Rubinstein discussed the issues and deferred to Assistant City Attorney Shaver.

Assistant City Attorney Shaver stated the 1995 standard is not a comprehensive parking code, but more general in nature. The easiest way to keep balance for law enforcement is to keep the current parking regulations.

Councilmember Terry asked why the requirement for wearing seatbelts is only 16 and under. Her understanding was that everyone was required to wear seatbelts. Ms. Rubinstein responded that according to State Law, passengers riding in the back seat are not required to wear seat belts. Everyone in the front seat is required to wear a seatbelt. Councilmember Terry asked if this Code would be enforced differently than currently. Ms. Rubinstein stated that this would allow law enforcement to issue tickets.

There were no public comments. The public hearing closed at 9:21 p.m.

Ordinance No. 3320 – 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; and Providing Penalties Therefore

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3320 was adopted on second reading and ordered published.

### **PUBLIC HEARING – 2000 SUPPLEMENTAL APPROPRIATION ORDINANCE**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Mayor Kinsey opened the public hearing at 9:21 p.m.

Lanny Paulson, Budget and Accounting Manager, reviewed this item. He asked for approval to allow each fund to have enough spending authority for 2000.

There were no public comments. The public hearing closed at 9:23 p.m.

Ordinance No. 3321 – An Ordinance Making Supplemental Appropriations to the 2000 Budget of the City of Grand Junction

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3321 was adopted on second reading and ordered published.

### **PUBLIC HEARING - ANNUAL 2001 APPROPRIATION ORDINANCE**

The total appropriation for all thirty-five accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$88,376,959. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Mayor Kinsey opened the public hearing at 9:24 p.m.



Lanny Paulson, Budget and Accounting Manager, reviewed this item and asked for approval. It allows the special districts, DDA and the City to spend funds in 2001. The Two Rivers Convention Center project funding was increased with the additional grant funds being awarded.

Councilmember Terry asked if the \$2,00,000 in emergency reserves listed in the staff report was new. Mr. Paulson said as part of the Tabor amendment, 3% of all expenditures must be reserved in contingency.

Councilmember Spehar asked what the general fund contingency is for 2001. Mr. Paulson stated the contingency is \$466,000 for 2001. Councilmember Terry clarified it usually starts a little higher. Mr. Paulson concurred noting that it usually starts around \$600,000.

Councilmember Spehar stated he was concerned about the architectural pieces for Two Rivers not being funded and not dealt with. He would like some thought given at the staff level as to how those pieces could be funded. The construction phase would be more appropriate, more so than the furniture funding, rather than having a possible retrofit required later. There is still \$800,000 left to fund, and the construction piece should be a priority.

City Manager Arnold pledged to oversee the project, and that he would be involved in the process and look for such opportunities.

There were no public comments. The public hearing closed at 9:30 p.m.

Ordinance No. 3322 – An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2001, and Ending December 31, 2001

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3322 was adopted on second reading and ordered published.

**SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT BY CONDEMNATION PROCEEDINGS PERTAINING TO SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-44-00**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire certain easement interests from the Grand Valley Irrigation Company.

Mark Relph, Public Works Director, reviewed this item. He detailed the efforts made to negotiate with Grand Valley Irrigation Company thus far. GVIC has not responded to any verbal or written communications. In order to meet the City's construction schedule, he is asking the Council to proceed with the condemnation. If an agreement can be made, the City would not go forward with condemnation proceedings.

Councilmember Scott asked if there had been any contact with GVIC. Mr. Relph stated there had been numerous contacts.

Mayor Kinsey commented that he did not see any reason to not go forward with this. Unfortunately, it seems to be necessary.

Councilmember Terry stated she has talked to the canal companies regarding trail issues, and there was concern with this relative to future relationships. However, she felt comfortable the City can still improve the relationship with the canal companies as they consider this easement to be an unrelated issue. She feels OK with going forward.

There were no other comments.

Resolution No. 133-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Easement Interests by Condemnation for Improvements Connected with Sanitary Sewer Improvement District No. SS-44-00

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 133-00 was adopted.

## **ADJOURNMENT**

The meeting adjourned at 9:35 p.m.

Stephanie Nye, CMC  
City Clerk

**Attach 2**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Authorize Regular Municipal Election to be Held by Mail Ballot</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 16, 2011</b>		
<b>Author:</b>	<b>Stephanie Nye</b>	<b>City Clerk</b>	
<b>Presenter Name:</b>	<b>Stephanie Nye</b>	<b>City Clerk</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Authorize the April 2001 Regular Municipal election to be conducted by Mail Ballot

**Summary:** The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. Timelines for a mail ballot election differ from polling place elections. In order to go forward on January 2 with making nomination petitions available, as per the mail ballot timeline, Council needs to formally authorize the April, 2001 election to be conducted by mail ballot.

**Background Information:** In 1999, the City held its first mail ballot election. The resulting turnout (number of ballots casts) was significantly higher than we had in recent City Council elections. 8,605 votes were cast or 46% of the registered voters. That number went even higher in our next mail ballot election, the special election held in February, 2000 (54% turnout).

One of the issues during the 1999 election was the short time frame that candidates had to campaign since the ballots are mailed out 25 days before the election. Fortunately, the State legislature also recognized that problem and amended the law to allow nomination petitions for a municipal election to follow the "Uniform Election Code" timeframe. This essentially requires that nomination petitions be filed in January, allowing more campaign time for the candidates before ballots are mailed out.

It is my intent and recommendation that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and can process the ballots more efficiently than we can hiring temporary help.

**Budget:** The County Elections Division estimates the cost of their contract to be \$25,000 (see attached letter). In addition, there will be publication of election notices

which run about \$4,000. Total cost for the election is estimated at \$29,000. That amount is budgeted for the election in 2001.

**Action Requested/Recommendation:** Adopt the resolution authorizing the regular municipal election be held by mail ballot.

Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
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RESOLUTION NO. \_\_\_\_-00

**A RESOLUTION AUTHORIZING A MAIL BALLOT ELECTION  
IN THE CITY OF GRAND JUNCTION FOR THE  
APRIL 3, 2001 REGULAR MUNICIPAL ELECTION**

RECITALS.

The City of Grand Junction has adopted the "Colorado Municipal Election Code" for the conduct of municipal elections. Pursuant to 1-7.5-104 C.R.S., the governing body may authorize that the municipal election be conducted by mail ballot.

The City Council for the City of Grand Junction authorized the regular municipal election on April 6, 1999 to be conducted by mail ballot. Voter turnout increased from 16% in 1997 to 46% in 1999.

A special election was held in February, 2000 by mail ballot and voter turnout was 54%.

A mail ballot plan will be submitted to the Colorado Secretary of State no later than fifty-five days prior to the election. The Secretary of State requires that the date the governing body authorized the mail ballot be included in the plan.

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

The City Clerk, as the designated election official for the City of Grand Junction, is hereby authorized to conduct the April 3, 2001 regular municipal election by mail ballot pursuant to 1-7.5-101 *et. seq.* C.R.S.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 3**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>		
<b>Subject:</b>	<b>New Boundaries for Council Districts</b>	
<b>Meeting Date:</b>	<b>December 20, 2000</b>	
<b>Date Prepared:</b>	<b>December 16, 2011</b>	
<b>Author:</b>	<b>Stephanie Nye</b>	<b>City Clerk</b>
<b>Presenter Name:</b>	<b>Stephanie Nye</b>	<b>City Clerk</b>
	<b>Workshop</b>	<b>X</b> <b>Formal Agenda</b>

**Subject:** New Boundaries for Council Districts

**Summary:** Every two years a new voting district boundary resolution has been adopted, as allowed by City Charter, just prior to the regular election. The resolution helps to ensure the inclusion of all newly annexed areas into City voting districts. The interior boundaries of the districts have not been changed since 1993. Tremendous growth has occurred in and around the City limits in the last seven years. The result has been that some voting districts have grown disproportionately. The boundaries for the districts as established in the resolution rebalance Council district representation.

**Background Information:** Options were provided to City Council for new district boundaries. Option 1, which allowed for growth in each district, maintained seated mid-term Councilmembers within their district and attempted to keep neighborhoods and communities of interest together, was selected for further development. The districts established in the resolution, presented as Option 1a, meet the above-stated goals and roughly balance population in all the districts.

As presented, the population in each district is estimated (based upon traffic analysis data and actual building permits issued) to be as follows:

District A	8,795
District B	9,924
District C	9,450
District D	9,281
District E	8,751

The federal Voting Rights Act recommends that there be no more than a ten percent differential between any two districts. The districts established in the resolution are the most consistent with the Act. The proposed resolution makes detailed findings consistent with the Voting Rights Act.

**Budget:** The new boundaries will change the Charter so new Charters will need to be printed. Our supply is low at this time and a new printing would be needed regardless. The estimated cost of printing is \$200.

**Action Requested/Recommendation:** Adopt the resolution establishing the new voting district boundaries.

Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
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**Resolution No. \_\_ -00**

**A Resolution Designating the Voting District Boundaries  
in the City of Grand Junction**

**Recitals.**

The City Charter provides that the Grand Junction City Council may, by resolution, change the boundaries of the voting districts by a two-thirds vote of all its members.

The City Council has annexed properties to the City. The result of those annexations is that certain district boundaries are affected more than others.

For these and other reasons, the City Council finds the need to redraw the district boundaries in anticipation of the April 3, 2001 election, and that such boundaries will remain the same for subsequent elections, until those boundaries are changed by resolution of the City Council.

The City Council finds that representation of the downtown and central core of the City should be shared among districts as downtown is of interest to all Grand Junction citizens.

The proposal allows for each voting district to grow as development occurs out to the Persigo/Urban Growth boundary line.

The proposal keeps City Councilmembers who are currently seated and in mid-term within their appropriate district.

A physical boundary exists between the proposed District A and District B in the form of a four-lane highway.

The proposal keeps neighborhoods and communities of interest together. Specifically, the Redlands area is contained within one district, the Paradise Hills neighborhood is contained within one district and the Orchard Mesa area is contained within one district.

**NOW THEREFORE, BE IT RESOLVED THAT THE VOTING DISTRICT BOUNDARIES FOR THE CITY OF GRAND JUNCTION, COLORADO FOR MUNICIPAL ELECTIONS ARE FOR THE REASONS STATED IN THE RECITALS ABOVE DETERMINED TO BE AS FOLLOWS:**

**DISTRICT A:** shall contain and include all that portion of the City of Grand Junction contained within the city limits south and west of a line described as follows:



Beginning at the intersection of Interstate 70 and 20 Road; thence southeasterly along Interstate 70 to the intersection of Interstate 70 and Railroad Boulevard; thence southeasterly along Railroad Boulevard to the intersection of Railroad Boulevard and 22 1/2 Road; thence north along 22 1/2 Road to the intersection of 22 1/2 Road and the Southern Pacific Transportation Company railroad tracks; thence southeasterly along the Southern Pacific Transportation Company railroad tracks to the intersection of the Southern Pacific Transportation Company railroad tracks and the Redlands Parkway; thence northeasterly along the Redlands Parkway to the intersection of the Redlands Parkway and Highway 6 & 50 ( I-70B ); thence southeasterly along Highway 6 & 50 ( I-70B ) to the intersection of Highway 6 & 50 ( I-70B ) and Motor Street; thence easterly along Highway 6 to the intersection of Highway 6 ( North Avenue ) and 1st Street; thence north along 1st Street to the intersection of 1st Street and Orchard Avenue; thence east along Orchard Avenue to the intersection of Orchard Avenue and 7th; thence south along 7th Street to the intersection of 7th Street and South Avenue; thence west along South Avenue to the intersection of South Avenue and 5th Street; thence South along 5th Street ( Highway 50 ) to the intersection of 5th Street ( Highway 50 ) and the Colorado River; thence west to the intersection of the Gunnison River and 2nd Street; thence southerly along the Gunnison River to the intersection of the Gunnison River and B 1/2 Road.

**DISTRICT B:** shall contain and include all that portion of the City of Grand Junction contained within the City limits north and west of a line described as follows:

Beginning at the intersection of Interstate 70 and 21 Road; thence southeasterly along Interstate 70 to the intersection of Interstate 70 and Railroad Boulevard; thence southeasterly along Railroad Boulevard to the intersection of Railroad Boulevard and 22 1/2 Road; thence north along 22 1/2 Road to the intersection of 22 1/2 Road and the Southern Pacific Transportation Company railroad tracks; thence southeasterly along the Southern Pacific Transportation Company railroad tracks to the intersection of the Southern Pacific Transportation Company railroad tracks and the Redlands Parkway; thence northeasterly along the Redlands Parkway to the intersection of the Redlands Parkway and Highway 6 & 50 ( I-70B ); thence southeasterly along Highway 6 & 50 ( I-70B ) to the intersection of Highway 6 & 50 ( I-70B ) and Motor Street; thence easterly along Highway 6 to the intersection of Highway 6 ( North Avenue ) and 1st Street; thence north along 1st Street to the intersection of 1st Street and Orchard Avenue; thence east along Orchard Avenue to the intersection of Orchard Avenue and 12th Street ( 27 Road ); thence north along 12th Street ( 27 Road ) to the intersection of 12th Street ( 27 Road ) and H Road; thence east along H Road to the intersection of H Road and 27 1/4 Road; thence north along 27 1/4 Road to the north City Limits line.

**DISTRICT C:** shall contain and include all that portion of the City of Grand Junction surrounded by a line described as follows:

Beginning at the intersection of 7th Street and Orchard Avenue; thence east along Orchard Avenue to the intersection of Orchard Avenue and 31 1/2 Road; thence south

along 31 1/2 Road to the intersection of 31 1/2 Road and D Road; thence west along D Road to the intersection of D Road and 12th Street; thence north along 12th Street to the intersection of 12th Street and North Avenue; thence west along North Avenue to the intersection of North Avenue and 7th Street; thence north along 7th Street to the intersection of 7th Street and Orchard Avenue ( the point of beginning ).

**DISTRICT D:** shall contain and include all that portion of the City of Grand Junction contained within the City limits north and east of a line described as follows:

Beginning at the intersection of 27 1/4 Road and the north City limits line; thence south along 27 1/4 Road to the intersection of 27 1/4 Road and H Road; thence west along H Road to the intersection of H Road and 12th Street ( 27 Road ); thence south along 12th Street ( 27 Road ) to the intersection of 12th Street ( 27 Road ) and Orchard Avenue; thence east along Orchard Avenue to the intersection of Orchard Avenue and 31 1/2 Road.

**DISTRICT E:** shall contain and include all that portion of the City of Grand Junction surrounded by a line described as follows:

Beginning at the intersection of 7th Street and North Avenue; thence east along North Avenue to the intersection of North Avenue and 12th Street; thence south along 12th Street to the intersection of 12th Street and D Road; thence east along D Road to the intersection of D Road and 32 Road; thence south along 32 Road ( Highway 141 ) to the intersection of 32 Road ( Highway 141 ) and Highway 50; thence northwesterly along Highway 50 to the intersection of Highway 50 and 30 3/4 Road; thence west to the Gunnison River; thence northwesterly along the Gunnison River to the intersection of the Gunnison River and 2nd Street; thence east to the intersection of 5th Street ( Highway 50 ) and the Colorado River; thence north along 5th Street ( Highway 50 ) to the intersection of 5th ( Highway 50 ) and South Avenue; thence east along South Avenue to the intersection of South Avenue and 7th Street; thence north along 7th Street to the intersection of 7th Street and North Avenue ( the point of beginning ).

Annexations lying at, along or within the boundaries of any district or districts as extended shall be considered as being included within the particular district.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 4**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Execution of a contract for a grant from the Colorado Council on the Arts to the GJ Commission on Arts and Culture</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 11, 2000</b>		
<b>Author:</b>	<b>Allison Sarmo</b>	<b>Cultural Arts Coordinator</b>	
<b>Presenter Name:</b>	<b>Allison Sarmo</b>	<b>Cultural Arts Coordinator</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Approval and signing of a state contract with the Colorado Council on the Arts to award a \$5,000 grant to the GJ Commission on Arts and Culture.

**Summary:** The Commission would like approval to accept a \$3,200 grant from the Colorado Council on the Arts in 2001. This funding will be added to the existing \$20,000 annual Commission support for local arts and cultural events, projects, and programs.

**Background Information:** Every year the Commission is awarded grant funding from CCA to augment the existing program of support for arts and cultural events, projects, and programs in Grand Junction. This program was instituted to increase the quality and quantity of area arts activities, to support arts organizations who present events (since the Commission is not itself a presenting organization), and to encourage affordable ticket prices so all citizens have access to the arts. Past grant awards have been: 2000 - \$3,500, 1999 - \$5,200, 1998 - \$5,000, 1997 - \$4,000, 1996 - \$1,000, and 1995 - \$2,000. (Amounts vary because of fluctuations in the Colorado Council's annual budget.)

**Budget:** No additional funding required other than the \$20,000 already in the Commission's budget for this program.

**Action Requested/Recommendation:** Approve the City Manager's signing a contract with the Colorado Council on the Arts for a grant to the Arts Commission.

<b>Citizen Presentation:</b>	<b>X</b>	<b>No</b>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>				
<b>Purpose:</b>				

<b>Report results back to Council:</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When:</b>	<input type="text"/>
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<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Indiv. Consideration</b>	<input type="checkbox"/>	<b>Workshop</b>
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**Attach 5**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Resolution Authorizing the Exchange of Real Property with Gerald D. DuCray and Ted J. DuCray</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 13, 2000</b>		
<b>Author:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>	
<b>Presenter Name:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Resolution Authorizing the Exchange of Real Property with Gerald D. DuCray and Ted J. DuCray.

**Summary:** The proposed resolution will authorize the conveyance of City property located on Purdy Mesa in exchange for property located adjacent to the Burkey Park property on Patterson Road.

**Background Information:** The 17.5 acre Burkey Park property was donated to the City in 1967 for public park and recreational purposes. Development of this property as a park has been awaiting the annexation of adjoining residential developments. A tentative design has been developed to include playground features, picnic shelters, jogging/walking paths, basketball pads, sand volleyball courts, restrooms, a water playground, open turf areas and ponds for both irrigation and aesthetic purposes.

Gerald and Ted DuCray own a parcel of land with a residence at the southwest quadrant of the Burkey Property, containing approximately 0.87 acres. The City Council has expressed an interest in purchasing the DuCray property to accommodate features of the Burkey Park design. Because the Parks and Recreation Department lacks funds to complete the purchase, the DuCrays have agreed to exchange their property for surplus City property located on Purdy Mesa Road.

The subject Purdy Mesa property, consisting of 37.57 acres, is part of a larger tract of land purchased in 1954 for the appurtenant water rights. All water rights were promptly converted to dual use for either agricultural or municipal purposes. The properties acquired in 1954 have been retained by the City so that surplus water may be used for agricultural purposes, thus satisfying the beneficial use doctrine and protecting the City's water rights from abandonment or downstream claims. However, this particular parcel, which is not contiguous with the other 300 acres acquired in 1954, has not been irrigated since 1986.

The proposed Contract to Exchange Real Estate will require the DuCrays to convey their property in a clean condition and without any leases or tenancies. The City will perform an environmental audit to determine whether the property contains asbestos, lead paint or any other toxic, hazardous or regulated materials. The DuCrays will be required to abate the property if any such materials are found.

The DuCrays will have the option to sell and remove the residential structure located on the property. If they determine to pursue this option, the DuCrays will be required to backfill and level the property.

Conveyance of the City's Purdy Mesa property will be subject to the reservation of a 50-foot by 50-foot easement for the installation, operation, maintenance and repair of an underground water storage tank. This tank will augment the delivery of treated water to customers previously served by the Purdy Mesa Livestock Water Company.

**Budget:** The following estimated costs are necessary to complete the proposed exchange:

Environmental Audit	\$ 2,500.00
Closing Costs	\$ 250.00
Title Insurance	\$ 330.00
<b>Total Estimated Costs</b>	<b>\$ 3,080.00</b>

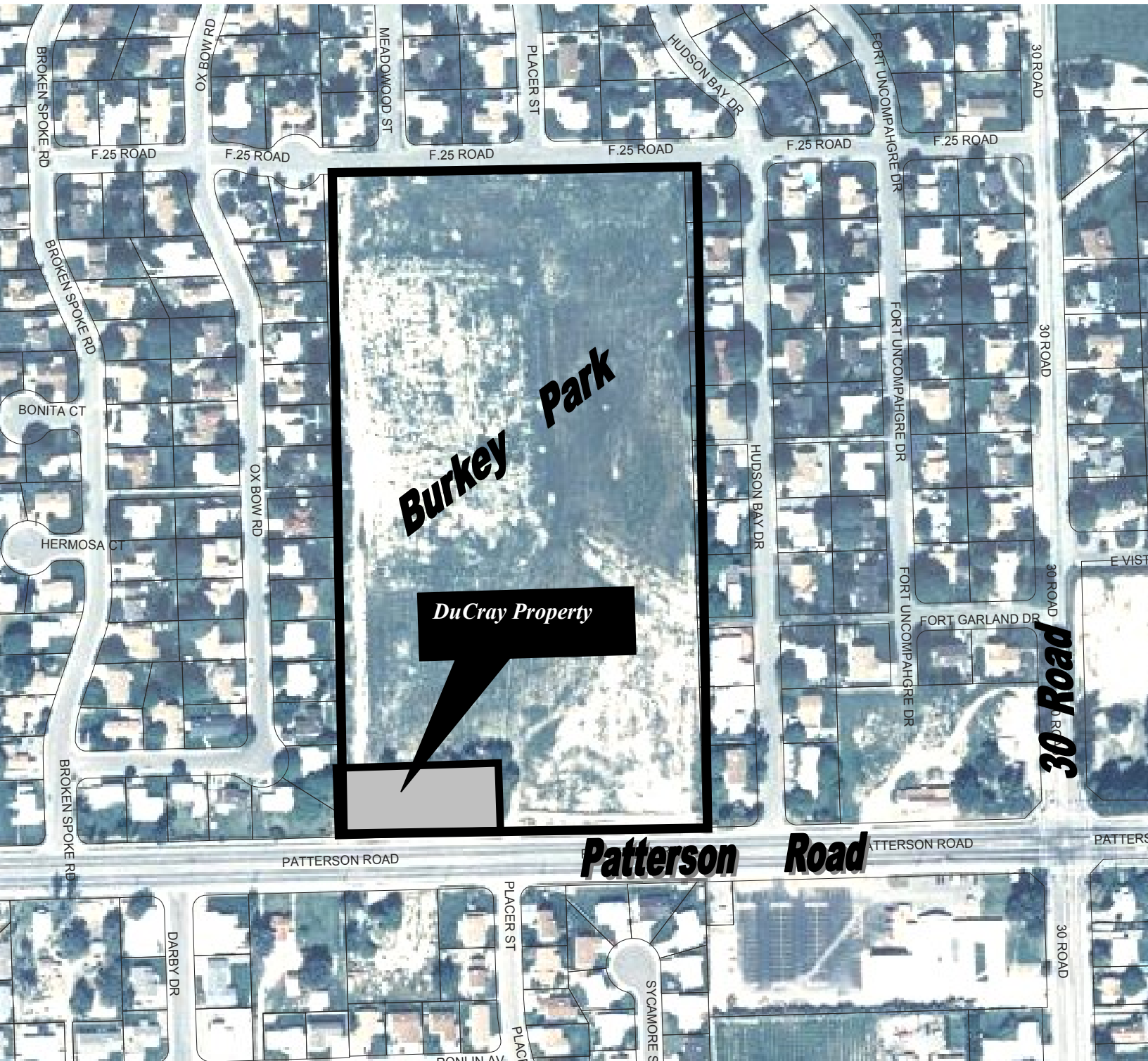
These expenditures are not budgeted and will require an appropriation of contingency funds.

**Action Requested/Recommendation:** Pass and Adopt proposed Resolution authorizing the exchange of Real Estate with Gerald D. DuCray and Ted J. DuCray

<b>Citizen Presentation:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>						
<b>Purpose:</b>						
<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When:</b>
<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Indiv. Consideration</b>	<input type="checkbox"/>
						<b>Workshop</b>

# BURKEY PARK / DUCRAY PROPERTIES

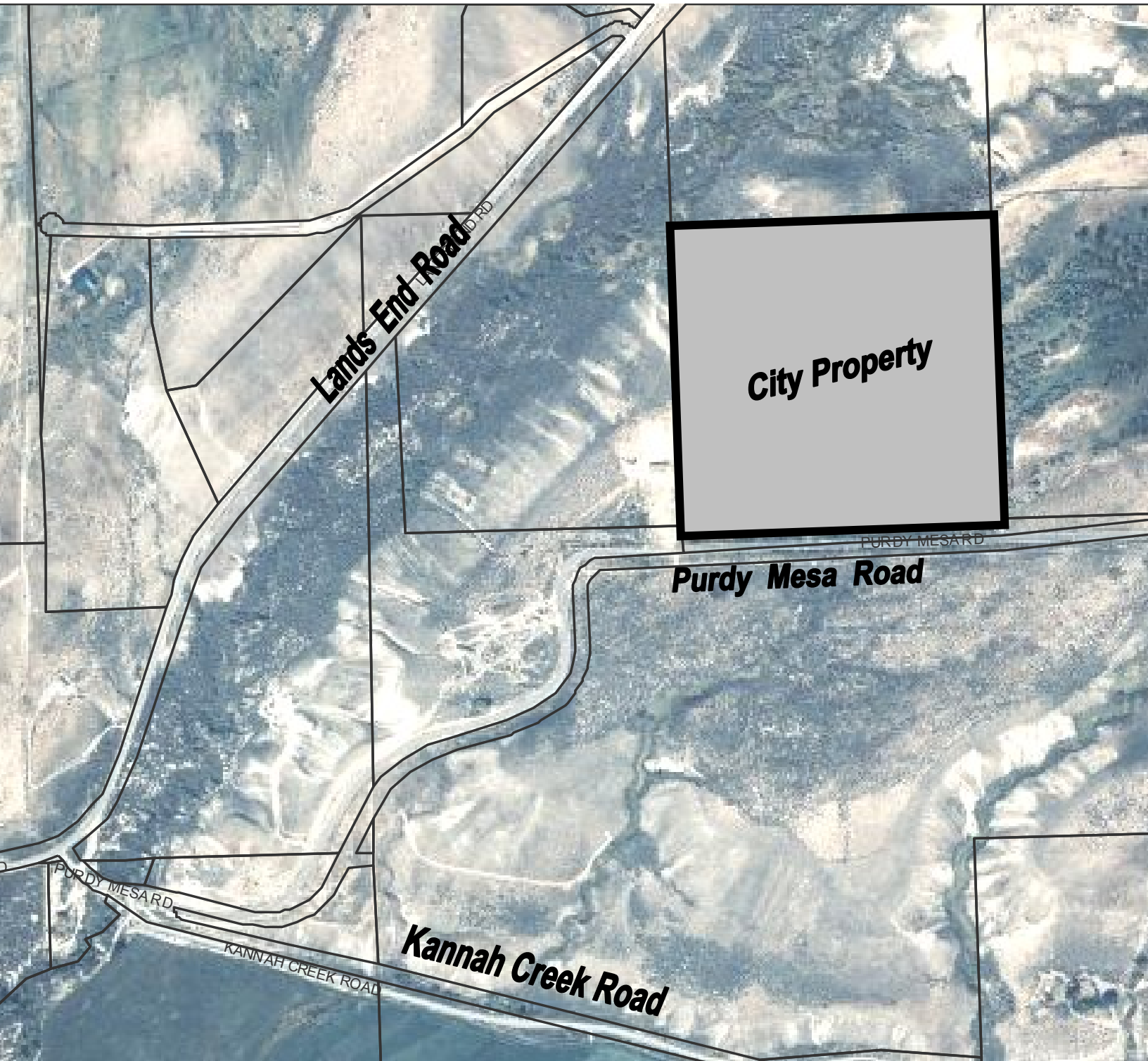
NORTH





**CITY OWNED PURDY MESA PROPERTY**

**NORTH**



**Lands End Road**

**City Property**

**Purdy Mesa Road**

**Kannah Creek Road**

**RESOLUTION NO. \_\_\_\_\_**

**AUTHORIZING THE EXCHANGE OF REAL ESTATE  
WITH GERALD D. DUCRAY AND TED J. DUCRAY**

WHEREAS, the City of Grand Junction is the owner of the following described real property in the County of Mesa, State of Colorado: The Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 35, Township 2 South, Range 2 East of the Ute Meridian, except the North 100.0 feet thereof; and

WHEREAS, the aforescribed City owned property is not held or used for parks, recreational or other governmental purposes; and

WHEREAS, Gerald D. DuCray and Ted J. DuCray are the owners of the following described real property in the County of Mesa, State of Colorado: Beginning at the Southwest Corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5, Township 1 South, Range 1 East of the Ute Meridian; thence North 180.0 feet; thence East 291.2 feet; thence South 180.0 feet; thence West 291.2 feet to the Point of Beginning, except the South 50.0 feet thereof which is road right-of-way as described by instrument recorded in Book 1370 at Page 194 in the office of the Mesa County Clerk and Recorder, also known as 2980 F Road; and

WHEREAS, pursuant to a Resolution passed and adopted by the Grand Junction City Council on July 21, 1976, it is the policy of the City to dispose of City owned real estate in exchange for real estate that better suits the City's needs whenever possible; and

WHEREAS, an independent appraisal performed by B&B Appraisal Services states that the fair market value of the aforescribed City property is equal to the fair market value of the aforescribed DuCray property; and

WHEREAS, the City Council has determined that the real estate to be acquired in exchange for the real estate to be disposed will better serve the needs of the citizens of Grand Junction.

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

That the City Manager is hereby authorized to take all actions and execute all documents necessary or appropriate to effectuate the exchange of real estate with Gerald D. DuCray and Ted J. DuCray.

PASSED and ADOPTED this 20<sup>th</sup> day of December, 2000.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 6**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Resolution Amending and Extending the Lease of City Property to Donald Fugate Jr., doing business as Don's Automotive</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 12, 2000</b>		
<b>Author:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>	
<b>Presenter Name:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Resolution Amending and Extending the Lease of City Property located at 545 Noland Avenue to Donald Fugate, Jr., doing business as Don's Automotive.

**Summary:** The proposed resolution will extend the term of the existing lease through December 31, 2002. The proposed action will also amend the existing lease by increasing the rent from \$3,000 per year (\$250.00/month) to \$4,650 per year (\$387.50/month).

**Background Information:** The subject property consists of a 2,520 square foot automotive garage purchased in 1990 as part of the Frank Dunn Riverfront land acquisition. Mr. Fugate has leased the property from the City since March of 1991.

The proposed rent coincides with rents being charged for similar structures in this neighborhood. In addition to paying rent, Mr. Fugate will be required to pay annual property taxes, estimated to be \$1,650 per year, together with all utilities and all costs necessary for building maintenance. Mr. Fugate is also required to purchase comprehensive general liability insurance - naming the City as an additional insured - for a minimum of \$500,000, combined single limit.

The proposed extension is limited to 2 years due to the impending Riverside Bypass Project. One of the alignments being studied for this project would extend the road through this property.

**Budget:** Annual revenue to the General Fund: \$4,650.00

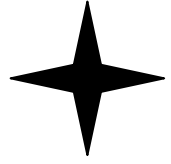
**Action Requested/Recommendation:** Adopt Resolution authorizing the City Manager to execute the proposed Lease Amendment and Extension Agreement.

<b>Citizen Presentation:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>					
<b>Purpose:</b>					
<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When:</b>
<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Indiv. Consideration</b>	<input type="checkbox"/>
					<b>Workshop</b>

**545 NOLAND AVENUE**

**LEASED TO DONALD FUGATE, JR.,  
DBA DON'S AUTOMOTIVE**

***NORTH***



RESOLUTION NO. \_\_\_\_\_

**AMENDING AND EXTENDING THE LEASE OF CITY PROPERTY  
AT 545 NOLAND AVENUE  
TO DONALD FUGATE, JR., DOING BUSINESS AS DON'S AUTOMOTIVE**

WHEREAS, pursuant to that certain Lease Agreement dated the 1<sup>st</sup> day of September, 1994, as authorized by City Resolution No. 69-94, and that certain Lease Amendment and Extension Agreement dated the 31<sup>st</sup> day of August, 1999, as authorized by City Resolution No. 94-99, the City leases to Donald Fugate, doing business as Don's Automotive, the following described real property in the City of Grand Junction, County of Mesa, State of Colorado:

The North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue in the City of Grand Junction; and

WHEREAS, the above referenced Lease is due to expire on December 31, 2000; and

WHEREAS, the City and Donald Fugate, Jr., are desirous of entering into an agreement for the purposes of amending and extending the terms and conditions of the lease of the above described property.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized to execute and enter into the attached Lease Amendment and Extension Agreement with Donald Fugate, Jr., doing business as Don's Automotive, extending the term of said lease through December 31, 2002, and amending the rents to be paid to \$4,650.00 per year, payable in advanced by monthly installments of \$387.50.

PASSED and ADOPTED this 20<sup>th</sup> day of December, 2000.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

## LEASE AMENDMENT AND EXTENSION AGREEMENT

THIS LEASE AMENDMENT AND EXTENSION AGREEMENT is made and entered into as of the 1<sup>st</sup> day of January, 2001, by and between The City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City", and Donald Fugate, Jr., doing business as Don's Automotive, hereinafter referred to as "Lessee".

### Recitals

A. By that certain Lease Agreement dated the 1<sup>st</sup> day of September, 1994, and that certain Lease Amendment and Extension Agreement dated the 31<sup>st</sup> day of August, 1999, said instruments collectively referred to as the "Lease", the City has leased to Lessee, and Lessee has leased from the City, the following described real property situate in the City of Grand Junction, County of Mesa, State of Colorado:

The North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue in the City of Grand Junction and hereinafter referred to as "the Property".

B. The term of the Lease is due to expire on December 31, 2000.

C. It is the desire of both parties to amend and extend the terms of the Lease in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, In consideration of the recitals above and the terms, covenants, conditions and restrictions contained herein, the parties agree as follows:

1. The term of the Lease shall be extended to a period commencing on January 1, 2001, and continuing through December 31, 2002, on which date the Lease shall expire.

2. Lessee agrees to pay to the City as rental for the Property, during the extended term set forth in paragraph 1 above, the total sum of \$9,300.00, payable by monthly payments in the amount of \$387.50, due and payable in advance and without demand by the City in accordance with the existing terms and conditions of the Lease.

3. All other terms, covenants, conditions, restrictions, duties, obligations and responsibilities as they appear in that Lease Agreement dated the 1<sup>st</sup> day of September, 1994, and that Lease Amendment and Extension Agreement dated the 31<sup>st</sup> day of August, 1999, shall continue in full force and effect during the term of this Lease Amendment and Extension Agreement.

Dated the day and year first above written.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

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City Clerk

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City Manager



Lessee:

---

Donald Fugate, Jr., doing business as  
Don's Automotive

**Attach 7**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>		
<b>Subject:</b>	<b>(a) Resolution Extending a Dry Grazing Lease of City Property to William Arthur Mertz, and (b) Resolution Extending a Dry Grazing Lease of City Property to Sally Marie Smith.</b>	
<b>Meeting Date:</b>	<b>December 20, 2000</b>	
<b>Date Prepared:</b>	<b>December 13, 2000</b>	
<b>Author:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>
<b>Presenter Name:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>
<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** (a) Resolution Extending a Dry Grazing Lease of City Property to William Arthur Mertz, and (b) Resolution Extending a Dry Grazing Lease of City Property to Sally Marie Smith.

**Summary:** The proposed resolutions will extend the terms of these two existing leases through December 31, 2003. All other terms and conditions will remain unchanged.

**Background Information:** The City owns 471 acres south of Whitewater, west of Highway 50. The property was acquired in 1954 for its appurtenant water rights. All water rights were promptly transferred to Kannah Creek and diverted for municipal use.

The City presently leases 431 acres for dry grazing purposes: 191 acres to Sally Marie Smith and 240 acres to William Arthur Mertz. These leases expire on December 31, 2000. The remaining 40 acres are leased to KNZZ Radio through December 31, 2017.

The Council discussed the future management for these properties at a workshop in 1997. This discussion was prompted by the installation of a Clifton water line, subsequent developments as a result of the water line, and KNZZ Radio's offer to purchase the land is leases from the City.

Previous Councils had chosen to retain ownership of these lands to allow the City to participate in future actions which may affect their use and value. The Council's consensus in 1997 was to continue to retain ownership and maintain the properties as a buffer of open space with the adjoining BLM lands. Council also concluded that these landholdings will allow the City to participate in growth related issues in this area.

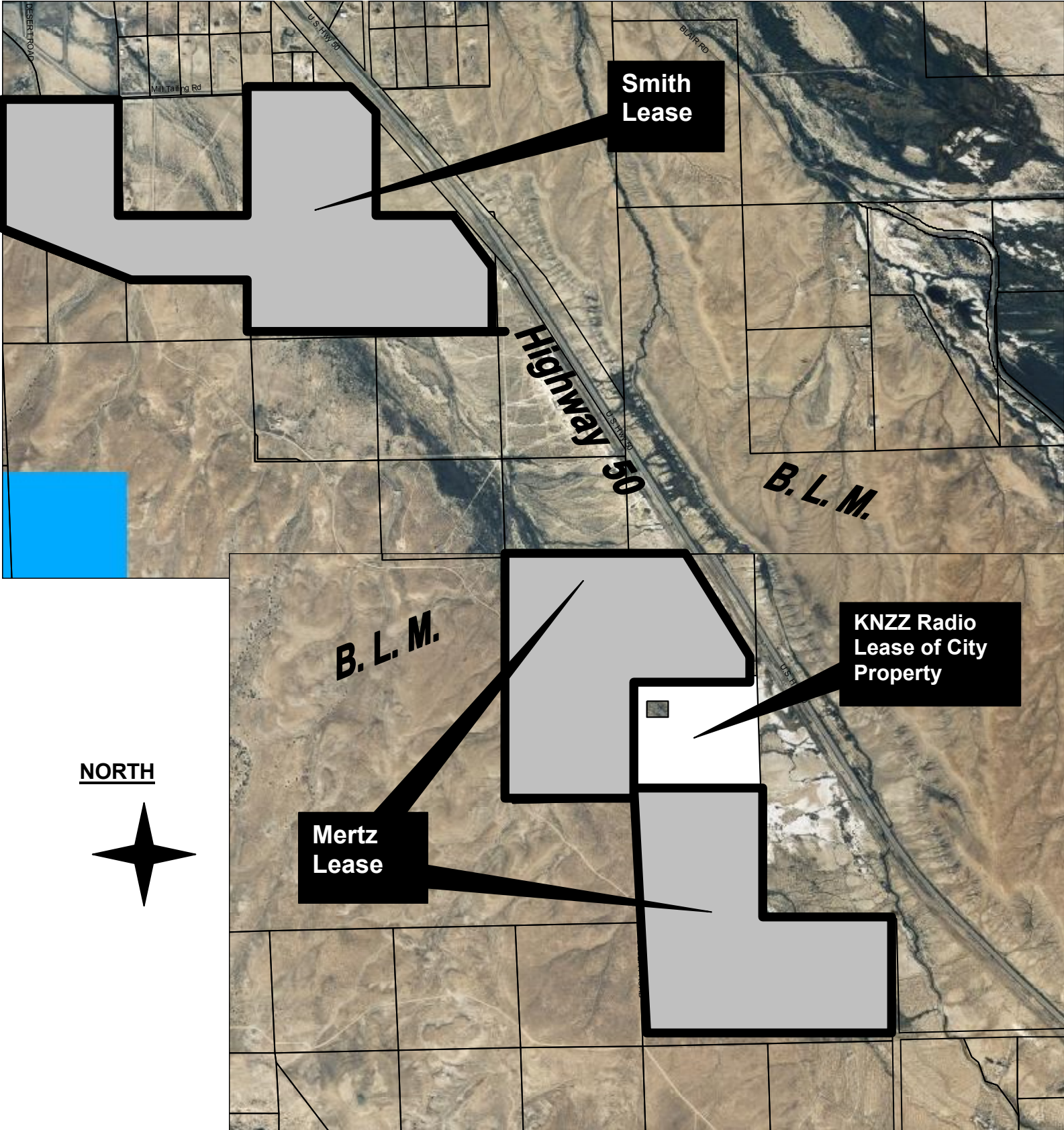
Rental fees are based on the carrying capacity of the properties for livestock dry grazing purposes. The Mertz lease is limited to 18 Animal Units per Month (AUM's) at a rate of

\$2.19 per AUM, and the Smith lease is limited to 15 AUM's at a rate of \$2.19 per AUM. The resulting rental fees appear to be very low - \$475/year for the Mertz lease and \$395/year for the Smith lease. However, by way of comparison, the Bureau of Land Management charges \$1.25 per AUM on the adjoining BLM grazing allotments. In addition to paying rent, both lessees pay the general property taxes and maintain all aspects of the property, including perimeter fences.

**Action Requested/Recommendation:** (a) Pass and adopt Resolution Extending a Dry Grazing Lease of City property to William Arthur Mertz, and (b) Pass and adopt Resolution Extending a Dry Grazing Lease of City property to Sally Marie Smith.

<b>Citizen Presentation:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>						
<b>Purpose:</b>						
<b>Report results back to Council:</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>No</b>	<b>Yes</b>
						<b>When:</b>
<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Consent</b>		<b>Indiv. Consideration</b>		<b>Workshop</b>

**SMITH / MERTZ DRY GRAZING LEASES**

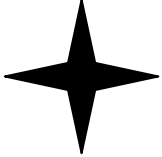


**Smith  
Lease**

**Mertz  
Lease**

**KNZZ Radio  
Lease of City  
Property**

**NORTH**





**RESOLUTION NO. \_\_\_\_\_**

**EXTENDING THE DRY GRAZING LEASE OF CITY PROPERTY  
WITH WILLIAM ARTHUR MERTZ**

WHEREAS, by that certain Dry Grazing Lease Agreement dated the 1st day of January, 1997, as authorized by City Resolution No. 117-96, and that certain Lease Extension Agreement dated the 1<sup>st</sup> day of January, 1998, as authorized by City Resolution No. 2-98, said instruments hereinafter collectively referred to as the "Lease", the City has leased to William Arthur Mertz the dry grazing rights associated with 240 acres of vacant land located south of Whitewater and west of Highway 50; and

WHEREAS, the term of said Dry Grazing Lease is due to expire on December 31, 2000; and

WHEREAS, William Arthur Mertz is desirous of continuing the lease for an extended three (3) year term.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized to execute the attached Lease Extension Agreement with William Arthur Mertz, extending the term of said Lease for a period of three years, commencing on January 1, 2001, and expiring on December 31, 2003. All other terms, covenants, conditions, restrictions, duties and obligations as they appear in the Lease shall continue in full force and effect during the term of said Lease Extension.

PASSED and ADOPTED this 20<sup>th</sup> day of December, 2000.

Attest:

\_\_\_\_\_  
President of the City Council

\_\_\_\_\_  
City Clerk

## LEASE EXTENSION AGREEMENT

THIS LEASE EXTENSION AGREEMENT is made and entered into as of the 1st day of January, 2001, by and between the City of Grand Junction, a Colorado home rule municipality ("the City"), and William Arthur Mertz ("Lessee").

### Recitals

- A. By that certain Dry Grazing Lease Agreement dated the 1st day of January, 1997, and that certain Lease Extension Agreement dated the 1<sup>st</sup> day of January, 1998, said instruments hereinafter collectively referred to as the "Lease", the City has leased to Lessee, and Lessee has leased from the City, the dry grazing rights associated with that certain real property ("the Property") described in Exhibit "A" attached hereto and incorporated herein by reference.
- B. The Lease is due to expire on December 31, 2000.
- C. The City and Lessee each desire to continue the Lease for an extended three (3) year term pursuant to the covenants, conditions, restrictions, duties and obligations of the Lease and as herein provided.

NOW, THEREFORE, in consideration of the terms, covenants and conditions as herein set forth, the parties hereto agree as follows:

1. Term. The term of this Lease Extension shall be for a period of three (3) years, commencing on January 1, 2001, and continuing through December 31, 2003, at which time the Lease shall expire.
2. Rental. The annual rents to be paid to the City by Lessee shall be in the sum of \$475.00 per year, due and payable, without demand by the City, on or before January 10 of each lease year. In the event the payment of rent is not received by the City on or before the specified due dates, Lessee agrees to pay a late charge of \$50.00 for each and every day following the specified due date, which late charge(s) shall be added to the amount of rents due.
3. All other terms, covenants, conditions and responsibilities as they appear in the aforementioned Dry Grazing Lease Agreement dated the 1st day of January, 1997, and the Lease Extension Agreement dated the 1<sup>st</sup> day of January, 1998, shall continue in full force and effect during the term of this Lease Extension.

Dated the day and year first above written.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

Lessee:

\_\_\_\_\_  
William Arthur Mertz



**EXHIBIT "A"**

**Description of "the Property"**

Township 2 South, Range 1 East of the Ute Meridian:

Section 25:

The SE1/4 of the NE1/4 and the NE1/4 of the SE1/4; and also

Township 2 South, Range 2 East of the Ute Meridian:

Section 30:

Lots 2 and 4, excepting therefrom right-of-way for U.S. Highway No. 50, subject to a 25-foot wide nonexclusive easement for ingress and egress purposes across said Lot 2, the center line of said easement being more particularly described as follows:

Beginning at a point on the South line of said Lot 2 from whence the Southeast Corner of said Lot 2 bears East a distance of 180.0 feet; thence running Northeasterly to a point on the East line of said Lot 2 from whence the Southeast Corner of said Lot 2 bears South a distance of 260.0 feet, said point being the Point of Terminus of said easement; and also

Section 31:

The North 1/2 of the NW1/4.

All in the County of Mesa, State of Colorado.

**RESOLUTION NO. \_\_\_\_\_**

**EXTENDING THE DRY GRAZING LEASE OF CITY PROPERTY  
WITH SALLY MARIE SMITH**

WHEREAS, by that certain Dry Grazing Lease Agreement dated the 1st day of January, 1997, as authorized by City Resolution No. 116-96, and that certain Lease Extension Agreement dated the 1<sup>st</sup> day of January, 1998, as authorized by City Resolution No. 3-98, said instruments hereinafter collectively referred to as the "Lease", the City has leased to Sally Marie Smith the dry grazing rights associated with 191 acres of vacant land located south of Whitewater and west of Highway 50; and

WHEREAS, the term of said Dry Grazing Lease is due to expire on December 31, 2000; and

WHEREAS, Sally Marie Smith is desirous of continuing the lease for an extended three (3) year term.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized to execute the attached Lease Extension Agreement with Sally Marie Smith, extending the term of said Lease for a period of three years, commencing on January 1, 2001, and expiring on December 31, 2003. All other terms, covenants, conditions, restrictions, duties and obligations as they appear in the Lease shall continue in full force and effect during the term of said Lease Extension.

PASSED and ADOPTED this 20<sup>th</sup> day of December, 2000.

Attest:

\_\_\_\_\_  
President of the City Council

\_\_\_\_\_  
City Clerk

## LEASE EXTENSION AGREEMENT

THIS LEASE EXTENSION AGREEMENT is made and entered into as of the 1st day of January, 2001, by and between the City of Grand Junction, a Colorado home rule municipality ("the City"), and Sally Marie Smith ("Lessee").

### Recitals

- A. By that certain Dry Grazing Lease Agreement dated the 1st day of January, 1997, and that certain Lease Extension Agreement dated the 1<sup>st</sup> day of January, 1998, said instruments hereinafter collectively referred to as the "Lease", the City has leased to Lessee, and Lessee has leased from the City, the dry grazing rights associated with that certain real property ("the Property") described in Exhibit "A" attached hereto and incorporated herein by reference.
- B. The Lease is due to expire on December 31, 2000.
- C. The City and Lessee each desire to continue the Lease for an extended three (3) year term pursuant to the covenants, conditions, restrictions, duties and obligations of the Lease and as herein provided.

NOW, THEREFORE, in consideration of the terms, covenants and conditions as herein set forth, the parties hereto agree as follows:

1. Term. The term of this Lease Extension shall be for a period of three (3) years, commencing on January 1, 2001, and continuing through December 31, 2003, at which time the Lease shall expire.
2. Rental. The annual rents to be paid to the City by Lessee shall be in the sum of \$395.00 per year, due and payable, without demand by the City, on or before January 10 of each lease year. In the event the payment of rent is not received by the City on or before the specified due dates, Lessee agrees to pay a late charge of \$50.00 for each and every day following the specified due date, which late charge(s) shall be added to the amount of rents due.
3. All other terms, covenants, conditions and responsibilities as they appear in the aforementioned Dry Grazing Lease Agreement dated the 1st day of January, 1997, and the Lease Extension Agreement dated the 1<sup>st</sup> day of January, 1998, shall continue in full force and effect during the term of this Lease Extension.

Dated the day and year first above written.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

Lessee:

\_\_\_\_\_  
Sally Marie Smith

## **EXHIBIT "A"**

### **Description of "the Property"**

Township 2 South, Range 1 East of the Ute Meridian:

#### Section 23:

The SE1/4 of the NE1/4, and also, commencing at a point which is 90.0 feet South of the Northwest Corner of the NE1/4 SE1/4 of said Section 23; thence North to the Northwest Corner of the NE1/4 SE1/4 of said Section 23; thence East a distance of 1320.0 feet to the Northeast Corner of the NE1/4 SE1/4 of said Section 23; thence South a distance of 630.0 feet to a point on the East line of the NE1/4 SE1/4 of said Section 23; thence Northwesterly in a straight line to the Point of Beginning; and also

#### Section 24:

The SE1/4 of the NW1/4, the NE1/4 of the SW1/4, the NW1/4 of the SE1/4, the N1/2 of the NW1/4 of the SW1/4, and the East 25.0 feet of the SW1/4 of the NW1/4; and also

A nonexclusive easement for ingress and egress purposes which is more particularly described as follows: The south 35.0 feet of Lots 30 through 36 of Meserve Fruit Tracts lying South and West of U.S. Highway No. 50; and also

A strip of land 50.0 feet in width lying South and West and adjacent to the Southwesterly right-of-way line for U.S. Highway No. 50, said strip of land being across Lots 35 and 36 of Meserve Fruit Tracts, excepting therefrom the North 25.0 feet of the N1/2 of the NW1/4 SW1/4 of said Section 24.

All in the County of Mesa, State of Colorado.

**Attach 8**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<i><b>CITY COUNCIL</b></i>			
<b>Subject:</b>	<b>Mesa State College Rezone</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>November 12, 2000</b>		
<b>Author:</b>	<b>Joe Carter</b>	<b>Associate Planner</b>	
<b>Presenter Name:</b>	<b>Joe Carter</b>	<b>Associate Planner</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Mesa State College Rezone

**Summary:** The Petitioner is requesting rezoning 6 parcels adjacent to Mesa State College from RMF-8 and B-1 to CSR. Mesa State College or the Mesa State Foundation owns all parcels.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** First Reading of the Ordinance rezoning 6 parcels of land from RMF-8 and B-1 to CSR. Mesa State College or the Mesa State Foundation owns all the parcels.

<b>Citizen Presentation:</b>	<b>X</b>	<b>No</b>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>				
<b>Purpose:</b>				

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

**MEETING DATE:** December 20, 2000

**PLANNING COMMISSION**

**STAFF PRESENTATION:** Joe Carter

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**AGENDA TOPIC:** Rezone, File # RZ-2000-209, Mesa State College.

**SUMMARY:** The petitioner is requesting approval of a Rezone of 6 residential parcels located adjacent to Mesa State College

**ACTION REQUESTED:** First Reading of the Zoning Ordinance.

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		1315 College Place 1405 College Place 1435 College Place 1460 North 12 <sup>th</sup> Street 1450 North 12 <sup>th</sup> Street 1235 Kennedy Avenue			
<b>Applicants:</b>		Mesa State College, Petitioner Ron Gray, Representative			
<b>Existing Land Use:</b>		Rezone			
<b>Proposed Land Use:</b>		Associated College Uses			
Surrounding Land Use:	<b>North</b>	College			
	<b>South</b>	College			
	<b>East</b>	College			
	<b>West</b>	College			
<b>Existing Zoning:</b>		RMF-16 (parcels along College Place & B-1 (parcels along 12 <sup>th</sup> Street and Kennedy Ave.)			
<b>Proposed Zoning:</b>		CSR, Community Services and Recreation			
Surrounding Zoning:	<b>North</b>	RSF-16, (City)			
	<b>South</b>	RMF-16 (City)			
	<b>East</b>	RMF-16, (City)			
	<b>West</b>	RMF-16, (City)			
<b>Growth Plan Designation:</b>		Public			
<b>Zoning within density range?</b>		N/A	Yes		No

## PROJECT ANALYSIS

The petitioners are requesting the rezoning of 6 parcels under the ownership of the Mesa State Foundation and/or Mesa State College.

1315, 1405 and 1435 College Place are currently zoned RMF-16, Residential Multi-family 16 dwelling units per acre. 1450 and 1460 12<sup>th</sup> Street and 1235 Kennedy Avenue are currently zoned B-1.

The parcels along College Place are proposed for green space. The parcels along 12<sup>th</sup> Street and Kennedy Avenue are currently used as parking. The applicant has met with staff on the expansion of the parking lot of Kennedy and a Site Plan Review is forthcoming.

At the time of the recent adoption of the zoning map for the City of Grand Junction, it was agreed upon by the City Council that Mesa State College would have a zoning designation of CSR (Community Services and Recreation). At the time of the zoning map adoption, all properties under the ownership of Mesa State were rezoned to CSR. The properties included in this rezone request were acquired after the adoption of the new zoning map. Additionally, it was agreed upon that Mesa State College would be allowed to apply for bulk rezones of property on an annual basis.

This rezone must be evaluated using the criteria noted in Sections 2.6 of the Zoning and Development Code as follows:

- 1. Was the existing zone an error at the time of adoption?** No., The subject properties were not under the ownership of Mesa State College or the Mesa State College Foundation. The rezone request comes from the recent purchase of these 6 properties.
- 2. Has there been a change in character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The school is slowly acquiring the area to the east of Mesa State. With the acquisitions of property, Mesa State is expanding towards conformity with the Master Plan for the campus. There is a residential character to the neighborhood, but the trend in this area is to eventually complete the Mesa State Campus Master Plan. Mesa State owns much of the adjacent property along College Place. The 12<sup>th</sup> Street and Kennedy Avenue parcels are currently used for parking.
- 3. Is the proposed rezone 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?** Yes the rezones are



compatible with the neighborhood future expansion plans for Mesa State College. The green space proposal for these lots should not create adverse impacts because of its low intensity use. The parcels along 12<sup>th</sup> Street and Kennedy Ave are proposed for a parking lot expansion. The proposal will provide needed parking spaces for Mesa State. The capacity, storm water and lighting of these lots will be reviewed under a Site Plan Review application.

4. **Is the proposal in conformance with the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Zoning and Development Code and other City regulations and guidelines?** The parcels along College Place are designated as Public and were specifically designated as such for Mesa State College. The parcels along Kennedy are designated as commercial on the Growth Plan. The commercial designation allows for parking lots.
5. **Are adequate public facilities and services available or will be made available concurrent with the projected impacts of the proposed development?** Adequate facilities are available in the area and could reasonably be extended.
6. **Is there not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs?** No, the property surrounding Mesa State College is at full build out. With the proposed expansion of the college, parcels will be purchased and rezoned on an annual basis.
7. **Will the community or neighborhood benefit from the proposed zone?** Yes. The rezoning will benefit the community through the future expansion of Mesa State College.

**Staff Recommendation:**

Approval of the rezoning as requested.

Planning Commission Recommendation:

**Approval of the rezoning as requested.**

**Attachments:**

- a. Ordinance
- b. General location map
- c. Letter from petitioner

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. \_\_\_\_\_**

**Ordinance Zoning 1315 College Place, 1405 College Place, 1435 College Place, 1450 North 12<sup>th</sup> Street, 1460 North 12<sup>th</sup> Street and 1235 Kennedy Avenue.**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a Community Service and Recreation (CSR) zone district to these parcels for the following reasons:

- CSR zone district meets the recommended land use categories as shown on the future land use map of the Growth Plan, and the Growth Plan's goals and policies.
- CSR zone district meets the criteria found in Sections 2.6 of the Zoning and Development Code.

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

The Planning Commission and City Council find that the CSR zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following parcels shall be zoned Community Service and Recreation (CSR) zone district:

**LEGAL DESCRIPTIONS**

1315 College Place  
South ½ lot 19 + Lots 20 & 21 in Block 1, McMullin and Gormley subdivision  
Tax Parcel 2945-114-21-010

1405 College Place  
Lots 11& 12 in Block 1, McMullin and Gormley Subdivision  
Tax Parcel 2945-114-21-006

1435 College Place  
Lots 5 & 6 in Block 1, McMullin and Gormley Subdivision  
Tax Parcel 2945-114-21-003

1450 North 12<sup>th</sup> & 1235 Kennedy

All of Lots 1,2,3,4,5,6,7 in block 2 of AMENDED PLAT OF HENDERSON HEIGHTS EXCEPT The North 10 feet thereof; and all of Lots 26, 27, 28, 29, 30, 32, 33, and 34 in Block 2 of AMENDED PLAT OF HENDERSON HEIGHTS, TOGETHER WITH vacated alley as shown by Ordinance 1899 recorded July 11, 1980 in Book 1265 at Page 800 and as shown by Ordinance 2050 recorded May 13, 1982 at Page 253,

EXCEPT all of the following:

The North 110 feet of Lots 1,2,and 3, Block 2, the North 75 feet of Lots 4 and 5, Block 2, and the North 75 feet of the West 17.96 feet of Lot 6, Block 2, the North 97 feet of the east 7.21 feet of Lot 6, Block 2, and the North 97 feet of Lot 7, Block 2, the North 7.3 feet of the West 9.55 feet of Lot 26, Block 2, the North 7.3 feet of Lot 27,Block 2, AND EXCEPT all of that part of the vacated alley between the above described portion of Lots 26 and 27 of Block 2, all in the AMENDED PLAT OF HENDERSON HEIGHTS,AND TOGETHER WITH: LOTS 22, 23, 24, and 25 in Block 2 of AMMENDED PLAT OF HENDERSON HEIGHTS, TOGETHER WITH vacated alley as shown by Ordinance 2050 recorded May 13, 1982 in book 1372 at Page 253,Mesa County, Colorado

Tax Parcel 2945-123-15-021 and 2945-123-15-014

1460 North 12<sup>th</sup>

The North 110 feet of Lots 1,2 and 3, inclusive , Block 2, EXCEPT the North 10 feet thereof; The North 75 feet of Lots 4 and 5 inclusive Block 2, Except the North 10 feet thereof; The North 75 feet of the West 17.96 feet of Lot 6, Block 2, Except the North 10 feet thereof; The North 97 feet of the East 7.21 feet of Lot 6, Block 2, Except the North 10 feet thereof; The North 97 feet of Lot 7, Block 2, Except the North 10 feet thereof; All of Lot 8, Block 2, EXCEPT the North 10 feet thereof; The West 9.55 feet of Lot 9, Block 2, Except the North 10 feet thereof; The North 7.3 feet of the West 9.55 feet of Lot 26, Block 2, The North 7.3 feet of Lot 27, Block 2: All that part of the vacated alley lying between the above described portions of Lots 8, 9, 26 and 27 of Block 2; All in HENDERSON HEIGHTS AMENDED, EXCEPTING THEREFROM that portion thereof conveyed to The City of Grand Junction by instrument recorded February 1, 1993 in book 1953 at Page 841,Mesa County Colorado  
Tax Parcel 2945-123-15-013

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Introduced on first reading this 20<sup>th</sup> day of December, 2000.

PASSED and ADOPTED on second reading this \_\_\_\_ day of January, 2001.

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Mayor

ATTEST:

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City Clerk

**Attach 9**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<i><b>CITY COUNCIL</b></i>			
<b>Subject:</b>	<b>Colonial Heights Rezone</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>November 13, 2000</b>		
<b>Author:</b>	<b>Joe Carter</b>	<b>Associate Planner</b>	
<b>Presenter Name:</b>	<b>Joe Carter</b>	<b>Associate Planner</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Colonial Heights Rezone

**Summary:** The petitioner is requesting approval of a Rezone of 46.8 acres parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD 4.4. The petitioner is requesting a zoning of RMF-8, Residential Multi-family 8 units per acre.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** First Reading of the Ordinance for Colonial Heights.

<b>Citizen Presentation:</b>	<b>X</b>	<b>No</b>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>				
<b>Purpose:</b>				

<b>Report results back to Council:</b>	<b>X</b>	<b>No</b>	<b>Yes</b>	<b>When:</b>	
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<b>Placement on Agenda:</b>	<b>X</b>	<b>Consent</b>	<b>Indiv. Consideration</b>	<b>Workshop</b>
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**AGENDA TOPIC:** Rezone, File # RZ-2000-179, Colonial Heights Subdivision.

**SUMMARY:** The petitioner is requesting approval of a Rezone of 46.8 acres parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD 4.4 units per acre. The petitioner is requesting a zoning of RMF-8. The Planning Commission forwarded a recommendation of denial to the City Council. The applicant’s appeal of the Planning Commission’s decision will be heard at the time of Second Reading of the Zoning Ordinance.

**ACTION REQUESTED:** First Reading of the Zoning Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>Southeast Corner of 25 Road and G Road</b>		
<b>Applicants:</b>		<b>Alan Parkerson, Petitioner Pat O’Conner, Banner Assoc., Representative</b>		
<b>Existing Land Use:</b>		<b>Vacant</b>		
<b>Proposed Land Use:</b>		<b>Residential Subdivision</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential, large lot residential</b>		
	<b>South</b>	<b>Residential, 4.52 units per acre</b>		
	<b>East</b>	<b>Residential, 2.3 units per acre</b>		
	<b>West</b>	<b>Residential, large lot residential</b>		
<b>Existing Zoning:</b>		<b>PD 4.4, Planned Development 4.4 du/acre</b>		
<b>Proposed Zoning:</b>		<b>RMF-8, Residential Multi-family, 8 du/acre</b>		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RSF-4 (City)</b>		
	<b>South</b>	<b>RMF-8, (City) Garrett Estates</b>		
	<b>East</b>	<b>PD-2.3(City) Moon Ridge Falls</b>		
	<b>West</b>	<b>RMF-8 (City)</b>		
<b>Growth Plan Designation:</b>		<b>Residential Medium, 4 to 8 du/acre</b>		
<b>Zoning within density range?</b>		<b>x</b>	<b>Yes</b>	<b>No</b>

## **PROJECT ANALYSIS**

The petitioners are requesting a Rezone of 46.8 acres located on the southeast corner of 25 Road and G Road. The parcel is currently zoned Planned Development, 4.4 dwelling units per acre. The applicants are requesting an RMF-8 designation, Residential Multi-family 8 dwelling units per acre.

The Growth Plan designates this parcel as Residential Medium 4 to 8 units per acre. This proposal meets the intent of the Growth Plan.

The parcel was originally proposed as the Country Crossing development. Under the Country Crossing Development, the prior applicants successfully rezoned the property from PR-3.8 to PR-4.4. Staff does not know the reasons for the Country Crossing proposal abandonment. The Planned Development designation remained with the adoption of the new zoning map in April 2000.

As stated above, the applicant is requesting a rezone from PD to RMF-8. The applicant proposes a density of 4.6 dwelling units per acre or 184 units on 39.81 acres. The remaining 7.03 acres will be dedicated to the HOA as open space.

The 7.03 acres is not suitable for development and can be eliminated from the 'Net Developable Area' calculation. As proposed, the subdivision would consist of 140 single-family residential lots and 22 duplex lots.

The Parks and Recreation Department has requested an additional 10% gross land area dedication to the City of Grand Junction for a neighborhood park as per the Parks Master Plan. With the neighborhood park dedication, the number of lots will be reduced. The density might fluctuate slightly with the neighborhood park designation but will not exceed 8 units per acre or go below the 4 dwelling unit per acre density. The applicant is requesting the RMF-8 designation in order to reduce the lot size and minimize setbacks. The applicant has stated that there is no market demand for an 8 unit per acre development at this time.

The applicant sent notices to all adjacent property owners within 500 feet requesting their attendance at a required neighborhood meeting. The meeting was held on July 12, 2000 at 7:00 PM. Eight people were listed as attendees on the sign-in sheet. The density was discussed and the conceptual plan was shown to the attendees. The minutes for this neighborhood meeting, sign-in sheet and list of notified property owners are attached to this staff report.

The applicant is requesting only a rezone for the property under this application. Traffic, streets, access, drainage, lot configuration, irrigation and utilities will be reviewed at the time the Preliminary Plan is submitted for review. Attached to this staff report are Agency Review Comments that pertain more to a Preliminary Plan review. While these comments are valid, most were not considered for this rezoning request.

This rezone must be evaluated using the criteria noted in Sections 2.6 of the Zoning and Development Code, as follows:

8. **Was the existing zone an error at the time of adoption?** No., The underlying zone for this parcel is PD and was adopted with the new zoning map in April 2000.
9. **Has there been a change in character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The parcels directly to the south and west of this parcel are zoned RMF-8, as adopted by the City Council in April 2000.
10. **Is the proposed rezone 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?** The proposed rezone is compatible with the surrounding zoning and densities. The applicant for this project is the same applicant that is now constructing Garrett Estates subdivision, directly south of this parcel. The Growth Plan designation for this parcel is Residential Medium 4 to 8 units per acre and the zoning is RMF-8. Although the zoning for this parcel is RMF-8, the developer was approved with a density of 4.52 units per acre.

There is a Traffic Impact Study required for the Preliminary Plan submittal. The applicant is aware of the site improvement requirements for storm water and drainage. While water, air, noise and light pollution are very real concerns, the proposed development is consistent with the developed area on the east and south sides, which were approved by the Community Development Department. These items will be addressed at time of Preliminary Plan review.

11. **Is the proposal in conformance with the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Zoning and Development Code and other City regulations and guidelines?** Yes, the proposed development has been designed to be compliant with the Growth Plan. The Growth Plan designates this parcel as Residential Medium 4 to 8 units per acre.
12. **Are adequate public facilities and services available or will be made available concurrent with the projected impacts of the proposed development?** Adequate facilities are available in the area and could reasonably be extended.
13. **Is there an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs?** There is adequate supply of land in the area. The Growth Plan designates this property for residential development at densities of 4 to 8 units per acre that indicates a community need.



**14. Will the community or neighborhood benefit from the proposed zone? Yes.**

The proposed development can be considered in-fill due to the extent of surrounding development and the proposed zone is consistent with the surrounding zoning and densities. The parcel of land is in close proximity to the regional shopping mall and a regional park. The close proximity to these amenities would be beneficial to the community by reducing trip length to these destination areas.

**STAFF RECOMMENDATION:**

Approval

**RECOMMENDED PLANNING COMMISSION MOTION:**

The Planning Commission unanimously denied the request in a 0 – 6 vote. The Planning Commission agreed that, in this instance, a specific plan should have been submitted along with the rezone request.

The applicant has submitted an appeal to the Planning Commission's recommendation to City Council. This appeal will be heard at time of Second Reading of the Zoning Ordinance.

Attachments:

- d. Ordinance
- e. General location map (aerial)
- f. Site Plan
- g. Neighborhood Meeting Minutes
- h. Neighborhood Meeting Sign In Sheet

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. \_\_\_\_\_**

**Ordinance Zoning a Parcel of Land Located  
on the Southeast Corner of 25 Road and G 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 Residential Multi-family 8 units per acre (RMF-8) zone district to these parcels for the following reasons:

- RMF-8 zone district meets the recommended land use categories as shown on the future land use map of the Growth Plan, and the Growth Plan's goals and policies.
- RMF-8 zone district meets the criteria found in Sections 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The City Council finds that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following parcels shall be zoned Residential Multi-family 8 units per acre (RMF-8) zone district:

**LEGAL DESCRIPTIONS**

**PARCEL 1**

Beginning at the Northwest Corner of the SW ¼ NW1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian,  
thence South 89d31' East 1319.00 feet to the Northeast Corner of said SW1/4 NW1/4  
thence South 00d01' East 147.3 feet,  
thence South 74d27' West 1084.6 feet,  
thence South 64d16' West 141.0 feet,  
thence West 147.2 feet to the West line of said SW ¼ NW1/4,  
thence North 510.4 feet to the Point of Beginning,  
Tax Schedule # 2945-032-00-199

PARCEL 2

That part of the NW ¼ NW¼ and the W½ NE¼ NW¼ of Section 3, Township 1 South, Range 1 West of the Ute Meridian, lying Westerly and Southerly of the centerline of the Grand Valley Canal,

EXCEPT Beginning at the Northwest Corner of Section 3, Township 1 South, Range 1 West of the Ute Meridian,

thence East along the North line of said Section 3 a distance of the 220.0 feet,  
thence South parallel to the West line of said Section 3 a distance of 180.0 feet,  
thence West parallel to the North line of said Section 3 a distance of 220.0 feet,  
thence North along the West line of said Section 3 a distance of 180.0 feet to the Point of Beginning,

PARCEL 3:

That part of the NW¼ NW¼ and the W½ NE¼ NW¼ of Section 3, Township 1 South, Range 1 West of the Ute Meridian lying Westerly and Southerly of the Easterly and Northerly right of way line of the Grand Junction and Grand River Railway, AND lying Northerly and easterly of the centerline of the Grand Valley Canal,

EXCEPTING THEREFROM that portion conveyed in Deed recorded May 13, 1997, in Book 2325 at Page 110, said portion being described as follows:

All that part of the following described property lying East of the centerline of the Grand Valley Canal:

A parcel of land located in the NE¼ NW¼ of Section 3, Township 1 South Range 1 West of the Ute Meridian further described as the following:

Beginning at the Southwest Corner of said NE¼ NW¼ of Section 3, whence the Northwest Corner of said NE¼ NW¼ of Section 3 bears North 00d02'09" West, a distance of 1332.54 feet for a basis of bearing with all bearings contained herein relative thereto; thence along the West line of said NE¼ NW¼ of Section 3 North 00d02'09" West, a distance of 371.96 feet, thence along the Easterly right-of-way line of a 40.00 foot wide right of way for the Grand Junction and Grand River Valley Railway as recorded in Book 125, Pages 286 through 288 of the Mesa County Records the following three (3) courses: (1) South 13d59'29" East, a distance of 3.11 feet, (2) along a curve to the left, having a delta angle of 76d33'20", with a radius of 454.62 feet, an arc length of 607.44 feet, a chord bearing of South 52d16'09" East, and a chord distance of 563.25 feet, (3) North 89d27'11" East, a distance of 213.18 feet, thence South 00d03'24" East, a distance of 20.00 feet to a point on the South line of said NE¼ NW¼ of Section 3, thence South 89d27'11" West, a distance of 659.21 feet along said South line to the Point of Beginning,

ALL IN MESA COUNTY, COLORADO.

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Introduced on first reading this 20<sup>th</sup> day of December, 2000.

PASSED and ADOPTED on second reading this \_\_\_\_ day of January, 2001.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

Attach 10

CITY COUNCIL  
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
<b>Subject:</b>	<b>Amending the Zoning Ordinance for Redlands Mesa</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 13, 2000</b>		
<b>Author:</b>	<b>Kathy Portner</b>	<b>Planning Manager</b>	
<b>Presenter Name:</b>	<b>Kathy Portner</b>	<b>Planning Manager</b>	
	<b>Workshop</b>	<b>x</b>	<b>Formal Agenda</b>

**Subject:** FP-2000-219 Amending the Zoning Ordinance for Redlands Mesa

**Summary:** A request to revise the zoning ordinance for Redlands Mesa to increase the maximum size of the golf clubhouse from 6,000 s.f. to 9,000 s.f.

**Background Information:** See attached.

**Budget:** N/A

**Action Requested/Recommendation:** Council approval of the 1st reading of the ordinance.

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

<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	<b>When:</b>	
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<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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**AGENDA TOPIC:** FP-2000-219 Amending the Zoning Ordinance for Redlands Mesa

**SUMMARY:** A request to revise the zoning ordinance for Redlands Mesa to increase the maximum size of the golf clubhouse from 6,000 s.f. to 9,000 s.f.

**ACTION REQUESTED:** City Council approval of the ordinance

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>South of West Ridges Blvd in the Ridges</b>	
<b>Applicants:</b>		<b>Red Junction, LLC</b>	
<b>Existing Land Use:</b>		<b>Undeveloped</b>	
<b>Proposed Land Use:</b>		<b>Golf clubhouse and maintenance facility</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single family residential and golf course</b>	
	<b>South</b>	<b>Undeveloped and golf course</b>	
	<b>East</b>	<b>Residential</b>	
	<b>West</b>	<b>Golf course</b>	
<b>Existing Zoning:</b>		<b>Planned Development (PD)</b>	
<b>Proposed Zoning:</b>		<b>Same</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>PD</b>	
	<b>South</b>	<b>PD</b>	
	<b>East</b>	<b>PD</b>	
	<b>West</b>	<b>PD</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium Low (2-4 dwelling units per acre)</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Project Analysis:**

**Background:** The Redlands Mesa proposal, consisting of 526 residential units and 20,000 s.f. of office on 175.69 acres, 145.25 acres of open space and 160.89 acres for the golf course and club house, received ODP (Outline Development Plan) and design density approval. The total acreage for the development is 494.08. A Preliminary Plan and zoning for Phase I of the development has also been approved. Phase I consists of 188 single family homes, the golf course, clubhouse and maintenance facility. Filing I of Phase I was approved by Planning Commission in the Fall of 1999 and recorded in July of 2000. Filing I included 79 single family lots, as well as the golf course and created

and dedicated 85 acres of open space to the City of Grand Junction. Filing II of Phase I was recently approved by the Planning Commission and consists of 36 single family lots.

### Proposed Clubhouse and Maintenance Facility

The approved ODP for Redlands Mesa included the clubhouse on the south side of West Ridges Boulevard, as is proposed, but showed the maintenance facility to be located on the north side of West Ridges Boulevard, directly across from the clubhouse. The developer is now proposing to incorporate the maintenance facility onto the same site as the clubhouse, which allows for better efficiency and design.

The zoning ordinance for Phase I of Redlands Mesa established a maximum square footage for the clubhouse of 6,000 s.f., to include a golf shop and related facilities, a restaurant and bar. The clubhouse as proposed has a total of 8,706 s.f., including an unfinished basement. The maintenance facility is a total of 8,159 s.f. which is within the approved 12,000 s.f.

The clubhouse facility will include a bar/dining area with a seating capacity of 75, a pro shop, snack bar and common areas. It also includes a 4,216 s.f. unfinished basement. The applicant has calculated the parking needs as follows:

- 75 seats in top level; 3:1 = 25 vehicles
- 18 hole course with four-some on each hole = 72 golfers = 72 cars max.
- Staff of 10, 10 on driving range, and three four-somes waiting = 32
- Total needed = 141

The above assumptions and calculations are maximums and do not account for ride sharing, residents golfing and shared use of facilities, so the demand would likely be somewhat less. There are 142 spaces provided on site, which are adequate for the uses as described. However, the above assumptions do not account for the future use of the unfinished basement. Possible uses of the unfinished basement are lockers for golfers or a banquet facility. If it is used as a banquet facility, the parking demand might be quite high and additional parking would likely be required. At the time a use is proposed for the basement, it will have to be determined if adequate parking exists, or if additional parking would be required.

The landscaping, lighting and signage as proposed are acceptable.

The City Fire Department has conducted a hydrant flow test near the clubhouse and found the available flow to be 1,168 GPM. The Fire Code requires a flow of 1,500. Therefore, until the Fire Department is satisfied there is adequate fire flow, a Planning Clearance cannot be issued.

**COUNCIL CONSIDERATION: The Planning Commission approved the Final Plan for the Clubhouse at Redlands Mesa at their December 12, 2000 hearing and recommended approval to amend the zoning ordinance, increasing the maximum**

**size for the clubhouse. The City Council is considering only the revised zoning ordinance, not the details of the final plan.**

Attachments:

- a. General Location Map
- b. General Project Report
- c. Approved ODP/Preliminary Plan
- d. Site Plan



## CITY OF GRAND JUNCTION

### Ordinance No.

#### AMENDING THE ZONING ORDINANCE FOR REDLANDS MESA

##### Recitals:

In April of 1999, a zoning ordinance for Phase I of Redlands Mesa was approved by the City Council. The ordinance allowed for 118 single family homes, an 18 hole golf course, a clubhouse not to exceed 6,000 s.f. and a maintenance facility not to exceed 12,000 s.f. The proposed final plans for the clubhouse include a basement, bringing the total square footage to just under 9,000 square feet. The Planning Commission has approved the final plan for the clubhouse. The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

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

That the Planned Development (PD) zoning ordinance for the land described below is hereby revised with the allowed uses being as follows:

- Residential uses not to exceed 118 single family units.
- A golf clubhouse not to exceed 9,000 s.f. and to include a golf shop and related facilities, a restaurant and a bar.
- A golf maintenance facility not to exceed 12,000 s.f.

LEGAL DESCRIPTION: A parcel of land situated in portions of Sec 17, 19 and 20, T1S, R1W of the U.M., Mesa County, Colorado, described in Bk 1843 at Pgs 692 thru 698, said parcel being more particularly described by survey as follows: Beg at a pt on the E line of the NE1/4 SE1/4 of Sec 20, whence the E1/4 cor of Sec 20, a standard 3 1/2" aluminum cap set by PLS 18480 on an aluminum pipe, bears N01°14'38"E 130.74'; thence S01°14'38"W 1162.17' to the S1/16 cor on the E boundary of Sec 20, a Mesa County survey monument; thence along the E line of the SE1/4 SE1/4 of Sec 20, S01°16'22"W 1267.75' to a pt whence the SE cor of Sec 20, a BLM brass cap, bears S01°16'22"W 24.59'; thence S89°07'30"W 1224.69' to the E1/16 cor on the N boundary of Sec 29, T1S, R1W, a Mesa County survey monument; thence N89°06'43"W 95.80' to the E1/16 cor on the S boundary of Sec 20, a BLM Cadastral survey brass cap; thence N89°46'17"W 1318.92' to the S1/4 cor of Sec 20, a BLM Cadastral survey brass cap; thence N89°36'43"W 1320.84' to the W1/16 cor on the S boundary of Sec 20, a BLM Cadastral survey brass cap; thence N89°44'02"W 1320.20' to the SW cor of Sec 20, a BLM Cadastral survey brass cap; thence along the W line of the SW1/4 of Sec 20, N00°11'02"E 897.11' to a metal disk marker stamped LS5933 set in a stone; thence N89°49'40"W 500.09' to a rebar/cap LS5933; thence N30°11'54"E 470.92' to the 1/4 cor common to Sec 19 and 20, a Mesa County survey monument; thence S89°46'44"W 1300.13' to the center E1/16 cor of Sec 19, a Mesa County survey monument; thence

N01°44'46"E 1291.50' to the NE1/16 cor of Sec 19, a Mesa County survey monument; thence N89°53'22"E 613.13' to a #5 rebar set in concrete; thence N65°17'32"E 535.96' to a #5 rebar set in concrete; thence N41°55'06"E 592.54' to a #5 rebar set in concrete; thence N58°16'03"E 495.53' to a #5 rebar set in concrete; N78°07'01"E 666.98' to a #5 rebar set in concrete; thence N33°06'25"E 350.67'; thence S68°41'19"E 588.44' to the westerly line of a parcel described in a title commitment prepared by Meridian Land Title, Inc., as an exception to said Parcel 1; thence along westerly line S23°37'49"W 430.49'; thence along the southerly line of said exception, N89°41'49"E 72.15'; to the westerly boundary of The Ridges Filing #6; thence along the westerly and southerly boundary of The Ridges Filing #6 the following courses: S00°00'00"E 122.33'; S44°10'50"E 244.94'; S69°22'18"E 54.27'; S48°35'48"E 55.79'; N85°06'40"E 92.27'; N17°21'30"E 92.69'; S82°14'50"E 30.14' to the southerly line of that parcel described in said title commitment as an exception to said Parcel 1; thence along southerly line S25°33'11"E 117.30'; thence along southerly line S66°34'51"E 133.09' to the westerly line of a parcel described in Bk 1843 at Pg 698; thence along westerly line S10°16'01"E 95.31'; thence along westerly line S68°50'18"E 72.62' to a #5 rebar with cap LS12770; thence departing said westerly line, 104.65' along the arc of a 50.00' rad non-tangent curve to the left, through a central angle of 119°55'32" with a chord bearing S25°03'53"E 86.57'; thence 283.58' along the arc of a 444.99' rad non-tangent curve to the right, through a central angle of 36°30'48", with a chord bearing S56°03'20"W 278.81'; thence 130.87' along the arc of a 150.00' rad curve to the left, through a central angle of 49°59'24", with a chord bearing S49°19'02"W 126.76'; thence S24°19'20"W 97.00' to a #5 rebar with cap LS 12770; thence N65°40'40"W 50.00' to a #5 rebar with cap LS 12770; thence 31.41' along the arc of a 20.00' rad non-tangent curve to the right, through a central angle of 90°00'00", with a chord bearing S69°19'20"W 28.28' to a #5 rebar; thence N65°40'40"W 49.00' to a #5 rebar set in concrete; thence S24°19'20"W 139.60' to a #5 rebar; thence N65°40'40"W 35.82' to a #5 rebar with cap LS 9960; thence S00°00'00"E 95.00' to a #5 rebar with cap LS 9960; thence S61°02'00"W 328.41' to a #5 rebar with cap LS 12770, the southerly and westerly boundary line of The Ridges Fil #5; thence along the southerly and westerly boundary line of The Ridges Fil #5 the following courses: S28°58'00"E 43.03'; 148.29' along the arc of a 260.00' rad curve to the right, through a central angle of 32°40'46", with a chord bearing S12°37'37"E 146.29'; 437.10' along the arc of a 290.00' rad curve to the left, through a central angle of 86°21'34" with a chord bearing S39°28'03"E 396.89'; S30°57'24"E 145.53' to a #5 rebar with cap LS 9960; S39°51'00"E 121.67'; S36°13'27"E 244.71' to a #5 rebar with cap LS 9960; S73°52'00"E 335.71'; N50°31'05"E 317.42'; N14°29'37"W 381.25' to a #5 rebar with cap LS 9960 on the southerly boundary line of The Ridges Fil #4; thence along the southerly boundary line of The Ridges Fil #4 the following courses: S81°52'12"E 71.57'; 482.20' along the arc of a 1040.00' rad curve to the left, through a central angle of 26°33'55", with a chord bearing N84°50'51"E 477.89'; N71°33'54"E 360.00'; 111.41' along the arc of a 540.00' rad curve to the left, through a central angle of 11°49'15", with a chord bearing N65°39'17"E 111.21' to the westerly boundary line of the Gardner Lake parcel; thence along the westerly and southerly boundary of the Gardner Lake parcel the following courses: S18°35'50"W 335.00' to a #5 rebar with cap LS 12770; S34°39'50"E 150.00'; S84°28'10"E 272.64'; N55°13'20"E 220.00'; N38°34'30"E 120.00' to the southerly boundary line of The Ridges Fil #3;

thence along the southerly boundary line of The Ridges Fil #3 the following Courses: S90°00'00"E 143.35'; 103.76' along the arc of a 800.00' rad curve to the left, through a central angle of 07°25'54" with a chord bearing N86°17'03"E 103.69' to a #5 rebar with cap LS 9960; S07°25'54"E 110.00' to a #5 rebar with cap LS 9960; N82°34'06"E 240.00' to a #5 rebar with cap LS 9960; S89°18'55"E 87.26' to a #5 rebar with cap LS 9960; S53°14'24"E 119.27' to a #5 rebar with cap LS 9960; S26°05'44"E 251.58'; N63°56'00"E 110.00'; S26°04'00"E 160.00' to POB. EXCEPT a parcel conveyed to the County of Mesa by instrument recd at Bk 964 Pg 653.

INTRODUCED for FIRST READING and PUBLICATION this 20th day of December, 2000.

PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>		
<b>Subject:</b>	<b>Public Hearing and Proposed Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-44-00 (Glen Caro and Northfield Estates No. 2), and (b) Award Construction Contract for this project.</b>	
<b>Meeting Date:</b>	<b>December 20, 2000</b>	
<b>Date Prepared:</b>	<b>December 11, 2000</b>	
<b>Author:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>
<b>Presenter Name:</b>	<b>Tim Woodmansee</b>	<b>Real Estate Manager</b>
<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** (a) Public Hearing and Proposed Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-44-00, and (b) Award Construction Contract for Glen Caro and Northfield Estates No. 2.

**Summary:** The owners of real estate located in the vicinity south of G Road, north of the Grand Valley Canal, east of 1<sup>st</sup> Street and west of 7<sup>th</sup> Street, have petitioned the City Council to create an improvement district for the installation of sanitary sewer facilities for the Glen Caro and Northfield Estates No. 2 sewer project. The public hearing, proposed resolution and contract award are the final steps in the formal process required to create the proposed improvement district.

**Background Information:** The proposed improvement district consists of 50 single-family homes connected to septic systems. Sixty-eight percent of the property owners have signed a petition requesting this improvement district be created. People's Ordinance No. 33 authorizes the City Council to create improvement districts when requested by a majority of the owners of real estate to be assessed.

This project consists of two components: 1) Trunk Line Extension, and 2) Installation of facilities within the limits of the proposed district. The following bids were received for both components:

Mountain Valley Contracting	\$ 391,979.35
MA Concrete Construction	\$ 403,250.05
Skyline Contracting	\$ 477,907.05
Sorter Construction	\$ 534,948.65
Continental Pipeline Construction	\$ 612,674.50
Engineer's Estimate	\$452,530.50

**Budget:** Sufficient funds have been transferred from Fund 902, the sewer system “general fund”, to pay for costs associated with this proposed improvement district. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 50 benefiting properties, as follows:

Estimated Project Costs*	\$390,200.00	\$7,804.00 / lot
-30% Septic System Elimination Contribution by City	(\$117,060.00)	(\$2,341.20) / lot
Total Estimated Assessments	\$273,140.00	\$5,462.80 / lot
*Estimated Project Costs include design, construction, inspection, and administrative costs. This figure does not include Trunk Extension Costs, which will be recovered as explained below.		

Costs for the trunk line extension are included in the bid amount, estimated to be \$48,000. Trunk Line Extension funds will be used to extend the sewer main to the district boundary. The Trunk Line Extension fund will be reimbursed by a Trunk Line Extension Fee to be paid when each property connects to the sewer system. The Trunk Line Extension Fee varies depending on the size of each property, as follows:

- \$1,000 for properties smaller than 1/3 acre
- \$1,500 for properties less than 1 acre but equal to or more than 1/3 acre
- \$1,750 for properties containing one or more acres

**Action Requested/Recommendation:** (a) Pass and Adopt proposed Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-44-00, and (b) Award Contract for the Construction of Sanitary Sewer Improvement District No. SS-44-00 to Mountain Valley Contracting in the amount of \$391,979.35.

**Attachments:** Vicinity map, ownership summary, proposed resolution.

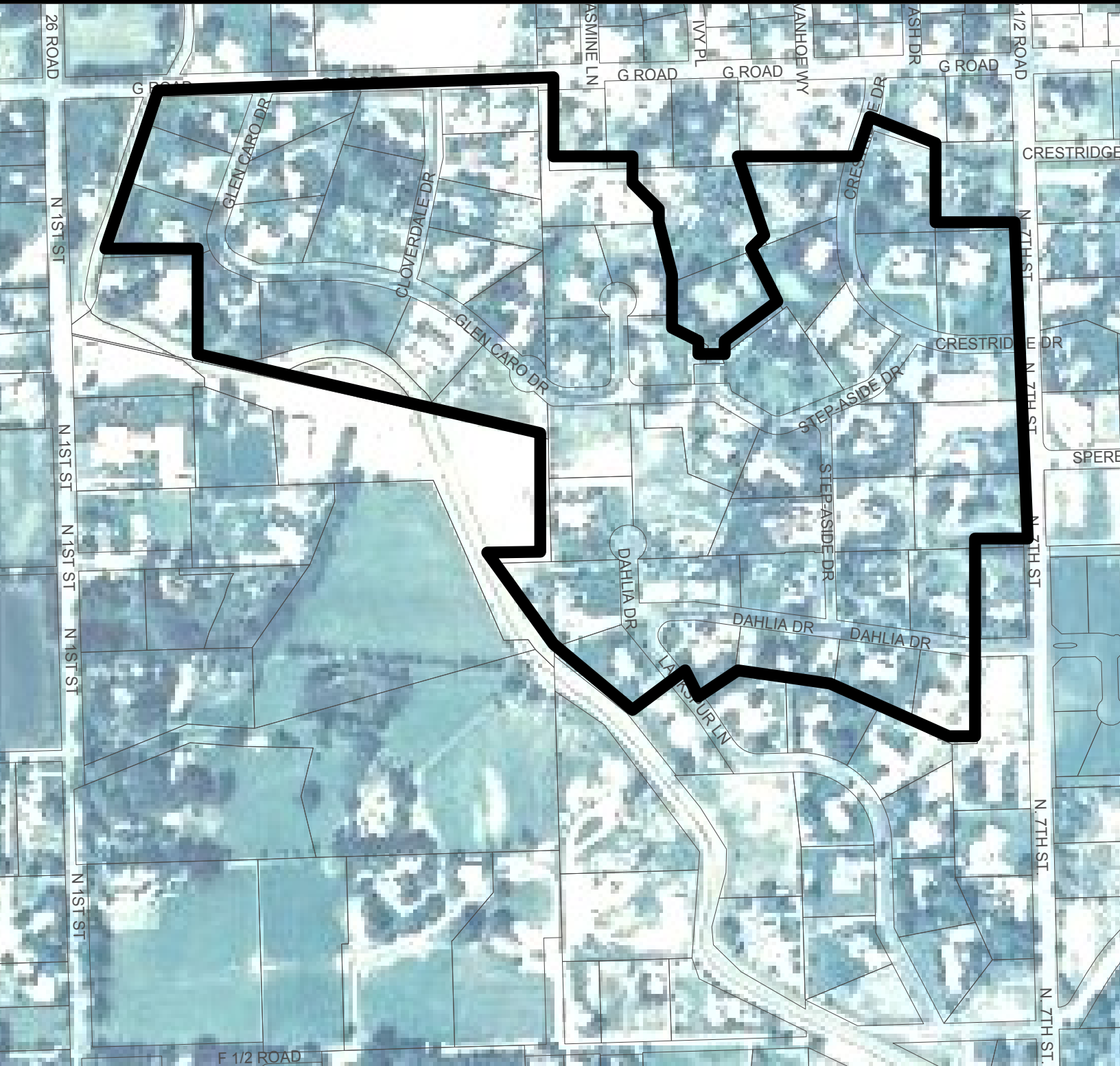
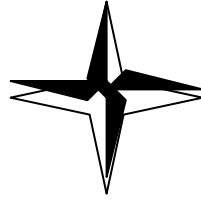
<b>Citizen Presentation:</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>	Any interested person.				
<b>Purpose:</b>	To speak for or against the proposed improvement district.				

<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When:</b>	
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<b>Placement on Agenda:</b>	<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Indiv. Consideration</b>	<input type="checkbox"/>	<b>Workshop</b>
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**LIMITS OF PROPOSED SANITARY SEWER IMPROVEMENT DISTRICT  
GLEN CARO & NORTHFIELD ESTATES NO. 2**

**NORTH**



## OWNERSHIP SUMMARY

### PROPOSED SANITARY SEWER IMPROVEMENT DISTRICT No. SS-44-00

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQ.?
2945-022-03-001	• James Victor Hammond	2623 G Road	No
2945-022-03-002	Gary & Barbara Plsek	696 Cloverdale Drive	No
2945-022-03-003	• Stephen & Judith Axthelm	694 Cloverdale Drive	No
2945-022-03-004	James Pommier & Julie Pearson	690 Cloverdale Drive	No
2945-022-03-005	• Bena Maes	686 Glen Caro Drive	No
2945-022-04-001	Thomas & Elaine Kulkan	698 Glen Caro Drive	No
2945-022-04-002	• Ronnie & Cheryl Greenhow	699 Cloverdale Drive	No
2945-022-04-003	• Steven & Nancy Don	696 Glen Caro Drive	No
2945-022-04-006	• Howard & Janice Hall	694 Glen Caro Drive	No
2945-022-04-007	• Gilbert & Doris Madison	695 Cloverdale Drive	No
2945-022-05-001	Michael Schoede & Nancy Knanishu	695 Glen Caro Drive	No
2945-022-05-003	R.R. Frohock	693 Glen Caro Drive	No
2945-022-05-006	• James & Von Diamanti	683 Glen Caro Drive	No
2945-022-05-007	• John & Irene Green	681 Glen Caro Drive	No
2945-022-05-009	Thomas & Ailene Maddalone	699 Glen Caro Drive	No
2945-022-05-010	• Michael & Jean Kloberdanz	697 Glen Caro Drive	No
2945-022-05-011	• Alice McGregor	691 Glen Caro Drive	Yes
2945-022-08-002	• Daniel & Grace Ward	673 Larkspur Lane	Yes
2945-022-08-004	• Newell & Marlene Hoskin	675 Larkspur Lane	Yes
2945-022-06-009	• Robert & Louise Sammons	2636 Dahlia Drive	No
2945-022-00-047	• Robert & Louise Sammons	676 Larkspur Lane	Yes
2945-022-06-010	Mark & Darsie Huber	2638 Dahlia Drive	Yes
2945-022-00-034	• Barbara Trowbridge	676 Stepside Drive	Yes
2945-022-00-033	• Richard & Linda Pryor	675 26 ½ Road	Yes
2945-022-02-007	• William & Mildred Erwin	690 Myrtle Lane	Yes
2945-022-00-041	• Dorothy Burgess	679 26 ½ Road	No
2945-022-02-020	• Larry & Norma Wheeler	694 Jasmine Lane	No
2945-022-02-006	• Lloyd & Anne Davis	691 Myrtle Lane	No
2945-022-06-011	Vernon & Alice Nelson	679 Stepside Lane	No
2945-022-00-040	• Gaynell & Douglas Colaric	680 Stepside Drive	No
2945-022-14-001	• Christine Brown	Vacant Land	No
2945-022-14-002	• Christine Brown	677 Larkspur Lane	No
2945-022-10-004	Danny & Rene Romero	2645 Dahlia Drive	No
2945-022-10-003	Alice Martin	2643 Dahlia Drive	No
2945-022-10-002	Jack & E.N. Williams	2639 Dahlia Drive	No
2945-022-10-001	• Gerald & Shirley Quinn	672 Larkspur Lane	No
2945-022-09-002	Larry & Sylvia Porter	2646 Dahlia Drive	No
2945-022-09-001	Charles Mitchell	2642 Dahlia Drive	No
2945-022-07-001	• Thomas & Linda Todd	685 Crest Ridge Drive	No
2945-022-06-008	• Patrick & Maura Griggs	685 Stepside Lane	No
2945-022-06-002	• Charles & Karen Moore	687 Stepside Drive	No
2945-022-02-022	Paul & Laura Stidham	689 Crest Ridge Drive	No

2945-022-02-017	• William Merrill & Mary Hughes	695 Crest Ridge Drive	No
2945-022-02-013	• Kenneth & Catherine Hamon	686 Stepside Drive	No
2945-022-02-010	• Hamon Family, LLC	687 Crest Ridge Drive	No
2945-022-02-012	• Edward & Glenna Maurin	688 Myrtle Lane	No
2945-022-02-011	William & Debra Deonier	684 Glen Caro Drive	No
2945-022-01-005	Sherwood & Carolyn Fox	688 Crest Ridge Drive	No
2945-022-01-004	• Paul & Gertrude Lundberg	686 Crest Ridge Drive	No
2945-022-01-002	• John & Lou Stark	696 Crest Ridge Drive	No
<b>Total Assessable Parcels = 50</b>			
<b>Additional Easements are required from Grand Valley Irrigation, David B. Palo, Jr., Joseph &amp; Dana Elliott, and Paula White, whose properties are not included in the proposed improvement district</b>			

- Indicates property owners signing petition = 34/50 or 68%



**RESOLUTION NO. \_\_\_\_\_**

**CREATING AND ESTABLISHING  
SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-44-00 ,  
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO,  
AUTHORIZING THE INSTALLATION OF SANITARY SEWER FACILITIES AND  
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE SAME**

WHEREAS, on the 15<sup>th</sup> day of November, 2000, the City Council passed Resolution No. 112-00 declaring its intention to create Sanitary Sewer Improvement District No. SS-44-00, authorizing the City Engineer to prepare full details, plans and specifications for the installation of sanitary sewer improvements together with a map of the district lands to be assessed, and authorizing a Notice of Intention to Create said district; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given and has filed such specifications and map, all in accordance with said Resolution No. 112-00 and the requirements of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, City Ordinance No. 178, as amended, and People's Ordinance No. 33; and

WHEREAS, the Notice of Intention to Create Sanitary Sewer Improvement District No. SS-44-00 was duly published as authorized by said Resolution No. 112-00.

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

1. That the details, plans and specifications and the map of the district lands prepared by the City Engineer are hereby approved and adopted.
2. That said Sanitary Sewer Improvement District No. SS-44-00 be, and the same is hereby, created and established; that the installation of certain sanitary sewer improvements therein be, and the same are hereby, authorized and directed in accordance with Chapter 28 of the Code of Ordinances, as amended, City Ordinance No. 178, as amended, and People's Ordinance No. 33.
3. That the installation of improvements for Sanitary Sewer Improvement District No. SS-44-00 shall be made by contract let to the lowest reliable and responsible bidder after public advertisement; except, that if it is determined by the City Council that the bids are too high, and that the authorized improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary materials, supplies and equipment.
4. That the improvements in said Sanitary Sewer Improvement District No. SS-44-00 were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, Ordinance No. 178, as amended, and People's Ordinance No. 33, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

5. That the description of the improvements to be constructed, the boundaries of said Sanitary Sewer Improvement District No. SS-44-00, the amounts estimated to be assessed, the number of installments and assessments, the time in which the costs shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such costs, shall be as prescribed in Resolution No. 112-00 adopted for said District on the 15<sup>th</sup> day of November, 2000, and in accordance with the published Notice of Intention to Create said District.

PASSED and ADOPTED this 20<sup>th</sup> day of December, 2000.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Group Living Facilities</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 12, 2000</b>		
<b>Author:</b>	<b>Stephanie Rubinstein</b>	<b>Staff City Attorney</b>	
<b>Presenter Name:</b>	<b>Stephanie Rubinstein</b>	<b>Staff City Attorney</b>	
	<b>Workshop</b>	<b>xx</b>	<b>Formal Agenda</b>

**Subject:** Group Living Facilities

**Summary:** The major changes to section 4.3.Q of the Zoning and Development Code are:

1. The definition of “small group living facility” was changed from any group living facility with less than eight residents to a group living facility with 4 to 8 residents.
2. Definitions of “facility” and “use” were added.
3. The definition of a “homeless shelter” was changed from a facility which provides temporary accommodations for one or more days to a facility which provides accommodations for more than six months of a single year to any person.
4. A provision was added to provide that if a group living facility does not exceed the density of the zone in which it is located, then a Conditional Use permit is not required. “Density” for the purpose of group living facilities is defined in the Code as 2 beds equals one dwelling unit.
5. A provision was added to provide that a group living facility in a commercial zone is not subject to provisions of this section which are specific to incompatibility with residential neighborhoods.
6. A provision was added to allow existing group living facilities to continue to exist as legal non-conforming uses, so long as no changes are made to expand the facility. Registration will still be required.
7. The provision requiring all group living facilities be at least 1000 feet from every other group living facility was changed to 750 feet.
8. The current Code does not allow any administrative activities to occur on the property which are not directly related to the facility. This provision has been changed to allow administrative activities which are “sponsored, conducted or related” to the facility.
9. A definition of “adverse impact” has been added.

- 10. The current Code does not allow on-going medical or psychiatric treatment for persons who do not currently reside in the group living facility. This section has been changed to allow up to 12 persons (which is the number of persons allowed in an Adult Day Care Facility in residential zones) who do not reside at the facility to use the facility's services.
- 11. The distance for which notice is required for a neighborhood meeting for a new group living facility is changed from one-half mile to 1000 feet.
- 12. A section which provided that the Community Development Director does not have to investigate any statements made at a neighborhood meeting was modified to provide that the statements do not have to be investigated unless the Director is relying on the statement in a decision to register, deny registration or register with conditions.
- 13. The Review Board which was established by the current Code has been changed to provide that the current Adult and Juvenile Community Correction Boards review facilities which house persons who are sentenced to that facility.
- 14. A sunset provision has been added.

**Background Information:** On April 22, 2000, the City of Grand Junction Zoning and Development Code became effective. Section 4.Q refers to Group Living Facilities. Several groups who manage and own group living facilities, as well as members of the Community Corrections Board, contacted the City and requested that the City revisit this issue, as they felt there were several issues which were not addressed or considered in the Code. These groups met with City staff a total of six times to discuss these concerns. The groups which met with City staff included representatives from Hilltop, Colorado West Mental Health, Mesa Developmental Services, Salvation Army, Community Corrections Board, and others. The attached amended ordinance is the result. The Planning Commission recommended approval of this ordinance on November 28, 2000.

**Budget:** None

**Action Requested/Recommendation:** Adoption of Ordinance on Second Reading.

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

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

**AN ORDINANCE AMENDING CHAPTER 4 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION, COLORADO**

RECITALS: On April 22, 2000, the City of Grand Junction Zoning and Development Code became effective. After the effective date, City staff met with representatives who own and manage group living facilities in our community to re-work the provisions specifically related to group living facilities. The goal of this collaboration was to write an ordinance which would be workable for the group living facilities, while still providing information to the City regarding the location and services of the group living facilities, as well as allowing the group living facilities to be integrated into neighborhoods. Group living facilities are an important service in our community. The City's policy is to promote the existence of such facilities. Group living facilities provide needed services and a home environment for those who may not be able to live on their own. Additionally, it is the City's policy to integrate these homes into neighborhoods to protect the health, safety and welfare of the residents of the neighborhood, as well as the residents of the group living facilities.

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

Chapter 4 of the Zoning and Development Code of the City of Grand Junction, be amended as follows:

That Section 4.3.Q be repealed and a new Section 4.3.Q be added to read:

**Q. Group Living Facility.**

1. Group Living Facility ("facility" or "group living facility").
  - a. A Group Living Facility is a residential facility or use as defined by this Code that functions as a housekeeping unit comprised of unrelated persons receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this Code are required. A separate City license is not required.
    - (1) An **unlimited group living facility** is a group living facility shared by or the residence of 12 or more unrelated persons, exclusive of staff.
    - (2) A **large group living facility** is a group living facility shared by or the residence of more than eight (8) but fewer than twelve (12) unrelated persons, exclusive of staff.
    - (3) A **small group living facility** is a group living facility shared by or the residence of more than four (4), and up to and including eight (8) unrelated persons, exclusive of staff.
      - b. For the purpose of this section only, the following definitions shall apply:
        - (1) **Facility**. A single facility is a lot, parcel or tract of land, together with the structures located thereon.

- (2) **Use.** The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained.
  - (3) **Structure/Building** shall be defined in Chapter 9.
  - (4) **Related** means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See, Chapter 9, Group Living Facility, Family and Household)
- c. Group living facilities as defined by this Code may or may not be licensed by the State. A facility, which is licensed by the state, regardless of category or size is a group living facility and is required to register with the City.
  - d. A use which does not fit within the definition of a group living facility, is not allowed within a residential district. It is a violation of this Code for four (4) or more unrelated persons to reside together in a structure if a use or service the same as or similar to those described below occurs therein unless permitted by the City as a group living facility.

Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved the Director or the applicant may refer such matters to the Planning Commission.

Examples of uses that are appropriate as group living facilities, if properly permitted, are listed below. See Table 3.5 Use/Zone Matrix. If the Director determines that a use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission. A Community Corrections Facility, as defined by this Code is not a group living facility, and thus, shall not exist in a residential zone.

- a. "Adult Day Treatment Facility" is a facility for the care of adults who require nursing or physician assistance and/or supervision during the day by licensed caregivers and staff, where the resident resides at the facility.
- b. "Adult Foster Home" or "Family Foster Home" is a residence for the care of persons who are unable to live alone in safety.
- c. "Alternate Care Facility" is defined in C.R.S. § 26-4-603 (3).
- d. "Assisted Living Facility" is a: a) structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or b) a supervised living environment that provides support, training or assistance with individual activities of daily living.
- e. "Community Residential Home" is defined in C.R.S. § 27-10.5-102 (4).
  - f. "Family Care Home" is defined in C.R.S. § 26-6-102(4).

- g. "Foster Care Home" is defined as a facility that is certified by the county department of human services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four hour family care for more than four (4) children under the age of eighteen years who is not related to the head of such home.
- h. "Group Home for Persons with Mental Illness" is defined in C.R.S. § 30-28-115(2)(b.5).
- i. "Group Home for the Developmentally Disabled" is defined in C.R.S. § 30-28-115(2)(a).
- j. "Halfway Home" or "Halfway House" is a facility licensed by the State in which residents are provided supervision, counseling, training, or treatment of residents to facilitate their transition from a correctional institution to independent living.
- k. "Homeless Shelter" is a structure or portion thereof in which sleeping accommodations are provided for the homeless. A homeless shelter that provides accommodations for more than six months in one year for any one person shall comply with the group living facility regulations of this Code and any and all other applicable regulations. A shelter which provides accommodations for less than six months shall be considered "lodging" and shall be zoned as such.
- l. "Institutions providing life care" as "life care" is defined in C.R.S. § 12-13-101(5).
- m. "Non-profit group home for the developmentally disabled" is defined in C.R.S. § 30-28-115(2)(b)(I)(A).
- n. "Nursing Facility" is defined in C.R.S. § 26-4-103(11).
- o. "Nursing Home" is a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability and a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health-related or paraprofessional personal care services.
- p. "Owner Operated Group Home" is defined in C.R.S. § 30-28-115 (2)(b)(I)(B).
- q. "Personal Care Boarding Home" is defined in C.R.S. § 25-27-102(8).
- r. "Resident Health Care Facility" means a facility licensed by the State which provides protected living arrangements for four (4) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided

by another category of licensed health facility. The resident health care facility shall be considered the resident's principle place of residence.

- s. "Residential Child Care Facility" is defined in C.R.S. § 26-6-102(8).
  - t. "Residential Substance Abuse Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation, or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.
  - u. "Secure Residential Treatment Center" is defined in C.R.S. § 26-6-102(9).
  - v. "Staff Secure Facility" is defined in C.R.S. § 19-1-103 (101.5).
  - w. "Transitional Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.
  - x. "Transitional Victim Home" means a residential facility which provides twenty-four (24) hour care and peer support to help victims of abuse or crime. A transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services; however, care may be provided.
4. A Small Group Living Facility may be established in the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO (residential office) and B-1 districts, if licensed by the State for each program and service offered. A Small Group Living Facility is subject to a Conditional Use Permit in a B-2, C-1, C-2 and CRS districts.
5. A Large Group Living Facility is subject to a Conditional Use Permit in the RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.



6. Unlimited Group Living Facility may be established, subject to a Conditional Use Permit in RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1, C-2.
7. If a Group Living Facility does not exceed the density of the zone in which it is located, then a Conditional Use Permit is not required. "Density" for the purpose of Group Living Facilities is defined in Section 3.6.B.3.i of this Code.
8. A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to subsections 10(d), 10(e) and 13 and/or any other requirements which are specific to incompatibility with residential neighborhoods.
9. No person shall own, operate or manage any group living facility unless the facility (ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.
  - a. Transitional Victim Homes are subject to registration but the address of such group living facilities shall not be required to be disclosed.
  - b. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
10.
  - a. All group living facilities which were in existence as such prior to the effective date of this ordinance may continue without regard to the provisions of this section, with the exception of all registration requirements. Such use may continue until the occurrence of any of the following:
    - (1) Any expansion of the facility which results in an increase of the number of residents;
    - (2) Any expansion which results in a change of use, as defined by this section;
    - (3) Any expansion of common areas which does not result in more than 300 square feet per structure;
    - (4) Any expansion which results in further nonconformity under this Code;
    - (5) Any expansion due to damage or destruction of the facility, as provided in Sections 3.8.c and e of this Code; or
    - (6) Abandonment of the group living facility use for a period of more than 12 months.
  - b. Any remodel which is an interior remodel and does not effect the size or the use of the facility is not an expansion which will require the facility to come into conformity under this Code.
  - c. If any expansion occurs as described in section (a) above, the facility shall conform to all requirements of this Code and the expansion shall be subject to approval by the Planning Commission after public hearing.
11. The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:

- a. The group living facility has a valid Colorado license, if any is required;
  - b. The group living facility is at least seven hundred and fifty (750) feet from every other group living facility;
  - c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
  - d. The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
  - e. Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
  - f. The group living facility complies with the parking requirements of this Code; and
  - g. The maximum number of residents allowed is not exceeded.
12. A facility shall only be located or operated on a lot or parcel that contains:
    - a. At least five hundred (500) square feet for each person residing in the group living facility, and;
    - b. The Director determines that public facilities and the neighborhood will not be adversely affected by the number of residents proposed and/or any uses offered or by the aggregate number of group living facilities in the Neighborhood.
  13. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:
    - a. Public and private services such as streets, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
    - b. The group living facility interferes with the peace, quiet and dignity of the neighborhood;
    - c. The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
    - d. The group living facility is found to be dangerous or unsafe due to an increased number of police visits, instigated by neighbors or for non-mandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.
    - e. When considering whether an adverse impact exists, the Director shall consider the following:
      - (1) Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;

- (2) The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or
  - (3) Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.
14. Services provided within the group living facility shall be restricted to the residents of the facility. Any use which provides services for those other than current residents, which facility is located in a residential zone may allow additional persons up to the total number of residents permitted in that particular group living facility or the number of persons permitted in an Adult Day Care Center (twelve) to use the services of the use. For example, if there are currently eight (8) residents at the facility, no more than four (4) non-residents may use the services the facility provides.
15. If the group living facility proposes to use or convert existing multi-family residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.
16. Within thirty (30) days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within five hundred (500) feet from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within one thousand (1000) feet of the group living facility.
  - a. At the meeting, the applicant shall describe the facility and its proposed uses.
  - b. If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.
  - c. Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.
  - d. The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties, unless the Director relies on that comment when making a decision.
17. Group living uses occurring in each structure, if more than one structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one structure.
18. At least twenty (20) days in advance of any change of use, as defined by this section, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope,

type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.

- a. The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.
  - b. If the Director fails to act within twenty (20) business days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
    - (1) The twenty day period has elapsed; or
    - (2) The Director's decision to disallow, allow or refer.
19. At least once each twelve- (12) months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.
- a. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
  - b. Within twenty (20) days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this section; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this Code.
  - c. Within ten (10) days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter Two of this Code. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the Code.
20. Each group living facility for accused, convicted or adjudicated juveniles or adults is designed and located to assure the security of the facility itself, adjoining properties and the neighborhood. As a basis for his decision for renewal or denial of registration, the Director may rely on the number, type and frequency of police and/or other emergency responses at the Facility in the preceding twelve (12) month period;
21. Every group living facility for adult or juvenile offenders, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and

the same is the reason for placement, shall be reviewed annually when the facility applies for annual registration.

- a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there is a greater number of juveniles residing in the facility or by the adult board if there is a greater number of adults residing in the facility.
- b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.
- c. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.
- d. The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.
  22. Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.
  23. The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this paragraph 18 shall be in accordance with Colorado Rule of Civil Procedure 106(a)(4).
  24. After one year of the effective date of this ordinance, the City Council shall examine the ordinance's effectiveness. If the Council determines at that time that the provisions have been effective, the review shall occur every three years thereafter.

Introduced this 6th day of December, 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>			
<b>Subject:</b>	<b>Davidson/Wilcox Enclave Annexation</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 13, 2000</b>		
<b>Author:</b>	<b>David Thornton</b>	<b>Principal Planner</b>	
<b>Presenter Name:</b>	<b>David Thornton</b>	<b>Principal Planner</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

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

**Summary:** Public Hearing for second reading of the Annexation Ordinance to Annex 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 Annexation Ordinance for the Davidson/Wilcox Enclave Annexation.

<b>Citizen Presentation:</b>	<b>X</b>	<b>No</b>		<b>Yes    If Yes,</b>
<b>Name:</b>				
<b>Purpose:</b>				

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

**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. In a telephone conversation, Mr. Davidson stated he had neither objection to the annexation of this property nor the proposed zoning to RSF-E.



**DAVIDSON/WILCOX ANNEXATION SUMMARY**

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

The following revised annexation and zoning schedule is being proposed.

<b>ANNEXATION and ZONING SCHEDULE</b>	
<b>Nov 1, 2000</b>	<b>Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately</b>
<b>Nov 14, 2000</b>	<b>Planning Commission considers Zone of Annexation – Public Hearing</b>
<b>Nov 15, 2000 Dec 6, 2000</b>	<b>1<sup>st</sup> Reading on Annexation and Zoning by City Council</b>
<b>Dec 20, 2000</b>	<b>Public hearing on Annexation and Zoning by City Council – 2<sup>nd</sup> Reading</b>
<b>Jan 21, 2001</b>	<b>Effective date of Annexation and Zoning</b>

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

Attachments:

1. Annexation Ordinance
2. Letter to property owners
3. Annexation Map

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**DAVIDSON/WILCOX ENCLAVE ANNEXATION**

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

**CONSISTING OF APPROXIMATELY 5.11 ACRES**

**WHEREAS**, on the 1<sup>ST</sup> day of November, 2000 the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction, a 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION, COLORADO:**

That the property situate in Mesa County, Colorado, and commonly known as the Davidson/Wilcox Enclave, is hereby annexed to the City of Grand Junction, Colorado.

That the effective date of this annexation shall be the effective date of Ordinance No.

\_\_\_\_\_

INTRODUCED on first reading on the 6<sup>th</sup> day December, 2000.

ADOPTED and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2000.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of the Council

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.

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

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

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
<b>Subject:</b>	<b>Davidson/Wilcox Enclave Annexation Zoning</b>		
<b>Meeting Date:</b>	<b>December 20, 2000</b>		
<b>Date Prepared:</b>	<b>December 13, 2000</b>		
<b>Author:</b>	<b>David Thornton</b>	<b>Principal Planner</b>	
<b>Presenter Name:</b>	<b>David Thornton</b>	<b>Principal Planner</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

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

**Summary:** Second Reading (continued from December 6, 2000) of the Zone of Annexation Ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E) 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 zoning ordinance for RSF-E for the Davidson/Wilcox Enclave Annexation.

<b>Citizen Presentation:</b>	<b>X</b>	<b>No</b>		<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>					
<b>Purpose:</b>					

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

***Staff Analysis:***

**ZONE OF ANNEXATION:**

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas the same as existing County zoning. City Council has directed staff to propose city zoning identical to and/or compatible with Mesa County zoning for enclave areas. The proposed zoning of RSF-E is identical to or nearly identical to corresponding Mesa County zoning for this property. In a telephone conversation with Mr. Davidson, he had no objection to the proposed zoning of RSF-E.

Please note that this proposed zoning does not meet the Growth Plan’s Future Land Use Map recommended densities. Future development on this property may include rezoning to a higher density supported by the Growth Plan Future Land Use map.

**RSF-E ZONE DISTRICT**

- This property is currently zoned RSF-E in Mesa County and is proposed as RSF-E in the City.
- The proposed RSF-E does not conform to the recommended densities found on the Growth Plans Future Land Use map currently designated as Residential Medium Low: 2 to 4 units/acre.

- Rezone requests for future development to a higher density within the Future Land Use map's recommended densities may occur for this property.

**Zoning and Development Code criteria:**

**Section 2.14.F:** "Land annexed to 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."

**Section 2.6:** Approval Criteria. In order to maintain internal consistency between this code and the Zoning Maps, map amendments must only occur if:

1. The existing zoning was in error at the time of adoption;
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.
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;
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this 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;
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.

<b><i>ANNEXATION and ZONING SCHEDULE</i></b>	
<b>Nov 1, 2000</b>	<b>Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately</b>
<b>Nov 14, 2000</b>	<b>Planning Commission considers Zone of Annexation – Public Hearing</b>
<b>Nov 15, 2000 Dec 6, 2000</b>	<b>1<sup>st</sup> Reading on Annexation and Zoning by City Council</b>
<b>Dec 20, 2000</b>	<b>Public hearing on Annexation and Zoning by City Council – 2<sup>nd</sup> Reading</b>
<b>Jan 21, 2001</b>	<b>Effective date of Annexation and Zoning</b>

**Attachments:**

1. Annexation Summary
2. Zone of Annexation Ordinance
3. Annexation Map



**DAVIDSON/WILCOX ENCLAVE ANNEXATION SUMMARY**

<b>File Number:</b>	<b>ANX-2000-208</b>	
<b>Location:</b>	<b>East of South Camp Road and north of the Ute Water Tanks on the Redlands</b>	
<b>Tax ID Number:</b>	<b>2945-183-00-009</b>	
<b>Parcels:</b>	<b>1</b>	
<b>Estimated Population:</b>	<b>0</b>	
<b># of Parcels (owner occupied):</b>	<b>0</b>	
<b># of Dwelling Units:</b>	<b>0</b>	
<b>Acres land annexed:</b>	<b>5.11 acres</b>	
<b>Developable Acres Remaining:</b>	<b>5.11 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>None</b>	
<b>Previous County Zoning:</b>	<b>RSF-E</b>	
<b>Proposed City Zoning:</b>	<b>RSF-E</b>	
<b>Current Land Use:</b>	<b>Vacant</b>	
<b>Future Land Use:</b>	<b>Residential</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>= \$ 870</b>
	<b>Actual:</b>	<b>= \$ 3,000</b>
<b>Census Tract:</b>	<b>14.01</b>	
<b>Zip Code:</b>	<b>81503</b>	
<b>Address Ranges:</b>	<b>None</b>	
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water</b>
	<b>Sewer:</b>	
	<b>Fire:</b>	<b>Grand Junction Rural Fire</b>
	<b>Drainage:</b>	
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. \_\_\_\_\_**

**Zoning the Davidson/Wilcox Enclave Annexation  
to Residential Single Family Estate (RSF-E)**

**Located East of South Camp Road and North of the Ute Water Tanks**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-E zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-E 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.
- 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 Residential Single Family Estate (RSF-E) zone district

Includes the following tax parcel 2945-183-00-009

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

Introduced on first reading this 15<sup>th</sup> day of November, 2000.

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

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of the Council

