

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

WEDNESDAY, MARCH 7, 2001, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Steve Johnson
Living Hope Evangelical Free Church

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING MARCH, 2001 AS "PURCHASING MONTH" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

APPOINTMENTS TO THE COMMISSION ON ARTS AND CULTURE

PRESENTATION OF CERTIFICATES OF APPOINTMENT TO NEWLY APPOINTED MEMBERS OF THE VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

PRESENTATION OF CERTIFICATE OF APPOINTMENT TO NEWLY APPOINTED FIRST ALTERNATE TO THE PLANNING COMMISSION

REPORT TO COUNCIL ON INITIATIVE PETITIONS RECEIVED CONCERNING THE SALE OF A PORTION OF LILAC PARK

[Attach 1](#)

CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** [Attach 2](#)
Action: Approve the Summary of the February 21, 2001 Workshop and the Minutes of the Regular Meeting February 21, 2001
2. **Commission on Arts and Culture Funding for Cultural Events/Projects/Programs** [Attach 3](#)

On February 27 and 28, 2001 the Commission reviewed 24 requests and presentations from organizations and agencies for financial support, per

Commission goals, criteria and guidelines. The requests total \$52,680, and the various projects expect to leverage an additional \$75,377 in private donations. The Commission recommends funding support for the following 18 local art and cultural event and projects:

Celtic Society - Celtic Festival & Highland Games	\$2000
David Taylor Dance Theatre (from Denver) - "Rainforest" performances	\$2000
Friends for Native American Communities - Rocky Mountain Indian Festival	\$2000
Italian Cultural Society - Festival Italiano concerts & film festival	\$2000
KRMJ-TV (PBS) "Western Bounty" segments featuring local arts and artists	\$2000
Performing Arts Conservatory musical production "Ruthless"	\$2000
Saturday Cinema at the Avalon Independent Film Series	\$2000
GJ Jaycees "Return to Camelot" Renaissance Festival	\$1500
Latin Anglo Alliance Cinco de Mayo Fiesta (downtown)	\$1500
Mesa Co. Community Concert Assoc. school concert of Andean folk music	\$1300
Brush & Palette Club Regional Exhibition & Workshop	\$1250
Western Colorado Watercolor Society National Watercolor Exhibition	\$1250
VSA Arts-GJ Arts Festival for Adults & Children with developmental disabilities	\$1200
Mesa State College Dance Festival (collaboration of area dance groups/studios)	\$1000
Mesa County Public Library LIVE! at the Library poetry reading	\$ 525
Advocates for Children's Enrichment children's theatre production	\$ 500
Schumann Singers Winter Choral Concert	\$ 500
GJ Music Teachers Assoc. Sonatina Music Festival for piano students	<u>\$ 475</u>
	Total \$25,000

Action: Approve the Commission on Arts and Cultural Recommendations for Funding Cultural Programs in an Amount of \$25,000

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

3. **2001 Alley Improvement District, Phase A** [Attach 4](#)

The following bids were received on February 27, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Reyes Construction, Inc.	Grand Junction	\$397,406.15
Mays Concrete, Inc.	Grand Junction	\$418,240.00
Engineer's Estimate		\$451,845.00

Action: Award Contract for 2001 Alley Improvement District, Phase A, to Reyes Construction, Inc., in the Amount of \$397,406.15

Staff presentation: Tim Moore, Public Works Manager

4. **Setting a Hearing on Berthod Annexation Located at 2982 Gunnison Avenue**
 [File #ANX-2001-033] [Attach 5](#)

The 0.712-acre Berthod Annexation consists of one parcel of land located at 2982 Gunnison Avenue. The property owner would like to build a 100' Telecommunication Tower with equipment shelters, which, under the 1998 Persigo Intergovernmental Agreement, requires development in this area to be annexed.

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

Resolution No. 20-01 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Berthod Annexation Located at 2982 Gunnison Avenue

**Action: Adopt Resolution No. 20-01 and Set a Hearing for April 18, 2001*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Berthod Annexation, Approximately 0.712 Acres, Located at 2982 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 18, 2001

Staff presentation: Patricia Parish, Associate Planner

5. **Setting a Hearing on Cantrell Annexations No. 1 and No. 2, Located at 2930 North Avenue** [File #ANX-2001-052] [Attach 6](#)

The 3.09-acre Cantrell Annexation area consists of one parcel of land, approximately 2.71 acres in size, located at 2930 North Avenue. The remaining acreage is comprised of approximately 703 feet of right-of-way along North Avenue. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

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

Resolution No. 21-01 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Cantrell Annexation, a Serial Annexation Comprising Cantrell Annexation No. 1 and Cantrell Annexation No. 2, Located at 2930 North Avenue and Including a Portion of the North Avenue Right-of-Way

**Action: Adopt Resolution No. 21-01 and Set a Hearing for April 18, 2001*

b. Set a Hearing on Annexation Ordinances

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cantrell Annexation No. 1, Approximately 0.38 Acres, Located at 2930 North Avenue and Including a Portion of the North Avenue Right-of-Way

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cantrell Annexation No. 2, Approximately 2.71 Acres, Located at 2930 North Avenue and Including a Portion of the North Avenue Right-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 18, 2001

Staff presentation: Lori Bowers, Associate Planner

6. **Setting a Hearing on Zoning Traver Annexation to RSF-4, Located at 2980 Rood Avenue/2986 D Road** [File #ANX-2001-011] [Attach 7](#)

The 31.98-acre Traver Annexation located at 2980 Rood Avenue/2986 D Road consists of two parcels of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use map and recommendation for residential land uses between 4 and 7.9 units per acre for this area.

Proposed Ordinance Zoning the Traver Annexation to Residential Single Family with a Maximum Density of 4 Units per Acre (RSF-4) Located at 2980 Rood Avenue and 2986 D Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 21, 2001

Staff presentation: Kristen Ashbeck, Senior Planner

7. **Modified Street Section for Grand Mesa Center Frontage Road Located at 2464 Highway 6 & 50** [File #PP-2000-234] [Attach 8](#)

The developer of the Grand Mesa Center requests a waiver from the City's standard street section drawings to allow for a modified street section for the frontage road. There is no standard for a frontage road in the City's standard drawings. Council action is required to permit a 24-foot asphalt mat in a 35-foot right-of-way for the frontage road.

Action: Approval of Modified Street Section Request

Staff presentation: Bill Nebeker, Senior Planner

8. **Setting a Hearing on Amending Chapter 36 of the City Code of Ordinances Regarding Unsafe Backing** [Attach 9](#)

On December 6, 2000, the 1995 Model Traffic Code was adopted, which included a provision referring to backing a car in such a manner so as not to be unsafe. The current reading of this section refers only to backing when it occurs on public or private parking lots, the shoulder of any road, or a controlled-access highway. This amendment removes the “controlled-access” portion of the ordinance, making this section of the Code one that can be charged throughout the City, protecting all citizens, no matter where they may be travelling.

Proposed Ordinance Amending Chapter 36, Section 36-38(b) of the Code of Ordinances of the City of Grand Junction, Colorado Regarding Unsafe Backing

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 21, 2001

Staff presentation: Stephanie Rubinstein, Staff City Attorney

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

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

9. **Public Hearing – Moore Annexation Located at 457 31 Road** [Attach 10](#)
[File #ANX-2001-012]

This 4.87-acre annexation consists of one parcel of land located at 457 31 Road and including portions of the E Road and 31 Road rights-of-way.

a. Resolution Accepting Petition

Resolution No. 22-01 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Moore Annexation is Eligible for Annexation, Located at 457 31 Road and Including a Portion of the 31 Road and E Road Rights-of-Way

**Action: Adopt Resolution No. 22-01*

b. Annexation Ordinance

Ordinance No. 3329 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Moore Annexation, Approximately 4.87 Acres, Located at 457 31 Road and Including a Portion of the 31 Road and E Road Rights-of-Way

**Action: Adopt Ordinance No. 3329 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

10. **Public Hearing - Zoning Moore Annexation RMF-5, Located at 457 31 Road** [File #ANX-2001-012] [Attach 11](#)

The 4.87-acre Moore Annexation area located at 457 31 Road consists of one parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use map and recommendation for residential land uses between 4 and 7.9 units per acre for this area.

Ordinance No. 3330 - An Ordinance Zoning the Moore Annexation to Residential Multi-family with a Maximum Density of 5 Units per Acre (RMF-5), Located at 457 31 Road

**Action: Adopt Ordinance No. 3330 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

11. **Public Hearing - Amending the Zoning and Development Code Adding a Section on Institutional and Civic Facility Master Plans and Establishing a Review Fee** [File #TAC-2001-01.01] [Attach 12](#)

The proposed amendment would add a section 2-20 to the Zoning and Development Code to define a facilities master plan and a process for its implementation. The resolution establishes a review fee.

a. Ordinance

Ordinance No. 3331 – An Ordinance Amending the Zoning and Development Code, Institutional and Civic Facility Master Plans

b. Resolution Establishing Fee

Resolution No. 23–01 – A Resolution Amending Development Application Fee Schedule

**Action: Adopt Ordinance No. 3331 on Second Reading and Resolution No. 23-01*

Staff presentation: Kathy Portner, Acting Community Development Director

12. **Discussion of Valle Vista Alternatives for 201 Sewer Service Boundary Adjustments** [Attach 13](#)

On December 13, 2000 the City Council instructed staff to develop alternatives that might allow homeowners on Orchard Mesa, adjacent to the Valle Vista Sewer Interceptor, to connect to the line if they have failed septic systems. Staff from Utilities and the City Attorney's office have developed a number of alternatives to that end. Staff would like input from Council as to the alternatives so that Council's preferred alternatives can be discussed with Mesa County prior to the April 2, 2001 public hearing.

Action: Council Review and Input Regarding Valle Vista Alternatives for 201 Sewer Service Boundary Adjustments

Staff presentation: Greg Trainor, Utilities Manager

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

14. **OTHER BUSINESS**

15. **EXECUTIVE SESSION**

- a. Property Negotiations
- b. Pending Litigation

16. **ADJOURNMENT**

Attach 1

Memo to: The Honorable Mayor Kinsey and Members of the City Council

From: Stephanie Nye, City Clerk

Date: December 16, 2011

Subject: Initiative Petitions Regarding the Sale of a Portion of Lilac Park

On February 21, 2001, 86 petition sections were delivered to me. The petition includes a question to be placed before the City voters as to whether the City Council shall be authorized to sell 1.56 acres of Lilac Park, through a bid process, at no less than fair market value. The petition had been previously examined as to form by my office. Under the provisions City Charter Article XVI, Direct Legislation by the People, and 31-11-101 C.R.S., *et. seq.*, the petition sections were filed in the time and manner required.

The petition sections contained 1,051 signatures of which 781 could be verified and accepted. Since there were 14,929 registered City electors that cast ballots for governor in 1998, 746 signatures are required to place a question on the regular municipal election ballot.

Therefore, as City Clerk for the City of Grand Junction, it is my finding that sufficient signatures were submitted to place the question on this upcoming election ballot. The election date is April 3, 2001.

The question will follow the City Council candidates on the ballot and precede Referred Measure 2A (the TABOR question). The question will be identified as "Initiative 200" in accordance with the rules of the Secretary of State on election procedures.

That concludes this report.

C: Kelly Arnold, City Manager
Dan Wilson, City Attorney

Attach 2

GRAND JUNCTION CITY COUNCIL WORKSHOP

February 21, 2001

The City Council of the City of Grand Junction, Colorado, met on Wednesday, February 21, 2001 at 6:00 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. **ST. MARY'S HOSPITAL MASTER PLAN PRESENTATION:** Representatives Bob Ladenburger, Dan Prinster and Robert Jenkins from St. Mary's Hospital were present and explained the hospital's updated Master Plan.

Public Works Director Mark Relph presented to Council the alternatives for the realignment of 7th Street and the construction of the Wellington Avenue intersection. He outlined the budgetary implications. He pointed out the possibility of postponing the additional right turn lane off of Patterson south onto 7th Street until the other roadway issues in the vicinity are addressed.

Action Summary: The City Council determined that it is reasonable to further explore working with St. Mary's on the possibility of realignment of 7th Street, the Wellington Avenue intersection and other alternatives and directed Staff to continue working with St. Mary's, on a fast track as necessary. Overall, Council was pleased with the Master Plan.

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

February 21, 2001

The City Council of the City of Grand Junction convened into regular session the 21st day of February 2001 at 7:32 p.m. at the City Auditorium. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

The audience stood for the pledge of allegiance led by President of the Council Kinsey and remained standing for the invocation by Pastor Joe Jones, Redlands Pentecostal Church of God.

PRESENTATION TO THE CITY COUNCIL BY JACK CONNOLLY, PRESIDENT OF GRAND JUNCTION ROTARY CLUB, OF THE ROTARIAN "FOUR-WAY TEST" PLAQUE

PROCLAMATION DECLARING MARCH, 2001 AS "DEVELOPMENTAL DISABILITIES AWARENESS MONTH" IN THE CITY OF GRAND JUNCTION

JOHN SMITH, AMERICAN PUBLIC WORKS ASSOCIATION, TO PRESENT APWA PROJECT OF THE YEAR AWARD TO PUBLIC WORKS EMPLOYEES BOB SPAID, BILL CASE, SCOTT NORTON AND RICK ALEXANDER FOR THE LITTLE BOOKCLIFF PEDESTRIAN BRIDGE PROJECT

After awards were distributed, the department presented a slide show on the bridge construction.

APPOINTMENTS TO THE RIVERVIEW TECHNOLOGY CORPORATION BOARD OF DIRECTORS

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Theobald and carried, Michael Bussey, Steve Reimer and John Newell were appointed to the Riverview Technology Corporation Board of Directors for three-year terms ending the last Tuesday in January, 2004.

APPOINTMENT OF PLANNING COMMISSION ALTERNATE

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, Mike Denner was appointed as First Alternate to the Planning Commission with his term to run concurrent with his term on the Board of Appeals.

PRESENTATION OF CERTIFICATES OF APPOINTMENT TO NEWLY APPOINTED MEMBERS OF THE VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

Linda Smith and Jane Fine Foster were present to receive their certificates.

CITIZEN COMMENTS

Nate Keaver of the local Red Cross had asked to speak to City Council but was not present.

The Mayor noted an additional item on the end of the agenda, a discussion of the Ten Commandments issue.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by a roll call vote, with Councilmember **TERRY** recusing herself from voting on item #11, the following Consent Calendar items #1 through #13 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the February 5, 2001 Workshop and the Minutes of the Regular Meeting February 7, 2001

2. **Amending the Articles and Bylaws of the Riverview Technology Corporation**

The Riverview Technology Corporation, Inc. would like to amend its Articles and Bylaws to change the annual meeting date to the last Tuesday of each January and to make the Directors' terms consistent with that change.

Resolution No. 14-01 – A Resolution Amending the Articles and Bylaws of the Riverview Technology Corporation, Inc.

Action: Adopt Resolution No. 14-01

3. **Authorizing the Riverview Technology Corporation to Acquire the Former DOE Compound**

The Articles and Bylaws of the RTC require the City Council to grant formal approval before the compound can be transferred.

Resolution No. 15-01 – A Resolution Granting Permission for the Riverview Technology Corporation, Inc. to Acquire the DOE Compound

Action: Adopt Resolution No. 15-01

4. **Defense of Acting Police Chief Martyn Currie and Detective Kevin Imbriaco**

A Federal District Court action has been filed alleging violation of a citizen's rights by employees of the Grand Junction Police Department Detective Kevin Imbriaco and Police Chief Marty Currie. The lawsuit alleges misconduct by Detective Imbriaco in obtaining a search warrant and subsequently searching premises and seizing property. The lawsuit alleges that Chief Currie failed to adequately supervise and train the detective and therefore condoned illegal, unconstitutional behavior. The Department denies the allegations.

Resolution No. 16-01 – A Resolution Acknowledging Defense of Chief Martyn E. Currie and Detective Kevin Imbriaco Officer in Civil Action No. 00 N 2190

Action: Adopt Resolution No. 16-01

5. **Visioning Consultant Contract**

The contract is for James Kent Associates to provide services for the Community Visioning Project. The Visioning Committee is responsible for completion of this project. The contract calls for a visioning process that will begin in February and be completed by September 1, 2001.

Action: Authorize the City Manager to Sign Contract with James Kent Associates Consulting for a Community Visioning Process in an Amount of \$94,695.

6. **25 Road Storm Drain Project, Weslo Avenue to Patterson Road**

The following bids were received on January 30, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Bogue Construction	Fruita	\$253,881.40
Groom Excavating & Utilities	Silt, CO	\$254,810.00
Mendez, Inc.	Grand Junction	\$275,678.00
Palisade Constructors	Palisade	\$278,224.15
Sorter Construction	Grand Junction	\$293,415.00
Spallone Construction	Gunnison, CO	\$314,187.50
Ewing Trucking & Construction	Edwards, CO	\$324,365.50
Skyline Contracting	Grand Junction	\$330,259.00
MA Concrete Constr.	Grand Junction	\$355,040.16
Downey Excavation	Montrose, CO	\$377,067.00
Rolland Engineering's Estimate		\$311,550.00

Action: Award Contract for 25 Road Storm Drain Project, Weslo Avenue to Patterson Road, to Bogue Construction in the Amount of \$253,881.40

7. **Lanai Drive Sidewalk Improvements**

The following bids were received on February 13, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Reyes Construction, Inc.	Grand Junction	\$62,621.30
B.P.S Concrete	Grand Junction	\$63,528.03
G&G Paving Construction, Inc.	Grand Junction	\$66,727.00
Vista Paving L.L.C.	Grand Junction	\$67,958.05
Mays Concrete, Inc.	Grand Junction	\$77,482.00
Engineer's Estimate		\$80,783.00

Action: Award Contract for Lanai Drive Sidewalk Improvements to Reyes Construction, Inc. in the Amount of \$62,621.30

8. **Columbine Sewer Improvement District**

The following bids were received on October 12, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Mountain Valley	Grand Junction	\$445,752.60
Sorter Construction	Grand Junction	\$446,822.60
Skyline Construction	Grand Junction	\$449,738.98
Continental Pipeline Construction	Mesa, CO	\$494,098.24
WSU	Breckenridge, CO	\$613,137.00
Engineer's Estimate		\$441,933.50

Action: Award Contract for Columbine Sewer Improvement District to Sorter Construction in the Amount of \$446,822.60

9. **Lease of the Farming Rights on the Saccomanno Property**

The proposed rent for the 2001 farm lease is \$1,200. The Lessee will also be required to pay for irrigation water and all other costs attributed to his use of the property.

Resolution No. 17-01 – A Resolution Authorizing a One-Year Farm Lease of the “Saccomanno Park Property” to Robert H. Murphy

Action: Adopt Resolution No. 17-01

10. **Botanical Society Lease Agreement**

The Botanical Society presently leases 12.6 acres of City property along the Colorado River, east of Highway 50. The Botanical Society is requesting to lease an additional 2.43 acres of City owned property.

Resolution No. 18–01 – A Resolution Amending the Lease of City Property to the Western Colorado Botanical Society

Action: Adopt Resolution No. 18–01

11. **Revocable Permit for an Irrigation Line in the 28 Road Right-of-Way, between Ridge Drive and Hawthorne Avenue** [File #RVP-2001-026]

A resolution authorizing the issuance of a Revocable Permit to allow an irrigation line to be built in a City right-of-way at 28 Road, between Ridge Drive and Hawthorne Avenue.

Resolution No. 19–01 – A Resolution Concerning the Issuance of a Revocable Permit to the Spring Valley Home Owners Association

Action: Adopt Resolution No. 19–01

12. **Setting a Hearing on Zoning Moore Annexation RMF-5, Located at 457 31 Road** [File #ANX-2001-012]

The 4.87-acre Moore Annexation area located at 457 31 Road consists of one parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use map and recommendation for residential land uses between 4 and 7.9 units per acre for this area.

Proposed Ordinance Zoning the Moore Annexation to Residential Multi-family with a Maximum Density of 5 Units per Acre (RMF-5), Located at 457 31 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 7, 2001

13. **Setting a Hearing on Amending the Zoning and Development Code Adding a Section on Institutional and Civic Facility Master Plans** [File #TAC-2001-01.01]

The proposed amendment would add a section 2-20 to the Zoning and Development Code to define a facilities master plan and a process for its implementation.

Proposed Ordinance Amending the Zoning and Development Code, Institutional and Civic Facility Master Plans

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 7, 2001

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

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

COMPREHENSIVE PARKS AND RECREATION MASTER PLAN

The proposed Master Plan is an update of the 1992 "Parks, Recreation and Open Space Master Plan." The primary purpose of this Master Plan Update is to understand the needs of the community in the area of parks and recreation and lay out a plan to address a number of needs and issues over the next 10-15 years. At the February 5, 2001 Council Workshop, the City Council directed Staff to amend the Parks and Recreation Master Plan update.

Parks & Recreation Director Joe Stevens reviewed this item noting the changes made to the plan as directed by the City Council on the February 5, 2001 workshop. The recreation center has been moved from #1 priority in Tier1 to #6 priority in Tier 2. The other change is taking Matchett Park site out and making it two separate projects, resulting in 1: the Recreation Senior Center, a separate project estimated at \$16 million, and 2: Phase 1 of Matchett Park which includes infrastructure and major improvements to the Matchett Park site (7 acres) along with an outdoor swimming facility. The figures in the plan are 2000/2001 numbers. If the plan is done in 2010/2011 the numbers will have to be amended to reflect the current costs at that time.

City Manager Kelly Arnold brought up clarification on the text separating the recreation center and Matchett Park development. Mr. Stevens read the text, stating it will be incorporated into the plan and it will allow the flexibility of the site location of the recreation center and /or centers.

Councilmember Theobold supported the plan but expressed disappointment that the recreation center has been moved down in priority. Councilmembers Scott, Enos-Martinez and Payne concurred.

It was moved by Councilmember Theobold to move the recreation center back up to Tier 1. Councilmember Scott seconded the motion.

Councilmember Spehar revisited the reasons given for the moving to a lower priority, i.e., that there is no funding for the project for the next ten years, and no decision has been made on a location or whether it will be a single facility or multiple facilities.

Councilmember Theobold countered that none of those reasons are sufficient to move it to a lower priority. He felt projects should be placed in a plan, and then go find the funds

to accomplish it. Councilmember Spehar noted that moving the project from Tier 1 to Tier 2 does not remove it from the Master Plan.

Councilmember Enos-Martinez clarified that she will vote for the plan as it has been amended but is still disappointed. Councilmember Payne agreed with her comments.

Roll was called on the motion with the following result:

AYE: PAYNE, SCOTT, THEOBOLD

NO: SPEHAR, TERRY, ENOS-MARTINEZ, KINSEY

The motion failed.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried, the Comprehensive Parks and Recreation Master Plan, as presented, was adopted with the recreation center remaining at Tier 2. The motion carried 7-0.

PUBLIC HEARING - AMENDING THE ZONING ORDINANCE FOR REDLANDS MESA, PHASE 2, SOUTH OF THE RIDGES [FILE #PP-2000-236]

A request to approve zoning for Phase 2 of the proposed Redlands Mesa Development in the Ridges, consisting of parcels 9, 10A, 10B and 11 of the approved Outline Development Plan. The zoning ordinance establishes the allowed uses as 67 single-family homes.

Mayor Kinsey opened the public hearing at 8:10 p.m.

Doug Theiss, Thompson-Langford Engineering, representing the applicant, was present to answer any questions.

Kathy Portner, Acting Community Development Director, reviewed this item. The ODP for Redlands Mesa, Phase 2, was approved, for the entire 500 acres. As they come through for the preliminary plan for each phase, the actual zoning ordinance is established for the specific uses and densities. This zoning request is for Phase 2 which includes several parcels. She pointed them out on the map. The applicant received preliminary approval for development of those parcels by the Planning Commission. The total number of units is 67 single family homes.

Mayor Kinsey asked for public comment. There was none.

The public hearing was closed at 8:14 p.m.

Ordinance No. 3327 – An Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase 2

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3327 was adopted on second reading and ordered published.

PUBLIC HEARING - 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 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 8:15 p.m.

Attorney Bruce Phillips, 562 White Avenue, representing the applicant, reviewed this item. He overviewed the plan for the three parcels (22.5 acres) bounded by G Road, 27½ Road and Horizon Drive. The property has been zoned PB with the exception of the Etter residence which is zoned H.O. (Highway Oriented). The City determined this property could be considered a PD zone as long as the owners came forth with an ODP. He presented an Outline Development Plan, identifying potential uses. The property has been divided into 5 areas on the ODP. Area 1 is located at the southwest corner of the property and zoned PB, Area 2 is Business Commercial, Areas 3 and 4 are PB, and Area 5 is a Planned Residential area. He also noted the importance of the airport critical zone. In December, 2000 City Council recommended approval of the plan, but referred the matter back to Planning Commission for consideration of several conditions. Among the concerns were heights of structures along 27 ½ Road, commercial uses that adjoined the residential areas, and the density in Area 5 which is Planned Residential. The applicant reduced the request for density in Area 5 to 4 units/acre which is less than the density in the adjoining residential subdivision. They also removed a number of uses from Area 4 and the Etter residence parcel including bar/nightclub, retail alcohol sales, lube and oil change, automobile repair/gas station. The Planning Commission reviewed the matter and recommended approval to Council with certain conditions. He stated the height restriction being imposed by the Planning Commission is very confusing due to the topography. The restriction was 40 feet from Horizon Drive. The applicant and staff tried to make some sense of it later. With the assistance of different drawings, he demonstrated to City Council how the various heights will compare to surrounding structures at various locations, identified in areas 1, 2, 3 and 4.

Councilmember Terry inquired as to the proposed zoning for the area that the Etter residence is on. Mr. Phillips stated it is part of the plan and thus will be zoned PD and is part of area 3.

Kristen Ashbeck, Senior Planner, reviewed this item. She noted the concessions that were considered by the Planning Commission as sent back by City Council. The density in the Airport Critical Zone was accepted as long as a Conditional Use Permit is obtained for that density as required by the Zoning and Development Code. The Conditional Use Permit must be obtained at the next phase of development with the preliminary plan. Buffers were also addressed. Ms. Ashbeck concurred that the height restrictions were confusing and the applicant did a good job of trying to clarify but the current proposal still contains a 65 foot building which the Planning Commission does have concerns about.

The Planning Commission recommended approval with four conditions, two of which are incorporated into the ordinance, the others depend on Council's direction.

Councilmember Theobold inquired how height is measured in the Code. Ms. Ashbeck said it is measured from grade, but the height restrictions on this proposal are tied to topography. She said the Planning Commission's restriction was from whichever road would be more restrictive which would allow for a five-foot building if taken literally.

Councilmember Theobold asked about access to the commercial property. Ms. Ashbeck said the access would be from the former G Road, although not yet vacated. Councilmember Theobold expressed concern that it would make that intersection more convoluted. With his buffering concerns, that access point makes it worse.

City Attorney Dan Wilson said the thought was to have a right-in, right-out access there only.

Councilmember Terry asked if access to areas 4 and 3 would be from G Road. Ms. Ashbeck said yes that is possible, that is how the residence is accessed. Councilmember Theobold inquired about granting a zoning that cannot be met due to access. City Attorney Wilson said the uses can work, it depends on the intensity. The uses are not incompatible, depending on the design.

When Public Works Director Mark Relph was asked how area 4, the Etter residence, if commercial, would be accessed, he agreed that there are some real access challenges with these parcels.

Councilmember Spehar said that access will drive the development, and Council will be able to review that when a plan comes forward.

Councilmember Theobold was concerned with creating an expectation that cannot be met.

Councilmember Terry asked about the height issue, and the height of the existing motel adjacent to G Road. Ms. Ashbeck estimated 25 feet if the motel is two stories high.

Councilmember Payne asked if the commercial development height allowance is 65 feet. Ms. Ashbeck said in the C-1 area it is 65 feet and is allowed north of G Road only.

Councilmember Payne recalled a previous approval of a hotel in that area. Ms. Ashbeck said the hotel being referred to was lowered to 45 feet.

Mayor Kinsey opened the meeting to public comment.

Jack Brown, 681 27½ Road, representing neighbors, discussed the 40-foot height limitation by the Planning Commission. The limitations were based on Horizon Drive across the street. He felt the applicant would like to take the measurement from where the Etter residence sits. Mr. Brown did not feel that should be allowed.

Christy Snow, 4220 27½ Road, stated the reason she was not present for the last meeting was because she did not receive notification of the meeting. She was concerned with areas 3 and 4. It is not Planned Business, but Planned Development. The purpose of an ODP is to demonstrate conformance with the Growth Plan. The Growth Plan shows this property as residential. She said other criteria of Section 2.1.2 of the Zoning and Development Code are not being met. The 1996 Growth Plan is not being met as well as a major street plan is not being met. Adequate circulation and access to serve all development pods/areas is not being met. There is no way to get to area 3 from Horizon Drive. Criteria states appropriate screening and buffering of adjacent properties and uses shall be provided. Residential development is being used as a buffer in other areas, but not in area 4. She proposed a new configuration of area 4 along the old 27½ Road on the west, to the Etter property line, south to the new 27½ Road, north to the old G Road. It would be zoned residential with height restrictions of 30 feet and density of up to 4 units/acre. The only access off the old 27½ Road would be to the upper new area designated 4 which would be residential use only. The upper hill shall serve as a buffer zone to the lower area 3, and that area 3 shall have the height limits of 40 feet. The new 4 would be all residential and height restrictions would be 30 feet.

Councilmember Spehar asked if the height limitation is 35 feet in the residential area. Ms. Ashbeck said yes. Ms. Snow said the Planning Commission recommended 30 feet along 27½ Road.

Bob Smith, 1546 Cortland Court, thought the Planning Commission motion had been hashed out that evening. He wasn't sure it was appropriate that it be discussed again with staff. He would like to see the 40-foot restriction retained.

Councilmember Theobald asked staff to clarify what Council is considering. City Attorney Wilson said the zoning includes the plan so Council has the discretion to change either.

Bob Smith pointed out that part of the area is wetlands. There are trees and wildlife in the area. He felt it would be terribly destructive.

Jerry King, 4300 27½ Road, agreed with Christy Snow in changing the upper area to residential and let them have that access. They would then need to figure out another access for the lower level.

Terry Farina, 2673 Homestead Road, friend of the Epstein family, thought it had been clear this area would be developed along business lines. The owners have made a lot of concessions that are not being brought out. The Planning Commission meeting did get confusing at the end. He felt measuring from Horizon Drive seems to make sense in this case.

Mr. Bruce Phillips, representing the applicants, was allowed to rebut. The 65 feet is only allowed in area 3, 65 feet has been supported in the past north of G Road. He asked the Council not to zone area 4 as residential. He asked that they wait and see the Preliminary Plan with a PD and mixed use. The critical fly zone takes a good chunk out of area 4 and imposes restrictions on what can be done there. There might be some ancillary uses in that are from the commercial down below that would be prohibited if the area is zoned residential.

Councilmember Theobald asked about a small triangle piece south of the Etter residence. Mr. Phillips said it would be restricted to 65 feet in height from Horizon Drive which is 4 feet lower than 35 feet from 27½ Road.

There were no other comments. Mayor Kinsey closed the public hearing at 9:20 p.m.

Councilmember Theobald commented he was glad to see some progress was being made with respect to this property. Regarding the height restrictions, he was uncomfortable with not measuring on the grade but with the explanation and topography it is acceptable. His biggest concern is buffering and traffic along 27½ Road. He would like to have buffers between business and residential areas. The Snow and King parcels are relatively new homes so he doesn't see this zoning to be a change in character. He also stated he can't see how access will be gained for a commercial area in area 4.

Councilmember Scott stated he also was concerned about the residential area, but the rest is okay.

Councilmember Enos-Martinez concurred. She was also concerned with the zoning on that parcel.

Councilmember Terry commented that she was pleased with the effort of planned use and mixed use. Both business and commercial use on Horizon Drive makes sense. She was concerned with transitional areas, like area 4, for accessory use. The Etter property could more realistically be seen as an accessory use because it is pretty far removed from the residences. She would resist any access from 27½ Road and feels it should be left as PB.

Councilmember Spehar agreed with Councilmember Terry. He stated Council could rezone the top half of 27½ Road by drawing a line, but encouraged the Council not to do so during this meeting. He stated it would be appropriate to allow for the buffering and ancillary issues, or other uses, to be decided in the full-blown plan. He suggested Council accept the height discussion presented, which is a reasonable compromise and wait before reacting to additional planning on areas 3 and 4.

Councilmember Payne was also concerned about traffic on 27½ and G Roads but stated a traffic study would be conducted before anything goes in there. He stated the height limitation is too low and should be increased. The Planning Commission's suggestion is too low, and he would go with 60 to 65 feet. He believed the uses on areas 3 and 4 will work out. The applicant did what Council asked them to do.

Mayor Kinsey stated he continues to be uncomfortable with this process, because it seems to be working backwards from the plan development process.

Ordinance No. 3328 – An Ordinance Zoning Three Parcels of Land Located on the Southeast Corner of the Horizon Drive and G Road Intersection to PD (Planned Development)

It was moved by Councilmember Theobald to approve the Planning Commission's recommendation including conditions 1, 2 and 4 and instead of Planning Commission's condition 3, offer the following height restrictions:

Area 1: 35 feet above grade,

Area 2: 40 feet above Horizon Drive in the area south of the line that is formed by the southern boundary of the airport critical zone and 55 feet from Horizon Drive for the remainder of area 2,

Area 3: 65 feet from Horizon Drive that does not include the Etter residence,

Area 4: 35 feet from 27 ½ Road and the Etter residence,

Area 5: 35 feet from grade or the bulk standard for RMF-8,

A fifth change would be that the Etter residence and area 4 be zoned residential, the same as for area 5, the precise boundary to be determined by the topography between area 4 and area 3.

The motion was seconded by Councilmember Payne and carried by a 4 to 3 vote.

Ordinance No. 3328 was ordered published as amended.

Councilmember Terry commented this does not conform to the Growth Plan and asked why Council did not have a Growth Plan amendment as well. Mayor Kinsey responded that there was no plan at the time. Kathy Portner, Acting Community Development Director, agreed the zoning being proposed was not consistent and the intent is to include this change to the Growth Plan along with others on a periodic basis.

Councilmember Theobald stated that Public Works needs to be prepared to deal with the traffic issue on the old G Road.

Ms. Snow requested a decision be made on the name for the new road.

RECESS

Mayor Kinsey declared a recess at 9:40 p.m. The meeting reconvened at 9:50 p.m. with all Councilmembers present.

Ten Commandments

Mayor Kinsey said the City has the opportunity to make some decisions before the decision is forced upon the City. He said he felt that there are strong convictions on both sides of this issue and how Council deals with this issue is important to the community. The City has a long history of using citizens groups to solve issues. The Council needs to bring people together from all sides and provide the opportunity for those folks to share their views. There may be consent, but not necessarily consensus. He suggested Council recognize this problem and appoint a commission with a wide range of viewpoints. Council could appoint a commission of at least eight, perhaps twelve, individuals. The commission would have staff assistance, resources and a time limit. He distributed a copy of his written proposal to Councilmembers. Councilmember Terry agreed that it is a problem to be recognized but didn't believe Council should appoint a citizen's commission as this is a singular issue. She felt that it is a decision of the City Council and invited comments and contact by citizens.

Councilmember Scott stated he didn't feel that the commission decision would necessarily be the decision of the Council.

Councilmember Terry stated setting up a commission would create undue expectations, including possibly setting them up for a very frustrating situation.

Councilmember Theobald commented that Council has had a lot of citizen groups whose job is to present Council with recommendations that Council may or may not follow. He was not opposed to a group discussing their views, and believes that there are other options for solving this issue, which is the advantage of having twelve other minds. He was willing to give it a try.

Councilmember Scott feels there should be a definite timeline, and it needs to be short.

Councilmember Spehar stated that creating a process does not make a solution unless there is a relatively short timeline. Council should have some idea of what the parameters of discussion should be and asked for City Attorney Wilson's input.

Councilmember Enos-Martinez stated it has been told to the Council that the City will lose if this goes to court. She didn't feel it was necessary to set up a community group. There have been numerous phone calls and personal contacts from constituents saying to fight for the Ten Commandments and to let them stay.

City Attorney Wilson stated that in his research and conversations with other attorneys, the City could possibly lose if sued. The commission could work parallel to the suit going forward.

Mayor Kinsey stated anyone could go to court and win or lose. He felt it is possible to mitigate in such a way that the opposition may be able to live with the decision, and neither side wins or loses everything.

Councilmember Terry commented that the monument plaza solution should be approached with caution. A sizeable amount of taxpayer dollars was spent to build the new City Hall and to make it aesthetically pleasing.

Councilmember Spehar stated the design of such a plaza was the least of his concerns. In considering the monument plaza, Council would need to determine if they set themselves, or someone else, up as arbiters as what is appropriate to be included in the plaza. It will be difficult to please everyone in that regard. He questioned who would be the referee in such cases. In a Colorado case, the monuments argument was used and it lost.

Councilmember Theobald suggested removing the tablet, designing plaza and then bringing the Ten Commandments back.

Councilmember Enos-Martinez stated she hears frequently how government wastes money and by prolonging this issue, the more money this decision will cost the taxpayers.

Councilmember Spehar commented that the more this is prolonged the more divisive this becomes to the community and perpetuates the problem.

Councilmember Payne stated this is a Council decision. He has found people do not want the Ten Commandments moved, win or lose. It is time to take a stand, and he requested Council make a decision tonight to leave them where they are. Council could form a committee in an attempt to work out a solution. There have been offers of donated legal time to represent the City should it go to court, so it possibly would not cost the taxpayers any money. Even if the City should lose, it stood up for the principal that the Ten Commandments remain at City Hall. He felt that the City should go down fighting and should make a decision tonight.

Councilmember Scott stated if the commission is formed, they should be made aware Council doesn't have to follow their recommendation.

Mayor Kinsey stated this is not a matter of deferring responsibility, but rather an opportunity to stand up and determine a way to make this work so everyone can live with it.

Councilmember Theobald stated he is not ready to "draw a line in the sand." He is willing to defend a lawsuit but would rather see Council take some action that would strengthen

its position and review the plaza idea as has been previously discussed. He agreed with Mayor Kinsey, to stand on principal, but also wanted to win.

Councilmember Terry stated she still doesn't think forming a commission is the right way to decide this issue. She would be willing to support forming a committee, if it is determined to keep the Ten Commandments, the committee would be presented with the task of figuring out a way to make this happen. There has been a strong willingness to spend taxpayer money in court by citizens.

Councilmember Theobold commented that he was not feeling defeated, and felt that the City can win this should it be necessary to go to court. There are things that need to be done first, however.

Mayor Kinsey stated that those in opposition must be included on the commission.

Councilmember Spehar suggested one change in directing the commission if formed. He felt it would be prudent that the Council, in directing the commission, leave open the possibility that the commission determine this issue is not defensible. If so, Council would need to decide how to proceed from there; what would be an appropriate use of taxpayer dollars and appropriate use of leadership.

Councilmember Theobold agreed to have opposition on the commission until a lawsuit was filed. Then they would not be part of the solution anymore and would not be part of the commission.

Councilmember Terry stated that if Council takes the position to defend this, then the City defends it and should not accept the free legal services offered. There is strong community support for Council to defend the suit and use of taxpayer dollars.

Councilmember Theobold moved to ask for applications to and make appointments to a citizen group to explore the plaza concept as well as other possible defenses to retain the Ten Commandments but will not limit them to those solutions or to reporting to Council that there is no defense. The group will have representation from both those wanting to retain and those wanting to remove the Commandments. In addition, a caveat of expectation that all work together and if a lawsuit occurs, the opponents will not continue to be part of the group and that Council is in favor of finding a way to legally retain the monument.

Councilmember Spehar stated that timeliness is a factor, and going through an application process would only prolong the issue.

Councilmember Terry seconded the motion.

More discussion ensued regarding the wording of the motion and expectations and direction of the commission.

Councilmember Terry stated there is significant support for the Council to retain the Ten Commandments and appears there is also support at looking at how this can be done.

She stated she welcomes citizen input on most any issue presented to Council and all issues that come before Council. She felt Council has received significant community input to retain the Ten Commandments. She proposed that if the Council is interested in looking at various avenues as to how to make this happen, the monument plaza included, Council be the group to do this.

Councilmember Theobald withdrew his motion.

Councilmember Terry moved, given the fact there is significant consensus to maintain the Ten Commandments and there is also support to look at ways of being able to do this legally, so that Council's position may be more defensible if it does have to go to court, she then moved Council to be the obvious group to pursue the various avenues presented before Council as opposed to appointing a citizen's commission.

The motion was seconded by Councilmember Enos-Martinez.

Councilmember Terry amended the motion to include a time frame of one month, deadline being March 21, 2001.

Councilmember Enos-Martinez seconded the amendment.

Motion carried 6 to 1, with Mayor Kinsey voting against, stating the importance of having the public input.

Councilmember Spehar stated that the only reason he voted in favor is so there would be some sense of organized discussion.

ADJOURNMENT

The meeting adjourned at 10:26 p.m.

Stephanie Nye, CMC
City Clerk

Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Recommendations from the GJ Commission on Arts and Culture for funding support to organizations for art and cultural events/projects/programs.	
Meeting Date:	March 7, 2001	
Date Prepared:	February 21, 2001	
Author:	Allison Sarmo	Cultural Arts Coordinator
Presenter Name:	Allison Sarmo	Cultural Arts Coordinator
	Workshop	X Formal Agenda

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

Summary: On February 27 and 28, 2001 the Commission reviewed 24 requests and presentations from organizations and agencies for financial support, per Commission goals, criteria, and guidelines. The requests total \$52,680, and the various projects expect to leverage an additional \$75,377 in private donations. The Commission recommends funding support for the following 18 local art and cultural events and projects:

Celtic Society - Celtic Festival & Highland Games	\$2000
David Taylor Dance Theatre (from Denver) - "Rainforest" performances	\$2000
Friends for Native American Communities - Rocky Mountain Indian Festival	\$2000
Italian Cultural Society - Festival Italiano concerts & film festival	\$2000
KRMJ-TV (PBS) "Western Bounty" segments featuring local arts and artists	\$2000
Performing Arts Conservatory musical production "Ruthless"	\$2000
Saturday Cinema at the Avalon Independent Film Series	\$2000
GJ Jaycees "Return to Camelot" Renaissance Festival	\$1500
Latin Anglo Alliance Cinco de Mayo Fiesta (downtown)	\$1500
Mesa Co. Community Concert Assoc. school concert of Andean folk music	\$1300
Brush & Palette Club Regional Exhibition & Workshop	\$1250
Western Colorado Watercolor Society National Watercolor Exhibition	\$1250
VSA Arts-GJ Arts Festival for Adults & Children with developmental disabilities	\$1200
Mesa State College Dance Festival (collaboration of area dance groups/studios)	\$1000
Mesa County Public Library LIVE! at the Library poetry reading	\$ 525
Advocates for Children's Enrichment children's theatre production	\$ 500
Schumann Singers Winter Choral Concert	\$ 500
GJ Music Teachers Assoc. Sonatina Music Festival for piano students	<u>\$ 475</u>
	Total \$25,000

Background Information:

Attach 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Award of Construction Contract for 2001 Alley Improvement District, Phase A		
Meeting Date:	March 7, 2001		
Date Prepared:	February 21, 2001		
Author:	Kent W. Marsh	Project Engineer	
Presenter Name:	Tim Moore	Public Works Manager	
	Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **2001 Alley Improvement District, Phase A** to **Reyes Construction, Inc.** in the amount of **\$397,406.15**.

Summary: Bids were received and opened on February 27, 2001, for the **2001 Alley Improvement District, Phase A** construction project. The low bid was submitted by **Reyes Construction, Inc.** in the amount of **\$397,406.15**.

Background Information: This contract includes the reconstruction of six alleys. All six alleys are in residential areas. Sewer lines will be replaced in all six alleys. The construction generally consists of the installation of 6-inch thick concrete pavement and replacing existing clay sewer lines with 8" PVC pipe. All six alleys have been designed to maintain the standard 16' width, while remaining within the existing right-of-way. The alleys to be reconstructed are:

<u>Alley</u>	<u>Length</u>	<u>Width</u>	<u>Sewer</u>
<u>2001B Alley Improvement District</u>			
Hill/Teller Alley 10 th St. to 11 th St.	406'	16'	467' - 8"
Ute/Colorado Alley 9 th St.. to 10 th St.	405'	16'	467' - 8"
Bunting/Elm Alley 18 th St. to 19 th St.	314'	16'	304' - 8"
18 th /19 th Alley Bunting Ave. to Elm Ave.	640'	16'	538' - 8"
Colorado/Main Alley 11 th St. to 11 th St	405'	16'	530' - 8"

Ouray/Chipeta
8th St. to 9th St.

406'

16'

396' – 8"

The alley improvements were designed by City staff. Work is scheduled to begin on or about March 26 and continue for 12 weeks with an anticipated completion date of June 14.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Reyes Construction, Inc.	Grand Junction	\$397,406.15
Mays Concrete, Inc.	Grand Junction	\$418,240.00
Engineer's Estimate		\$451,845

Budget:

Alley Improvement District – Fund 2011

Project Costs:

Construction	\$218,918.77
Design (estimate)	8,400
Alley Improvement District Administration	30,000
City Inspection and Administration (Estimate)	11,000
Total Project Costs	\$268,318.77

Funding: 2001 A.I.D. budget \$333,000

Remaining Balance in A.I.D. budget: \$64,681.23

Alley Sewer Line Replacements – Fund 905/F10300

Project Costs:

Construction	\$178,487.38
Design (estimate)	2,000
City Inspection and Administration (Estimate)	<u>5,200</u>
Total Project Costs	\$185,687.38

Funding: 2001 Sewer Line Replacement budget \$153,251

Deficit in Sewer Line Replacement budget: \$-32,436.38

The deficit in the Alley Sewer Line Replacement Budget (F10300) will be transferred from the Collection System Sewer Line Replacements (Fund 905-F10200), which currently has a budget of \$139,214, of which \$0.00 has been expended to date.

It is anticipated that a second Alley Improvement District will be formed this year, since there are enough funds remaining in the budget for construction of additional alleys.

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **2001 Alley Improvement District** with **Reyes Construction, Inc.** in the amount of **\$397,406.15**.

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

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Berthod Annexation		
Meeting Date:	March 7, 2001		
Date Prepared:	February 16, 2001		
Author:	Patricia Parish	Associate Planner	
Presenter Name:	Patricia Parish	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the Berthod property, #ANX-2001-033.

Consent Agenda Item

Summary: Resolution for the Referral of Petition to Annex/First reading of the Annexation Ordinance /Exercising land use jurisdiction immediately for the Berthod Annexation, located at 2982 Gunnison Avenue. The entire annexation area consists of 0.712 acres. (#ANX-2001-033)

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the Resolution for the Referral of Petition to Annex, First reading of the Annexation Ordinance and exercise land use immediately for the Berthod Annexation and set a hearing for April 18, 2001.

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

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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BACKGROUND INFORMATION			
Location:		2982 Gunnison Avenue	
Applicants:		James and Jill Berthod, Owners Craig Hoff, NTCH Colo. Inc., Representative	
Existing Land Use:		Vacant	
Proposed Land Use:		100' Tower	
Surrounding Land Use:	North	Commercial Industrial	
	South	Commercial Industrial	
	East	Commercial Industrial	
	West	Commercial Industrial	
Existing Zoning:		I-1 (Industrial-County)	
Proposed Zoning:		I-1 (Light Industrial) Effective Annexation Date: 1/7/01	
Surrounding Zoning:	North	I-1 (Industrial-County)	
	South	I-2 (Industrial-County)	
	East	I-2 (Industrial- County)	
	West	I-2 (Industrial- County)	
Growth Plan Designation:		Commercial Industrial	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 0.712 acres of land. The property owner would like to build a 100' Telecommunication Tower with equipment shelters, which, under the 1998 Persigo Intergovernmental Agreement, requires development in this area to be annexed. The property is now being annexed into the City of Grand Junction.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a

single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

d) The area is or will be urbanized in the near future;

e) The area is capable of being integrated with the City;

f) No land held in identical ownership is being divided by the proposed annexation;

g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

ANNEXATION SCHEDULE	
March 7, 2001	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
March 13, 2001	Planning Commission considers Zone of Annexation
April 4, 2001	First Reading on Zoning by City Council
April 18, 2001	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 20, 2001	Effective date of Annexation and Zoning

RECOMMENDATION:

Approval

Attachments:

1. Resolution for the Referral of Petition to Annex
2. Ordinance of Annexation
3. Summary Sheet
4. Annexation Boundary Map

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7th day of March, 2001, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

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

BERTHOD ANNEXATION

LOCATED at 2982 Gunnison Avenue

WHEREAS, on the 7th day of March, 2001, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Lot 10, Banner Industrial Park (Plat Book 11, Page 362) Situate in the SE 1/4 NE 1/4, Section 17, T1S, R1E, U.M. County of Mesa, State of Colorado

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

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

1. That a hearing will be held on the 18th day of April, 2001, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

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

ADOPTED this 7th day of March, 2001.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>PUBLISHED</i>
March 9, 2001
March 16, 2001
March 23, 2001
March 30, 2001

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BERTHOD ANNEXATION

APPROXIMATELY 0.712 ACRES

LOCATED AT 2982 GUNNISON AVENUE

WHEREAS, on the 7th day of March, 2001, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of April, 2001; and

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

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

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

Berthod Annexation

Lot 10, Banner Industrial Park (Plat Book 11, Page 362) Situate in the SE 1/4 NE 1/4, Section 17, T1S, R1E, U.M. County of Mesa, State of Colorado

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

INTRODUCED on first reading on the 7th day of March, 2001.

ADOPTED and ordered published this ___ day of _____, 2001.

Attest:

President of the Council

City Clerk

BERTHOD ANNEXATION SUMMARY

File Number: ANX-2001-033

Location: 2982 GUNNISON AVENUE

Tax ID Number: 2943-171-07-010

Parcels: 1

Estimated Population: 0

of Parcels (owner occupied): 0

of Dwelling Units: 0

Acres: 0.712 acres in annexation area

Developable Acres Remaining: 0

Right-of-way in Annexation: GUNNISON AVE. ALREADY ANNEXED

Previous County Zoning: I-1

Proposed City Zoning: I-1

Current Land Use: VACANT

Future Land Use: 100' TOWER

Assessed Values: Land = \$5,750 Improvements = \$0
TOTAL VALUE = \$5,750

Market Values: Total=19,840

Census Tract: 8

Address Ranges: **2982 GUNNISON AVENUE**

Special Districts:

- Water:** Ute Water
- Sewer:** Central Grand Valley Sanitation District
- Fire:** Grand Junction Rural Fire
- Drainage:** Grand Junction Drainage District
- School:** District 51
- Pest:** None

Attach 6

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Cantrell Annexation No. 1 and No. 2		
Meeting Date:	March 7, 2001		
Date Prepared:	March 1, 2001		
Author:	Lori V. Bowers	Associate Planner	
Presenter Name:	Lori V. Bowers	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Resolution for Referral of the Annexation Petition/ First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Cantrell Annexation, located at 2930 North Avenue.

Summary: The 3.09-acre Cantrell Annexation area consists of one parcel of land, approximately 2.71 acres in size, located at 2930 North Avenue. The remaining acreage is comprised of approximately 703 feet of right-of-way along North Avenue. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

Background Information:
Please see attached report

Budget: N/A

Action Requested/Recommendation:

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

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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AGENDA TOPIC: Resolution for Referral of the Annexation Petition/ First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Cantrell Annexation, located at 2930 North Avenue.

SUMMARY: The 3.09 Cantrell Annexation area consists of one parcel of land, approximately 2.71 acres in size. The remaining acreage is comprised of approximately 703 feet of right-of-way along North Avenue. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

BACKGROUND INFORMATION					
Location:		2930 North Avenue			
Applicants:		Emory Cantrell Kreg Obergfell, Representative			
Existing Land Use:		Vacant land			
Proposed Land Use:		Residential / Office, Warehouse			
Surrounding Land Use:	North	Residential			
	South	Residential and Commercial			
	East	Commercial and Residential			
	West	Residential and commercial			
Existing Zoning:		RMF-8 (County) & Commercial			
Proposed Zoning:		R (within G.P. range) & C-1			
Surrounding Zoning:	North	RMF-8 (Mesa County)			
	South	C (Mesa County)			
	East	RMF-8 and C (Mesa County)			
	West	RMF-8 and C (Mesa County)			
Growth Plan Designation:		Residential Med: 4 to 8 units per acre			
Zoning within density range?		X	Yes		No

ACTION REQUESTED: It is recommended that City Council approve the resolution for the referral of the annexation petition, approve on first reading the annexation ordinance and exercise land use jurisdiction immediately for the Cantrell Annexation and set a hearing for April 18th, 2001.

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 3.09 acres of land. The request for annexation comes from a request to subdivide this 2.71 acre parcel for single family / multi-family development and a commercial section along North Avenue. The property currently has a split zoning on the parcel of RMF-8 to the north and Commercial on the south end. A minor subdivision and site plan are forthcoming for review. The property is now being annexed into the City of Grand Junction.

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

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

The following annexation schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
March 7th	Referral of Petition to Annex & 1 st Read (30 Day Notice)
March 13th	Planning Commission considers Zone of Annexation
April 4th	First Reading on Zoning by City Council
April 18th	Public hearing on Annexation and Zoning by City Council
May 20th	Effective date of Annexation and Zoning

RECOMMENDATION:

Approval

CANTRELL ANNEXATION SUMMARY

File Number:		ANX-2001-052
Location:		2930 North Avenue
Tax ID Number:		2943-083-00-073
Parcels:		1
Estimated Population:		Not yet determined
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		3.09 acres for annexation area
Developable Acres Remaining:		2.71 acres
Right-of-way in Annexation:		703 feet along North Avenue
Previous County Zoning:		County Commercial & R-4
Proposed City Zoning:		C-1 and Residential
Current Land Use:		Vacant
Future Land Use:		Residential & Commercial
Values:	Land:	= \$34,210
	Improvements:	= \$0
Census Tract:		6
Address Ranges:		2930 North Avenue for the commercial portion. Access to the residential portion will determine the addresses later.
Special Districts:	Water:	Ute Water
	Sewer:	Fruitvale Water & Sanitation
	Fire:	Grand Junction Rural Fire
	Drainage & Irrigation	Grand Junction Drainage
	School:	District 51
	Pest:	

Attachments: Cantrell Annexation Map...A

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7th day of March, 2001, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

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

**CANTRELL ANNEXATION
A serial Annexation Comprising Cantrell Annexation No. 1
and Cantrell Annexation No. 2**

LOCATED AT 2930 NORTH AVENUE

AND INCLUDING A PORTION OF THE NORTH AVENUE RIGHT-OF-WAY

WHEREAS, on the 7th day of March, 2001, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PERIMETER BOUNDARY LEGAL DESCRIPTION

Cantrell Annexation

A serial Annexation Comprising Cantrell Annexation No. 1 and Cantrell Annexation No. 2

Cantrell Annexation No. 1

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 8, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the S 1/4 corner of said Section 8; thence N 89°53'09" W along the south line of the SE 1/4 SW 1/4 of said Section 8 a distance of 177.92 feet to a point; thence leaving said south line N 00°06'51" E a distance of 30.00 feet to a point; thence N 89°53'09" W along a line 10.00 feet south of and parallel with the north right of way line for North Avenue (U.S. Highway 6) a distance of 486.06 feet to a point; thence N 00°06'51" E a distance of 10.00 feet to a point on the north right of way line for said North Avenue (U.S. Highway 6); thence S 89°53'09' E along said north right of way line a distance of 633.91 feet to a point on the west right of way line for 29 1/2 Road; thence N 00°00'00" E along the west right of way line for said 29 1/2 Road a distance of 9.92 feet to a point; thence crossing said 29 1/2 Road N 90°00'00" E a distance of 70.00 feet to a point on the east right of way line for said 29 1/2 Road (said point also being the

southwest corner of Lot 7 of J and J Subdivision); thence S 89°58'35" E along the north right of way line for said North Avenue (U.S. Highway 6) a distance of 50.10 feet to a point; thence leaving said north right of way line S 00°01'25" W a distance of 50.00 feet to a point on the south line of the SW 1/4 SE 1/4 of said Section 8; thence N 89°58'35" W along said south line a distance of 90.08 feet to the point of beginning.

Cantrell Annexation No.2

A parcel of land situate in the SE 1/4 SW 1/4 of Section 8 and in the NE 1/4 NW 1/4 of Section 17 all in Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of Section 17; thence N 89°53'09" W along the north line of the NE 1/4 NW 1/4 of said Section 17 a distance of 177.92 feet to the True Point of Beginning of the parcel described herein; thence leaving the north line of said NE 1/4 NW 1/4 S 00°05'33" E a distance of 40.01 feet to a point on the south right of way line for North Avenue (U.S. Highway 6); thence N 89°53'09" W along said south right of way line a distance of 10.00 feet to a point; thence leaving said south right of way line N 00°06'51" E a distance of 40.00 feet to a point on the south line of the SE 1/4 SW 1/4 of Section 8; thence leaving said south line N 00°06'51" E a distance of 20.00 feet to a point; thence N 89°53'09" W along a line 20.00 feet south of and parallel with the north right of way line for said North Avenue (U.S. Highway 6) a distance of 969.25 feet to a point; thence N 00°00'09" E a distance of 20.00 feet to a point on the north right of way line for said North Avenue (U.S. Highway 6); thence leaving said north right of way line N 00°00'09" E a distance of 620.16 feet to a point on the north line of the S 1/2 W 1/4 SE 1/4 SW 1/4 of Section 8 (said north line also being the south line of Lot 10, Block 3 of Palace Estates Subdivision Filing No. Two); thence S 89°55'20" E along said north line a distance of 165.49 feet to the northeast corner of the S 1/2 W 1/4 SE 1/4 SW 1/4 of said Section 8 (said northeast corner also being the southeast corner of Lot 10, Block 3 of said Palace Estates Subdivision Filing No. Two); thence S 00°00'07" W along the east line of the W 1/4 SE 1/4 SW 1/4 of said Section 8 a distance of 620.26 feet to a point on the north right of way line for said North Avenue (U.S. Highway 6); thence S 89°53'09" E along said north right of way line a distance of 327.59 feet to a point; thence leaving said north right of way line S 00°06'51" W a distance of 10.00 feet to a point; thence S 89°53'09" E along a line 10.00 feet south of and parallel with the north right of way line for said North Avenue (U.S. Highway 6) a distance of 486.06 feet to a point; thence S 00°06'51" W a distance of 30.00 feet to a point on the south line of the SE 1/4 SW 1/4 of said Section 8 and point of beginning.

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

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

1. That a hearing will be held on the 18th day of April, 2001, at the City of Grand Junction City Auditorium, located at 250 North 5th Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

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

ADOPTED this 7th day of March, 2001.

Attest:

President of the Council

City Clerk

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

City Clerk

Published: March 9, 2001
March 16, 2001
March 20, 2001
March 27, 2001

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**CANTRELL ANNEXATION No.1
APPROXIMATELY 0.38 ACRES
LOCATED 2930 NORTH AVENUE
AND INCLUDING A PORTION OF THE NORTH AVENUE RIGHT-OF-WAY**

WHEREAS, on the 7th day of March, 2001, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of April, 2001; and

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

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

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

Cantrell Annexation No. 1

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 8, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the S 1/4 corner of said Section 8; thence N 89°53'09" W along the south line of the SE 1/4 SW 1/4 of said Section 8 a distance of 177.92 feet to a point; thence leaving said south line N 00°06'51" E a distance of 30.00 feet to a point; thence N 89°53'09" W along a line 10.00 feet south of and parallel with the north right of way line for North Avenue (U.S. Highway 6) a distance of 486.06 feet to a point; thence N 00°06'51" E a distance of 10.00 feet to a point on the north right of way line for said North Avenue (U.S. Highway 6); thence S 89°53'09' E along said north right of way line a distance of 633.91 feet to a point on the west right of way line for 29 1/2 Road; thence N 00°00'00" E along the west right of way line for said 29 1/2 Road a distance of 9.92 feet to a point; thence crossing said 29 1/2 Road N 90°00'00" E a distance of 70.00 feet

to a point on the east right of way line for said 29 1/2 Road (said point also being the southwest corner of Lot 7 of J and J Subdivision); thence S 89°58'35" E along the north right of way line for said North Avenue (U.S. Highway 6) a distance of 50.10 feet to a point; thence leaving said north right of way line S 00°01'25" W a distance of 50.00 feet to a point on the south line of the SW 1/4 SE 1/4 of said Section 8; thence N 89°58'35" W along said south line a distance of 90.08 feet to the point of beginning.

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

INTRODUCED on first reading on the 7th day of March, 2001.

ADOPTED and ordered published this ____ day of _____, 2001.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**CANTRELL ANNEXATION No.2
APPROXIMATELY 2.71 ACRES
LOCATED AT 2930 NORTH AVENUE
AND INCLUDING A PORTION OF THE NORTH AVENUE RIGHT-OF-WAY**

WHEREAS, on the 7th day of March, 2001, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of April, 2001; and

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

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

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

Cantrell Annexation No.2

A parcel of land situate in the SE 1/4 SW 1/4 of Section 8 and in the NE 1/4 NW 1/4 of Section 17 all in Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of Section 17; thence N 89°53'09" W along the north line of the NE 1/4 NW 1/4 of said Section 17 a distance of 177.92 feet to the True Point of Beginning of the parcel described herein; thence leaving the north line of said NE 1/4 NW 1/4 S 00°05'33" E a distance of 40.01 feet to a point on the south right of way line for North Avenue (U.S. Highway 6); thence N 89°53'09" W along said south right of way line a distance of 10.00 feet to a point; thence leaving said south right of way line N 00°06'51" E a distance of 40.00 feet to a point on the south line of the SE 1/4 SW 1/4 of Section 8; thence leaving said south line N 00°06'51" E a distance of 20.00 feet to a point; thence N 89°53'09" W along a line 20.00 feet south of and parallel with the north right of way line for said North Avenue (U.S. Highway 6) a distance of 969.25 feet to a point; thence N 00°00'09" E a distance of 20.00 feet to a point on the north right of way

line for said North Avenue (U.S. Highway 6); thence leaving said north right of way line N 00°00'09" E a distance of 620.16 feet to a point on the north line of the S 1/2 W 1/4 SE 1/4 SW 1/4 of Section 8 (said north line also being the south line of Lot 10, Block 3 of Palace Estates Subdivision Filing No. Two); thence S 89°55'20" E along said north line a distance of 165.49 feet to the northeast corner of the S 1/2 W 1/4 SE 1/4 SW 1/4 of said Section 8 (said northeast corner also being the southeast corner of Lot 10, Block 3 of said Palace Estates Subdivision Filing No. Two); thence S 00°00'07" W along the east line of the W 1/4 SE 1/4 SW 1/4 of said Section 8 a distance of 620.26 feet to a point on the north right of way line for said North Avenue (U.S. Highway 6); thence S 89°53'09" E along said north right of way line a distance of 327.59 feet to a point; thence leaving said north right of way line S 00°06'51" W a distance of 10.00 feet to a point; thence S 89°53'09" E along a line 10.00 feet south of and parallel with the north right of way line for said North Avenue (U.S. Highway 6) a distance of 486.06 feet to a point; thence S 00°06'51" W a distance of 30.00 feet to a point on the south line of the SE 1/4 SW 1/4 of said Section 8 and point of beginning.

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

INTRODUCED on first reading on the 7th day of March, 2001.

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

Attest:

President of the Council

City Clerk

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Traver Annexation		
Meeting Date:	March 7, 2001		
Date Prepared:	February 27, 2001		
Author:	Kristen Ashbeck	Senior Planner	
Presenter Name:	Same		
X	Workshop		Formal Agenda

Subject: ANX-2001-011 Consideration of the zone of annexation to Residential Single Family with a maximum density of four units per acre (RSF-4) for the Traver Annexation.

Summary: The 31.98-acre Traver Annexation located at 2980 Rood Avenue/2986 D Road consists of 2 parcels of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use map and recommendation for residential land uses between 4 and 7.9 units per acre for this area.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Planning Commission recommended approval of the RSF-4 zone district for the Traver Annexation. It is recommended that City Council approve the zoning ordinance for the Traver Annexation and set a hearing for March 21, 2001.

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

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
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BACKGROUND INFORMATION			
Location:		2980 Rood Avenue /2986 D Road	
Applicants:		Richard and Marianne Traver	
Existing Land Use:		Vacant	
Proposed Land Use:		96 Single Family Residential Lots	
Surrounding Land Use:	North	Large Lot Single Family Residential	
	South	Large Lot Single Family Residential	
	East	Large Lot Single Family Residential	
	West	Large Lot Single Family Residential	
Existing Zoning:		RSF-R (AFT) in County	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	RSF-R (Mesa County)	
	South	RSF-4 (Mesa County)	
	East	RSF-4 (Mesa County)	
	West	RSF-4 (Mesa County)	
Growth Plan Designation:		Residential with 4 – 8 units per acre	
Zoning within density range?		X	Yes
			No

STAFF ANALYSIS

Zone of Annexation: Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that conforms to the City’s Growth Plan’s Future Land Use Map. This property is currently zoned RSF-R in Mesa County and is proposed as RSF-4 in the City.

The existing County RSF-R which requires 5 acres per lot does not conform to the recommended densities found on the Future Land Use Map of the Growth Plan which designates this area as Residential Medium with a density range of 4 to 7.9 units per acre. The proposed zoning of RSF-4 does conform to the Future Land Use Map.

The applicant has submitted a Preliminary Plan concurrent with the request for annexation. However, the applicant is still working on several outstanding planning and engineering issues. Once a response to comments is received the plan will be brought to Planning Commission for consideration.

Zoning and Development Code Criteria: Section 2.14.F. of the Zoning and Development Code states: “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.” In order to maintain internal consistency between the Code and

the zoning maps, map amendments must only occur if the criteria of Section 2.6 are met. The pertinent criteria are as listed below.

Change of Character in Neighborhood. Due to the character of existing and proposed development, the City and County recently adopted a change to the Land Use Plan of the Growth Plan from Residential 2-4 units per acre to Residential 4-8 units per acre. The proposed zoning is consistent with the new Land Use Plan designation.

Proposed Rezone is Compatible with Neighborhood. The proposed rezone is compatible with other recent redevelopment/infill projects such as Scottish Range just west of the north end of the property. It is expected that other large parcels in the vicinity will eventually redevelop with similar densities.

Proposal Conforms with Growth Plan. The proposed RSF-4 zoning conforms with the Growth Plan Land Use Plan residential density range of 4 to 8 units per acre.

Adequate Public Services. Since this an infill site, adequate public facilities and services are available to the site.

Community Benefit. The community will benefit from the proposal by realizing the goals and policies of the Growth Plan that promote such infill development and densities that are supported by existing infrastructure.

ANNEXATION SCHEDULE	
Feb 7th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Feb 20th	Planning Commission considers Zone of Annexation
March 7th	First Reading on Zoning by City Council
Mar 21st	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Apr 22nd	Effective date of Annexation and Zoning

Planning Commission Action (2/20/01 – 4-0): Planning Commission found that the annexation and rezone are consistent with the Growth Plan and the criteria of Section 2.6 of the Zoning and Development Code have been met and recommended approval of the zone of annexation of the Traver Annexation to RSF-4.

Attachments: a) Zoning Ordinance
 b) Map

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**ZONING THE TRAVER ANNEXATION TO RESIDENTIAL SINGLE FAMILY
WITH A MAXIMUM DENSITY OF 4 UNITS PER ACRE (RSF-4)
LOCATED AT 2980 ROOD AVENUE AND 2986 D 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 an RSF-4 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 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 conforming to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTIES SHALL BE ZONED THE RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE (RSF-4) ZONE DISTRICT:

Tax Parcel 2945-174-00-130 (2986 D Road)
The W 990' of that part of the SE1/4SE1/4 lying S of the ROW of the Grand Valley Irrigation Co canal in Sec 17, T1S, R1E of the UM, Mesa Co. CO

Tax Parcel 2945-174-14-005 (2980 Rood Avenue)
Lot 2 of the Brown's Minor Sub II as recd in Bk 2376, Pg 153 of the Recds of the Clerk and Recorder, Mesa Co, CO.

Introduced on first reading this 7th day of March 2001.

PASSED and ADOPTED on second reading this 21st day of March, 2001.

President of the Council

ATTEST:

City Clerk

Attach 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Modified Street Section for Grand Mesa Center Frontage Road		
Meeting Date:	March 7, 2001		
Date Prepared:	March 1, 2001		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
	Workshop	X	Formal Agenda

Subject: Modified Street Section for Grand Mesa Center Frontage Road, located at 2464 Highway 6 & 50; File #PP-2000-234.

Summary: The developer of the Grand Mesa Center requests a waiver from the City's standard street section drawings to allow for a modified street section for the frontage road. There is no standard for a frontage road in the City's standard drawings. Council action is required to permit a 24-foot asphalt mat in a 35-foot right-of-way for the frontage road.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Approval of modified street section request.

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

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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BACKGROUND INFORMATION				
Location:		Several parcels including 2464 Highway 6 & 50		
Applicants:		David Bearden of AIG Baker – applicant Jim Langford – representative		
Existing Land Use:		Various vacant commercial & industrial buildings and vacant ground		
Proposed Land Use:		205,301 SF shopping center with 6 pad sites		
Surrounding Land Use:	North	Industrial businesses		
	South	Commercial businesses		
	East	Commercial and industrial businesses		
	West	Commercial and industrial businesses		
Existing Zoning:		C-2		
Proposed Zoning:		No change proposed		
Surrounding Zoning:	North	C-2		
	South	C-2		
	East	C-2		
	West	C-1		
Growth Plan Designation:		Commercial/Industrial & Commercial		
Zoning within density range?		Na	Yes	No

Staff Analysis:

In conjunction with a previously approved request for a conditional use permit and preliminary plat for the Grand Mesa Center, the applicant is requesting a waiver to allow for a modified street section for the frontage road. The design of the center includes a change in the frontage road that currently parallels Highway 6 & 50. The frontage road will be rerouted into the interior of the site to allow for sufficient vehicle storage behind the new traffic signal to be located at 24 ³/₄ Road.

The City of Grand Junction does not have a standard for a frontage road. The new frontage road more closely resembles a commercial street. The City's published commercial street section contains a 36-foot wide asphalt mat with curb, gutter, and sidewalk on both sides. The applicant has proposed a 24-foot wide asphalt mat with curb and gutter on both sides and sidewalk on one in a 35-foot wide right of way. The

submitted traffic study showed that internal left-turn lanes were not needed to access the site and hence the two-lane width was acceptable.

The frontage road has been widened beyond the 24-foot mat at the corners to allow an AASHTO WB-40 design vehicle to turn within its own lane. The applicant's engineer is researching the delivery vehicle size to use and will modify the curves at final design if a larger radius is needed. The City Engineer has approved the 35-foot right-of-way width.

PLANNING COMMISSION RECOMMENDATION: At its February 13, 2001 hearing the Planning Commission recommended approval of this request.

Attachments to this report include the following:

1. Aerial Photo/Vicinity Map
2. Preliminary Plat
3. Preliminary Site Plan

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 36, SECTION 36-38(b) OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, REGARDING UNSAFE BACKING

RECITALS: On December 6, 2000, the 1995 Model Traffic Code was adopted, which included a provision referring to backing a car in such a manner so as not to be unsafe. The current reading of this section refers only to backing when it occurs on public or private parking lots, the shoulder of any road, or a controlled-access highway. These areas do not include other public roadways where an unsafe backing maneuver might occur. If such a maneuver did occur, at present, the driver could not be charged with a violation of this section, although his or her actions may be no less unsafe than if the accident occurred in one of the areas which are covered by the current ordinance. This amendment removes the "controlled-access" portion of the ordinance, making this section of the Code one that can be charged throughout the City, protecting all citizens, no matter where they may be travelling.

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

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

That Section 36-38 (b) be amended to read:

The driver of a vehicle shall not back the same upon any shoulder or roadway unless such movement can be made with safety and without interfering with other traffic.

Introduced this ____ day of March 2001.

Passed and adopted this _____ day of March 2001.

President of the Council

ATTEST:

City Clerk

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Moore Annexation		
Meeting Date:	March 7, 2001		
Date Prepared:	February 27, 2001		
Author:	David Thornton	Principal Planner	
Presenter Name:	David Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the Moore Annexation, #ANX-2001-012

Summary: Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance for the Moore Annexation located at 457 31 Road and including portions of the E Road and 31 Road Rights-of-way. (#ANX-2001-012). This 4.87 acre annexation consists of one parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the Acceptance of Petition to Annex and Second Reading of the annexation ordinance for the Moore Annexation.

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

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	Consent	X	Indiv. Consideration	Workshop
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BACKGROUND INFORMATION			
Location:		457 31 Road	
Applicants:		John and Donna Moore	
Existing Land Use:		Residential	
Proposed Land Use:		No Change	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-R (AFT) in County	
Proposed Zoning:		RMF-5 zone district	
Surrounding Zoning:	North	RSF-R	
	South	RSF-4 & RSF-2	
	East	RSF-4	
	West	RSF-R & RSF-4	
Growth Plan Designation:		Residential with 4 – 8 units per acre	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 4.87 acres of land including portions of the E Road and 31 Road Rights-of-way. The property owners have requested annexation into the City as the result of needing a rezone in the County to accommodate building an accessory structure on their property. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be

- expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
Jan 17th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Feb 13th	Planning Commission considers Zone of Annexation
Feb 21st	First Reading on Zoning by City Council
Mar 7th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Apr 8th	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Moore Annexation.

Attachments:

1. Moore Annexation Summary
2. Resolution of Acceptance of Petition
3. Annexation Ordinance
4. Annexation Map

MOORE ANNEXATION SUMMARY

File Number:	ANX-2001-012
Location:	457 31 Road
Tax ID Number:	2943-161-00-215
Parcels:	1
Estimated Population:	2
# of Parcels (owner occupied):	1
# of Dwelling Units:	1
Acres land annexed:	4.87 acres for annexation area
Developable Acres Remaining:	1
Right-of-way in Annexation:	E Road: 1272 ft south half of E Road west of 31 Road and a 495 ft strip 5 ft wide east of 31 Road , See Map 31 Road: 2274 ft of 31 Road south of E Road to 457 31 Road, See Map
Previous County Zoning:	RSF-R (County)
Proposed City Zoning:	(RMF-5) Residential Multi-family with a maximum density of 5 units per acre
Current Land Use:	Residential
Future Land Use:	Same
Values:	Assessed: = \$ 6,930
	Actual: = \$ 71,210
Census Tract:	8
Address Ranges:	457 31 Road
Special Districts:	Water: Clifton Water and Ute Water
	Sewer: Central Grand Valley
	Fire: Clifton Fire
	Drainage: Grand Junction Drainage District
	School: District 51
	Pest: Upper Grand Valley Pest

RESOLUTION NO. __-01

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

MOORE ANNEXATION

IS ELIGIBLE FOR ANNEXATION

LOCATED 457 31 ROAD

and Including a Portion of 31 Road and E Road Rights-of-way

WHEREAS, on the 17th day of January 2001, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A parcel of land situate in the NE 1/4 of Section 16 and in the NW 1/4 of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northwest corner of the NE 1/4 NE 1/4 of said Section 16; thence N 89°50'50" E along the north line of said NE 1/4 NE 1/4 a distance of 1321.94 feet to the northeast corner of said Section 16; thence S 89°53'57" E along the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point; thence S 00°00'00" E a distance of 5.00 feet to a point; thence N 89°53'57" W along a line 5.00 feet south of and parallel with the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point on the west line of the NW 1/4 NW 1/4 of said Section 15; thence S 00°00'00" E along the west line of said NW 1/4 NW 1/4 a distance of 875.00 feet to a point; thence S 89°53'57" E a distance of 30.00 feet to a point on the east right of way line for 31 Road; thence along the east right of way line for said 31 Road the following 3 courses:

- 1) S 00°00'00" E a distance of 439.61 feet to a point on the north line of the SW 1/4 NW 1/4 of said Section 15;
 - 2) S 89°55'51" E along the north line of said SW 1/4 NW 1/4 a distance of 10.00 feet to a point;
 - 3) S 00°00'00" E a distance of 959.56 feet to a point;
- thence crossing said 31 Road right of way S 90°00'00" W a distance of 73.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" W a distance of 462.00 feet to a point; thence N 00°00'00" E a distance of 140.00 feet to a point; thence N 90°00'00" E a distance of 310.00 feet to a point; thence S 00°00'00" E a distance of 36.00 feet to a point; thence N 90°00'00" E a distance of 152.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" E a distance of 33.00 feet to a point on the east line of the SE 1/4 NE 1/4 of said Section 16; thence N 00°00'00" E along the

east line of said SE 1/4 NE 1/4 a distance of 405.74 feet to a point; thence leaving said east line S 89°49'10" W a distance of 25.00 feet to a point on the west right of way line for said 31 Road; thence along the west right of way line for said 31 Road the following 4 courses:

- 1) N 00°00'00" W a distance of 449.87 feet to a point on the south line of the NE 1/4 NE 1/4 of said Section 16;
- 2) S 89°49'10" W along the south line of said NE 1/4 NE 1/4 a distance of 5.00 feet to a point;
- 3) N 00°00'00" E a distance of 1259.57 feet to a point;
- 4) 31.47 feet along the arc of a curve to the left having a radius of 20.00 feet, a delta angle of 90°09'10" and a long chord bearing N 45°04'35" W a distance of 28.32 feet to a point on the south right of way line for E Road;

thence along the south right of way line for said E Road the following 5 courses:

- 1) S 89°50'50" W a distance of 348.52 feet to a point;
- 2) N 00°00'12" E a distance of 10.00 feet to a point;
- 3) S 89°50'50" W a distance of 262.38 feet to a point;
- 4) S 00°01'40" E a distance of 3.00 feet to a point;
- 5) S 89°50'50" W a distance of 660.96 feet to a point on the west line of the NE 1/4 NE 1/4 of said Section 16; thence N 00°03'17" W along the west line of said NE 1/4 NE 1/4 a distance of 33.00 feet to the point of beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of March, 2001; and

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

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

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

ADOPTED this 7th day of March, 2001.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MOORE ANNEXATION

APPROXIMATELY 4.87 ACRES

**LOCATED 457 31 Road and
Including a portion of the 31 Road and E Road Rights-of-way**

WHEREAS, on the 17th day of January, 2001, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of March, 2001; and

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

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

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

A parcel of land situate in the NE 1/4 of Section 16 and in the NW 1/4 of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northwest corner of the NE 1/4 NE 1/4 of said Section 16; thence N 89°50'50" E along the north line of said NE 1/4 NE 1/4 a distance of 1321.94 feet to the northeast corner of said Section 16; thence S 89°53'57" E along the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point; thence S 00°00'00" E a distance of 5.00 feet to a point; thence N 89°53'57" W along a line 5.00 feet south of and parallel with the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point on the west line of the NW 1/4 NW 1/4 of said Section 15; thence S 00°00'00" E along the west line of said NW 1/4 NW 1/4 a distance of 875.00 feet to a

point; thence S 89°53'57" E a distance of 30.00 feet to a point on the east right of way line for 31 Road; thence along the east right of way line for said 31 Road the following 3 courses:

- 4) S 00°00'00" E a distance of 439.61 feet to a point on the north line of the SW 1/4 NW 1/4 of said Section 15;
- 5) S 89°55'51" E along the north line of said SW 1/4 NW 1/4 a distance of 10.00 feet to a point;

6) S 00°00'00" E a distance of 959.56 feet to a point;
thence crossing said 31 Road right of way S 90°00'00" W a distance of 73.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" W a distance of 462.00 feet to a point; thence N 00°00'00" E a distance of 140.00 feet to a point; thence N 90°00'00" E a distance of 310.00 feet to a point; thence S 00°00'00" E a distance of 36.00 feet to a point; thence N 90°00'00" E a distance of 152.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" E a distance of 33.00 feet to a point on the east line of the SE 1/4 NE 1/4 of said Section 16; thence N 00°00'00" E along the east line of said SE 1/4 NE 1/4 a distance of 405.74 feet to a point; thence leaving said east line S 89°49'10" W a distance of 25.00 feet to a point on the west right of way line for said 31 Road; thence along the west right of way line for said 31 Road the following 4 courses:

- 5) N 00°00'00" W a distance of 449.87 feet to a point on the south line of the NE 1/4 NE 1/4 of said Section 16;
- 6) S 89°49'10" W along the south line of said NE 1/4 NE 1/4 a distance of 5.00 feet to a point;
- 7) N 00°00'00" E a distance of 1259.57 feet to a point;
- 8) 31.47 feet along the arc of a curve to the left having a radius of 20.00 feet, a delta angle of 90°09'10" and a long chord bearing N 45°04'35" W a distance of 28.32 feet to a point on the south right of way line for E Road;

thence along the south right of way line for said E Road the following 5 courses:

- 6) S 89°50'50" W a distance of 348.52 feet to a point;
- 7) N 00°00'12" E a distance of 10.00 feet to a point;
- 8) S 89°50'50" W a distance of 262.38 feet to a point;
- 9) S 00°01'40" E a distance of 3.00 feet to a point;
- 10) S 89°50'50" W a distance of 660.96 feet to a point on the west line of the NE 1/4 NE 1/4 of said Section 16; thence N 00°03'17" W along the west line of said NE 1/4 NE 1/4 a distance of 33.00 feet to the point of beginning.

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

INTRODUCED on first reading on the 17th day January, 2001.

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

Attest:

President of the Council

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Moore Annexation Zoning		
Meeting Date:	March 7, 2001		
Date Prepared:	February 27, 2001		
Author:	David Thornton	Principal Planner	
Presenter Name:	David Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: Consideration of the zone of annexation to Residential Multi-family Family with a maximum density of five units per acre (RMF-5) for the Moore Annexation. #ANX-2001-012

Summary: The 4.87 acre Moore Annexation area located at 457 31 Road consists of 1 parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use map and recommendation for residential land uses between 4 and 7.9 units per acre for this area.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Planning Commission recommended approval of the RMF-5 zone district for the Moore Annexation. It is recommended that City Council approve the zoning ordinance for the Moore Annexation.

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

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	X	Indiv. Consideration		Workshop
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BACKGROUND INFORMATION					
Location:		457 31 Road			
Applicants:		John and Donna Moore			
Existing Land Use:		Residential			
Proposed Land Use:		No Change			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RSF-R (AFT) in County			
Proposed Zoning:		RMF-5 zone district			
Surrounding Zoning:	North	RSF-R			
	South	RSF-4 & RSF-2			
	East	RSF-4			
	West	RSF-R & RSF-4			
Growth Plan Designation:		Residential with 4 – 8 units per acre			
Proposed Zoning within density range?		X	Yes		No

Staff Analysis:

ZONE OF ANNEXATION:

This annexation area consists of annexing 4.87 acres of land including portions of the E Road and 31 Road Rights-of-way. The property owners have requested annexation into the City as the result of needing a rezone in the County to accommodate building an accessory structure (detached garage) on their property. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

The proposed zoning is Residential Multi-Family with a maximum of five units per acre (RMF-5). Under the 1998 Persigo Agreement, the City is allowed to zone newly annexed areas with a zone that conforms to the City's Growth Plan's Future Land Use Map. Please note that this proposed zoning of RMF-5 does conform to the Growth Plan's Future Land Use Map recommended densities of 4 to 7.9 units per acre.

PROPOSED RMF-5 ZONE DISTRICT

- This property is currently zoned RSF-R in Mesa County and is proposed as RMF-5 in the City.
- The existing County RSF-R which requires 5 acres per lot does not conform to the recommended densities found on the Growth Plans Future Land Use map currently designated as Residential Medium: 4 to 7.9 units/acre. The RMF-5 zone does.

- The parcel of land being annexed is approximately 1 acre in size and therefore is nonconforming with existing County zoning and does not meet existing County setback requirements. The RMF-5 zone district will bring the lot into conformance and will bring the existing house into conformance with setback requirements.

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.

<i>ANNEXATION SCHEDULE</i>	
Jan 17th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Feb 13th	Planning Commission considers Zone of Annexation
Feb 21st	First Reading on Zoning by City Council
Mar 7th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Apr 8th	Effective date of Annexation and Zoning

Attachments:

1. **Zoning Ordinance**
2. **Map**

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**ZONING THE MOORE ANNEXATION TO RESIDENTIAL MULTI-FAMILY WITH A
MAXIMUM DENSITY OF 5 UNITS PER ACRE (RMF-5)**

LOCATED AT 457 31 ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a RMF-5 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established for the following reasons:

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

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

The following property shall be zoned the Residential Multi-family with a maximum density of 5 units per acre (RMF-5) zone district

Includes the following tax parcel #2943-161-00-215

BEG 360FT N OF SEC COR NE4 SEC 16 1S 1E W 495FT N 140FT E 310FT S 36FT E
185FTS 104FT TO POB EXC E 33FT FOR ROW AS DESC IN B-1501
P-525 MESA CO RECORDS

Introduced on first reading this 21st day of February 2001.

PASSED and ADOPTED on second reading this ____ day of _____, 2001.

ATTEST:

President of the Council

City Clerk

Attach 12

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Institutional and Civic Facility Master Plans		
Meeting Date:	March 7, 2001		
Date Prepared:	February 27, 2001		
Author:	Kathy Portner	Acting Director	
Presenter Name:	Kathy Portner	Acting Director	
	Workshop	X	Formal Agenda

Subject: TAC-2001-01.01 Text Amendment – Amending the Zoning and Development Code Code to add section 2-20 – Institutional and Civic Facility Master Plans and approving a resolution setting a review fee.

Summary: The proposed amendment would add a section 2-20 to the Zoning and Development Code to define a facilities master plan and a process for it’s implementation. The Resolution establishes a review fee.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Approval of the text amendment ordinance on second reading and approval of the fee resolution.

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

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	x	Indiv. Consideration		Workshop
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AGENDA TOPIC: TAC-2001-01.01 Amending the Zoning and Development Code to add section 2-20—Institutional and Civic Facility Master Plans and establishing a review fee.

SUMMARY: The proposed amendment would add a section 2-20 to the Zoning and Development Code to define a facilities master plan and a process for it's implementation. The resolution would establish a review fee.

ACTION REQUESTED: Second reading of the text amendment ordinance and approval of the fee resolution.

Staff Analysis:

In reviewing the recent master plan proposal for St. Mary's it became apparent that there was no good fit in the Code for that type of process. The proposed text amendment creates a process for the review of master plans of institutional and civic facilities. Although necessary, these facilities, because of size or location, have the potential to have a significant impact on the surrounding area. The master plan process allows an opportunity for the public review of the facilities plan early in the planning stages to identify any issues that may need to be resolved. Other facilities that might benefit from a master plan review include Mesa State College, the library and other new school facilities. This process would have also been useful for the Two Rivers Convention Center expansion.

A review fee must also be established for this process. Review of a facilities master plan is more detailed than the review of an Outline Development Plan (ODP), but does not include the engineering detail of a preliminary or final plan. Therefore, the proposed fee is \$400.00, which is in-between the fee for an ODP and Preliminary Plan review.

A copy of the proposed amendment was sent to representatives from the School District, Mesa State College, Community Hospital, St. Mary's, Hilltop and the Library.

STAFF RECOMMENDATION:

Staff recommends approval of the text amendment, adding section 2-20 and a definition of Master Plan and the resolution establishing a review fee.

PLANNING COMMISSION RECOMMENDATION:

At their February 13, 2001 hearing the Planning Commission recommended approval of the amendment to the Code.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**AMENDING THE ZONING AND DEVELOPMENT CODE
INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS**

Recitals.

This proposed amendment to the Zoning and Development Code creates a process for the review of master plans of institutional and civic facilities. Although necessary, these facilities because of size or location have the potential to have a significant impact on the surrounding area. The master plan process allows an opportunity for the public review of the facilities plan early in the planning stages to identify any issues that may need to be resolved.

The Planning Commission, at their February 13, 2001 hearing, recommended approval of the amendment.

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

The Zoning and Development Code be amended to add the following section:

2-20 INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS

- A. Purpose.** The purpose of a Master Plan review process is to provide an opportunity for the early review of major institutional and civic facilities that provide a needed service to the community, but might impact the surrounding community. The Master Plan review allows the City, through a public process, to assess any impacts early in the review process and direct the applicant on how best to address the impacts.
- B. Applicability.** A Master Plan shall be required for any institutional and/or civic use, as that term is defined in Chapter 3, Table 3.5, when such project: consists of multiple phases of construction and when constructed will include 100,000 s.f. in one or more buildings; will result in significant modification of the existing transportation circulation patterns; and/or when the Director deems the project and/or the City would benefit from such a review.
- C. Review Criteria.** In reviewing a Master Plan, the decision-making body shall consider the following:
1. conformance with the Growth Plan and other area, corridor or neighborhood plans;
 2. conformance with the Major Street Plan and general transportation planning requirements;

3. compatibility with the surrounding neighborhood in terms of capacity or safety of the street network, site access, adequate parking, adequate storm water and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;
4. adequacy of public facilities and services; and
5. community benefits from the proposal.

D. Decision-Maker. The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny a Master Plan.

E. Application and Review Procedures. The application and processing procedures shall be as follows:

1. The review of a Master Plan shall precede, or be concurrent with, any other required review process.
2. The content of the Master Plan document shall be sufficient to generally assess the following:
 - a. site access, traffic flow, pedestrian circulation/safety;
 - b. adequate parking;
 - c. location of open space and trails;
 - d. drainage and stormwater management;
 - e. general building location and size; and
 - f. adequate screening and buffering.
3. A General Meeting shall be required.
4. A Neighborhood Meeting is mandatory.
5. Required notice shall include public notice in the newspaper, mailed notice and sign posting notice.

F. Validity. The Master Plan shall be valid for a minimum of five years unless otherwise established by the decision-maker. All phases of projects being developed shall be in conformance with the approved plan. Amendments to the Master Plan may be proposed at any time through the regular Master Plan review process. An amended Master Plan is required if significant changes are proposed. Generally, significant changes are anything not deemed to be minor amendments as defined in section 2.12.F.a.

And, Chapter 9 be amended to add the following definition:

Master Plan—A long range plan for major institutional and civic facilities that considers community benefits and impacts.

Introduced on first reading this 21st day of February, 2001.

PASSED and ADOPTED on second reading this ____ day of _____, 2001.

ATTEST:

City Clerk

President of the Council

CITY OF GRAND JUNCTION

Resolution No.

AMENDING DEVELOPMENT APPLICATION FEE SCHEDULE

RECITALS:

The City Council recently amended the Zoning and Development Code to include a section on the review of Institutional and Civic Facility Master Plans. Accordingly, the development fee schedule that was adopted with the new Zoning and Development Code must be amended to include a fee for the new review process. Review of a facilities master plan is more detailed than the review of an Outline Development Plan (ODP), but does not include the engineering detail of a preliminary or final plan. Therefore, the proposed fee is \$400.00, which is in-between the fee for an ODP and Preliminary review.

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

That the City of Grand Junction Fee Schedule be revised to add the following:

Institutional and Civic Master Plan	\$400.00
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PASSED and ADOPTED this _____ day of _____, 2001.

ATTEST:

City Clerk

President of the Council

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	201 Boundary Adjustments Orchard Mesa: East of 30 Road; South of B Road	
Meeting Date:	Wednesday, March 7, 2001	
Date Prepared:	February 28, 2001	
Author:	Greg Trainor	Utilities Manager
Presenter Name:	Greg Trainor	Utilities Manager
Workshop	X	Formal Agenda Discussion Item

Subject::

201 Boundary Adjustments; Orchard Mesa: East of 30 Road; South of B Road

Summary:

On December 13, 2000 the City Council instructed staff to develop alternatives that might allow homeowners on Orchard Mesa, adjacent to the Valle Vista Sewer Interceptor, to connect to the line if they have failed septic systems. Staffs from Utilities and the City Attorney's office have developed a number of alternatives to that end.

The purpose of this report is to seek input from Council as to the alternatives, so that Council's preferred alternatives can be discussed with Mesa County prior to the April 2, 2001 public hearing. Maps will be available at the Council meeting on Wednesday.

Background Information:

Attached are several options and related discussion about expanding the service area on Orchard Mesa that may be served by the Persigo System. Council will recall that the December 13 joint meeting on this subject ended without agreement between the two elected bodies.

Please note that staff is not necessarily recommending that the Persigo Agreement language be changed. Staff is providing the material below solely to give you options and to facilitate your discussions with the Commissioners.

A copy of this material has been presented to the County. Staff will be reviewing that material with them and bringing back any comments they may have to the Wednesday, March 7 Council meeting.

It is staff's intent to take the direction we get from Council on March 7 and work with the County to achieve one or two alternatives that both bodies believe are worth discussing on April 2. This should help narrow the discussion for the public hearing on April 2. Staff will discuss this process in more detail with Council on March 7.

A. Existing Provisions

The current paragraph 23 of the Persigo Agreement deals with properties in the area bounded by 30 Road, the Colorado River, the Gunnison River, and Highway 141. In that area, ("OM") the agreement provides that "there shall be no development nor uses approved ... which are connected to the System, with two exceptions.

The first exception is the "... already fully developed subdivision Valle Vista."

The second exception is "[s]tructures lawfully existing as of the date hereof which are within four hundred feet of the ..." Valle Vista line.

Note the elements of the existing provision:

- the dwelling must be lawfully existing as of 10/13/98
- the structure must be within 400 feet, as opposed to part of the property being within 400'

B. Choices to Change the Existing Provisions

If the present language is changed to allow more structures in this area to be served by the Persigo System, ¶ 23 would be amended by replacing the second sentence with one of the following.

1. "Single family dwellings for which a building permit was issued on or before July 1, 2000 if such structure is within 400 ' ... "

Note: this option legitimizes the homes for which the county and OM issued permits after the Persigo date.

2 (a). "Single family dwellings lawfully existing as of October 13, 1998 if any portion of the parcel or lot is within 400 ' of the Valle Vista line."

-Expands the number of connections. May lead to increased pressure over the years to connect more uses to the Valle Vista line because once new subdivisions, lot splits, and boundary line adjustments are made the then owners will argue that some portion of the new property line is within 400'....

2 (b). "Single family dwellings lawfully existing as of [July 1, 2000] if any portion of the parcel or lot is within 400 ' of the Valle Vista line."

3 (a). "Single family dwellings lawfully existing as of October 13, 1998 if the dwelling is within a portion of the OM area described as: the north boundary is 400 ' north and parallel to the Valle Vista line; the south boundary is the existing location of Highway 50."

- the south boundary is expanded to Hwy 50 on the south
- requires the house to be within the 'zone,' not any part of the property.

3 (b). "Single family dwellings lawfully existing as of [July 1, 2000] if the dwelling is within a portion of the OM area described as: the north boundary is 400 ' north and parallel to the Valle Vista line; the south boundary is the existing location of Highway 50."

- legitimizes homes built after 10/13/98, in the same area

3 (c). "Single family dwellings lawfully existing as of October 13, 1998 [or July 1, 2000] if any portion of the parcel or lot or property is within a portion of the OM area described as: the north boundary is 400 ' north and parallel to the Valle Vista line; the south boundary is the existing location of Highway 50."

- expands the concept to include any part of any property within the 'zone'

Note: how many homes are south of the line and north of Highway 50?

C. Additional Considerations

1. City staff recently became aware that the County has allowed new homes to be connected to the Valle Vista line **after** 10/13/98, contrary to the express terms of ¶ 23. It appears that OMSD did not read the Persigo Agreement, ¶ 23 but rather read the 1995 Settlement agreement in isolation.

2. In addition, rather than paying for easements for the Valle Vista line, Orchard Mesa Sanitation has "issued future taps" to some landowners. If these "future taps" are accepted as valid, such agreements will mean that even more homes may be built in the future and connected to the VV line. It is suggested that OMSD be required to pay such landowners the fair market value for such easements, in exchange for cancellation/voiding of the promises for future taps in violation of the Persigo Agreement.

3. Suggested additional rules, to avoid disputes in the future:

A. Only one structure may be connected to the Valle Vista line per property lawfully existing as of October 13, 1998.

B. "Lawfully existing" means

(a) as to the land, lot, parcel or property: a lot, parcel or property as defined in the City's Z and D code for which the final County approval (before a building permit may be issued) has been obtained or as shown by the County Assessor's office as of October 13, 1998 as a separate tax parcel;

(b) as to the structure or dwelling, if a building permit for construction of the structure or dwelling has been issued, or is in effect, on the date in question.

C. County zoning, other provisions of the Persigo Agreement, and the Future Land Use Plan make it clear that single family dwellings, or agricultural buildings, are the only allowed uses in this area. Thus, "structure" is a restrictive term and means, at least in this context and in this portion of Orchard Mesa, only a dwelling or home.

Action Requested/Recommendation:

Council review and input.

Placement on Agenda:		Consent	X	Indiv. Consideration		Workshop
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