

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

**WEDNESDAY, MAY 16, 2001, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Scott Hogue, First Baptist Church

**PROCLAMATIONS / RECOGNITIONS**

PRESENTATION OF DISTINGUISHED BUDGET AWARD AND CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO BUDGETING AND ACCOUNTING MANAGER LANNY PAULSON AND ACCOUNTING SUPERVISOR KIM MARTENS

PROCLAMATION DECLARING MAY 20-26, 2001, AS "EMERGENCY MEDICAL SERVICES WEEK" IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

APPOINTMENT TO THE GRAND JUNCTION PLANNING COMMISSION

APPOINTMENT OF FIRST ALTERNATE FOR THE PLANNING COMMISSION

**ELECTION OF MAYOR AND MAYOR PRO TEM / ADMINISTER OATHS OF OFFICE**

**REORGANIZATION OF COUNCIL**

[Attach 1](#)

Resolution No. 47-01 – A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards and Organizations

*\*Action: Adopt Resolution No. 47-01*

**CITIZEN COMMENTS**

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

1. **Minutes of Previous Meetings**

[Attach 2](#)

*Action: Approve the Minutes of the Regular Meeting May 2, 2001 and the Special Meeting of May 7, 2001*

2. **Riverside Storm Drainage Improvements**

[Attach 3](#)

The following bids were received on May 8, 2001:

| <u>Contractor</u>          | <u>From</u>    | <u>Bid Amount</u> |
|----------------------------|----------------|-------------------|
| Sorter Construction, Inc.  | Grand Junction | \$323,500.00      |
| M.A. Concrete Construction | Grand Junction | \$376,512.15      |
| Spallone Construction      | Gunnison       | \$415,030.00      |
| R.W. Jones Construction    | Fruita         | \$435,860.80      |
| Engineer's Estimate        |                | \$374,055.00      |

*Action: Award Contract for Riverside Storm Drainage Improvements to Sorter Construction, Inc., in the Amount of \$323,500*

Staff presentation: Tim Moore, Public Works Manager

3. **Vacating Easements in the Grand Mesa Shopping Center, Located at 565 25 Road** [File #FP-2001-087] [Attach 4](#)

The applicant requests to vacate any interest the City may have in several private easements located within or adjacent to property to be developed as the Grand Mesa Center. The easements include a stormwater retention and drainage easement on Kenwood Grove Minor Subdivision and two non-exclusive easements for a private road and utilities within the Kenwood Grove Condominium. These easements will also be vacated by deed by the respective private parties.

- (1) Resolution No. 48-01 – A Resolution Vacating a Drainage and Stormwater Easement on Lot 1, Kenwood Grove Minor Subdivision, Located at 565 25 Road
- (2) Resolution No. 49-01 – A Resolution Vacating a Non-Exclusive Easement for Private Road and Utilities across Kenwood Grove Condominium, Located at 565 25 Road

*\*Action: Adopt Resolutions No. 48-01 and No. 49-01*

Staff presentation: Bill Nebeker, Senior Planner

4. **Setting a Hearing on Vacating Right-of-Way at 859 Struthers Avenue (High Side Brewery)** [File #VR-2001-082] [Attach 5](#)

First reading of the ordinance to vacate a right-of-way for the High Side Brewery located at 859 Struthers Avenue.

Proposed Ordinance Vacating Right-of-Way Located at 859 Struthers Avenue  
(High Side Brewery)

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 6, 2001*

Staff presentation: Patricia Parish, Associate Planner

5. **Setting a Hearing on Zoning C & K Annexation Located at 2521 River Road**  
[File #ANX-2001-092] [Attach 6](#)

First reading of the zoning ordinance to zone the C&K Annexation Light Industrial, I-1, and Community Services and Recreation, CSR, located at 2521 River Road.

Proposed Ordinance Zoning the C & K Annexation to Light Industrial Zone District (I-1) and CSR Zone District, Located at 2521 River Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 6, 2001*

Staff presentation: Lisa Gerstenberger, Senior Planner

6. **Setting a Hearing on Laser Junction Annexation, Located at 2547 River Road**  
[File #ANX-2001-099] [Attach 7](#)

Referral of petition, first reading of the annexation ordinance and exercising land use immediately for the Laser Junction Annexation located at 2547 River Road and includes a portion of the River Trail. The 3.606-acre Laser Junction Annexation consists of one parcel of land.

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

Resolution No. 50–01 – 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 – Laser Junction Annexation Located at 2547 River Road including a portion of the River Trail

*\*Action: Adopt Resolution No. 50–01*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Laser Junction Annexation, Approximately 3.606 Acres Located at 2547 River Road and including a portion of the River Trail

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

Staff presentation: Pat Cecil, Development Services Supervisor

7. **Process to Release Powers of Attorney for Annexation** [Attach 8](#)

During the decade of the 1990's, the City obtained Powers of Attorney to annex property in return for connection to the City managed Persigo Sewer System. Since the 1998 City/County Persigo agreement, some of those Powers of Attorney are moot.

*Action: Authorize the City Clerk to Obtain the Signature of Either the Mayor or the City Manager on a Release to Extinguish Such Powers of Attorney*

Staff presentation: Dan Wilson City Attorney

8. **Recognition of Contributors to the Plaza** [Attach 9](#)

Some members of the Council have suggested that contributions be commemorated with a plaque near the plaza, while others have suggested other locations or methods. City Council discussed the matter at Monday's workshop and may bring forth a recommendation.

*Action: After Monday Night's discussion, a Motion Approving the Method of Recognizing Contributors to the Plaza*

Staff presentation: Dan Wilson, City Attorney

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

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

9. **Juvenile Accountability Incentive Block Grant** [Attach 10](#)

In 1999, the City, along with the City of Fruita, Town of Palisade and Mesa County were awarded the Juvenile Accountability Incentive Block Grant. The decision was made that the funds would be best used for additional supervisors with the Partners program who would be able to supervise Mesa County court cases, and the three cities' cases, when Useful Public Service was sentenced. The collaboration has proven to be a success with 331 Municipal Court Juvenile cases being supervised and 7,291 hours of Useful Public Service being completed this year. [This is a federal grant exempt from TABOR limitations.]



Resolution No. 51-01 – A Resolution Accepting the Juvenile Accountability Incentive Block Grant in the Amount of \$54,997

*Action: Adopt Resolution No. 51-01*

Staff presentation: Stephanie Rubinstein, Staff City Attorney

10. **Public Hearing – Funding Projects for the 2001 Community Development Block Grant Program and Draft Five-Year Consolidated Plan** [Attach 11](#)

This is a public hearing to receive input regarding use of the City's 2001 CDBG Program Year funds, to discuss the funding recommendations made by the City Council CDBG Committee and to receive public testimony on the draft 2001 Five-Year Consolidated Plan. The City Council did receive a letter regarding priorities in the five year plan from the CDBG Consolidated Plan Advisory Committee.

*Action: Consider Recommendation for Funding of the Six Projects Recommended by the CDBG City Council Subcommittee for the City's 2001 CDBG Program Year Action Plan*

Staff presentation: David Varley, Assistant City Manager

11. **Appeal of Meier Telecommunications Conditional Use Permit at 688 29½ Road** [File #CUP-2001-032] [Attach 12](#)

The surrounding neighbors are requesting an appeal of the March 13, 2001 Planning Commission approval of the Conditional Use Permit for a 140' tall telecommunications tower located at 688 29½ Road in an RMF-5 Zone. The tower was approved by Planning Commission subject to staff's recommendations.

**Please note:** The Zoning & Development Code adopted in 2000 has new rules for appeals of CUPs (Section 2.18). This matter is the first example of an appeal under these new rules. In short, the appeal is based on the written documents considered by the Planning Commission, the verbatim transcript of the Planning Commission hearing, the written arguments of the appellant and any responses. Unlike the old method, the Council does not hear any new testimony or arguments. There is no public participation. The Council may discuss all aspects of the appeal among its members. The Council may ask City staff to interpret or explain matters contained in the written record. Council may also discuss the process and legal questions with its staff. Section 2.18(E) chapter 2, page 56) lists the criteria to be used when the Council makes its decision on the appeal.

*Action: Decision on Appeal*

Staff presentation: Patricia Parish, Associate Planner

12. **Public Hearing - Snidow Annexation No. 1 and No. 2, Located at 3165 D Road**  
[File #ANX-2001-062] [Attach 13](#)

The 34.14-acre Snidow Annexation No. 1 and No. 2 consists of one parcel of land located at 3165 D Road and includes portions of the 29 5/8 Road and D Road rights-of-way.

**a. Resolution Accepting Petition for Annexation**

Resolution No. 52-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determining Property Known as the Snidow Annexation, a Serial Annexation Comprising Snidow Annexation No. 1 and Snidow Annexation No. 2 Located at 3165 D Road and Including a Portion of the 29 5/8 Road and D Road Rights-of-Way, is Eligible for Annexation

*Action: Adopt Resolution No. 52-01*

**b. Annexation Ordinances**

- (1) Ordinance No. 3344 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Snidow Annexation No. 1, Approximately 13.78 Acres Located in the 29 5/8 Road and D Road Rights-of-Way
- (2) Ordinance No. 3345 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Snidow Annexation No. 2, Approximately 20.36 Acres Located at 3165 D Road and Including a Portion of the D Road Right-of-Way

*Action: Adopt Ordinance No. 3344 and Ordinance No. 3345 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

13. **Public Hearing - Zoning Snidow Annexation Located at 3165 D Road**  
[File #ANX-2001-062] [Attach 14](#)

Rezone the annexation area from County AFT to the City's General Commercial (C-2) zone district. The rezone area is located at 3165 D Road and includes portions of the 29 5/8 Road and D Road rights-of-way. The rezone area encompasses 16.59 acres.

Ordinance No. 3346 – An Ordinance Zoning the Snidow Annexation to the General Commercial (C-2) Zone District, Located at 3165 D Road

*Action: Adopt Ordinance No. 3346 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

14. **Public Hearing - Gamble/Sage Annexation Located at 3070 I-70 Business Loop** [File #ANX-2001-043] [Attach 15](#)

The 10.78-acre Gamble/Sage Annexation located at 3070 I-70 Business Loop consists of one parcel of land approximately 6.06 acres in size. The remaining acreage is comprised of approximately 582.28 feet along E ¼ Road; 256.37 feet along I-70 B. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

**a. Resolution Accepting Petition for Annexation**

Resolution No. 53-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determining that Property Known as the Gamble/Sage Annexation Located at 3070 I-70 B is Eligible for Annexation

*Action: Adopt Resolution No. 53-01*

**b. Annexation Ordinance**

Ordinance No. 3347 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gamble/Sage Annexation, Approximately 10.78 Acres Located at 3070 I-70 B

*Action: Adopt Ordinance No. 3347 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

15. **Public Hearing - Zoning Gamble/Sage Annexation Located at 3070 I-70B** [File #ANX-2001-043] [Attach 16](#)

The petitioner had requested the zoning designation of C-2 (Heavy Commercial) be placed upon the property upon annexation to the City. Upon review of adjacent County and City zoning, Staff is suggesting the zoning designation of C-1 (Light Commercial) be recommended. The applicants are currently in the site plan review process for a new office building and enclosed workshop/garage facility with screened outdoor storage.

Ordinance No. 3348 – An Ordinance Zoning the Gamble/Sage Annexation to Light Commercial (C-1), Located at 3070 I-70 B

*Action: Adopt Ordinance No. 3348 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

16. **Public Hearing - Parham Annexation Located at 2960 D Road**

Acceptance of petition to annex and second reading of the annexation ordinance for the Parham Annexation located at 2960 D Road and including a portion of the D Road right-of-way.

**a. Resolution Accepting Petition for Annexation**

Resolution No. 54-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determining Property Known as the Parham Annexation Located at 2960 D Road and Including a Portion of D Road Right-of-Way, is Eligible for Annexation

*\*Action: Adopt Resolution No. 54-01*

**b. Annexation Ordinance**

Ordinance No. 3349 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Parham Annexation, Approximately 14.53 Acres Located at 2960 D Road and Including a Portion of D Road Right-of-Way

*\*Action: Adopt Ordinance No. 3349 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

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

18. **OTHER BUSINESS**

19. **ADJOURNMENT**

**Attach 1  
Reorganization of Council**

**RESOLUTION NO. \_\_\_\_\_-01**

**A RESOLUTION APPOINTING AND ASSIGNING  
CITY COUNCILMEMBERS TO REPRESENT THE CITY  
ON VARIOUS BOARDS AND ORGANIZATIONS**

Be it resolved by the City Council of the City of Grand Junction that:

1. Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2001

ATTEST:

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

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

Date: May 16, 2001

To: Mayor and City Council

Re: 2001-2002 City Council Assignments

### **CITY COUNCIL FORMAL ASSIGNMENTS**

Individual Members will be assigned for each of the following:

#### **Representative:**

Downtown Development Authority

*Meets 1st & 3rd Friday of the month at 7:30am (Location varies)*

Grand Junction Housing Authority

*Meets 4th Monday of the month @ 11:30am @ 1011 N. 10th*

Walker Field Airport Authority

*Meets 3rd Tuesday of the month @ 5:15pm @ Airport/3rd floor*

Associated Governments of NW Colorado

*Meets 1st Thursday of the month/moves from City to City*

Parks Improvements Advisory Board (PIAB)

*Meets 3rd Thursday of the month (or as needed) @ 8:00am @ P&R*

### **VOLUNTARY AND TEMPORARY ASSIGNMENTS**

Individual Members will either volunteer or be temporarily assigned to represent the Council on the following:

#### **Volunteer Representative:**

Colorado Assn. of Ski Towns (CAST)

*Meets 6 times per year (1 CML Conf.)*

CML Policy Committee

*Meets 2 – 3 times per year in Denver*

CML Growth Committee

*Meets on demand*

Colorado Water Congress

*Meets 12 times annually*

Nat'l League of Cities Bds. & Committees

*Meets on demand*

CML Board of Directors

*Meets on demand*

### **Temporary Assignment**

Air Service Task Force

*Meets on demand*

MC Community Transit Steering Committee

*Meets on demand*

FEMA Funding Board

*Meets quarterly*

MC Transportation Policy Advisory Committee

*Meets on demand*

### **NO COUNCIL MEMBER ASSIGNMENTS**

Individual Members will not be assigned to serve as a liaison to the following. To assure good communications the entire City Council will meet with these on an annual or as needed basis as indicated.

#### Meet with Annually

VCB

GJ/MC Riverfront Commission

#### Meet with as Needed

MCEDC

Museum of Western Colorado

MC Enterprise Zone Comm.

MC Air Quality Comm.

#### Meet with Semi-Annually

School District #51

**Attach 2  
Minutes of Previous Meetings**

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

**May 2, 2001**

The City Council of the City of Grand Junction convened into regular session the 2<sup>nd</sup> day of May, 2001 at 7:30 p.m. at the City Auditorium. Those present were Councilmembers Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were Assistant City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and led in the Pledge of Allegiance. The audience remained standing during the invocation by Joe Jones, Redlands Pentecostal Church of God.

**PROCLAMATION DECLARING MAY 12, 2001 AS “GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY” IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING THE WEEK OF MAY 6, 2001 AS “NATIONAL TOURISM WEEK” IN THE CITY OF GRAND JUNCTION**

**PRESENTATIONS TO MAYOR GENE KINSEY, COUNCILMEMBER EARL PAYNE AND COUNCILMEMBER JACK SCOTT FOR THEIR SERVICE TO THE COMMUNITY**

**CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Jack Scott, and carried by roll call vote, the following Consent Calendar Items #1-8 were approved.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the April 16, 2001 Workshop and the Minutes of the Regular Meeting April 18, 2001*

2. **Use of Undergrounding Funds Held by XCEL Energy for 29 Road Improvement Project, Phase 1**

Overhead to Underground funds have been programmed for the 29 Road Improvement Project. The first phase of the project will underground power lines from 850 feet south of North Avenue to 425 feet north of North Avenue.



Resolution No. 42–01 – A Resolution Authorizing Public Service of Colorado dba XCEL Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the 29 Road Improvement Project, Phase 1, as Established in the Ordinance Granting a Franchise Signed November 4, 1992

*Action: Adopt Resolution No. 42–01*

3. **Easement across City-Owned Property to the Public Service Company of Colorado for a Natural Gas Pipeline**

Public Service is in the permitting stage with the Bureau of Land Management and Mesa County to install a 6-inch high-pressure natural gas pipeline from Whitewater to Palisade. The pipeline will cross 3 City properties located on east Orchard Mesa.

Resolution No. 43-01 – A Resolution Authorizing Conveyance of an Easement across City-owned Property in Whitewater to Public Service Company aka EXCEL Energy

*Action: Adopt Resolution No. 43-01*

4. **Agreement for Surplus Water from Green Mountain Reservoir**

Five-year, no-charge agreement between the Bureau of Reclamation, the Town of Palisade, City of Grand Junction and the City of Fruita for delivery of surplus water from Green Mountain Reservoir, to the Colorado River between Palisade and Loma, for instream municipal recreation purposes with incidental benefits to endangered fish species.

*Action: Authorize the City Manager to Sign the Agreement for Surplus Water from Green Mountain Reservoir*

5. **Setting a Hearing on Grand Meadows Annexation Located at 30 Road and Gunnison Avenue** [File #ANX-2001-080]

Resolution for referral of petition to annex Grand Meadows Annexation located at 30 Road and Gunnison Avenue, and including a portion of 30 Road right-of-way.

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

Resolution No. 44–01 – 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 – Grand Meadows Annexation Located at 30 Road and Gunnison Avenue and Including a Portion of the 30 Road Right-of-Way

Action: Adopt Resolution No. 44-01

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows Annexation, Approximately 9.65 Acres Located at 30 Road and Gunnison Avenue and Including a Portion of the 30 Road Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 6, 2001

6. **Setting a Hearing on C & K Annexation Located at 2521 River Road**

[File #ANX-2001-092]

Resolution for referral of petition to annex the C & K Annexation located at 2521 River Road.

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

Resolution No. 45-01 – 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 – C & K Annexation Located at 2521 River Road

Action: Adopt Resolution No. 45-01

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, C & K Annexation, Approximately 9.935 Acres Located at 2521 River Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 6, 2001

7. **Setting a Hearing on Zoning Gamble/Sage Annexation Located at 3070 I-70B**

[File #ANX-2001-043]

The petitioner had requested the zoning designation of C-2 (Heavy Commercial) be placed upon the property upon annexation to the City. Upon review of adjacent County and City zoning, Staff is suggesting the zoning designation of C-1 (Light Commercial) be recommended. The applicants are currently in the site plan review process for a new office building and enclosed workshop/garage facility with screened outdoor storage.

Proposed Ordinance Zoning the Gamble/Sage Annexation to Light Commercial (C-1), Located at 3070 I-70 B

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 16, 2001*

8. **Setting a Hearing on Zoning Snidow Annexation Located at 3165 D Road**  
[File #ANX-2001-062]

This 34.14-acre annexation consists of one parcel of land. Request for first reading of the zoning ordinance to rezone the annexation area from County AFT to City C-2. The rezone area is located at 3165 D Road and includes portions of the 29 5/8 Road and D Road Rights-of-Way.

Proposed Ordinance Zoning the Snidow Annexation to the General Commercial (C-2) Zone District, Located at 3165 D Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 16, 2001*

Staff presentation: Pat Cecil, Development Services Supervisor

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

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

**CONSIDER RESCINDING EMINENT DOMAIN ACTION FOR 159 COLORADO AVENUE**

On March 21, 2001, Council adopted Resolution No. 26-01 to enact possible condemnation proceedings to attain Colorado Catfish Company. This resolution rescinds the action directed in Resolution No. 26-01.

David Varley, Assistant City Manager, presented the background on this issue. He stated that it appears the plan for Two Rivers Convention Center does not require the City to purchase the Colorado Catfish Restaurant. Council may then decide not to proceed with the eminent domain and possible condemnation of the property.

Councilmember Terry stated she thinks that it would ideally be better for the entire plan to purchase the property at some point. She asked the City Attorney what the options would be for Council should it be deemed necessary to negotiate the purchase of the property in the future. City Attorney Dan Wilson said this resolution would actually take Council back prior to the previous resolution declaring eminent domain and condemnation. By adopting this resolution to rescind eminent domain and condemnation, Council is not giving up the power to take this step again in the future.

Councilmember Spehar asked Mark Relph, Public Works Director, how the Code would be met; including parking space numbers, discussions on the intersection issue and if the roundabout could be accomplished without this property. Mr. Relph responded that additional parking for the additional space does meet Code. When looking at the design of the intersection, the City was able to plan the intersection improvements specifically with a roundabout and still provide legal access off Second Street for the business. Colorado Avenue will be closed and become a parking lot.

Councilmember Spehar clarified that the design of the intersection was not being altered. Mr. Relph stated that there was a slight shift to the north but nothing remarkable.

Councilmember Terry said she recalled one major alteration was in the parking area. Mr. Relph stated that was correct. The interior landscaping scheme is different.

Mr. Spehar asked Kathy Portner, Acting Community Development Director, if the City was meeting the Code with the additional parking for the additional space. Ms. Portner said that was correct. Two Rivers has a parking deficiency as it exists but under Code the City is not required to meet that deficiency.

Mayor Kinsey stated he felt overall it would be preferable to purchase the property. It would provide more parking, even though it is not necessary under the letter of the law. The design would look better. He understands the reluctance of Council to use eminent domain and condemnation. He urged Council to authorize the City Manager to negotiate the purchase of the property at an agreeable cost in the future. He also stated, that in this case, Council should rescind the power of eminent domain.

Councilmember Terry agreed with Mayor Kinsey's comments and reiterated that this evening's decision would not preclude Council from pursuing eminent domain of this property in the future if deemed necessary.

Councilmember Spehar commented that he would be voting against this motion. Eminent domain and condemnation is not the issue, rather the deficiency in parking and change of design are the driving concerns.

Councilmember Theobald was uncomfortable with the original decision for condemnation but was not present at that meeting when it was originally voted on.

Resolution No. 46-01 – A Resolution Rescinding the Authority to Exercise the City's Power of Eminent Domain as it Relates to Lots 11 and 12, Inclusive, Block 122

Upon motion by Councilmember Terry, seconded by Councilmember Theobald and carried by roll call vote with Councilmembers SCOTT and SPEHAR voting NO, Resolution No. 46-01 was adopted.

**PUBLIC HEARING - CORRECTING THE ZONING FOR FAIRCLOUD SUBDIVISION,  
LOCATED AT THE NORTHEAST CORNER OF F½ ROAD AND 30 ROAD**

[FILE #FPP-1999-280R]

Faircloud Subdivision was mistakenly zoned to RSF-4 with adoption of the new zoning map. It should have been zoned to PD to reflect the approved PR 3.4 zone on the parcel as part of the approved Faircloud Subdivision. At its hearing on April 10, 2001 the Planning Commission recommended approval of this request.

Bill Nebeker, Senior Planner, reviewed the Community Development Department request to correct zoning that was incorrect when the zoning map was initially adopted. The area had been inadvertently zoned RSF-4 and the request is to change it to PD, which is a Planned Development.

Councilmember Theobald asked if this change was brought forth at the City's expense and not at the applicant's expense. Mr. Nebeker stated that was correct and the applicant is in agreement with the request. The owner of the property is Stan Seligman.

Councilmember Spehar asked if the Planning Commission would offer its approval. Mr. Nebeker responded it would.

There were no public comments. Mayor Kinsey closed the public hearing at 8:02 p.m.

Ordinance No. 3341 – An Ordinance Correcting Zoning of the Faircloud Subdivision, Located at the Northeast Corner of F½ Road and 30 Road from RSF-4 to PD

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3341 was adopted on second reading and ordered published.

**PUBLIC HEARING - VACATING FLORIDA STREET RIGHT-OF-WAY IN WHITE  
WILLOWS SUBDIVISION, LOCATED AT 2851 D ROAD** [FILE #VR-2001-059]

Pat O'Connor, Banner Associates, representing the applicant, reviewed the request.

In conjunction with the approval of White Willows Subdivision Filing 1, the applicant requests to vacate Florida Street right-of-way within the boundaries of this development. The purpose of the vacation is to align the street with the existing location of the water and sewer lines, which is approximately 100 feet south of the unimproved right-of-way. At its hearing on April 10, 2001, the Planning Commission recommended approval of this request.

Councilmember Spehar asked Mr. O'Connor to indicate on the map the two locations being discussed. Mr. O'Connor did so. Councilmember Spehar asked if the vacated right-of-way would then become a part of the adjoining properties. Mr. O'Connor answered yes, and they would align with the existing streets.

Bill Nebeker, Senior Planner, stated the only part being vacated is within the boundaries of development. The rest will not be vacated until such time as those properties are developed.

Councilmember Theobald asked if in connecting Florida Street, to what extent the utilities follow the right-of-way as they exist. Mr. Nebeker stated he was not familiar with the whereabouts of the utilities further west of that property and that eventually the street alignment would need to be altered as the parcels develop.

Councilmember Theobald said his concern was that changing the street on one end would require changes on the other end. The City needs to be aware of and prepared for this. Mr. Nebeker stated that was correct. He said the main street plan should be reviewed for street connections and amendments made if needed.

Councilmember Terry asked why the rest of the area was not being vacated indicating a realignment now. Mr. Nebeker responded the owners have not requested or initiated this discussion. He stated the appropriate time would be when the properties were developed.

Mr. Nebeker noted Skylar Subdivision could connect to northwest Florida Street when those areas were developed.

There were no public comments. Mayor Kinsey closed the public hearing at 8:16 p.m.

Councilmember Theobald said he did not like changing road alignments, but Council would have to deal with it. Adjustments would be necessary due to the bizarre utility alignment. He wished there was more information on what is going on to the west of the area and how it might be solved on the other end. He would have preferred a more complete picture of the situation. Given the little information, Council has to accept this as it is.

Ordinance No. 3342 – An Ordinance Vacating Florida Street Located at the 28½ Road Alignment within the Approved White Willows Subdivision, being a Portion of Bevier Subdivision

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3342 was adopted upon second reading and ordered published.

### **PUBLIC HEARING - SUPPLEMENTAL APPROPRIATION ORDINANCE FOR THE 2001 BUDGET**

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

Ron Lappi, Director of Administrative Services and Finance, reviewed the request. He asked that appropriations in the amount of \$15,654,000 be carried forward. The majority of appropriations would be for capital projects.

There were no public comments. Mayor Kinsey closed the public hearing at 8:21 p.m.

Ordinance No. 3343 – An Ordinance Making Supplemental Appropriations to the 2001 Budget of the City of Grand Junction

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3343 was adopted on second reading and ordered published.

### **OTHER BUSINESS**

Councilmember Terry said farewell to fellow Councilmembers Payne, Scott and Kinsey and stated that they would be missed.

Councilmember Spehar noted Mayor Kinsey had not missed one Council meeting since his election to City Council.

### **ADJOURNMENT**

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the meeting was adjourned into Executive Session at 8:23 p.m. to discuss pending litigation on Christian v City and on Hickman.

Stephanie Nye, CMC  
City Clerk

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

**May 7, 2001**

The City Council of the City of Grand Junction, Colorado, convened into special session the 7th day of May, 2001, at 10:30 a.m. in the Administration Conference Room, 2<sup>nd</sup> floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Pro Tem Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Pro Tem Enos-Martinez called the meeting to order.

**PROPOSED CULTURAL HERITAGE PLAZA**

Councilmember Terry asked if Council could change the name of the plaza. She wanted the name to be somewhat historical. Councilmember Theobold suggested renaming it at a later date.

Councilmember Theobold oriented the three new Councilmembers Butler, Kirtland and McCurry on the plaza. A sub-committee of the Council consisting of Councilmembers Enos-Martinez, Terry and Theobold were assigned the task of making recommendations on the selection of monuments, the design and other details.

At today's meeting, Councilmembers were provided with a written sheet describing the monuments selected and a drawing indicating the proposed locations. Councilmember Theobold provided Council with a first draft of a diorama that would explain what monuments are erected and how they flow from one to the other, etc.

1. The Ten Commandments. The concept is that the Ten Commandments is the first written set of laws from which many things are based.
2. The Magna Carta is a long document. A condensed version will be used since many of the aspects deal with details that were important in the year 1215. There were a lot of aspects of civil rights, such as punishment should fit the crime, not buying justice or paying to have justice denied, and elected representation.
3. The Mayflower Compact is a document that brings all of this history to North America. It is a bond that brings Americans together as a common people in America, and initiates the first part of the Bill of Rights, such as freedom of religion.
4. The Declaration of Independence is what created America. It has a lot of important thoughts in it such as self-government and freedom, and it's what created the revolution that created America.
5. The Preamble to the Constitution symbolizes the Constitution which is far too lengthy to put on a monument. It also establishes the goals and ambitions of the



Constitution. It is something that people need to have refreshed in their memory about its role in creating this nation.

6. The Bill of Rights is the basic document of the rights, liberties and responsibilities that created the Rule of Law in this country.

From this progression of documents, America became what it is today. By America, Councilmember Theobold was not talking about the people of the country, but rather the institution that is the beacon of liberty and freedom that has been copied the world over.

Councilmember Theobold said that is the general flow of the monuments the Committee recommended to Council. He then submitted the design sheet by landscape architect Ted Ciavonne. Mr. Theobold explained the first proposal. The wide part of the small crescent would be the first monument and goes from east to west in stages. The first monument would be the Ten Commandments, which is a vertical monument, but aspects of the Ten Commandments are also quite vertical in that they are related to Man's relationship to God, not just to the rule of Man. As each of the monuments progress, the idea is to make each monument a little less vertical and a little more horizontal by tilting 15 degrees, indicating the horizontal relationship of Man to each other, such as the Bill of Rights which is exclusively an interpersonal relationship and does not speak of God at all. By starting tall and tilting, there would not only be a nice uniform pattern of the monuments, but as one gets closer to the building, the profile of the monuments comes down. The concept would not detract from the new City Hall building and the current landscaping. The three monuments most closely identified with this country would center around the flagpole in the design. An icon to symbolize each monument would represent them on a diorama. The diorama would explain what each monument is set to accomplish, how it puts all of the monuments in context, how it traces the changes of the rule of law, etc. The concept is also educational. Students learn about the Bill of Rights, but they don't study the Declaration of Independence. A lot of this plaza will educate people on how this country came to be and important aspects of America. That is why it is to be located on the east end of the landscaping, with plenty of room away from the street where people can walk on the grass. The committee is hoping students will come from all over the valley to see these monuments and appreciate the history of democracy and law that goes far beyond just the nation. America is the culmination of this drive to create the Rule of Law for society.

Councilmember Theobold explained the first concept reviewed was more low key, but didn't flow and is legally more difficult to grasp that it is a monument plaza in which all the monuments are linked. The progression was difficult physically and conceptually.

Councilmember Terry said the new proposal was preferred as with the first there was also a safety issue. The location on 5<sup>th</sup> Street, a busy street, was dangerous for groups of small children.

Councilmember Spehar said it addresses the concern that the pleasing aesthetics of the new City Hall building not be junked up by scattering different monuments around the grounds. Having everything grouped with a logical sequence will be beneficial.

Councilmember Terry said the exact details have not yet been determined. There may have to be some modification of existing landscaping.

Councilmember Theobald said the committee will request Ted Ciavonne's office do the final design which will include the design of the monument bases for safety and the other landscaping features. Councilmembers in the Wednesday night executive session seemed to be leaning away from the concrete and something much less obtrusive with a lot more grass instead of concrete.

Councilmember Butler suggested leaving the concrete, representing the foundation of our heritage, and point toward the Ten Commandments, and go on down.

Councilmember Theobald said "foundation" is a word he was thinking of when it comes to what to call this plaza. If there is going to be a concrete strip, the name of the plaza can be put on it. Mr. Butler suggested "the Foundation of our Nation" for the wording.

City Attorney Wilson said Ted Ciavonne has an amazing ability to take an idea and figure out how to make it into something that is larger and make it look good.

Councilmember Spehar said there is a value in simplicity. He wanted to leave the focus to be on the six monuments and not on the peripheral things around it.

City Attorney Wilson hoped to think of this plaza as a preliminary plat in the City's zoning context, where the overall view, endorsement of the concept and big picture, and then give direction to a final plat with the detailed construction drawing as soon as possible to bring back to Council for final approval. The original resolution listed a completion date of July 4, 2001. That date is not realistic now as there is so much detail that must be approved, and then built.

Mayor Pro Tem Enos-Martinez said Council is not going to change the date for now.

Councilmember Spehar said if there is a value in building it early in the context of the bigger picture, Council should think about that. If it doesn't matter, then there would be a more relaxed timeframe for accomplishing this. This is part of a bigger effort.

Mayor Pro-Tem Enos-Martinez asked Mr. Wilson if he had enough information for the overall concept. Mr. Wilson said yes, if Council is comfortable going with the big picture. The one piece with the most certainty is the Ten Commandments. It's the appearance of the other pieces that are unknown because it is still being designed. Council could delegate to City Manager Kelly Arnold the authority to implement the project on a sensible schedule. The City has asked for an extension to answer the court. Dates come around quickly and there may be times when Mr. Wilson will not be able to visit with Council in a public or executive session to try to implement the big picture. The monument can be moved when it's appropriate. Those issues will depend on how this is setting up.

Councilmember Terry said Council has decided to change the wording on the disclaimer to make it identify more with Council. She submitted some wording that was suggested

by a citizen who originally wanted the City to remove the Ten Commandments from City Hall entirely. Council having made the decision to retain the monument, this citizen then made some constructive suggestions on how the disclaimer should read. The committee has tried to embody that wording as well. Council reviewed the suggested wording.

Councilmember Spehar asked if there is a way to clarify in the last sentence of wording, "Such questions and views". He felt it is vague, and suggested saying "Particular religious views cannot and do not matter."

City Attorney Wilson suggested saying "Religious views cannot and do not matter."

Councilmember Terry suggested saying "We do not endorse, in any way, any religion" and tie the two together.

Mayor Pro Tem Enos-Martinez said it could be left at that. Councilmember Spehar concurred.

Mr. Wilson suggested simply deleting that last sentence. Council agreed.

Councilmember Terry said she and Councilmembers Theobald and Enos-Martinez will continue working on the details with Ted Ciavonne. No final decision will be made until all of Council has reviewed the plan.

City Attorney Wilson asked for a motion to approve the concept thus far which doesn't commit the City to an end result.

Councilmember Spehar asked if the motion should include delegating some of the implementation, which will allow Council to move in an appropriate path. Mr. Wilson said yes. Depending on some of the ending details on the construction drawings, and where the exact location of the monument will be, there may be some advantage to moving it first so the community knows, and the other five are laid out later when further detail is provided. That is one good option. The decision could be delegated to City Manager Kelly Arnold once Council says it's the best legal option. If that's true, then during the interim, that's where a new sign becomes important. If all six monuments could be erected tomorrow, the replacement sign wouldn't be needed because it is in the context. Mr. Wilson said he would be comfortable if Council would delegate that to himself and Mr. Arnold.

Mayor Pro Tem Enos-Martinez suggested the motion accept the concept in close work with the architect and also with City Staff that will be considering irrigation and current landscaping. Because of the architect's workload and schedule, she didn't feel there would be a plan ready for review for 4 to 6 weeks.

Councilmember Theobald outlined the four points of the motion for consideration:

1. Council accepts the six monuments that have been designated;
2. Council accepts the preliminary plan for the plaza;

3. Council accepts the rough draft of the diorama language which is the document Council has considered at this meeting; and
4. Council instruct Staff to begin implementation and working with the City Council sub-committee to that effect.

Councilmember Spehar said there are two separate issues. One is refinement of the design concept (work on the technical and aesthetic issues). The other is the implementation which is more of a legal issue. He didn't think more committee work is needed on legal issues. Any serious legal issue would come to Council. But the implementation is saying to the City Attorney and City Manager to do the legally appropriate thing at the legally appropriate time.

Councilmember Theobold said he was not thinking of the legal issues but rather the design concerns for the sub-committee. He too felt there is no need for the sub-committee to be involved in the legal aspects.

City Attorney Wilson said part of the legal question is what makes sense from a long-term maintenance (irrigation and utilities, etc.). He felt he understood Council's direction.

It was moved by Councilmember Theobold and seconded by Councilmember Spehar that the concept be accepted with the four foregoing considerations and the City Attorney and City Manager be authorized to handle the implementation of the project. The motion passed 7-0.

Councilmember Theobold brought up name suggestions. Two more names suggested are "Historical Heritage Plaza" and "Foundations of Law and Liberty." City Attorney Wilson said the decision on a name can be made when Council receives the final plan. Councilmember Terry liked "Foundations of Law and Liberty" because it keeps it more tightly constrained in terms of content. She felt it would help in regard to adding things in the future. Councilmember Theobold agreed and favored "Foundations of Law and Liberty."

Councilmember Kirtland asked if naming the plaza is something that needs to be done at this meeting. Council answered no. Councilmember Theobold suggested making note of the general preference, yet be open to something else later.

Councilmember Theobold said the financial situation needs to be discussed. Council's discussion in executive session dealt with contributions. The sub-committee's recommendation was that donations to the plaza would be accepted and encouraged. If any one group or entity wanted to fully fund the cost of one of the monuments, as the Eagles have already done, they would have appropriate recognition on the monument. Councilmember Spehar was not comfortable with Council "selling sponsorships." Councilmember Theobold said Council had also discussed the defense and accepting contributions for the legal defense. Council's general consensus from the executive session was Council did not want to accept legal defense contributions. They want contributions to the monument plaza, but not to the legal defense. Councilmember Spehar said some of the reasons for that is because Council doesn't want this to be

caught up in somebody else's agenda. The issue will be handled by Council on its own terms and not a part of someone else's bigger agenda. By accepting contributions to the plaza, Council is leaving the community an opportunity to participate in all of this, which is important.

Councilmember Terry said the citizens of Grand Junction are already paying for this through taxes.

Councilmember Theobold said giving credit to contributors on one of the monuments results in two issues: 1) consistency, and 2) unobtrusive credit is appropriate as long as Council controls quality and design.

Councilmember Terry said if there are smaller contributions that don't fully fund any one monument, all contributors to the project could be listed on the back of such monuments.

Councilmember Butler suggested a plaque at City Hall stating "contributions made by" instead of attaching it to a monument.

Councilmember Terry disagreed with Councilmember Spehar's concern about sponsorship. If there is one person or organization that wants to fully pay for a monument, she could see no problem with putting their name on the back of the monument. If it's not fully funded, then the recognition of anybody who contributes in one central location. She did not see it as the City selling anything.

Mayor Pro Tem Enos-Martinez wasn't sure engraving could go on the back of the monuments because of the angle of erection. She felt the architect could give some ideas on such credits.

Councilmember Spehar agreed with Councilmember Butler's central acknowledgement suggestion. He still felt what smacks a sponsorship attached to an historical document in a prominent way demeans that document.

City Attorney Wilson suggested asking architect Ted Ciavonne to think about this discussion and see what ideas he can come up with.

Mayor Pro Tem Enos-Martinez suggested placing credits on the diorama.

Consensus of Council was to have the architect come up with ideas for consideration by Council.

Councilmember Theobold felt the most important aspect is the funds for defense. He felt Council's decision at what level it will give credit to contributors may effect those large contributions.

Councilmember Butler thought people will make contributions without recognition. Councilmember Theobold agreed some will, but will the amount be \$5,000 or \$50.

City Attorney Wilson said the City has had offers of money for legal defense to pay bills. The City has not accepted, but asked interested citizens to think about contributing to the plaza. The City has also had offers of free legal services from various groups nationwide that would not be billed. Those offers have been declined as well with the City wanting to take that responsibility solely. Mr. Wilson will be suggesting to Council that he be allowed to use the services of a local firm as back-up help with regard to briefing deadlines, etc. Council concurred that it definitely wants to be in control of the legal process.

It was moved by Councilmember Theobald and seconded by Councilmember Terry that the City accept contributions for the monuments, the design and construction of the plaza, with credit to be determined at a later date, but the City decline contributions for legal defense.

Councilmember Kirtland requested the motions be separated.

It was moved by Councilmember Theobald and seconded by Councilmember Spehar that Council decline contributions to the legal defense.

Councilmember Butler did not like “give people credit for a contribution.” If they want to contribute, they will do so without receiving credit.

Councilmember Kirtland wanted distinction as to what assistance will be helpful to the City Attorney and have Council allow that assistance. City Attorney Wilson said an example is a group has already sent him a couple of drafts of documents in other courts. He would continue to accept those documents. They are not going to be acknowledged as being of Council in this case. They would not be signing as lawyers of the case. That is what Mr. Wilson is declining. Mr. Wilson will ask for help and other resources. At the end of litigation, Council can make a judgement after the fact whether it wants to acknowledge those efforts.

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried, the City is to decline cash and services contributions for legal assistance, but uncredited and freely offered legal assistance will be accepted by the City.

It was moved by Councilmember Theobald and seconded by Councilmember Terry that the City accept and encourage contributions to the purchase and installation of the monuments, and the plaza’s design and construction, with credit for major contributors to be determined at a later date. Any group, entity or individual who pays for an entire monument would get appropriate credit directly related to that monument.

Discussion then ensued. Councilmember Butler agreed with Councilmember Spehar that affixing credits to monuments is not necessary. Mr. Butler suggested giving contributors a plaque.

Councilmember Spehar said he would like to find a way to acknowledge contributors, but the sponsorship issue demeans what Council is trying to do. Councilmember Theobald disagreed.

Councilmember Spehar clarified that Councilmember Theobold's motion is framed so that the acknowledgement is on the individual display, not a central acknowledgement. Councilmember Terry said that is only if it's fully funded by a group, entity or person. Other contributors that don't fully fund would still be acknowledged.

Councilmember Theobold amended his motion to include "with recognition to all other contributors at a central location." Councilmember Terry seconded the amendment.

The amended motion failed 3 to 4.

Councilmember Theobold went back to his original motion which was "accept contributions for the monuments, etc.... all the other aspects said before .... The change with this one is "recognition for all contributors to be determined at a later date." Councilmember Terry seconded the amendment.

Councilmember Spehar felt Council needs to make that decision fairly quickly because it could effect someone's willingness to donate or the amount they donate.

Mayor Pro Tem Enos-Martinez asked City Attorney Wilson to ask Ted Ciavonne for suggestions and get back to Council as soon as possible for a decision.

City Attorney Wilson suggested the issue be placed on the next City Council meeting to be held on May 16, 2001 for a formal decision. Discussion can take place at the May 14, 2001 Council workshop.

The second amended motion passed by a vote of 7-0.

Councilmember Kirtland said this has been a real interesting piece of history for the City of Grand Junction. He hoped that when the project is complete, a written explanation will be prepared so that years from now, people will know why the monument is sitting on City Hall grounds. Councilmember Theobold had also thought about such an explanation.

City Clerk Stephanie Nye suggested writing it up and attaching it to the minutes as part of the permanent record.

## **ADJOURNMENT**

The meeting adjourned at 11:20 a.m.

Stephanie Nye, CMC  
City Clerk

**Attach 3  
Contract for Riverside Storm Drainage Improvements**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b><i>CITY COUNCIL</i></b> |   |                             |          |                      |
|----------------------------|---|-----------------------------|----------|----------------------|
| <b>Subject:</b>            | <b>Award of Construction Contract for Riverside Storm Drainage Improvements</b> |                             |          |                      |
| <b>Meeting Date:</b>       | <b>May 16, 2001</b>   |                             |          |                      |
| <b>Date Prepared:</b>      | <b>May 8, 2001</b>  |                             |          |                      |
| <b>Author:</b>             | <b>T. Kent Harbert</b>  | <b>Project Engineer</b>     |          |                      |
| <b>Presenter Name:</b>     | <b>Tim Moore</b>  | <b>Public Works Manager</b> |          |                      |
| <b>Meeting Type:</b>       |   | <b>Workshop</b>             | <b>X</b> | <b>Formal Agenda</b> |

**Subject:** Award of a Construction Contract for **Riverside Storm Drainage Improvements** to **Sorter Construction, Inc.** in the amount of **\$323,500.00**.

**Summary:** Bids were received and opened on May 8, 2001 for **Riverside Storm Drainage Improvements**. The low bid was submitted by **Sorter Construction, Inc.** in the amount of **\$323,500.00**.

**Background Information:** The project generally consists of the installation of approximately 3300 feet of 12” to 36” storm drain pipes and new inlets in the Riverside neighborhood. About 200 feet of street will be reconstructed because of new inlet locations and 5 new or replacement pedestrian ramps will be installed.

There are several benefits to the project. Currently, several of the storm drain inlets in the Riverside neighborhood are connected to the a combination sewer, so the runoff gets routed through the Persigo Wastewater Treatment Plant. All the connections to the sewer system will be eliminated. The system has been sized for major storm events, so localized flooding will be eliminated. The outlet structures will be equipped with flap gates to keep the Colorado River waters from backing up the lines, into the neighborhood.

The project is funded by a Community Development Block Grant in the amount of \$400,000.

Work is scheduled to begin on or about June 4 and continue for 10 weeks with an anticipated completion date of August 12.



The following bids were received for this project:

| <u>Contractor</u>         | <u>From</u> | <u>Bid Amount</u> |
|---------------------------|-------------|-------------------|
| Sorter Construction, Inc. | Grand Jct   | \$323,500.00      |
| M.A. Concrete Constr.     | Grand Jct   | \$376,512.15      |
| Spallone Construction     | Gunnison    | \$415,030.00      |
| R.W. Jones Constr.        | Fruita      | \$435,860.80      |
| Engineer's Estimate       |             | \$374,055.00      |

**Budget:**

| <u>Project Costs:</u>                         |                  |
|---|------------------|
| Construction                                  | \$323,500        |
| Right-of-way/easement acquisition             | 0                |
| Design  | 19,000           |
| City Inspection and Administration (Estimate) | 12,500           |
| <b>Total Project Costs</b>                    | <b>\$355,000</b> |

| <u>Funding:</u>                   |                  |
|-----------------------------------|------------------|
| Community Development Block Grant | <b>\$400,000</b> |

Amount under budget: **\$45,000**

In order to utilize the full amount of the CDBG funds, staff will evaluate including additional related work in Riverside neighborhood, which will be added to the contract by a change order.

**Rights-of-way and easements:** All construction is within existing rights-of-way.

**Action Requested/Recommendation:** City Council motion authorizing the City Manager to execute a Construction Contract for the **Riverside Storm Drainage Improvements** with **Sorter Construction, Inc.** in the amount of **\$323,500.00**.

|                              |                                     |    |                          |     |
|------------------------------|-------------------------------------|----|--------------------------|-----|
| <b>Citizen Presentation:</b> | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes |
|------------------------------|-------------------------------------|----|--------------------------|-----|

|  |                                     |    |                          |     |             |  |
|--|-------------------------------------|----|--------------------------|-----|-------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | <b>When</b> |  |
|  |                                     |    |                          |     | :           |  |

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

**Attach 4  
Vacation of Easements - Grand Mesa Shopping Center**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |                       |                      |
|------------------------|---|-----------------------|----------------------|
| <b>Subject:</b>        | <b>Vacation of Easements - Grand Mesa Shopping Center</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                                       |                       |                      |
| <b>Date Prepared:</b>  | <b>May 2, 2001</b>  |                       |                      |
| <b>Author:</b>         | <b>Bill Nebeker</b>                                       | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Bill Nebeker</b>                                       | <b>Senior Planner</b> |                      |
|                        | <b>Workshop</b>   | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** Vacation of Easements - Grand Mesa Shopping Center; located at 565 25 Road; File #FP-2001-087.

**Summary:** The applicant requests to vacate any interest the City may have in several private easements located within or adjacent to property to be developed as the Grand Mesa Center. The easements include a stormwater retention and drainage easement on Kenwood Grove Minor Subdivision and two non-exclusive easements for a private road and utilities within the Kenwood Grove Condominiums. These easements will also be vacated by deed by the respective private parties.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adopt resolutions.

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

|  |          |           |  |            |              |  |
|--|----------|-----------|--|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | <b>No</b> |  | <b>Yes</b> | <b>When:</b> |  |
|--|----------|-----------|--|------------|--------------|--|

|                             |          |                |  |                             |  |                 |
|-----------------------------|----------|----------------|--|-----------------------------|--|-----------------|
| <b>Placement on Agenda:</b> | <b>X</b> | <b>Consent</b> |  | <b>Indiv. Consideration</b> |  | <b>Workshop</b> |
|-----------------------------|----------|----------------|--|-----------------------------|--|-----------------|

| BACKGROUND INFORMATION              |              |  |            |
|-------------------------------------|--------------|--|------------|
| <b>Location:</b>                    |              | <b>Several parcels including 565 25 Road</b>   |            |
| <b>Applicants:</b>                  |              | <b>David Bearden of AIG Baker – applicant<br/>Jim Langford – representative</b>      |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant and commercial/industrial businesses</b>                                   |            |
| <b>Proposed Land Use:</b>           |              | <b>205,301 SF shopping center with 6 pad sites proposed on a portion of the site</b> |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Industrial businesses</b>   |            |
|                                     | <b>South</b> | <b>Commercial businesses</b>   |            |
|                                     | <b>East</b>  | <b>Commercial and industrial businesses</b>  |            |
|                                     | <b>West</b>  | <b>Commercial and industrial businesses</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>C-2</b>   |            |
| <b>Proposed Zoning:</b>             |              | <b>No change proposed</b>  |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>C-2</b>   |            |
|                                     | <b>South</b> | <b>C-2</b>   |            |
|                                     | <b>East</b>  | <b>C-2</b>   |            |
|                                     | <b>West</b>  | <b>C-2</b>   |            |
| <b>Growth Plan Designation:</b>     |              | <b>Commercial/Industrial &amp; Commercial</b>  |            |
| <b>Zoning within density range?</b> |              | <b>Na</b>  | <b>Yes</b> |
|                                     |              |  | <b>No</b>  |

**ACTION REQUESTED:** Adoption of resolutions vacating easements.

**Project Analysis:** In conjunction with a request to develop the 200,000+ square foot Grand Mesa shopping center the applicant requests to vacate any interest the City may have in several private easements located within or adjacent to the property. The Grand Mesa Center has assembled several parcels for the development, one of which includes Lot 1 of Kenwood Grove Minor Subdivision. When this lot was platted in 1997 a 15-foot drainage easement and retention easement was dedicated on the lot to the owners of the lots and tracts platted. The Kenwood Grove Condominiums were platted in 1998 on the east-end of Lot 1 and are part beneficiaries of these easements. The drainage and retention easements are no longer needed because a new drainage plan for the Grand Mesa center is proposed which includes stormwater detention and retention basins in alternate locations.

The stormwater detention basin was never constructed in the easement to be vacated. Instead a temporary basin for the condominiums was constructed on the parcel now being purchased for the Grand Mesa Center. AIG Baker, the developer of the center will

grant a new easement for stormwater from the Kenwood Grove Condominiums to one of the detention ponds on the Grand Mesa site. A private drainage easement shall be granted by the developer to convey the off-site stormwater to that pond.

When the condominium plat was recorded, a non-exclusive easement for a private road and utilities was dedicated over the condo common space to provide future access to the remainder of the lot. With the development of the Grand Mesa Center alternate access is provided to the shopping center which negates the need for these private easements. Vacation of the private road and utility easement is necessary to remove this encumbrance from the condominiums common area.

Adoption of a resolution will vacate any interest the City may have in these four easements. The parties that have interest in the easements will also vacate them by private means.

**Review Criteria:** At its hearing of May 15, 2001 the Planning Commission found that the proposed easement vacation conforms with the applicable criteria as set forth in Section 2.11.C of the Grand Junction Zoning and Development Code as follows:

1. The easement vacation does not conflict with applicable provisions of the Growth Plan, the major street plan and other adopted plans and policies of the City.
2. No parcel shall be landlocked as a result of the vacation. Access to all parcels shall be by public street, existing or platted in the future.
3. Vacation of the easements does not restrict access to the point where it is unreasonable, economically prohibitive, or reduces or devalues the property affected.
4. There are no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land by vacation of the easements.
5. The provision of adequate public facilities and services are not be inhibited to any property as required in Chapter Six of this Code.
6. The proposal provides benefits to the City including the vacation of unneeded easements, allowance for the development of a 200,000+ square foot shopping center that provides access upgrades to the Highway 6 & 50 corridor and an increased tax base.

**Planning Commission Recommendation:** Approval of the vacation of easements with the condition that they not become effective until the final plat for the Grand Mesa Center is recorded.

See attached exhibits for more information.

**ATTACHMENTS:**

1. Aerial photo
2. Easement vacation exhibit
3. Kenwood Grove Condominium – Easement Vacation Exhibit
4. Grand Mesa Center site plan

Billn\h\fp\01087-grandmesa-esmtvac-ccr&res.doc\report prepared050201

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

**VACATING A DRAINAGE AND STORMWATER EASEMENT  
ON LOT 1, KENWOOD GROVE MINOR SUBDIVISION  
LOCATED AT 565 25 ROAD**

Recitals.

In conjunction with a request to develop the 200,000+ square foot Grand Mesa shopping center the applicant requests to vacate any interest the City may have in a private drainage and stormwater easement located within or adjacent to the property. The Grand Mesa Center has assembled several parcels for the development, one of which includes Lot 1 of Kenwood Grove Minor Subdivision. When this lot was platted in 1997 a 15-foot drainage easement and retention easement was dedicated on the lot to the owners of the lots and tracts platted. The Kenwood Grove Condominiums were platted in 1998 on the east-end of Lot 1 and are part beneficiaries of these easements. The drainage and retention easements are no longer needed because a new drainage plan for the Grand Mesa center is proposed which includes stormwater detention and retention basins in alternate locations.

At its May 15, 2001 hearing the City Planning Commission found that the request to vacate the easements conforms to the review criteria set forth in Section 2.11C and recommended approval of the easement vacation with the condition that the vacation not become effective until the final plat for the Grand Mesa Center is recorded.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described easements are hereby vacated. These vacations shall become effective upon the recording of the final plat for the Grand Mesa Center.

Parcel 1:

A drainage easement across a portion of the South fifteen feet of Lot 1 of the Kenwood Grove Minor Subdivision, according to the plat thereof on file with the Mesa County Clerk and Recorder at Reception No. 1805319, Mesa County Colorado; said easement being more particularly described as follows:

Beginning at a point on the South line of said Lot 1, whence the Westerly angle point on said South line bears South 89°58'11" West, a distance of 66.57 feet;  
Thence North 00°00'00" East, a distance of 15.00 feet;  
Thence fifteen feet Northerly of and parallel with the South line of said Lot 1, North 89°58'11" East, a distance of 431.56 feet;  
Thence South 00°00'00" West, a distance of 15.00 feet to the South line of said Lot 1;

Thence along said South line, South 89°58'11" West, a distance of 431.56 feet to the Point of Beginning.

Parcel 2:

A stormwater retention easement across a portion of Lot 1 of the Kenwood Grove Minor Subdivision, according to the plat thereof on file with the Mesa County Clerk and Recorder at Reception No. 1805319, Mesa County Colorado; said easement being more particularly described as follows:

**Beginning at the Southerly corner common to said Lot 1 and Lot 2 of said Kenwood Grove Minor Subdivision;**

Thence along the line common to said Lots 1 and 2, North 28°38'00" East, a distance of 119.46 feet to the North line of said Lot 1;

Thence along said North line, South 89°59'09" East, a distance of 141.62 feet to an angle point on the North line of said Lot 1;

Thence South 00°00'00" West, a distance of 31.19 feet to the South line of said Lot 1;

Thence along said South line, South 89°58'11" West, a distance of 66.57 feet to an angle point;

Thence along said South line, South 11°01'30" West, a distance of 134.27 feet to an angle point;

Thence along said South line, North 61°22'00" West, a distance of 121.46 feet to the Point of Beginning.

PASSED and ADOPTED this     day of     , 2001.

ATTEST:

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

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

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

**VACATING A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROAD AND UTILITIES  
ACROSS KENWOOD GROVE CONDOMINIUM  
LOCATED AT 565 25 ROAD**

Recitals.

When the Kenwood Grove Condominium plat was recorded, a non-exclusive easement for a private road and utilities was dedicated over the condo common space to provide future access to the remainder of the lot to the west. With the development of the Grand Mesa Center alternate access is provided to the shopping center which negates the need for these private easements. Vacation of the private road and utility easement is necessary to remove this encumbrance from the condominiums common area.

Adoption of a resolution will vacate any interest the City may have in these easements. The parties that have interest in the easements will also vacate them by private means.

At its May 15, 2001 hearing the City Planning Commission found that the request to vacate the easements conforms to the review criteria set forth in Section 2.11C and recommended approval of the easement vacation with the condition that the vacation not become effective until the final plat for the Grand Mesa Center is recorded.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described easements are hereby vacated. These vacations shall become effective upon the recording of the final plat for the Grand Mesa Center.

Parcel 1:

A non-exclusive easement for private road and utilities across the Kenwood Grove Condominium, according to the plat thereof on file with the Mesa County Clerk and Recorder at Reception No. 1878326, Mesa County Colorado; said easement being more particularly described as follows:

Beginning at the Southeast corner of said Condominium plat;  
Thence along the South line of said Condominium plat, South 89°58'37" West, a distance of 204.89 feet;  
Thence along the extension of said South line, South 89°58'37" West, a distance of 165.11 feet to the West line of said Condominium plat;



Thence along said West line, North 00°00'00" West, a distance of 24.80 feet;  
Thence North 89°58'37" East, a distance of 370.00 feet to the East line of said  
Condominium plat;  
Thence along said East line, South 00°00'00" West, a distance of 24.80 feet to the Point  
of Beginning.

Parcel 2:

A non-exclusive easement for private road and utilities across the North thirty-five feet  
of the Kenwood Grove Condominium, according to the plat thereof on file with the Mesa  
County Clerk and Recorder at Reception No. 1878326, Mesa County Colorado.

PASSED and ADOPTED this     day of     , 2001.

ATTEST:

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

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

WE

INI

1992 Flight



25 ROAD

MESA ST

SITE OF  
PROPOSED  
GRAND MESA  
CENTER

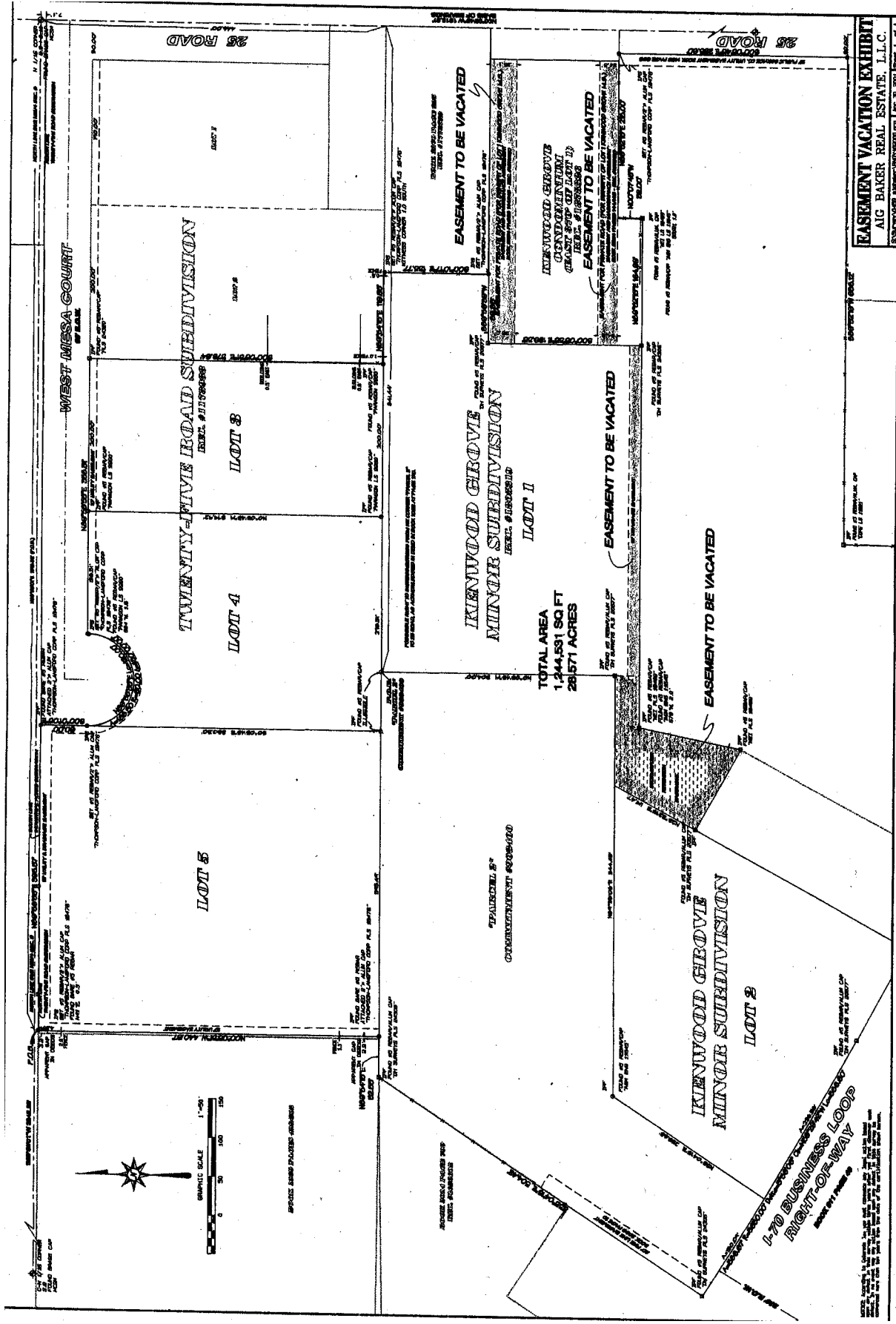
INDUSTRIAL BD

24 3/4 ROAD

HWY 6 & 50

41/2 RD

24 1/2 ROAD

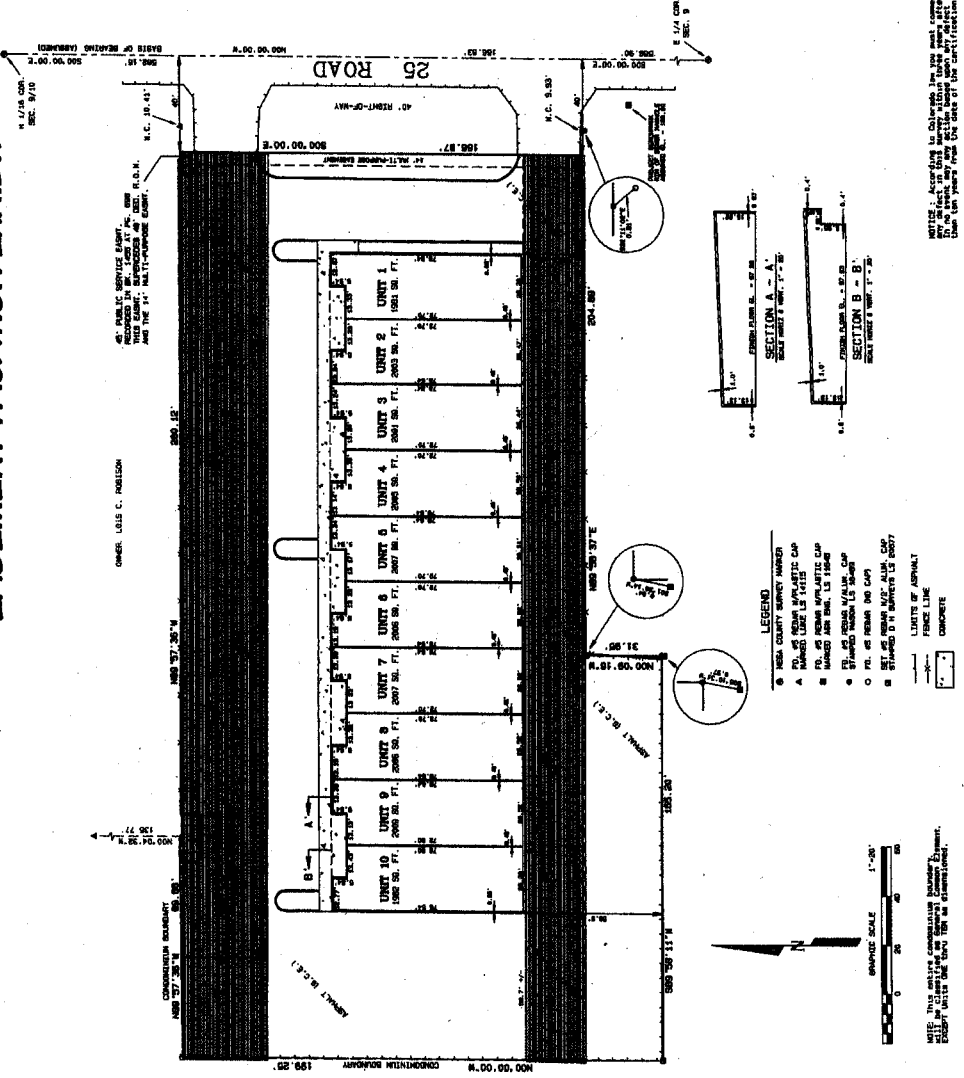


**EASEMENT VACATION EXHIBIT**  
 AIG BAKER REAL ESTATE, L.L.C.  
 SUBDIVISION 25 ROAD 1 OF 2

DATE OF SURVEY: 10/11/2011  
 SURVEYOR: [Name]

**NOTICE:** THIS EXHIBIT IS A PART OF A SURVEY AND SHOULD BE VIEWED IN CONJUNCTION WITH THE MAIN SURVEY PLAN AND THE PLAT THEREOF. IT IS THE POLICY OF THIS SURVEYOR TO CONDUCT SURVEYS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING BOARD OF THE STATE OF TEXAS.

# KENWOOD GROVE CONDOMINIUM EASEMENT VACATION EXHIBIT



### DEDICATION

Kenwood Grove, LLC, a limited liability company, as the owner of the following described real estate, hereby dedicates to the public use of the State of Colorado the easement described herein for the use and enjoyment of the public of the State of Colorado.

*[Signature]*  
 Kenwood Grove, LLC  
 1111 17th Street, Suite 100  
 Denver, Colorado 80202

STATE OF COLORADO  
 COUNTY OF DENVER

Kenwood Grove, LLC, a limited liability company, as the owner of the following described real estate, hereby dedicates to the public use of the State of Colorado the easement described herein for the use and enjoyment of the public of the State of Colorado.

Address: 1111 17th Street, Suite 100, Denver, Colorado 80202

By Commission Expires: 11/25/98



### CLERK AND RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed for recording in my office on this 25th day of November, 1998.

Book: 153 Page: 153

*[Signature]*  
 Clerk and Recorder

### SURVEYOR'S STATEMENT

I, Richard H. Grimes, a Professional Land Surveyor, licensed in the State of Colorado, do hereby certify that I am the author of this survey and that I am a duly licensed Professional Land Surveyor in the State of Colorado. This map was prepared by me or under my direct supervision and I am a duly licensed Professional Land Surveyor in the State of Colorado.



### KENWOOD GROVE CONDOMINIUM

LOCATED IN THE  
 S 1/2 NE 1/4, SEC. 9, T15, R17, U.M.  
 D. H. SURVEYS, INC.  
 118 OURAY AVE. - GRAND JUNCTION, CO.  
 (970) 248-8748

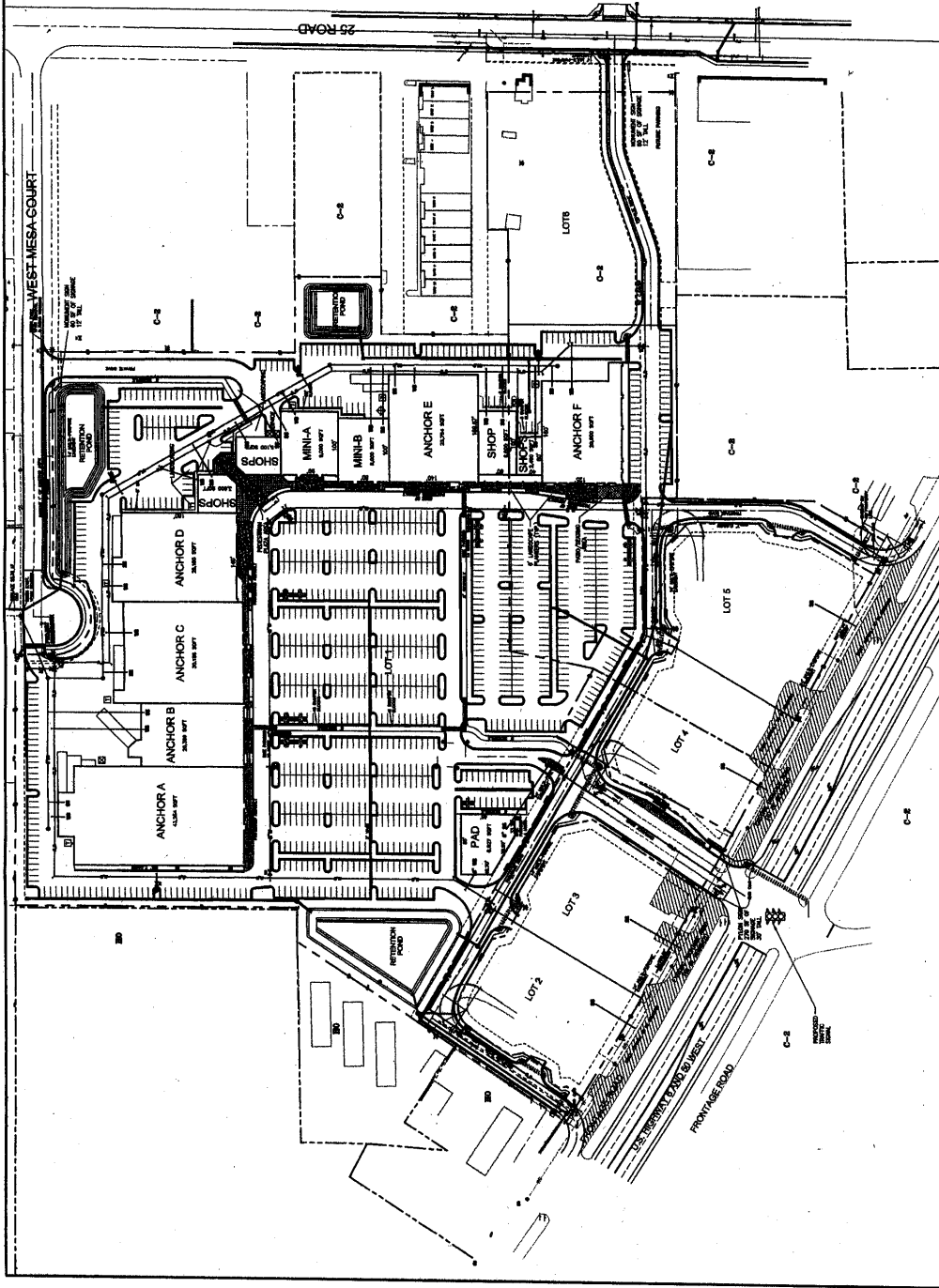
|        |                    |       |      |
|--------|--------------------|-------|------|
| OWNER: | KENWOOD GROVE, LLC | NO. 1 | OF 1 |
| DATE:  | 11-25-98           |       |      |

NOTICE: According to Colorado law, this map, contract, and legal action based thereon, shall be void and unenforceable unless the same are recorded in the public records of the State of Colorado. This map has been filed for recording in the public records of the State of Colorado.

|             |                          |
|-------------|--------------------------|
| DATE        | 2/22/21                  |
| SCALE       | AS SHOWN                 |
| PROJECT     | GRAND MESA CENTER        |
| CLIENT      | THOMPSON-LANFORD CORP.   |
| DESIGNER    | AD BAYER                 |
| LOCATION    | GRAND JUNCTION, COLORADO |
| PROJECT NO. | 18-0000                  |
| DATE        | 2/22/21                  |
| SCALE       | AS SHOWN                 |
| PROJECT     | GRAND MESA CENTER        |
| CLIENT      | THOMPSON-LANFORD CORP.   |
| DESIGNER    | AD BAYER                 |
| LOCATION    | GRAND JUNCTION, COLORADO |
| PROJECT NO. | 18-0000                  |
| DATE        | 2/22/21                  |
| SCALE       | AS SHOWN                 |
| PROJECT     | GRAND MESA CENTER        |
| CLIENT      | THOMPSON-LANFORD CORP.   |
| DESIGNER    | AD BAYER                 |
| LOCATION    | GRAND JUNCTION, COLORADO |
| PROJECT NO. | 18-0000                  |

GRAND MESA CENTER  
SITE PLAN

THOMPSON-LANFORD CORP.  
AD BAYER  
GRAND JUNCTION, COLORADO  
TEL (970) 248-0077  
FAX (970) 241-1000  
www.thompson-lanford.com



**Attach 5  
Vacation of Right-of-Way for High Side Brewery**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                          |
|------------------------|---|--------------------------|
| <b>Subject:</b>        | <b>Vacation of Right-of-Way for High Side Brewery</b> |                          |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                                   |                          |
| <b>Date Prepared:</b>  | <b>May 7, 2001</b>                                    |                          |
| <b>Author:</b>         | <b>Patricia Parish</b>                                | <b>Associate Planner</b> |
| <b>Presenter Name:</b> | <b>Patricia Parish</b>                                | <b>Associate Planner</b> |
|                        | <b>Workshop</b>                                       | <b>Xx Formal Agenda</b>  |

**Subject:** Vacation of Right-of-Way, #VR-2001-082.

**Summary:** First reading of the Ordinance to Vacate a Right-of-Way for the High Side Brewery, located at 859 Struthers Avenue. (#VR-2001-082)

Background Information: **See attached.**

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the First reading of the Ordinance to Vacate a Right-of-Way for the High Side Brewery.

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

|  |                                     |           |                          |            |              |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|

|                             |                                     |                |                          |                             |                          |                 |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | <b>Consent</b> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|

| <b>BACKGROUND INFORMATION</b>       |              |  |            |  |           |
|-------------------------------------|--------------|--|------------|--|-----------|
| <b>Location:</b>                    |              | <b>859 Struthers Avenue</b>  |            |  |           |
| <b>Applicants:</b>                  |              | <b>James and Bernadette Jeffryes– Owners<br/>Judy and Kregg Thornburg-Owners<br/>Dan Brennecke, Roy Weston Inc.-Rep.</b> |            |  |           |
| <b>Existing Land Use:</b>           |              | <b>Single Family Residential</b>   |            |  |           |
| <b>Proposed Land Use:</b>           |              | <b>Brewery / Tavern</b>  |            |  |           |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Residential</b>   |            |  |           |
|                                     | <b>South</b> | <b>Park</b>  |            |  |           |
|                                     | <b>East</b>  | <b>Residential</b>   |            |  |           |
|                                     | <b>West</b>  | <b>Park</b>  |            |  |           |
| <b>Existing Zoning:</b>             |              | <b>C-2</b>   |            |  |           |
| <b>Proposed Zoning:</b>             |              | <b>Same</b>  |            |  |           |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>C-2 (General Commercial)</b>  |            |  |           |
|                                     | <b>South</b> | <b>CSR (Community Services and Recreation)</b>   |            |  |           |
|                                     | <b>East</b>  | <b>CSR (Community Services and Recreation)</b>   |            |  |           |
|                                     | <b>West</b>  | <b>C-2 (General Commercial)</b>  |            |  |           |
| <b>Growth Plan Designation:</b>     |              | <b>Park</b>  |            |  |           |
| <b>Zoning within density range?</b> |              | <b>X</b>   | <b>Yes</b> |  | <b>No</b> |

**Project Background/Summary:**

The applicant is requesting a vacation of a City right-of-way (see Attachment 2) located at 859 Struthers Avenue. Concurrently, a simple subdivision review is being conducted to split the property into two lots and a conditional use permit review for a brewery/tavern and outdoor entertainment events. There have been no objections from utility companies.

**Staff Analysis:**

**Vacation of Right-of-Way**

The Petitioner is requesting that a right-of-way agreement (see attachment 5), with the former owners of the property and the City of Grand Junction, be vacated. The City's right-of-way was dedicated for the purposes of operating a gravel pit. The gravel pit operation has ceased and the right-of-way is no longer needed, according to a letter provided by Tim Woodmansee, City Property Agent (see attachment 4).

**Analysis of Vacation of Right-of-Way Criteria:**

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

- 1. *The Growth Plan, major street plan and other adopted plans and policies of the City;***
- 2. *No parcel shall be landlocked as a result of the vacation;***
- 3. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation:***
- 4. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);***
- 5. *The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and***
- 6. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.***

The City-owned gravel pit operation, which was accessed by the right-of-way to the south, is no longer in operation. The proposed vacation has no impact on the Growth Plan, major street plan or other adopted plans and policies of the City. The vacation does not affect access to any of the properties involved or adjacent properties. The vacation will not affect access to any properties or devalue any property. There will not be an impact to health, safety and/or welfare. The proposed vacation will not prevent adequate services to adjacent properties as required by the Code. According to the Petitioner, the utilities to the proposed Lot 2 are available within the Struthers Avenue right-of-way. The proposed vacation will have no affect on maintenance requirements or traffic circulation.

**Findings of Vacation of Right-of-Way Review:**

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

**STAFF'S RECOMMENDATIONS:**

1. Staff recommends that the Vacation of the Right-of-Way be given a positive recommendation to City Council.

**PLANNING COMMISSION MOTION:**

The Planning Commission forwarded a positive recommendation to the City Council at the March 15, 2001 hearing, for the request to Vacate the right-of-way covering the access to the entire property located at 859 Struthers Avenue, finding that the right-of-way is no longer needed by the discontinuation of the City-owned gravel pit operation to



the south and that the vacation is in compliance with Section 2.11 of the Zoning and Development Code, the Growth Plan and the Major Street Plan.

Attachments:

1. Ordinance
2. Aerial Map
3. Site Plan
4. Letter from Tim Woodmansee, City Property Agent
5. Right-of-Way Agreement dated 2-18-48

**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**VACATING A RIGHT-OF-WAY  
LOCATED AT 859 STRUTHERS AVENUE  
(HIGH SIDE BREWERY)**

Recitals:

A. Pursuant to that certain Agreement (“Agreement”) between Albert Cavanah and the City of Grand Junction, dated the 11<sup>th</sup> day of February, 1946, as recorded in Book 481 at Page 568 in the office of the Mesa County Clerk and Recorder, the City obtained a right-of-way to use an access road across the property known as 859 Struthers Avenue for the purposes of hauling gravel from a City gravel pit. The Agreement did not specify the location or width of the right-of-way.

B. Section 4 of the Agreement provide that the Agreement may be terminated by the City at any time the City decides to abandon its gravel pit.

C. The City has not owned nor operated a gravel pit in the vicinity of 859 Struthers Avenue for several years. By this ordinance, the City is officially stating that it has abandoned its gravel pit.

D. This ordinance vacates the right-of-way through the property at 859 Struthers Avenue as created by the recorded Agreement. All relevant utility companies have agreed to the vacation and the Staff recommends approval.

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

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

1. That the right-of-way created by that certain Agreement between Albert Cavanah and the City of Grand Junction, dated the 11<sup>th</sup> day of February, 1946, as recorded in Book 481 at Page 568 in the office of the Mesa County Clerk and Recorder, is hereby vacated.

PASSED ON FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2001

PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2001.

ATTEST:

---

City Clerk

---

President of City Council











March 6, 2001

City of Grand Junction  
Public Works Department  
250 North 5TH Street  
Grand Junction CO 81501-2668  
FAX: (970) 256-4022

Mr. James P. Jeffryes  
2683 Del Mar Drive  
Grand Junction, CO 81506

Re: Right of Way Agreement affecting 859 Struthers Avenue

Dear Mr. Jeffryes:

In 1946, the City of Grand Junction entered into an agreement with Albert Cavanah which authorized the City to use a road ("right of way") through that certain real property located at 859 Struthers Avenue for the purposes of accessing a City operated gravel pit. A copy of the agreement is enclosed.

In my opinion, the rights and interests of the City as conveyed in the agreement have terminated for the following reasons:

1. The agreement required the City to pay Mr. Cavanah the sum of \$12.00 per year for use of said right-of-way. Evidence indicates that the City has not complied with this obligation for decades.
2. The agreement required the City to maintain and grade the subject road. Evidence indicates that the City has not complied with this obligation for decades.
3. The agreement may be terminated at the time the gravel pit is abandoned. Evidence indicates that the City has not operated a gravel pit at or near 859 Struthers Avenue for decades.

Please feel free to contact me at 244-1565 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Tim Woodmansee".

Tim Woodmansee  
City Real Estate Manager

enclosure

Reception No. 478300 Annie M. Dunston, Recorder.

A G R E E M E N T

THIS AGREEMENT, made and entered into this 11<sup>th</sup> day of February, 1946, between Albert Cavanah, first party, and the City of Grand Junction, Colorado, second party, WITNESSETH:

THAT WHEREAS, the first party is the owner of the property known as 859 Struthers Avenue in the County of Mesa, State of Colorado;

AND WHEREAS, the second party desires a right of way to its gravel pit through the premises of the first party;

AND WHEREAS, the parties desire to enter into an agreement for their mutual protection in the use of this right of way;

NOW, THEREFORE, in consideration of these presents, and the mutual agreements herein contained, the parties agree as follows:

1. The second party shall have the right to use the access road through the property of the first party for the hauling of gravel from their gravel pit at any time they desire;

2. The second party shall pay to the first party the sum of Twelve Dollars (\$12.00) a year for the use of said right of way;

3. The second party further agrees to maintain and keep in graded condition the roadway crossing the first party's land;

4. This agreement may be terminated by the second party at any time they decide to abandon their gravel pit;

5. This agreement shall be binding upon the heirs, successors, administrators, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto signed their names on the day and year first above written.

Albert Cavanah  
First Party

CITY OF GRAND JUNCTION, COLORADO

Richard W. Stutz  
City Manager  
Second Party

ATTEST:

Idella C. Conloman  
City Clerk

**Attach 6  
C&K Annexation (Zoning)**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                                    |                       |                      |
|------------------------|------------------------------------|-----------------------|----------------------|
| <b>Subject:</b>        | <b>C&amp;K Annexation (Zoning)</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                |                       |                      |
| <b>Date Prepared:</b>  | <b>May 9, 2001</b>                 |                       |                      |
| <b>Author:</b>         | <b>Lisa Gerstenberger</b>          | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Lisa Gerstenberger</b>          | <b>Senior Planner</b> |                      |
|                        | <b>Workshop</b>                    | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** First reading of the Zoning Ordinance for the C&K Annexation, ANX-2001-092

**Summary:** First reading of the Zoning ordinance to zone the C&K Annexation Light Industrial, I-1, and Community Services and Recreation, CSR, located at 2521 River Road.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve first reading of the Zoning ordinance.

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

|  |          |           |  |            |              |  |
|--|----------|-----------|--|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | <b>No</b> |  | <b>Yes</b> | <b>When:</b> |  |
|--|----------|-----------|--|------------|--------------|--|

|                             |          |                |  |                             |  |                 |
|-----------------------------|----------|----------------|--|-----------------------------|--|-----------------|
| <b>Placement on Agenda:</b> | <b>X</b> | <b>Consent</b> |  | <b>Indiv. Consideration</b> |  | <b>Workshop</b> |
|-----------------------------|----------|----------------|--|-----------------------------|--|-----------------|



**AGENDA TOPIC:** First reading of the Zoning ordinance for the C&K Annexation, ANX-2001-092.

**SUMMARY:** First reading of the Zoning ordinance to zone the C&K Annexation Light Industrial, I-1, and Community Service and Recreation, CSR, located at 2521 River Road.

| <b>BACKGROUND INFORMATION</b>       |              |   |            |
|-------------------------------------|--------------|---|------------|
| <b>Location:</b>                    |              | <b>2521 River Road</b>                              |            |
| <b>Applicants:</b>                  |              | <b>Howard and Ken Nesbitt</b>                       |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant</b>                                       |            |
| <b>Proposed Land Use:</b>           |              | <b>Light Industrial, Community Svcs. &amp; Rec.</b> |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Vacant</b>                                       |            |
|                                     | <b>South</b> | <b>Vacant</b>                                       |            |
|                                     | <b>East</b>  | <b>Vacant</b>                                       |            |
|                                     | <b>West</b>  | <b>Vacant</b>                                       |            |
| <b>Existing Zoning:</b>             |              | <b>County Industrial-2</b>                          |            |
| <b>Proposed Zoning:</b>             |              | <b>Light Industrial, I-1</b>                        |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>City C-2</b>                                     |            |
|                                     | <b>South</b> | <b>Colorado River</b>                               |            |
|                                     | <b>East</b>  | <b>County Industrial-2</b>                          |            |
|                                     | <b>West</b>  | <b>City CSR</b>                                     |            |
| <b>Growth Plan Designation:</b>     |              | <b>Commercial/Industrial</b>                        |            |
| <b>Zoning within density range?</b> |              | <b>X</b>  | <b>Yes</b> |
|                                     |              |   | <b>No</b>  |

**Action Requested/Recommendation:** It is recommended that City Council approve first reading of the Zoning ordinance.

**Staff Analysis:**

**ZONE OF ANNEXATION:**

The proposed zoning for the C&K Annexation is Light Industrial, I-1 and Community Services and Recreation, CSR zone districts. The intended use of the site is light industrial and manufacturing, which is in keeping with the goals of the Growth Plan and I-1 zone district. The parcel to be zoned CSR is currently being utilized as a City recreational trail. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance

with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

**REZONING CRITERIA:**

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

**1. The existing zoning was in error at the time of adoption.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.

**2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area with existing light industrial development. The request for Light Industrial, I-1 zoning is in keeping with the Growth Plan and Section 2.14 of the Zoning and Development Code. The property to be zoned Community Services and Recreation, CSR is currently being utilized as a City recreational trail.

**3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.** Adverse impacts to the neighborhood will not be created with the Light Industrial, L-I zone district. All development standards of the Zoning and Development Code will be adhered to during the development review process to ensure that there are no adverse impacts.

**4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines.** The proposal is in conformance with the Growth Plan, and the policies and requirements of the Code and other City regulations and guidelines.

**5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.** Adequate public facilities and services are available at this time or will be installed with development of the site.

**6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, this area is designated as Commercial/Industrial on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14 of the Zoning and Development Code, the Light Industrial zone district is appropriate for this property. The property to be zoned Community Services and Recreation, CSR is currently being utilized as a City recreational trail.

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

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

**STAFF RECOMMENDATION**

Staff recommends approval of the Light Industrial, I-1 and Community Services and Recreation, CSR zone districts with the finding that the I-1 and CSR zone districts are consistent with the goals and policies of the Growth Plan and meet the criteria found in Section 2.6(a) of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION**

Approval of the Light Industrial, I-1 and Community Services and Recreation, CSR zone districts, as noted in the attached zoning ordinance, for the following reasons:

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

**Attachments:**

- Zoning Ordinance
- Annexation Map

H:Projects2001/ANX-2001-092/CityZord1

**CITY OF GRAND JUNCTION, COLORADO**

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

**ORDINANCE ZONING THE C&K ANNEXATION TO LIGHT INDUSTRIAL, I-1 ZONE DISTRICT, AND CSR ZONE DISTRICT, LOCATED AT 2521 RIVER ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a Light Industrial, I-1 and Community Service and Recreation, CSR zone districts to this annexation for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Light Industrial, I-1, and Community Service and Recreation, CSR zone districts be established.

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

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

**The following property shall be zoned Light Industrial, I-1 zone district:**

2945-103-11-156

BEG 294.66FT S OF NW COR SW4SW4 SEC 10 1S 1W S 40DEG47' E ALG S LI CO D439.26FT S 49DEG13' W TO W LI SEC 10 N TO BEG EXC PT THAT MAY LIE W OF A LIDESC IN B-2040 P-525 MESA CO RECDS

2945-103-28-004

LOT 4 REDCO INDUSTRIAL PARK SEC 10 1S 1W

2945-103-28-005

LOT 1 REDCO INDUSTRIAL PARK SEC 10 1S 1W EXC THAT PT LYG S & W OF A LI DESC INB-2040 P-524 MESA CO RECDS

2945-103-28-006

LOT 2 REDCO INDUSTRIAL PARK SEC 10 1S 1W EXC THAT PT LYG S & W OF A LI  
DESC INB-2040 P-524 MESA CO RECDS  
2945-103-28-007

LOT 3 REDCO INDUSTRIAL PARK SEC 10 1S 1W EXC THAT PT LYG S & W OF A LI  
DESC INB-2040 P-524 MESA CO RECDS

**The following property shall be zoned Community Service and Recreation, CSR  
zone district:**

2945-103-28-945  
THAT PT OF SW4SW4 SEC 10 1S 1W LYG S & W OF A LI DESC IN B-2040 P-524/525  
MESACO RECDS

---

Introduced on first reading this 16th day of May, 2001.

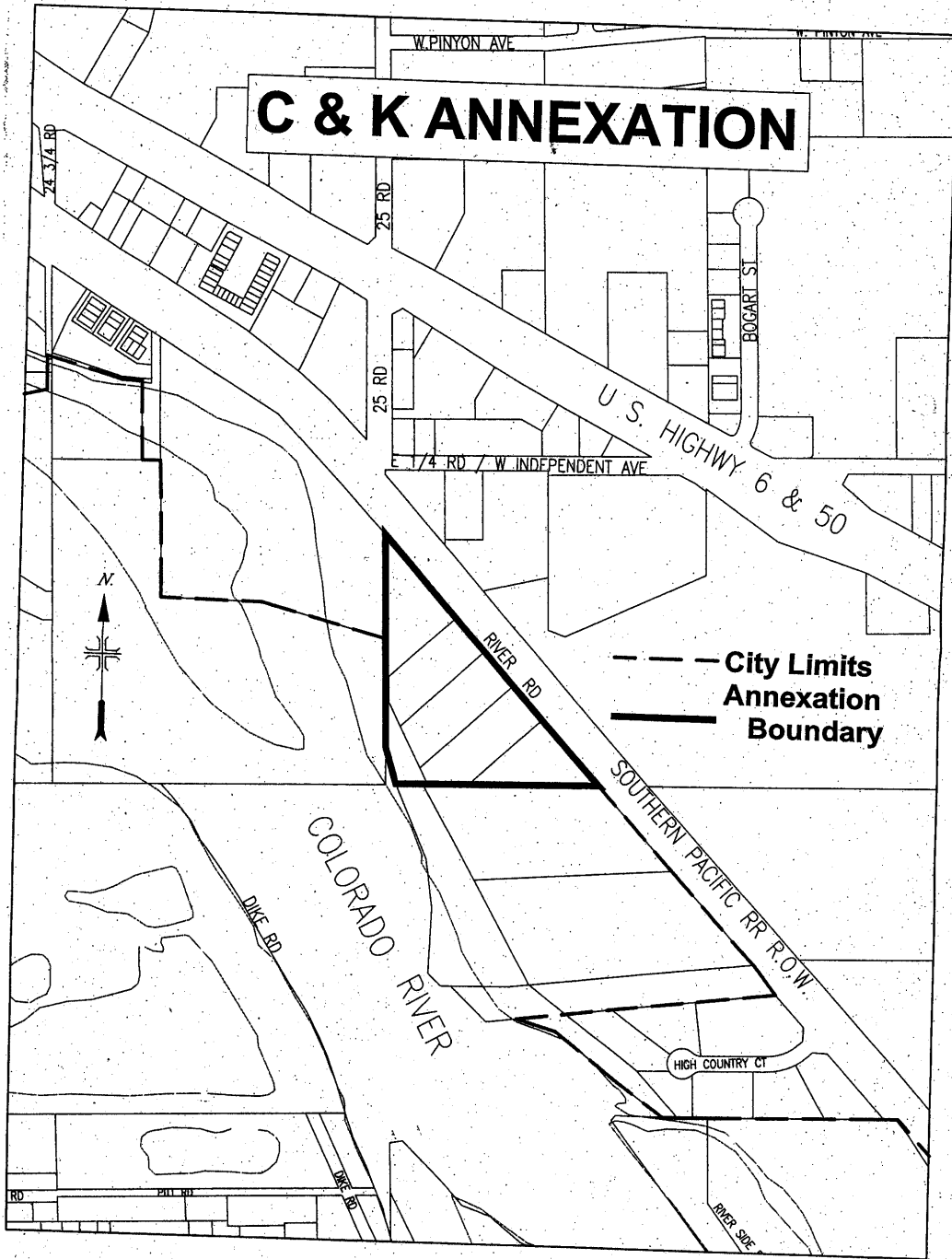
PASSED and ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2001.

Attest:

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

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

# C & K ANNEXATION



**Attach 7  
Laser Junction Annexation**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |  |                      |
|------------------------|---|--|----------------------|
| <b>Subject:</b>        | <b>Laser Junction Annexation (ANX-2001-099)</b> |  |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                             |  |                      |
| <b>Date Prepared:</b>  | <b>May 9, 2001</b>                              |  |                      |
| <b>Author:</b>         | <b>Pat Cecil</b>                                | <b>Development Services Supervisor</b> |                      |
| <b>Presenter Name:</b> | <b>Pat Cecil</b>                                | <b>Development Services Supervisor</b> |                      |
|                        | <b>Workshop</b>                                 | <b>X</b>                               | <b>Formal Agenda</b> |

**Subject:** Annexation of the Laser Junction site located at 2547 River Road, containing approximately 3.606 acres.

**Summary:** Resolution for Referral of Petition to Annex, First Reading of the annexation ordinance and exercising Land Use authority immediately for the Laser Junction Annexation (ANX-2001-099) located at 2547 River Road and includes a portion of the River Trail. This approximately 3.606 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 Referral of Petition to Annex, First Reading of the annexation ordinance and exercising land use authority immediately for the Laser Junction Annexation and set a hearing for July 11, 2001.

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

|  |                                     |           |                          |            |              |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|

|                             |                                     |                |                          |                             |                          |                 |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | <b>Consent</b> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|

| <b>BACKGROUND INFORMATION</b>              |              |  |           |
|--|--------------|--|-----------|
| <b>Location:</b>                           |              | <b>2547 River Road</b>                     |           |
| <b>Applicants:</b>                         |              | <b>Niel and Donna Riddle</b>               |           |
| <b>Existing Land Use:</b>                  |              | <b>Residential</b>                         |           |
| <b>Proposed Land Use:</b>                  |              | <b>Commercial/light industrial</b>         |           |
| <b>Surrounding Land Use:</b>               | <b>North</b> | <b>Commercial/Industrial</b>               |           |
|  | <b>South</b> | <b>Commercial/Industrial</b>               |           |
|  | <b>East</b>  | <b>Commercial</b>                          |           |
|  | <b>West</b>  | <b>The Colorado River</b>                  |           |
| <b>Existing Zoning:</b>                    |              | <b>Industrial (County)</b>                 |           |
| <b>Proposed Zoning:</b>                    |              | <b>General Industrial (I-2, requested)</b> |           |
| <b>Surrounding Zoning:</b>                 | <b>North</b> | <b>Industrial (County)</b>                 |           |
|  | <b>South</b> | <b>I-1 and CSR (City)</b>                  |           |
|  | <b>East</b>  | <b>C-1 (City)</b>                          |           |
|  | <b>West</b>  | <b>The Colorado River</b>                  |           |
| <b>Growth Plan Designation:</b>            |              | <b>Commercial/Industrial</b>               |           |
| <b>Zoning within density range?</b><br>N/A |              | <b>Yes</b>                                 | <b>No</b> |

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing approximately 3.606 acres of land including a portion of the River Trail. The property owner has requested annexation into the City as the result of needing a rezone in the County in order to construct a commercial development. Under the 1998 Persigo Agreement all new development within the Persigo 201 boundary requires 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 Laser Junction 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>  |   |
|-----------------------------|---|
| <b>May 16<sup>th</sup></b>  | Referral of Petition (30 Day Notice), First Reading, Exercising Land Use  |
| <b>June 12<sup>th</sup></b> | Planning Commission considers Zone of Annexation  |
| <b>June 20<sup>th</sup></b> | First Reading on Zoning by City Council   |
| <b>July 11<sup>th</sup></b> | Acceptance of Petition and Public hearing on Annexation by City Council and Public hearing on Zoning by Council |
| <b>Aug 12<sup>th</sup></b>  | Effective date of Annexation and Effective date of Zoning   |

**Action Requested/Recommendation:** It is recommended that City Council approve the Laser Junction Annexation.

**Attachments:**

1. Laser Junction Annexation Summary
2. Resolution of Referral of Petition
3. Annexation Ordinances
4. Annexation Map

**LASER JUNCTION ANNEXATION SUMMARY**

|                                       |                  |   |
|---------------------------------------|------------------|---|
| <b>File Number:</b>                   |                  | <b>ANX-2001-099</b>   |
| <b>Location:</b>                      |                  | <b>2547 River Road</b>  |
| <b>Tax ID Number:</b>                 |                  | <b>2945-152-00-095 &amp; northern part of 2945-152-05-945 (City owned)</b>      |
| <b>Parcels:</b>                       |                  | <b>1</b>  |
| <b>Estimated Population:</b>          |                  | <b>0</b>  |
| <b># of Parcels (owner occupied):</b> |                  | <b>0</b>  |
| <b># of Dwelling Units:</b>           |                  | <b>1 (to be removed)</b>  |
| <b>Acres land annexed:</b>            |                  | <b>3.606 acres for annexation area</b>  |
| <b>Developable Acres Remaining:</b>   |                  | <b>Approx. 2.5 acres</b>  |
| <b>Right-of-way in Annexation:</b>    |                  | <b>None</b>   |
| <b>Previous County Zoning:</b>        |                  | <b>I-2 (County)</b>   |
| <b>Proposed City Zoning:</b>          |                  | <b>Light Industrial (I-1)</b>   |
| <b>Current Land Use:</b>              |                  | <b>1 house</b>  |
| <b>Future Land Use:</b>               |                  | <b>Laser Junction Business and other light industrial/commercial businesses</b> |
| <b>Values:</b>                        | <b>Assessed:</b> | <b>= \$ 8,600</b>   |
|                                       | <b>Actual:</b>   | <b>= \$ 93,970</b>  |
| <b>Census Tract:</b>                  |                  | <b>9</b>  |
| <b>Address Ranges:</b>                |                  | <b>2547 River Road</b>  |
| <b>Special Districts:</b>             | <b>Water:</b>    | <b>Ute Water</b>  |
|                                       | <b>Sewer:</b>    |   |
|                                       | <b>Fire:</b>     | <b>Grand Junction Rural Fire</b>  |
|                                       | <b>Drainage:</b> | <b>Grand Junction Drainage District</b>   |
|                                       | <b>School:</b>   | <b>District 51</b>  |
|                                       | <b>Pest:</b>     |   |

**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 16th day of May, 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**

**LASER JUNCTION ANNEXATION**

**LOCATED AT 2547 RIVER ROAD INCLUDING A PORTION OF  
THE RIVER TRAIL**

**WHEREAS**, on the 16th day of May, 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:

A parcel of land situated in the N ½ of the NW ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows: Beginning at a point whence the Northeast corner of said Section 15 bears 734.32 feet North 0°40' West along the west line of the NE ¼ of the NW ¼ of said Section 15 and 3967.8 feet South 89°50' East along the North line of said section 15; thence North 84°29' East 170.54 feet, more or less, to the County Road; Thence South 40°47' East 160.48 feet along the County Road; Thence South 84°29' West 1176.54 feet, more or less, to the Colorado River; thence North 46°10' West 203.10 feet along the Colorado River; thence South 89°52' East 234.27 feet; Thence North 84°29' East 812.51 feet, more or less, to the Point of Beginning; as described in Book 2775 at Page 344 Mesa County records and including that parcel of land conveyed to the City of Grand Junction in the instrument recorded January 10, 1994 in Book 2040 at Page 526, Mesa County records.

**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 18<sup>th</sup> day of July, 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 16<sup>th</sup> day of May, 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

| <b><i>PUBLISHED</i></b> |
|-------------------------|
| <b>May 18, 2001</b>     |
| <b>May 25, 2001</b>     |
| <b>June 1, 2001</b>     |
| <b>June 8, 2001</b>     |

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LASER JUNCTION ANNEXATION**

**APPROXIMATELY 3.606 ACRES**

**LOCATED AT 2547 RIVER ROAD AND INCLUDING A PORTION OF  
THE RIVER TRAIL**

**WHEREAS**, on the 16<sup>th</sup> day of May, 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 11<sup>th</sup> day of July, 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 situated in Mesa County, Colorado, and described to wit:**

A parcel of land situated in the N ½ of the NW ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows: Beginning at a point whence the Northeast corner of said Section 15 bears 734.32 feet North 0°40' West along the west line of the NE ¼ of the NW ¼ of said Section 15 and 3967.8 feet South 89°50' East along the North line of said section 15; thence North 84°29' East 170.54 feet, more or less, to the County Road; Thence South 40°47' East 160.48 feet along the County Road; Thence South 84°29' West 1176.54 feet, more or less, to the Colorado River; thence North 46°10' West 203.10 feet along the Colorado River; thence South 89°52' East 234.27 feet; Thence North 84°29' East 812.51 feet, more or less, to the Point of Beginning; as described in Book 2775 at Page 344 Mesa County records and including that parcel of land conveyed to the City of Grand Junction in the instrument recorded January 10, 1994 in Book 2040 at Page 526, Mesa County records.

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

**INTRODUCED** on first reading on the 16<sup>h</sup> day of May, 2001.

**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2001.

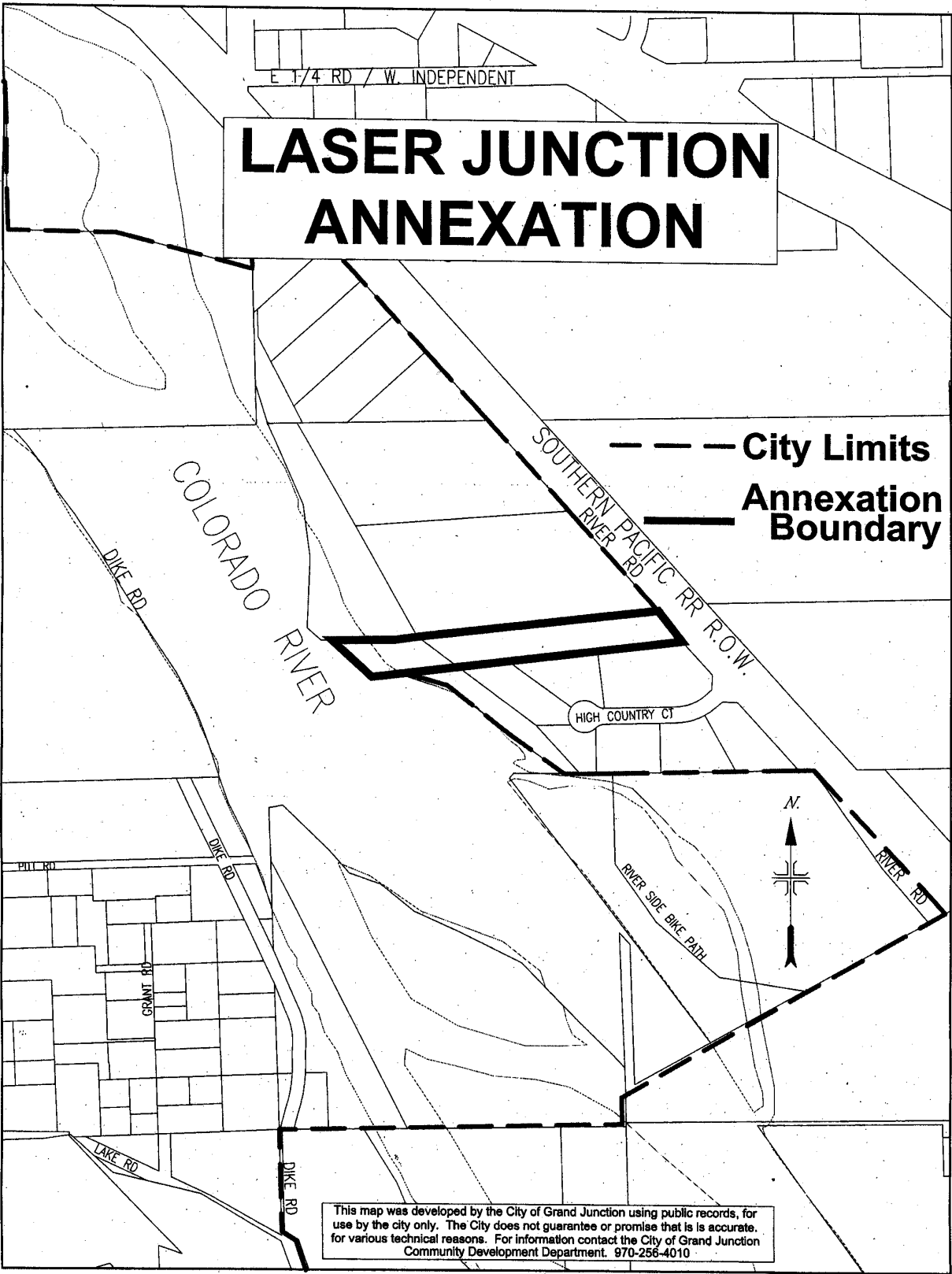
Attest:

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

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



# LASER JUNCTION ANNEXATION



This map was developed by the City of Grand Junction using public records, for use by the city only. The City does not guarantee or promise that it is accurate, for various technical reasons. For information contact the City of Grand Junction Community Development Department. 970-256-4010

**Attach 8  
Release of Annexation Powers of Attorney**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                      |                      |
|------------------------|---|----------------------|----------------------|
| <b>Subject:</b>        | <b>Release of Annexation Powers of Attorney</b> |                      |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                             |                      |                      |
| <b>Date Prepared:</b>  | <b>May 8, 2001</b>                              |                      |                      |
| <b>Author:</b>         | <b>Dan Wilson</b>                               | <b>City Attorney</b> |                      |
| <b>Presenter Name:</b> | <b>Dan Wilson</b>                               | <b>City Attorney</b> |                      |
|                        | <b>Workshop</b>                                 | <b>X</b>             | <b>Formal Agenda</b> |

**Subject:** Annexations Powers of Attorney

**Summary:** During the decade of the 1990's, the City obtained Powers of Attorney to annex property in return for connection to the City managed Persigo Sewer System. Since the 1998 City/County Persigo agreement some of those Powers of Attorney are moot.

**Background Information:** In 1995 the City and the Orchard Mesa Sanitation District agreed that each time a new connection to the Orchard Mesa collection system occurred, the owner must give the City a power of attorney for future annexation to the City. One condition of those powers of attorney was that the City must either use it to annex the property within five years of the date of the power of attorney, or it could not be used. Pursuant to Section 19 of the Persigo agreement, the City agreed that it would not use annexation powers of attorney "during the time this Agreement is in effect."

**Budget:** None

**Action Requested/Recommendation:** Motion authorizing the City Clerk to obtain the signature of either the Mayor or the City Manager on a release to extinguish such powers that can, by the passage of time, no longer be exercised. The Clerk would facilitate these releases upon the request of an interested party or property owner, on a case-by-case basis.

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

|  |  |           |            |              |  |
|--|--|-----------|------------|--------------|--|
| <b>Report results back to Council:</b> |  | <b>No</b> | <b>Yes</b> | <b>When:</b> |  |
|--|--|-----------|------------|--------------|--|

|                             |  |                |                             |                 |
|-----------------------------|--|----------------|-----------------------------|-----------------|
| <b>Placement on Agenda:</b> |  | <b>Consent</b> | <b>Indiv. Consideration</b> | <b>Workshop</b> |
|-----------------------------|--|----------------|-----------------------------|-----------------|

**Attach 9  
Recognition of Contributors to the Plaza**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                      |                      |
|------------------------|---|----------------------|----------------------|
| <b>Subject:</b>        | <b>Recognition of Contributors to the Plaza</b> |                      |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                             |                      |                      |
| <b>Date Prepared:</b>  | <b>May 8, 2001</b>                              |                      |                      |
| <b>Author:</b>         | <b>Dan Wilson</b>                               | <b>City Attorney</b> |                      |
| <b>Presenter Name:</b> | <b>Dan Wilson</b>                               | <b>City Attorney</b> |                      |
|                        | <b>Workshop</b>                                 | <b>X</b>             | <b>Formal Agenda</b> |

**Subject:** Council discussion regarding if and to recognize contributors towards the work and expenses needed to complete the plaza containing the Ten Commandments.

**Summary:** Some members of the Council have suggested that contributions be commemorated with a plaque near the plaza, while others have suggested other locations or methods.

**Background Information:** The Council has given direction to complete a plaza on the southeast of the City Hall property containing the Ten Commandments, The Magna Carta, the Mayflower Compact, the Declaration of Independence, the Preamble to the Constitution and the Bill of Rights. Council will discuss whether larger contributions should be commemorated on the monument itself and whether all or some contributions will be listed in another location.

**Budget:** None

**Action Requested/Recommendation:** Council discussion on Monday and a motion on Wednesday as appropriate.

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

|  |           |            |              |  |
|--|-----------|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>No</b> | <b>Yes</b> | <b>When:</b> |  |
|--|-----------|------------|--------------|--|

|                             |                |                             |                 |
|-----------------------------|----------------|-----------------------------|-----------------|
| <b>Placement on Agenda:</b> | <b>Consent</b> | <b>Indiv. Consideration</b> | <b>Workshop</b> |
|-----------------------------|----------------|-----------------------------|-----------------|

**Attach 10  
 Juvenile Accountability Incentive Block Grant**

**CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |  |                            |                      |
|------------------------|--|----------------------------|----------------------|
| <b>Subject:</b>        | <b>Juvenile Accountability Incentive Block Grant</b> |                            |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                                  |                            |                      |
| <b>Date Prepared:</b>  | <b>May 4, 2001</b>                                   |                            |                      |
| <b>Author:</b>         | <b>Stephanie Rubinstein</b>                          | <b>Staff City Attorney</b> |                      |
| <b>Presenter Name:</b> | <b>Stephanie Rubinstein</b>                          | <b>Staff City Attorney</b> |                      |
|                        | <b>Workshop</b>                                      | <b>xx</b>                  | <b>Formal Agenda</b> |

**Subject:** Juvenile Accountability Incentive Block Grant

**Summary/Background Information:** In 1999, the City, along with the City of Fruita, Town of Palisade and Mesa County were awarded the Juvenile Accountability Incentive Block Grant. The decision was made that the funds would be best used for additional supervisors with the Partners program who would be able to supervise Mesa County court cases, and the three cities' cases, when Useful Public Service was sentenced.

The collaboration has proven to be a success with 331 Municipal Court Juvenile cases being supervised and 7,291 hours of Useful Public Service being completed this year. Additionally, the load has been lightened for the Municipal Court clerks who no longer have to spend time trying to track down who has completed their hours and who has not.

During the last two years, the juveniles who have been sentenced to community service from Grand Junction Municipal Court, Fruita Municipal Court, Palisade Municipal Court, Mesa County Court and Grand Junction Teen Court have been supervised by the Partners program. Partners has worked to arrange community service availability, monitored each juvenile's compliance with his/her sentence and have worked to find effective methods of ensuring that these juveniles learn from their mistakes and receive an education beyond simple punishment for their offense.

The total grant amount is \$54,997, with \$33,032 allocated to the City and \$21,965 allocated to Mesa County, the City of Fruita, and the City of Palisade. These three entities have waived their award to the City, who then passes the award on to the Partners program.

**Budget:** A cash match of \$3,670 has been budgeted in the Police Department Budget.

Action Requested/Recommendation: Approval of Resolution.

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

|  |   |                          |                                     |                             |              |                 |
|--|---|--------------------------|-------------------------------------|-----------------------------|--------------|-----------------|
| <b>Name:</b>                           | <b>Joe Higgins</b>                                  |                          |                                     |                             |              |                 |
| <b>Purpose:</b>                        | <b>Update Council on the status of the program.</b> |                          |                                     |                             |              |                 |
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/>                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>    | <b>When:</b> |                 |
| <b>Placement on Agenda:</b>            |   | <b>Consent</b>           | <input checked="" type="checkbox"/> | <b>Indiv. Consideration</b> |              | <b>Workshop</b> |

**Insert Resolution**

**JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT  
COLORADO DIVISION OF CRIMINAL JUSTICE**

Prime Sponsor: City of Grand Junction

Participants: City of Grand Junction, Mesa County, Fruita, Palisade and Partners Program

Purpose: Provide supervised community service work (useful public service) for juvenile offenders sentenced by Teen Court, municipal courts and County Court. The DA's Diversion Office assists with referrals. Partners performs intake interviews, assesses a \$30 administrative fee and puts youth to work at non-profit and governmental agency worksites through workcrews supervised by Partners staff.

For July, 1999 through June 30, 2000:

425 municipal and county court cases supervised. ( 167 City of Grand Jct.)

5,929 hours of useful public service completed.

Only 4 of the 425 were re-arrested during that same time period.

6 youth did not comply.

For July, 2000 through April 30, 2001

331 municipal and county court cases supervised. (125 City of Grand Junction)

7,291 hours of useful public service completed.

3 of the 331 youth have been re-arrested.

22 youth have not complied.

**Date of Report: May 9, 2001**

**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION ACCEPTING THE  
JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT**

Recitals. The City Council makes the following findings:

- a. In 1999, the City, in conjunction with the City of Fruita, City of Palisade and Mesa County, was awarded the Juvenile Accountability Incentive Block Grant.
- b. A gap in the juvenile justice system was perceived where juveniles who were sentenced to community service had no place to go to complete their service and were not being held accountable for their actions.
- c. After a collaborative meeting between these groups, and other interested members of the community, the decision was made to use the funds for additional case supervisors in the Partners program, so that more juveniles in our community can have the benefit of participating in the Partners program if they are sentenced to Useful Public Service.
- d. The City is committed to the youth of our community and feels this program is an effective means to reduce the rising occurrence of juvenile offenses.
- e. This year of grant funding has been highly successful with Partners providing supervision for 331 juveniles who have completed 7,291 hours of Useful Public Service.
- f. Federal funding has been awarded to the City, Mesa County, City of Fruita, and City of Palisade in the form of a \$54,997 Juvenile Accountability Incentive Block Grant for the purpose of funding additional personnel at Partners who provide supervision for these groups of juveniles.
- g. The City will provide a cash match of \$3,670 which has been budgeted into the Police Department budget.

NOW THEREFORE, ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001,

The Juvenile Accountability Incentive Block Grant which has been awarded to the City of Grand Junction, in conjunction with Mesa County, City of Fruita, and City of Palisade for the purpose of providing supervision for the juveniles sentenced to community service by the Partners program, in the amount of \$54,997 is approved and accepted.

PASSED AND ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Mayor

ATTEST:



---

Stephanie Nye  
City Clerk

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                               |                      |
|------------------------|---|-------------------------------|----------------------|
| <b>Subject:</b>        | <b>CDBG 2001 project funding and Draft 2001 five year Consolidated Plan</b> |                               |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>   |                               |                      |
| <b>Date Prepared:</b>  | <b>May 8, 2001</b>  |                               |                      |
| <b>Author:</b>         | <b>Dave Thornton</b>  | <b>Principal Planner</b>      |                      |
| <b>Presenter Name:</b> | <b>David Varley</b>   | <b>Assistant City Manager</b> |                      |
|                        | <b>Workshop</b>   | <b>X</b>                      | <b>Formal Agenda</b> |

**Subject:** Public Hearing to discuss funding projects for the City's 2001 Community Development Block Grant Program Year and receive public input on the draft 2001 five year Consolidated Plan.

**Summary:** This is a public hearing to receive input regarding use of the City's 2001 CDBG Program Year funds, to discuss the funding recommendations made by the City Council CDBG Committee and to receive public testimony on the draft 2001 five year Consolidated Plan.

**Background Information:** This is a public hearing to receive input regarding use of our annual CDBG entitlement funds and the draft 2001 five year Consolidated Plan. A second public hearing will be held on June 7, 2001 to adopt the City's final five year Consolidated Plan. The City has received eight applications for projects requesting CDBG funds. These requests total \$890,000 and the City expects to receive \$504,000 for the 2001 program year. A summary list of all requested projects is attached along with a brief description of each project and a listing of previous years' funding.

On May 7, 2001 a committee of six Council Members met to discuss the funding requests. This committee recommends that Council fund the projects listed on the following page for the 2001 program year which begins September 1.

**Budget:** CDBG

**Action Requested/Recommendation:**

1. Request a public hearing be conducted to receive input on the use of the City's 2001 CDBG funds and to receive public testimony on the City's draft 2001 five year Consolidated Plan.
2. Request Council consider the recommendation for funding of the six projects recommended by the CDBG City Council subcommittee for the City's 2001 CDBG Program Year Action Plan.

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

|  |                                     |    |                          |     |       |  |
|--|-------------------------------------|----|--------------------------|-----|-------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When: |  |
|--|-------------------------------------|----|--------------------------|-----|-------|--|

|                             |                          |         |                                     |                      |                          |          |
|-----------------------------|--------------------------|---------|-------------------------------------|----------------------|--------------------------|----------|
| <b>Placement on Agenda:</b> | <input type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Indiv. Consideration | <input type="checkbox"/> | Workshop |
|-----------------------------|--------------------------|---------|-------------------------------------|----------------------|--------------------------|----------|

**2001 CDBG PROGRAM YEAR SUMMARY OF REQUESTS AND RECOMMENDED FUNDING**

| <b>WHO</b>                     | <b>WHAT</b>                                 | <b>FUNDS REQUESTED</b> | <b>MINIMUM REQUESTED</b> | <b>CC SUBCOMMITTEE RECOMMENDATION</b> |
|--------------------------------|---|------------------------|--------------------------|---------------------------------------|
| The Energy Office              | Project 91 Housing Acquisition              | \$200,000              | \$100,000                | <b>\$200,000</b>                      |
| Grand Valley Catholic Outreach | Transition Housing *                        | \$10,000               | \$10,000                 | <b>\$10,000</b>                       |
| Habitat For Humanity           | Infrastructure for Subdivision              | \$65,000               | \$55,000                 | <b>\$39,000</b>                       |
| Marillac Clinic                | Dental Clinic Expansion/Relocation          | \$350,000              | \$200,000                | <b>\$200,000</b>                      |
| Partners                       | Parking Lot Improvements/Construction       | \$15,000               | Any Amount               | <b>\$15,000</b>                       |
| Mesa Developmental Services    | Accessibility improvements to Group Home    | \$50,000               | Any Amount               | <b>\$40,000</b>                       |
| CO West Mental Health          | Property Acquisition - Mental Health Center | \$100,000              | \$50,000                 | <b>\$0</b>                            |
| West CO Business Dev Corp      | New Business Revolving Loan Fund            | \$100,000              | \$30,000                 | <b>\$0</b>                            |
|                                |   |                        |                          |                                       |
|                                | <b>TOTAL</b>                                | <b>\$890,000</b>       | <b>\$445,000</b>         | <b>\$504,000</b>                      |
|                                |   |                        |                          |                                       |

|                                    |
|------------------------------------|
| <b>FUNDS AVAILABLE = \$504,000</b> |
|------------------------------------|

**CITY OF GRAND JUNCTION**  
**Summary of 2001 Program Year Requested CDBG Activities**

- 1. Energy Office Affordable Housing Acquisition and Preservation Project (Project 91)** This project is to acquire 91 affordable units and preserve them as permanent affordable rental housing. Then original Section 8 contract expired in 1999 and these units have been at risk of becoming market units ever since. The Energy Office will use City CDBG funds for a portion of the acquisition costs and to leverage \$800,000 in State grant funds.

**Funds being requested are \$200,000**  
Minimum requested \$100,000

- 2. Grand Valley Catholic Outreach Transitional Housing services** - This project will serve 15 individuals and 2 families who are homeless for a period of 12 to 24 months. Through a caseworker, participants will be linked to all resources in the community to aid them in making a successful transition to permanent housing.

**Funds being requested are \$10,000**  
Minimum requested \$10,000

- 3. Habitat For Humanity Infrastructure for Camelot Garden Subdivision** – CDBG funds will be used for fencing and landscaping in the 1.6 acre 11 lot Camelot Gardens Subdivision owned by Habitat For Humanity.

**Funds being requested are \$65,000**  
Minimum requested \$55,000

- 4. Marillac Clinic** – Dental Clinic Expansion/Relocation at 2333 North 6<sup>th</sup> Street. The funding will assist in the relocation and expansion of Marillac’s Dental Clinic. With the Dental’s relocation, all of Marillac’s medical services will be provided at one location.

**Funds being requested are \$350,000**  
Minimum requested \$200,000

- 5. Mesa Youth Services, Inc., Partners** – Funds will be used for parking lot and landscaping construction for Partners Activity Center at their new proposed location at 12<sup>th</sup> Street and Colorado Avenue.

**Funds being requested are 15,000.**  
Minimum requested: Any amount that will help with the \$45,600 total cost for the project.

**6. Mesa Developmental Services** – New Construction of Accessible Group Home at 1444 North 23<sup>rd</sup> Street. CDBG funding will be used to construct a Barrier Free Lift System (a ceiling mounted motorized track system for mobility of patients) and an Arjo Tub (a hydrosonic bathtub used for therapeutic values).

**Funds being requested are \$50,000.**

Minimum requested: Any amount will help!

**7. Colorado West Mental Health Mental Health Center** - This request is to fund the purchase of either land or a building by CWMH to create a new mental health center to serve the mentally ill of our community. Currently CWMH houses its services at several locations throughout Grand Junction. Construction or purchase of a new facility will bring all services together in a single building at a single location.

**Funds being requested are \$100,000**

Minimum requested \$50,000

**8. Western Colorado Business Development Corporation** – Revolving Loan Fund of Mesa County will give business loans to City residents that qualify as low and moderate income. At least one job will be created or retained for each 15,000 of funds loaned.

**Funds being requested are \$100,000**

Minimum requested \$30,000

|                              |                  |
|------------------------------|------------------|
| <b>GRAND TOTAL REQUESTED</b> | <b>\$890,000</b> |
| MINIMUMREQUESTED             | 445,000          |

**2001 CDBG FUNDS TO BE RECEIVED \$504,000**

**NOTE:** The City has enough admin funds remaining from previous CDBG monies. No additional Administration funds are being requested out of 2001 funding.

**FUNDS AVAILABLE FOR PROJECTS \$504,000**

## History of the City of Grand Junction CDBG Projects 1996 - 2000

### 1996 Program Year

- Habitat for Humanity acquired four (4) residential lots in the Helena Subdivision on Orchard Mesa. \$80,000 grant.
- Catholic Outreach Homeless Day Center at 302 Pitkin Avenue - \$30,000 grant.
- CDBG Administration Costs \$44,000 grant.
- GJ Housing Authority acquisition of Lincoln Apartments for use as low/moderate income housing. \$330,000 grant.

1996 Program Year Total = \$484,000

### 1997 Program Year

- Catholic Outreach Homeless Day Center at 302 Pitkin Avenue - \$10,000 grant.
- Marillac Clinic Elevator, Handicap Accessible Bathroom and Exterior Stucco Construction at 2333 North 6th Street. \$90,000 Grant.
- South Avenue Reconstruction from 5th Street to 7th Street. \$330,000 Grant.
- Administration Costs to run program including completing an Analysis of Impediments to Fair Housing Study. \$47,000 total grant.

1997 Program Year Total = \$477,000

### 1998 Program Year

- Catholic Outreach Homeless Day Center at 302 Pitkin Avenue - \$17,131 grant.
- Colorado West Mental Health Transitional Living Center for adults between 18 and 21 with mental health issues. \$25,000 grant.
- Salvation Army Hope House Shelter (transitional housing) for women and children. \$25,000 grant.
- Mesa Developmental Services Group Home Rehabilitation Project. \$200,000 grant.
- Elm Avenue sidewalk and Drainage improvements between 15th Street and 28 Road. \$151,855 grant.
- CDBG Administration Costs to run program. \$50,014 grant.

1998 Program Year Total = \$469,000

### 1999 Program Year

- Grand Junction Housing Authority Community Homeless Shelter (Acquisition) - \$205,000
- Catholic Outreach Homeless Day Center – \$16,000.
- Salvation Army Hope House Shelter - \$25,000.
- Riverside Neighborhood Drainage Improvements Project Phase I. \$200,000
- Program Administration - \$26,000

1999 Program Year Total = \$472,000

### 2000 Program Year

- Catholic Outreach Acquisition of Homeless Day Center at 302 Pitkin Avenue. \$130,000 grant.
- The Linden Building Rehabilitation project at 1838, 1840, 1842, 1844, 1846 and 1848 Linden Avenue. The Energy Office has purchased 12 units to rent out to low/moderate income persons. \$55,000.
- Riverside Drainage phase II. \$200,000 grant.
- Headstart Classroom/Family Center Addition/Remodel at 134 West Avenue. \$104,000 grant.

2000 Program Year Total = \$489,000

**TOTAL CDBG DOLLARS ALLOCATED = \$2,391,000**

(CC report for Action Plan 2001.doc)

**Attach 12  
Appeal of Conditional Use Permit for 140' Tall Tower**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                          |                      |
|------------------------|---|--------------------------|----------------------|
| <b>Subject:</b>        | <b>Appeal of Conditional Use Permit for 140' Tall Tower</b> |                          |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>   |                          |                      |
| <b>Date Prepared:</b>  | <b>May 4, 2001</b>  |                          |                      |
| <b>Author:</b>         | <b>Patricia Parish</b>                                      | <b>Associate Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Patricia Parish</b>                                      | <b>Associate Planner</b> |                      |
|                        | <b>Workshop</b>   | <b>X</b>                 | <b>Formal Agenda</b> |

**Subject:** Appeal of an approval for a Conditional Use Permit for a telecommunications tower, #CUP-2001-032.

**Summary:** The surrounding neighbors are requesting an appeal of the March 13, 2001 Planning Commission approval of a Conditional Use Permit for a 140' tall telecommunications tower located at 688 29 ½ Road in an RMF-5 (Residential Multi-Family) zone. The tower was approved, subject to staff's recommendations.

**Background Information:** See attached.

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council review the public record, including the verbatim transcript of the March 13, 2001 Planning Commission hearing item #CUP-2001-032 and render a decision within thirty (30) days of the close of this hearing.

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

|  |          |           |            |              |  |
|--|----------|-----------|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | <b>No</b> | <b>Yes</b> | <b>When:</b> |  |
|--|----------|-----------|------------|--------------|--|

|                             |                |          |                             |                 |
|-----------------------------|----------------|----------|-----------------------------|-----------------|
| <b>Placement on Agenda:</b> | <b>Consent</b> | <b>X</b> | <b>Indiv. Consideration</b> | <b>Workshop</b> |
|-----------------------------|----------------|----------|-----------------------------|-----------------|



| <b>BACKGROUND INFORMATION</b>       |              |   |            |
|-------------------------------------|--------------|---|------------|
| <b>Location:</b>                    |              | <b>688 29 ½ Road</b>  |            |
| <b>Applicants:</b>                  |              | <b>Gary &amp; Sharon Meier, Owners<br/>Craig Hoff, NTCH-Colo.,Inc. (Clear Talk)</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Single family residential</b>  |            |
| <b>Proposed Land Use:</b>           |              | <b>Single family residential</b>  |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Single family residential</b>  |            |
|                                     | <b>South</b> | <b>Single family residential</b>  |            |
|                                     | <b>East</b>  | <b>Single family residential</b>  |            |
|                                     | <b>West</b>  | <b>Single family residential</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>RMF-5</b>  |            |
| <b>Proposed Zoning:</b>             |              | <b>Same</b>   |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>RMF-5</b>  |            |
|                                     | <b>South</b> | <b>RMF-5</b>  |            |
|                                     | <b>East</b>  | <b>RMF-5</b>  |            |
|                                     | <b>West</b>  | <b>RMF-5</b>  |            |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Medium (4-8 dwelling units per acre)</b>                             |            |
| <b>Zoning within density range?</b> |              | <b>X</b>  | <b>Yes</b> |
|                                     |              |   | <b>No</b>  |

**Staff Analysis:**

The surrounding property owners are requesting the granting of an appeal against the March 13, 2001, Planning Commission decision to allow Clear Talk to construct a co-locatable, 140' tall telecommunications tower (3 additional carriers), with facility sheds, on 10.71 acres located at 688 29 ½ Road in an RMF-5 (Residential Multi-Family) zone. In congruence with Sections 2.13 (Conditional Use Permits) and 4.3.R. (Telecommunications Towers and Facilities) of the Zoning and Development Code, the approval was granted with the following staff recommendations:

1. The Petitioner shall submit evidence of additional users (maximum of three other entities as speculated by the applicant) co-locating on the tower and annually report the names, addresses and telephone numbers of every inquiry for co-location, as well as the status of such inquiry, as part of an agreement retained by the City.
2. Construction of the tower shall consist of a non-glare finish.
3. The Petitioner shall submit evidence of satisfactory structural and engineering standards for the 140' tower, prepared and stamped by a registered State of Colorado Professional Engineer.
4. No lights shall be allowed on the tower, except those required by the FAA in the Air Hazard Determination.
5. The Petitioner shall adhere to all provisions of the Telecommunication Towers/Facilities Use Specific standards from Section 4.3.R. of the Zoning and Development Code, the Conditional Use Permit Criteria from Section

2.13 of the Zoning and Development Code, the comments submitted to the Petitioner by the Community Development Department, and the response to comments and general project report submitted by the Petitioner.

The FAA made the requirement of lights after receiving messages of concern from neighbors and contacting Walker Field about possible air hazards. They will be directed upwards and be shielded from the ground.

**Rehearing and Appeals:**

Any person, including any officer or agent of the City, aggrieved by a decision or final action of the Planning Commission may request an appeal in accordance with Table 2.1 (Review Table) and Section 2.18.E. (Appeal of Action on Non-Administrative Development Permits) of the Zoning and Development Code. An appeal letter written by Richard Livingston, attorney, (see attachment #3) indicates that he represents the neighbors Kathy Deppe-Spomer, Gerry Spomer and Robert Dorssey. An appeal letter written by Jim and Elaine Mackley (see attachment #4) indicates they are acting independently.

A request for a rehearing shall be a condition required for requesting an appeal. An appeal must meet the criteria of Section 2.18.E. and is as follows:

- 1. The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or**
- 2. The decision maker may have made erroneous findings of fact based on evidence and testimony on the record; or**
- 3. The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or**
- 4. The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or**
- 5. In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application. The appellate body shall also find that the appellant requested a rehearing before the decision-maker in accordance with Section 2.18.D**

The two appeals letters address issues such as:

- 1. Was competent evidence used in making the decision for approval of the tower?**  
Staff has had numerous General Meetings for other sites in the area of the tower. Not one of those sites within this particular coverage ring (see attachments 13 and 14) would have met the required setbacks stated in Section 4.3.R. of the Zoning and Development Code. Staff had also verified that no existing towers were available at the required height within this coverage ring.
- 2. Was the tower located in such a way to minimize visual and other adverse impact to the residents?**

Existing trees to the west of the tower site will screen the proposed equipment sheds. Although the trees are not tall enough to screen a 140' tower, staff determined that the location of the tower met the required setbacks after granting a 25% reduction on the West Side in order to utilize that screening. The tower can meet setbacks without the 25% reduction.

3. *Was the tower's compatibility with adjoining properties supported by evidence and in compliance with the laws of the City of Grand Junction?*

Past Planning Commission decisions on towers indicate that the question of the tower's compatibility with adjoining properties have been similarly addressed in other locations. Section 4.3.R. of the Zoning and Development gives the City criteria with which to review the tower. The FCC have established telecommunications laws which bind the City's decision making on telecommunication towers to be equal with other public utilities.

**Findings of Appeal:** The appeal filed by neighboring property owners is in compliance with Section 2.18 of the Zoning and Development Code and based on compatibility and competent evidence.

**STAFF'S RECOMMENDATION:** Uphold the Planning Commission approval, subject to previously recommended conditions (see page 2, paragraph 2 and page 3, paragraph 1).

**PLANNING COMMISSION RECOMMENDATION:**

Approved the Conditional Use Permit for a co-locatable 140' telecommunications tower subject to Staff recommendation and conditions due to compliance to Section 2.13 and Section 4.3.R. of the Zoning and Development Code.

Attachments:

1. March 13, 2001 Planning Commission Staff Report (p. 6 -11)
2. Verbatim Transcript of the March 13, 2001 Planning Commission Hearing (p. 12-35)
3. Appeal Letter from Richard Livingston, Attorney, dated March 21, 2001 (4 PG.)
4. Appeal Letter from Jim and Elaine Mackley, dated March 21, 2001 (2 PG.)
5. Letter of Response from Craig Hoff, ClearTalk (3 PG.)
6. Letter of Response from Claire B. Levy, LLC, Petitioner's Representative (5 PG.)
7. Aerial Map
8. Site Plan
9. Landscape Plan
10. Development Application
11. Agency Comments
12. Response to Comments
13. Clear Talk's Letters to Adjacent Property Owners (2 PG.)
14. Coverage Before
15. Coverage After
16. Daily Sentinel Article from Evelyn McCabe
17. Letters from Citizens (3 PG.)
18. Form Letters from Citizens (40 PG.)
19. Visual from Kathy Deppe, neighbor

**AGENDA TOPIC:** Conditional Use Permit for a 140' telecommunications tower to be built in an RMF-5 zone. #CUP-2001-032

**SUMMARY:** The petitioner is requesting a Conditional Use Permit to allow a co-locatable 140' telecommunications tower in an RMF-5 (Residential Multi-Family) zone. The site is located at 688 29 ½ Road. Staff recommends approval with conditions.

**ACTION REQUESTED:** Approval of a Conditional Use Permit for a 140' telecommunications tower.

| <b>BACKGROUND INFORMATION</b>       |              |   |            |
|-------------------------------------|--------------|---|------------|
| <b>Location:</b>                    |              | <b>688 29 ½ Road</b>  |            |
| <b>Applicants:</b>                  |              | <b>Gary &amp; Sharon Meier, Owners<br/>Craig Hoff, NTCH-Colo.,Inc. (Clear Talk)</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Single family residential</b>  |            |
| <b>Proposed Land Use:</b>           |              | <b>Single family residential</b>  |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Single family residential</b>  |            |
|                                     | <b>South</b> | <b>Single family residential</b>  |            |
|                                     | <b>East</b>  | <b>Single family residential</b>  |            |
|                                     | <b>West</b>  | <b>Single family residential</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>RMF-5</b>  |            |
| <b>Proposed Zoning:</b>             |              | <b>Same</b>   |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>RMF-5</b>  |            |
|                                     | <b>South</b> | <b>RMF-5</b>  |            |
|                                     | <b>East</b>  | <b>RMF-5</b>  |            |
|                                     | <b>West</b>  | <b>RMF-5</b>  |            |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Medium (4-8 dwelling units per acre)</b>                             |            |
| <b>Zoning within density range?</b> |              | <b>X</b>  | <b>Yes</b> |
|                                     |              |   | <b>No</b>  |

**Staff Analysis:** The petitioner is requesting approval of a Conditional Use Permit to allow construction of a co-locatable 140' telecommunications tower in an RMF-5 (Residential Multi-Family) zone. The telecommunications tower will have the capability of housing wireless antenna transmitters, as well as three additional wireless carriers. It is proposed as a monopole tower (as opposed to lattice or guyed). The proposed construction will meet safety and building standards of the adopted Building Code.

A new tower must be evaluated by the Conditional Use Permit criteria as set forth in Section 2.13 and the Telecommunications Towers/Facilities Use Specific Standards as set forth in Section 4.3.R. of the Zoning and Development Code.

**Conditional Use Permit:**

- 1. Site Plan Review Standards. All applicable site plan review criteria in Section 2.2.D.4. and conformance with SIDD, TEDS and SWIM Manuals;**
- 2. District Standards. The underlying zoning districts' standards established in Chapter Three;**
- 3. Specific Standards. The use-specific standards established in Chapter Three and Four;**
- 4. Availability of Complementary Uses. Other uses complimentary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities;**
- 5. Compatibility with Adjoining Property. Compatibility with and protection of neighboring properties through measures such as:
  - a. Protection of Privacy.**
  - b. Protection of Use and Enjoyment.**
  - c. Compatible Design and Integration.****
- 6. Decision-Maker. The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.**
- 7. Application and Review Procedures. Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B., with the following modification:
  - 1. Validity. Once established, a conditional use permit approval shall with the land and remain valid until the property changes use or the use is abandoned and non-operational for a period of twelve (12) consecutive months.****

The adjacent lots are developed with single family residential uses or are vacant residentially zoned properties. The portion of the lot leased by ClearTalk will be a 75' X 75' area within an 11-acre lot. The tower site will be unmanned and will not create traffic, noise, dust or odor. The Petitioner has applied for an Air Hazard Determination, required by the FAA (Federal Aviation Agency). As of the date of this report, the Petitioner has received no determination. The Petitioner will submit an Air Hazard Determination when received. No lights shall be allowed on the tower, unless required by the FAA. In a separate report submitted by the Petitioner, compiled by Stan Hale an aeronautical consultant, the FAA will not require the tower to be lit and the 140' tower will not exceed any obstruction standards set by the FAA.

The access to the site is through a 25' access/utility easement. There will be buffering requirements. A six-foot chain link fence, screened by trees and shrubs, will surround the project site.

Electricity and phone are the public utilities necessary for the tower to operate. These utilities are available on the property, servicing an existing residence, and appear to be adequate for this site, without reducing the level of service to other existing uses.

The owner of the telecommunications tower will provide maintenance for the tower and the landscaping. The location is in an area of single family residential uses. The facility will benefit the company and will allow the Petitioner to give full-coverage wireless phone service to Grand Junction. The proposed use shall conform to all requirements of the Grand Junction Zoning and Development Code.

**Citizens' Concerns:**

Many adjacent property owners in the area have provided verbal and written comments concerning this proposed tower (see attached Letters). Their concerns include negative visual aesthetics, impacts on property values and their general quality of life. The Planning Commission should take these concerns into consideration when making a decision supported by any and all substantial evidence. The FAA in their Air Hazard Determination Form #7460-1 and Walker Field's determination (See Agency Comments) has addressed citizens safety concerns with the tower's proximity to the airport. Health concerns from the electromagnetic radiation are addressed by the FCC provisions in the 1996 Telecommunications Act covering the siting of wireless facilities. Local jurisdictions cannot regulate placement of wireless facilities on the basis of the environmental effects of radio frequency emissions as long as all other FCC regulations have been met.

**Telecommunication Towers/Facilities:**

***10. No site plan shall be approved until the applicant establishes, to the satisfaction of the Director and other decision making body, that the following are satisfied:***

***a. Towers and Telecommunications Facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.***

The site is in an RMF-5 zone surrounded by single family residential uses. The existing trees will help minimize the visual impact from major streets such as 29 ½ Road.

***b. Telecommunications Facilities and Towers shall be set back from all residentially zoned or used property by a minimum of 200' or 200% of the height of the Tower, whichever is greater. If notice to the affected property owner is given, the Director may reduce any such setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. –AND–***

- c. All Telecommunication Facilities and Towers shall be set back a minimum of 85' from the property line at a 2:1 ratio, whichever is greater, from a residentially zoned or used property.**

The site is setback 210' from the neighboring residentially zoned property and meets the 25% reduction criteria by using existing mature trees for buffering. Proof of contact with the effected neighbors has been provided by the Petitioner (See attached ClearTalk's letters).

- d. All Telecommunications Facilities and Towers on public utility structures, facilities or properties shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Director.**

Not applicable.

- e. Monopole Tower structures shall be separated from all other Towers, whether monopole, self-supporting lattice or guyed, by a minimum of 750'. –AND–**  
**f. Self-supporting lattice or guyed Towers shall be separated from all other self-supporting lattice or guyed Towers by a minimum of 1,500'.**

There are no other towers within that distance.

- g. Location. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To end, an application for an integral, concealed Tower or Telecommunication Facility may be issued by the Director.**

This project proposes a 140' freestanding tower and will not be co-located on any existing structure. Therefore the Director cannot consider this for issuance.

- h. City property and buildings. Towers or Facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at City parks or other city buildings facilities are encouraged.**

The tower will not be located on any City property or buildings, but rather will be located on privately owned leased ground.

- i. No new Tower or Facility shall be permitted unless the applicant demonstrates to the satisfaction of the Director that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:**

- 1. No existing Tower, Facility or utility structure is located within a distance which meets the applicant's engineering requirements.**

The applicant was not able to co-locate on an existing tower or facility within the correct distance, with the correct height to create a link of signals.

- 2. No existing Tower, Facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment.***

Cleartalk was not able to locate such a facility or tower.

- 3. The applicant's proposed Telecommunication Facility will not cause unreasonable electromagnetic or other interference with the antennas on existing Towers, structures or utility structures or the antennas of existing Towers, Facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible***

The applicant has proven contact with the FAA and the FCC. Because of FAA regulations, and the FCC's licensing requirements, it is Staff's belief that the applicant's proposed tower and wireless signals will not interfere with existing towers, facilities, utility structures or antennas.

- 4. There is some other reasonable factor that render existing Towers, Facilities or utility structures unsuitable.***

The applicant has provided evidence that render the existing verticality either unsuitable or unobtainable.

- 5. No owner or existing towers, structures or utility structures, including the City and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or such owner is requiring unreasonable payment or terms.***

There are no other existing towers, structures or utility structures available.

- 6. The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.***

The applicant will submit satisfactory evidence concerning the structural and engineering standards of the 140' tower, prepared by a Colorado PE. This will be made a condition of approval.

**Staff Recommendation:** Approval with the following conditions:

1. The Petitioner shall submit evidence of additional users (maximum of three other entities as speculated by the applicant) co-locating on the tower and



- annually report the names, addresses and telephone numbers of every inquiry for co-location, as well as the status of such inquiry, as part of an agreement retained by the City.
2. Construction of the tower shall consist of a non-glare finish.
  3. The Petitioner shall submit evidence of satisfactory structural and engineering standards for the 140' tower, prepared and stamped by a registered State of Colorado Professional Engineer.
  4. No lights shall be allowed on the tower, except those required by the FAA in the Air Hazard Determination.
  5. The Petitioner shall adhere to all provisions of the Telecommunication Towers/Facilities Use Specific standards from Section 4.3.R. of the Zoning and Development Code, the Conditional Use Permit Criteria from Section 2.13 of the Zoning and Development Code, the comments submitted to the Petitioner by the Community Development Department, and the response to comments and general project report submitted by the Petitioner.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on item #CUP-2001-032, I move that we approve the Conditional Use Permit for a co-locatable 140' telecommunications tower subject to Staff recommendation and conditions due to compliance to Section 2.13 and Section 4.3.R. of the Zoning and Development Code.

March 13, 2001 Planning Commission Verbatim

CUP-2001-032 CONDITIONAL USE PERMIT - MEIER TELECOMMUNICATIONS

Petitioner: Gary Meier  
Location: 688 29 ½ Road  
Representative: NTCH Colorado Inc., Craig Hoff

The next item is a request for conditional use permit to construct a 140 ft. power pole telecommunications tower for the object of offering digital phone service at 688 29 ½ Road. If you will step forward and summarize this request.

This is for a 140-ft. tall monopole type of communications facility. We went through an extensive look again at multiple, multiple sites. We originally started out on I-70 Business Loop to get to this point. This one has a fairly interesting background. I will be brief. During this process is when the telecommunications codes as revised through the city was developed.

We were in the process of proposing a site that would handle our coverage objective for this. When the new codes came into effect, it changed where we could place our towers, right. We are working with this new code. We spent, on two different sites, about \$30,000 to get to this point, and we had two sites that we ended up not being able to build because we could not meet the codes. I won't go into each and every one of these, I will be a little more brief.

There were nine sites that we looked at to get to this point. We ended up branching out and turning this into a site on the north side and a site on the south side. The Meier property is located at 688 29 ½ Road. It sits out there quite a ways from things. We are about as far north as we can go with the tower without needing additional height. From that site on it, we looked at the Church of Christ off of Patterson. We could not meet the setbacks. We actually even looked at the City Park to go there. You are asking about using some of the city property and generating some revenue there. These parks, there is a plan for the city parks at this time. The park has not planned for any type of development. The person that we contacted also said that it would be very difficult to try and get a 140 ft. tower placed in one of the city parks, which is probably true. The Meier property is his residence. He has corrals, mules, and we have moved this tower site somewhat with the codes. We do meet all the city codes at this site also to use some of the existing trees and foliage to provide some screening for it. It is difficult, at best, to try to screen a 140 ft. tower, or any tower. We are doing what we can at this site. We will have landscaping. We do meet all of the city codes, again, at this site as we did with the others.

Grand Junction has one of the more restrictive codes that we've run into. We have worked in very many different types of communities and different municipalities and different types of zoning and find that each one presents their own problems. We think we have found a very compatible site for this.

There have been some questions about the FAA determination for this site. I would like to address those now. We submit, early in the process, we do a lot to go to an area where we are going to be told we can't build it at all so one of the first things we do when we identify a site is we submit to a consultant, the former head of the FAA, for a determination on whether this is feasible building site. It is worth the money to find out now than further on down the road. We received a determination back from the consultant that this was a good site. It would not require lighting, as a matter of fact, at 111 ft. we would not even be required to notify the FAA. As part of the codes and part of our process, we do submit Form 7460-1 to the FAA. I received that back just today, or yesterday and it would require lighting from the FAA. I talked with Mr. Ted Miller, who is the head of the Northwest Regional Office of the FAA. One of the reasons that it would require lighting was there was not necessarily a request for lighting from the Airport Authority, but they had some concerns with this tower being where it is located. I spoke with both Mr. Mancuso and Mr. Reynolds from the airport. They both told me that it did not require lighting. Mr. Welden actually said that if I checked through the airport, that I would not have to light this. If there were some specific concerns you can light it. You cannot arbitrarily light a tower. There have been instances where we have requested lighting on a tower but this is not one of those, so this tower would not necessarily have to be lit. There are some of those with concerns as far as air navigation. We would be willing to light it, too. It can go either way. Again, we will landscape it. We are using existing foliage as much as we can to screen it. We have worked diligently up in that area for over a year to find a site and I think we have found a pretty good site. If there are any questions, I could answer them now.

(Commissioner Dibble) I think I probably misunderstood you, but I did hear you say that it would require lighting when you talked to the FAA direct, then you came back and said that it would not require lighting based on what the airport said.

(Craig Hoff) When we get a determination from the FAA, they send out what is called a determination and it did require lighting.

(Commissioner Dibble) So that is the definitive answer, it will require lighting.

(Craig Hoff) No, that is not necessarily in this case. Mr. Tindall in the northwest in Seattle is where all of our Form 7460-1's go. He actually said if it was OK with the airport out there, .....they received a letter from the airport that said they had some concerns that kind of raises a flag with the FAA so lets all be safer than sorry, OK, if it does require lighting. I talked with Mr. Mellon and one of the things that came to light here was that the top of the tower is only 40 ft. above the base of the runway. The tower is only 40 ft. above the base of the runway, and yet it is almost 8,000 ft. away. It is over 8,000 ft. away. It is over 10,000 ft. away from the reference point for the airport, so it is quite a way. If they are only 40 ft. above the runway at 8,000 ft. away, they've got more problems. There is actually a hill taller than us behind that, so there's not much as far as this being a hazard in navigation. It is an acceptable site for the FAA and for the Airport Authority.

(Commissioner Dibble) I have another question, do radio waves interfere in any way with avionics?

(Craig Hoff) Actually, no. We conducted a lot of interference studies for all of these things. There are certain times where the airport asks for a aviation easement which actually they know we are not going to interfere with them, but if we are in their area of influence or the crossroad, we have a aviation easement agreement with the Airport Authority that says we can't hold them liable if they interfere with us. But, no, the technology that we are using, there is not an interference issue with any of the other public communications or any communication systems there.

(Commissioner Binder) What about helicopters? If a tower is sticking up 100 ft. and it is not lit and it is night, could they, I mean what about helicopters?

(Craig Hoff) Helicopters are subject to the same rules and regulations as airplanes.

(Commissioner Binder) No, but I am saying if they are just flying by and there is this tower that is sticking out of the ground.

(Craig Hoff) They are entering the airports air space.

(Commissioner Binder) No, I am talking about, like St. Mary's helicopter. I mean, they are taking off from St. Mary's, they are not landing at the airport, they are just flying around.

(Craig Hoff) Part of the FAA determination does take into effect where the heliports are, all public airports, you know the medical heliports and everything else. That is really up to the FAA's decision and not ours. You know, there are several large trees growing in the grand valley too. I don't know that a tower is much . . . . I don't know how to answer that. I don't know where . . . .

(Commissioner Binder) So, is this going to be lit or is it not going to be lit?

(Craig Hoff) Well, that is the question tonight that there has been some concerns from some people in the neighborhood that were concerned with air navigation. If that concern will be if you all think that it would be beneficial, we can ask the FAA to allow us to light this tower.

(Mr. ? ) Mr. Chairman, may I ask the attorney if this ..... to restrict or recommend that type of thing.

(Mr. Shaver) Technically, I'm not sure if I understand Mr. Hoff's responses. In my experience with these things, the determination will be issued and that's that. I've never encountered a situation where it is dependent upon the airport personnel or airport authority personnel to substitute their judgment for the FAA and for the FAA's interpretation of ... flight and landing regulations, so it certainly is appropriate for inquiry for you and I would ask the applicant if they have any documents or anything that we

might be able to review that would be conclusive on the subject. I have never heard of the FAA not being definitive.

(Craig Hoff) I'm sorry, I should explain one think a little better, we do have a determination back from the FAA, in my hand right here, and I can share that with you. It does require this tower to be lit right now. We have the opportunity to go back and have it reviewed again and not have it lit. The FAA is the final determination on that. They are not asking for that. I am telling you that I can go to the FAA and request lighting for the tower or have it reviewed again for not lighting, it's kind of a ....

(Mr. Shaver) So right now as it stands it's ....

(Craig Hoff) Right now, it is being ...

(Chairman Elmer) Can we get the airport input and ask for another review ...

(Craig Hoff) With the airport's input, I could ask for another review, and it is Mr. Mellon's opinion that since the tower is only 40 ft. above the runway level, that it would not require lighting at that time.

(Chairman Elmer) Can you explain what that light is that you normally see.

(Mr. Curry) This one is a dual lighting system which would require a white light on top. Where is the second one? They are both on top, they are white lights. They do not shine down. There are two white lights on top. This one does not require red lighting at all.

(Ms. ? ) Do they blink, or does it just stay on all the time?

(Mr. ? ) It has a white light during the day and red light at night. It changes automatically. We don't normally have to light our towers. The normal is 200 ft. If you are under 200 ft., it is normally not required to be lit by the FAA.

(Commissioner Nall) I have a question. Why, on this relatively flat ground out there, why .....

(Craig Hoff) Our coverage objective is an area that reaches all the way from down south, where we are trying to ... we would like to have found a site on Patterson, then had a 360 degree area to work with there. We were unable to find any sites that were large enough that were zoned properly. Residential use is something that we can meet setbacks. But that is our coverage area. Basically, if you notice, we are trying to cover 29 Road. There is a, as you know, that 29 Road is a difficult, difficult area. One tower up on Patterson, maybe if you tweak it a little bit and get satisfactory coverage . . . we were unable to find a site up there. That is why this additional height is necessary. Again, going back to the technology part which I am not all that familiar with, but I do know something, these signals ..... we are just trying to cover a little further distance so we need additional .....and it is still co-located.

(Commissioner Nall) I guess you answered my second question, but I am just going to repeat. I heard that you did try to look and see if maybe two 100 ft. towers would work so you could still get the same coverage. Is that correct so far?

(Craig Hoff) At the Church of Christ I believe we tried a multiple tower system there. We submitted a multiple tower system to our ..... to see if towers 100 ft. would cover a sector here and a sector there, but again, even at 100 ft. we couldn't meet the setback requirements.

(Commissioner Nall) So, I'm just trying to determine if this is a technology problem or a financial decision? Obviously one tower might be more economy scaled than two towers.

(Craig Hoff) No, this was an engineering problem and was not an economic problem. With 100 ft. towers, we couldn't meet the setbacks to begin with. We couldn't find a place out in the parking lot that would allow us . . . there is residential on adjoining properties that we could not make that work either. Plus, the church had plans. We were trying to work in conjunction with the church in their expansion and other things and try to fit in there in certain areas and one area that we could go dropped off towards Indian Wash which also presents an engineering problem requiring me to have more height and it's really not a great idea. We try not to build these in the flood zones.

(Commissioner Binder) Was there any place along I-70 that was available so that you wouldn't be close to a residential area? Was there anything out there?

(Craig Hoff) The third one we are putting here tonight, it's ..

(Commissioner Binder) No, I'm not talking about the business ...

(Craig Hoff) I'm sorry. I apologize. We actually looked, we're fairly close to I-70 where we're at. The bulk of the zoning out there is residential. Even on the other side of I-70 I get into the airport area of influence. I know some gentlemen that have a project that they are talking about doing out there in the desert area

(Commissioner Binder) That's residential?

(Craig Hoff) No, I'm sorry, most of the area towards I-70 ... if I go further north, I need more height.

(Commissioner Binder) I'm just wondering if you could have gone further north, around I-70 or to the north of I-70, if there was property out there that you could have put a tower on that isn't a residential area?

(Craig Hoff) OK, we did look north of I-70. It was not residential. It is in the airport's area of influence and that is not acceptable for them or for us out there.

(Commissioner Binder) This spot is not in the area of influence?

(Craig Hoff) No, we are outside the area of influence. We are 8,000 ft. away from the runway.

(Commissioner Binder) You're not that far from the critical zone. How can you not get in the area of influence?

(Craig Hoff) I don't know. That's not my .... We do have ....

(Commissioner Binder) I think there is some commercially zoned property, I thought it was north of 29 Road. Has that been looked into or is that what you are saying was in the area of influence.

(Craig Hoff) Again, as I move that direction, I needed additional height, and that additional height will not be allowable as we go through our checking to see if these towers are permissible by FAA. We do get into an area that would not be acceptable for us or for the airport. We do need services for these towers, I should mention. We do require that we have, we like to have power and telephone and that is one big consideration for us. You know, if you have to run power or something, going under I-70 wouldn't be anybody's idea of a treat. Those things do come into consideration but mostly ..... I needed too much height there. A 200 ft. tower within 3,000 ft. of the airport or 5,000 ft. of the airport would never fly with the department of planning.

(Commissioner Binder) What is the effect if this tower isn't built and you do build the Gunnison tower. It would seem like the Gunnison tower takes care of a very large area of service and I am just curious, is it just basically an area north of Patterson that this tower is for.

(Craig Hoff) The area is split almost dead even between those two areas. We aren't the only ones looking to fill that hole up there. We do have a letter from another carrier already wanting to go on there, they are sitting here tonight to see if we can. They have been looking up there too. It's a very critical site, there are a lot of subscribers that use Patterson and drive up there. They are all critical. We don't build these things, they are expensive. We aren't just building them for fun. We have really worked with engineering and with the planning and zoning and we found this thing and we looked at the codes and Tricia makes me rewrite my submittals because I didn't cover everything and I've learned a lot, but this site really made us learn even more about how and why we have to pick proper sites, and why codes need to take into consideration the needs for these technologies. This is a code that is sometimes difficult to work with. You know, if we had industrial zoning out there that would be wonderful, but there is no industrial zoning on the north side of Patterson that I can see. Well, we looked at putting it in a car wash parking lot and there's no residential zoning around there, we couldn't do it. We even investigated the stealth design and that is when we did find out somewhat that it would not work for our needs. They aren't any different really than what we are proposing here tonight. We should mention too that it would be great except for that stuff around them. The crossroads ..... tree towers, those things on there illuminate a tree tower and a 100 ft. pole, no matter where you put it, whether it has one thing on it or three things on it, it is still a 100 ft. pole, in my opinion. I value everybody else's opinion but this is an industry that runs on height. Luckily, PCS does

not require the height that is required by some of the other technologies, so we are semi-fortunate that we do not have to build guy towers or large towers to satisfy our needs.

(Ms. ?) Would anything else be located on this tower other than just cell phone usage?

(Craig Hoff) Oh, it's open for anybody that wants to use it. Anybody with paging systems, wireless internet, anything that needs use.

(Ms. ?) So then, what I thought is right. We are just talking about cell phone towers now. I mean, there could be other towers come in that need the height also, somebody else could come in and want to put up towers for other reasons.

(Craig Hoff) Our towers are designed for four carriers, but the other equipment that you are talking about, if you want wireless internet or something that, their equipment isn't the same as what we use.

(Ms. ?) But will they need a tower.

(Craig Hoff) Sure, but they could use this tower.

(Ms. ?) I know, but when it is all filled up, that is what I am saying. Then they will come back and want more towers.

(Craig Hoff) There is always that possibility, but they can also use these. They are designed to have twelve antennas each. Not everybody is going to use twelve antennas. These towers are over-engineered, we are required by the city code to over-engineer these towers. We are actually required to engineer them so that they can be built 15 ft. taller, so if that does happen they could just add on with their equipment and we are working on it, you know, it's very small. It doesn't add much to the load of the tower.

Any more questions?

Thank you.

#### STAFF'S PRESENTATION

(Tricia Parish) I would like to submit some late letters that came in as part of public record. One is a letter from a neighbor that was published in the Daily Sentinel this morning and we also got some information that Commissioner Putnam gave me yesterday, then a group of letters that came in that 39 adjacent property owners had signed and made some comments. We will pass those around.

A petitioner would like a conditional use permit to allow a 140 ft. tower in an RMF zone, RM-5 zone, Residential Multi-Family. It is located at 688 29 ½ Rd. The adjacent lots are single family residential usage, or vacant residentially zoned properties. The portion of the lot leased by Cleartalk would be a 75 X 75 ft. area. The tower would be unmanned and will not create traffic, noise, dust or odor. As Cleartalk has mentioned,



the petitioner has applied for ..... determination which is required. The access to the site is clear 25-foot access utility easement. There are .... buffering requirements around the base of the tower. A 6ft chain link fence, trees and shrubs surround the project site. On one side of the property to the east, the setback has been reduced from the 2-1 ratio to a 210 ft. length from the neighboring residentially zoned property. There is a section of our code which allows us, as commissioners, to look at a 25% reduction if they have met criteria which would include using the existing trees for buffering. Attached to the report are two letters that went to the neighbors noticing them with this reduction and setback..

\_\_\_\_\_ Kent has apparently contacted ten neighbors on the adjacent properties that are in this area. One of the sites that he mentioned before he wouldn't be able to acquire on Patterson. I met with him on numerous sites along Patterson Ave. for various sites and \_\_\_\_\_ came to fruition he didn't submit on any of the other ones other than this. Staff feels that the applicant has met the criteria for a conditional use permit in section 2.13 of the Zoning and Development Code and Use Specific Standards of 4.3.R so the zoning and development code recommends approval with the following conditions.

1. The petitioner again shall submit evidence of additional users co-locating on the tower and annually report the names, addresses and telephone numbers of every inquiry for co-location, as well as the status of such inquiry, as part of an agreement retained by the City.
2. Construction of the tower shall consist of non-glare finish.
3. The petitioner shall submit evidence of satisfactory structural and engineering standards for the 140-ft. tower, prepared and stamped by a registered State of Colorado professional engineer.
4. No lights shall be allowed on the tower except those required by the FAA in the Air Hazard Determination.
5. The petitioner shall adhere to all provisions of the Telecommunication Towers/Facilities Use Specific Standards from section 4.3.R of the Zoning and Development Code, the Conditional Use Permit Criteria from section 2.13 of the Zoning and Development Code, the comments submitted to the petitioner by the Community Development Department, and the response to comments and general project report submitted by the petitioner.

I just want to note, due to the extraordinary amount of phone calls, letters and various other contacts that I received on this, I didn't include your \_\_\_\_\_ concerns which largely focused around the negative visual impact, the aesthetics and the effects on the property value, general quality of life. The planning commission should take this into consideration when making a decision. Since some safety concerns also came up \_\_\_\_\_ proximity to the airport. It has been addressed by the FAA and also by Walker Field as was mentioned earlier. The health concerns from electromagnetic radiation \_\_\_\_\_ virtually can be used as \_\_\_\_\_ against a tower due to the \_\_\_\_\_ and local

jurisdictions cannot regulate them solely on the basis of the environmental effects of radio frequency conditions as long as all of the FCC regulations have been met.

(Commissioner Nall) Do we in our documentation \_\_\_\_\_ on issues like this. You said you went to several sites.

(Tricia Parish) We had general meetings the petitioner on several sites along Patterson.

(Commissioner Nall) OK, so do we require documentation \_\_\_\_\_ effort to try to look at other sites?

(Tricia Parish) We can ask them for documentation, we basically ask them to address it in their general project report. Any more details can certainly be asked for.

(Commissioner Nall) Thanks

(Commissioner Dibble) Tricia, the Daily Sentinel article letter to the editor indicates that the tower is too close to Walker Field and it can be added on to in height. Basically the restriction of the setback is based on the height determination to begin with allowance included, so any additional height would violate the setback originally so that is kind of a prohibitive thing there. Is it or is it not too close to the Walker Field flight path.

(Tricia Parish) According to Walker field, it is not within a critical zone or an area of influence. They had mentioned that \_\_\_\_\_ that they feel that it is within the flight path of runway 29 but did not object to the tower. \_\_\_\_\_ with the FAA says about the height. Their area of determination is basically saying that they are looking at this tower now, any change in the tower, any increase in height would again trigger another area of determination. So I think they had to address it in that manner. I think that is what the referral is to. Any additional tower or any additional antenna that goes on the tower would also require a planning clearance from us. We would make sure that there is no additional height on there unless we feel it is beneficial and we feel that it is co-locatable \_\_\_\_\_. Essentially our code says it should be built to a standard that could actually have another 15 ft. extension put on the top of it. We asked for that because we were trying to encourage the co-location.

(Commissioner Dibble) So there is a 15 ft. slack if you want to call it that.

(Tricia Parish) They could ask for an extension, yes, because we asked them to build it to that construction capability.

(Commissioner Dibble) That would not go beyond the parameters of the 25% reduction \_\_\_\_\_ in \_\_\_\_\_.

(Tricia Parish) \_\_\_\_\_ would have to be looked at but we haven't had that situation come in yet.

(Commissioner Dibble) It is far enough away even though it is in the direct flight path of runway 29 it is still far enough away not to violate the FAA's requirements.

(Tricia Parish) It's not only far enough away, but it sounds like the actual height has been in relation to the grade or the runway or topography of the runway, it doesn't seem to propose any hazard to the FAA, that is their determination.

(Ms. ?) Tricia, we have been told tonight that this tower has to be 140 ft. because it is further away than what they wanted. They would rather have it 100 ft. closer to Patterson, but by going as far as they did, they have to go 140 ft. Do we have anything in the code that says how high these towers can go?

(Tricia Parish) It is solely based on the setback. So if it is near a residential zone, then they are bound to the 200 ft. or the \_\_\_\_\_ tower.

(Ms. ?) So, they could possibly even go out further, not in this residential area, but go out somewhere else further away from this residential area and put up a taller tower.

(Tricia Parish) As soon as they bump into the critical zone if they do that .....

(Ms. ?) No, I'm saying maybe to the east, further out east.

(Tricia Parish) You are pretty much running into the critical zone there. I wish I had brought a map.

(three people talking at once)

(Male voice) Theoretically, the answer is yes. It may be limited by the practical impact of the flood zones, but ....

(Tricia Parish) I wish I had a zone map with me. The triangle for the airport influence and critical zone, or I should say there is sort of a long rectangle feature that runs quite a bit this way, but then almost goes into the 29 1/2 Road area. But it doesn't quite meet it so that is why there is some concern, it is near the airport influence area and critical zone, but it doesn't, it's not in it, so you've got critical zone this way and critical zone that way, in two different areas. So, if you moved north you could essentially just be in the middle of it.

(Female voice) OK, so you can't go north ...

(Tricia Parish) You could possibly do it, but then you would have a very tall tower with lights on it, I mean there are trade offs.

(Female voice) I'm just wondering if there is an alternative to putting it in a residential area. If you put up a taller tower somewhere where it is more open and open land rather than in the middle of a residential area.

(Tricia Parish) That's a good question. Unfortunately, I don't have the answer.

(Female voice) OK

(Male voice) Is it safe to say then that the majority of this property cannot be developed because of the setback requirement \_\_\_\_\_.

(Tricia Parish) Well it is in \_\_\_\_\_ zone, I think a 5 acre site ... 12 acre site. We would like to see some sort of setback from the tower for any residential development to not create a non-conforming situation in the future, at least twice the height.

(Male voice) \_\_\_\_\_ restricted influence, I don't know if we talked about it or not. If it falls, God forbid if it would fall down, but if it did, at 140 ft., if it fell out flat it might influence someone building a ranch home there.

(Tricia Parish) Well, it would have to be on the property because it's been set back enough so we fall within that property line.

(Male voice) It \_\_\_\_\_ property that would be built that you can foresee.

(two people talking at once)

(Tricia Parish) We would have to look at that. We haven't had a situation, we would like to not create a non-conforming situation or a safety hazard within \_\_\_\_\_ that fall zone. The feeling is the owner of the property \_\_\_\_\_ lease for the tower. Any future development, you would have fair knowledge of the fact that there is a tower on this property and hope they take into consideration for any future development.

(Male voice) Any questions? It is time for public comment for this item.

(Gary Curry – 1600 Ute Ave., Grand Jct.) I just wanted to clear up a few of the concerns of the council and answer some of the questions that maybe weren't answered. The first thing that is important is that the actual city ordinance limits us to \_\_\_\_\_ sites for these towers. It is very restrictive. Originally I had one site planned \_\_\_\_\_ ordinance \_\_\_\_\_ try to build two towers and because of the fall zone requirements it is very difficult to find a piece of property big enough to build a tower. So that is why this site was chosen. To answer the "why 140 ft", I think if you saw those propagation maps earlier that had the nice colors, you could see that the \_\_\_\_\_ site, the hole is much smaller than the area up there. So obviously the hole is bigger, you need more height to cover more area, so that is why the 140 ft site was presented there because also in our co-location they need 10 ft. separations between carriers and antennas, so \_\_\_\_\_ co-location because it gets them down too low and there are trees and topography that blocks the signal, so all of those things are looked at, it's not just an arbitrary \_\_\_\_\_ that is addressed for the site. Obviously, more height, more problems, bigger fall zone, we aren't looking to build tall towers.

You had some concerns about us being able to \_\_\_\_\_ all possible uses. It is very difficult to know who is going to want to go on a tower, or how many to build the tower for. It's just not possible. Four carriers is quite a few for the business, and as I said

before, \_\_\_\_\_ four carriers \_\_\_\_ is engineered for that many antennas. Certainly wireless internet, very low wind blowing on the tower, small little dishes or small antennas \_\_\_\_\_ or those kind of antennas. There's not much of a wind load on those, you can get a lot of those on a tower \_\_\_\_\_ engineering very much but you can't really foresee how many people will want to use that site. We're concerned about power coverage, but you know all the other carriers have their own ideas, so what they want to do and their engineers have their own ideas so we can't address that. This site was chosen because it was 12 acres. The property is the buffer from the residential area. Smaller pieces of property are closer to residential areas. That is why we thought it was a good site.

As far as the lighting issue, it is my understanding that the FAA requires it to be lit because of concerns from the airport. After talking to them, Greg seemed to think that they were concerned because there were public complaints, so that is why he is not really able to give me a definite answer on the lighting requirements. I believe it is up to the airport to say whether it needs to be lit or not. I think pretty much it could go either way, but that is their interest that they are looking out for so that is why he was unclear.

And the final subject, the "fall zone". I know there are concerns about the fall zone. These towers don't fall over, first off. Secondly, if they were to fall, they are engineered to fall onto themselves. Typically, we have lots of letter that we have provided to the city and all the engineers that design these say that very thing. They are not .... if some 150 mph winds or something like that, they are designed to \_\_\_\_\_, but not to fall over, but again, I'm not an engineer. I think a 2-1 fall zone is more than adequate. It would have to fall over and roll to do that end over end which doesn't seem very possible.

If anyone has any other questions, I would be happy to answer them.

(Male voice) I gather that some of the concern about lighting is because the potential objections are from people \_\_\_\_\_. I also heard a reference to the \_\_\_\_\_ of wind \_\_\_\_\_ used on light houses. Should we interpret that to mean that these lights are going to be directed up and thus would not be objectionable to the neighbors.

(Gary Curry) I can't address whether it will be objectionable to the neighbors, but it is my understanding that it goes round and round. It is directed up, obviously, because that is the audience it is trying to catch. I couldn't say if it is going to be objectionable to anyone.

(Male voice) But they will be directed up, not shine down like on a baseball diamond.

(Gary Curry) No, no. Again, it's for \_\_\_\_\_ try to be as unobjectionable as possible.

(Male voice) Thank you. Would anyone else like to speak for this item?

(Dale Hunt – 631 Pioneer Road, Grand Jct.) My property is about ¼ mile south of the proposed site. First, I would like to thank this board for hearing the proposal and paying attention to both sides, both the opposition and the support for this tower. Your attention to our community as a whole is greatly appreciated I'm sure you know that. I

am here tonight to show my support and approval of the site that Cleartalk has submitted to you for consideration at the Meiers land on 29 ½ Road. I think it is important to say that I am employed by Cleartalk and that I am the Marketing Manager for them. But, in addition to that, I am also a resident and property owner in the proposed site area. With that said, I must say that I believe I have an excellent understanding of both the opposition and support of the proposed site and understand the concern \_\_\_\_ see the opposition point as being air traffic, as being property value as being public safety and obstruction of view I see as support \_\_\_\_\_. Although these are concerns that should be considered by this board, I have seen \_\_\_\_\_ to support any air traffic or public safety. I know the safety of my family would not be in jeopardy if this board would recommend this site. In addition, as a property owner, I see absolutely no events to indicate that this proposal would in any way affect the value of my property or any of the surrounding property around me.

Furthermore, in doing an extreme amount of research on my own, I can support that the tower would not be any more of an obstruction to a property owners view and one of the dozens of 90 ft. tall cottonwood trees that currently obstruct views from 29 ½ Road corridor. I can also see the points of those supporting. I can see how Cleartalk has effectively met all the requirements and codes or have exceeded those codes. I can see that they are trying to provide a tower that is co-locatable and once again I will stress that issue because I think it is really important that we understand that co-locatable means less towers in the valley. I think that Cleartalk has made every effort to make and provide a much needed public service. The placement of this tower is critical to its location to help Cleartalk and the public with our public service. Other site areas have been considered and they do not meet the boards requirements. I think that Craig very well pointed out that we have considered other areas and this one best meets our criteria, as well as the codes that have been established by this board.

I would like to close by saying, as a Cleartalk employee and as a resident of the area, I am very comfortable with this tower being located right in my neighborhood and back yard and I would like to show my unconditional and educated full support for the tower. Thank you.

(Male voice) Anyone else to speak for this item?

(Joe Reynolds – 1244 Main Street, Grand Jct.) I am the Sales Manager for Cleartalk. My main concern right now is the area where we want to put our site. It is a weak area. I am concerned with the 4,000 subscribers that have been loyal to us for the last year. We need this site unbelievable, because our current subscribers are dropping calls in this area. We are talking about business people, professional people, construction people, laymen, a variety of people, so I just cannot stress to you that I am not standing up here to promote more sales. I am just concerned for our current subscribers that have been real loyal to us. So obviously, I am very much in favor of it and I know after working with Cleartalk for a year and a half, they have tried to look for other areas as we have already mentioned. I respect the owners of the area and their concerns, but I really believe in my heart that we are trying to do the best for the community. Thank you for listening to both sides.

(Male voice) Thank you. Make sure you sign in the back. Anyone else want to speak for this item? Anyone want to speak against.

(Evelyn McCabe – 2946 Erika Road, Grand Jct.) I wrote the article in the Daily Sentinel. I understand there is an error in my letter. It was that Walker Field required the lights, not the FAA. This is of great importance, as the FAA action might be regarded as a matter of \_\_\_\_\_, whereas Walker Field \_\_\_\_\_ illustrates their genuine concern for aircraft safety. Not only civilian planes use the airport, but military planes use it for refueling. The city has the authority to reject the application based on extreme danger to aircraft safety. If a plane could crash into a New York skyscraper with all its' warning lights on top of the building, and a known hazard of \_\_\_\_\_, then how much more could a plane crash into a tower that is in its glide path. Aspen turned down the request for a tower based on historical value. With this in mind, how much more should you exercise your option on the basis of saving lives. You cannot say to a family of victims, "we goofed", and expect them to understand. On a personal note, my uncle \_\_\_\_\_ since 29 and he is officially recognized for inventing the \_\_\_\_\_. He was appointed to the CAB, forerunner of the FAA, and kept on by President Coolidge. His greatest concern was plane safety and he worked hard to determine the cause of plane crashes. This was not easy work, the \_\_\_\_\_ of aviation. He would be sorely disappointed with this move today and I am surely unable to understand \_\_\_\_\_. Thank you.

(Kathy Deppe-Spomer – 676 29 ½ Road, Grand Jct.) My east property boundary aligns with Mr. & Mrs. Meiers southwest property boundary, so the location of the proposed telecommunications tower will place the tower basically in my back yard. While this neighborhood is truly aware that the city cannot object to the placement of the tower on the basis of zoning only, where then do we get any kind of protection for our own property rights and property values, if not from zoning. This is a quiet, rural setting, with homes on small acreage's, and well cared for peaceful subdivisions. There are four subdivisions in the immediate area. They would be Brookwood, Brookside, Northglen and Scotts Run. As you are aware, the current zoning is residential and if you have been out to see the site, you know that the highest and best use of this land is for the purpose of residential. While there are concerns for the neighborhood regarding Walker Field airport and the flight patterns, our major and utmost concern would be the devaluation of our property values and protection of our property rights. It is hard to believe that there are not better sites for this tower without invading a residential location with commercial/industrial type structures.

Of great concern, I would question Cleartalks motives for this site. In a letter to the editor of the Grand Junction Daily Sentinel dated March 5, 2001, and written by Gary Curry, Operations Manager for Cleartalk, Mr. Curry indicates that with regard to wireless internet antennas "our network sites have been presented to the city all along as being co-\_\_\_\_\_, capable of being used by a large number of service providers. The result is four or five service providers per tower, not four or five towers." We've heard that several times tonight. Yet with the application by Cleartalk to the City Community Development Department, a letter from Cleartalk dated January 31, 2001, and submitted with the application from Craig Hoff, Site Development for Cleartalk, Mr. Hoff describes the facility as "proposed facility is 140 ft. non-lighted monopole tower with non-glaring metallic finish. The 140 ft. height will enable \_\_\_\_\_ to be co-\_\_\_\_\_ for four

carriers. The site will contain a steel monopole, microwave dishes and three sector antennas at 140 ft with future placement of up to three additional carriers ten feet below each additional array.” This is understandable and we’ve all heard that over and over tonight. Keeping what Mr. Curry said in his letter to the Sentinel; however, Mr. Hoff’s letter goes on to say the base level of the tower will contain the base transmitting station or the BTS and a radio receiver on a concrete pad. Additional pads and additional equipment shelters will be installed to accommodate future carriers”. If this were true, if they planned to only install one tower at this location now or in the future, then why is there talk of additional pads being poured or additional shelters being brought on the property to house additional equipment.

We only have to believe that their application will eventually lead us to their request for more towers at the site, if that is possible, given setbacks that are required. I did take time to look at other Cleartalk towers and I have taken some photos. I don’t know whether you can see my photos here or not, I have some extras.....should I just lay them on the table. I took a photo of the Cleartalk tower currently located at their main office at 1600 Ute Ave. That is in the middle of the picture. On either side of that, I did get close enough to that tower. This is how they maintain that tower site at 1600 Ute Ave. I don’t really want that in my back yard. The bottom picture on the left hand side is the proposed location. My property does cross over the drain ditch, so that’s my site at this point. When that tower is located there, if it is - I’ve had it visually inserted into that picture - that gives me an idea of what I am going to see every morning from my own picture windows in my own house.

In their application, Cleartalk speaks of utilizing existing trees at the site to partially shield and buffer the site from neighboring properties to the west and provide a backdrop for the site to the east. The existing trees consist of one very old cottonwood tree which you can see in the background of my picture. I’m not sure that cottonwood tree is really on the 75 X 75 site, I think it is just east of that site just a little bit. The other vegetation around there consists of old Russian olive bushes and oak brush, which are no taller than about 15 feet and, at most, they’ve been eaten of any leaves by Mr. Meier’s donkey herd in the last few years, so they aren’t going to do much to shelter a 140 ft. tower.

I am totally aware of Cleartalks contribution to the Grand Junction community in providing better wireless services, job opportunities and participation in the community; however, at what price do I show my appreciation. As a 22 year veteran of the Grand Junction real estate market and a co-owner of a local residential construction company, I am totally aware of what issues such a tower can bring to the devaluation of a neighborhood and the surrounding homes. I would ask that the Planning Commission not approve of this application, but propose communications towers in this residential location. I did submit 47 letters of opposition from surrounding properties and I have one additional letter with me tonight, for a total of 48. Thank you for your time.

(Bob Smagala – 2942 Shavano Street, Grand Jct.) Commissioners, I reside in Scotts Run subdivision, just off of 29 ½ Road. I am here standing in opposition of this proposed tower, but I have some solutions for you too. When I had to sign up for my Scotts Run, I actually had to sign...there was a subdivision filing which had restrictions



on height development to a maximum of 25 ft. Maybe I can understand that. Maybe it is based on setbacks or things like that. Also in our covenants and so on, I couldn't erect a flag pole or things like that, so in the general neighborhood I would like to see that kind of carried forward. The other part was in my covenants and so on there was an aviation easement and it talked about Walker Field, it talked about navigational air space, but also we are supposed to be able to not make it difficult for fliers to distinguish between airport lights and everything else going on. Well, as a \_\_\_\_\_ to this, there is a direct relevance to this and I feel that there is a rotating beacon out there on Walker Field. From my home in Scotts Run, I actually see beacon flashes from \_\_\_\_\_ or an irritation as the beam strikes the neighbor's swamp cooler, thus, the tower would also be illuminated by the rotating beacon as well. So that is another consideration, even if you put lights on top of the tower, as a requirement you are going to have cloud reflection and so on which could be an irritant. You may also know that you have a set of eagles living in the area and that also could be something for them to roost on, so later on you are going to have to go up there and clean it. Further consideration is that the single monopole tower may be difficult to recognize and would be a distraction to low level flight, the fact that it is just there, and I really do think that you would be better off putting in a group of towers rather than just a single one.

I do make some recommendations. I would like to see the tower and all these facilities that you are considering really be put in the current utility corridor spaces that are already available. For instance there is one over here off of 29 1/2 Road, there's the sub-station there owned by Grand Valley Electric and that would be an excellent place because it isn't far away. We're probably only talking 600, maybe 800 to 1000 ft. away from where they are currently specifying that. There is an excellent site .....if I could use your map I would like to point out where this might be ..... the sub-station that we are talking about is located right about there. See that is the sub-station, they have a 69KB system that is running down through here. This is all a utility corridor, there is a gas line that runs underneath this and just as you cross the bridge that crosses the canal and you go over in this area, you have a natural rise in the topography. Right here there are appropriate telephone poles that are already there or power poles that are probably in the 35 ft. range. As Gary mentioned, the top of this tower will only be 40 ft. above the airport runway. Well, over here you would also have the option of within 30 ft, you are already 40 ft. over the runway. What I am coming to is \_\_\_\_\_ this area where you see my little pointer, that is a natural rise. Multiple towers, or a whole antenna farm could be put right there and you could actually have more structures out there available for additional places such as Commissioner Binder has been interested in. This is located, there is power already there, telephone lines already off of 29 Road. It is a clear shot, once you are on top of that you can see all the way down I-70 to the east, all the way to the west and it is a nice place to look at. If you really want to eyeball that, the best place to go is off of 32 Road just as you come off and you are going down across where the bridge crosses the river, you take a good gander straight out to where the airport is, you'll see that rise. It is so natural. It is a very good place and so my recommendation for, what I ask the commissioners to do is please resubmit the current request to construct a 140 ft. monotower and possibly relocate it to areas within the utility corridor.

(James Mackley – 687 30 Road, Grand Jct.) I am also here to speak against this. Ms. Spomer basically has a view from the west looking at this tower and I have the same view from my property. It's definitely not a suitable location, I don't think, for this type of a structure. Right in the City Zone Regulations regarding telecommunications towers, in #10-A, it states towers and telecommunications facilities shall be located to minimize any visual and other adverse in the neighborhood, especially residential areas and land uses. It appears to me that we are very much not paying attention to that, in this instance. As the last gentleman pointed out, possible location there. I'm not a telecommunications engineer, nor do I claim to be, but another possible location that might be of interest to the city would be the Matchett property. That is on a natural rise, as well. Out by the firehouse there at 28 ¼ Road. I'm not sure engineering-wise how that might work out, but the city does own that property. The city also owns the Burkey Park property, as well, even though that is much more tightly restricted by residential. It pays to consider. There are other options out there. I think options that would have far less impact on a great number of people. I think they should all be looked at much more thoroughly. Thank you.

(Paul Crabtree – 678 Shavano Court, Grand Jct.) I would like to be on record as opposition to this proposed tower. One of the reasons would be the same reason as Kathy. When I look out my living room window I now see natural beauty. When this tower goes up, I am going to look out my living room window and see a tower and it will stick up above Mr. Garfield. I would also, in site selection, I would also wonder if the consideration of hiding the tower in a grove of trees. There is a grove of trees just west of our subdivision in a corn field that perhaps the tower could be built in and they would be maybe 50 ft. high or 60 ft. and the tower would be in among the trees and not be as intrusive as out in the open like it would be at the proposed site. I think that would be another consideration given to this. Thank you.

(Mary Anne Pacini – 624 Pioneer Road, Grand Jct.) I just want to thank you all for all the planning you have done and research on this problem \_\_\_\_\_ questions and \_\_\_\_\_. I just have a couple of concerns \_\_\_\_ on the towers in a residential area. On this other, the tower proposal, \_\_\_\_\_ went over other sites that we were looking at in addition to the one that we settled on. I was rather surprised that when he set forth this proposal that you didn't go over any other sites that might be appropriate for this tower. I know, in further discussions he went over those that they had that would be appropriate \_\_\_\_\_ that we had considered. I wish that had gone over those other sites.

The other concern I have is that we are going to have more towers coming into the Grand Junction area and if more carriers are added onto this tower, what will that mean to the tower itself. Will it blossom into more towers in that area, or will it still remain the one tower. I'm concerned about, it's still going to be in the critical area of the runway. I don't think the FAA would stipulate that a critical area unless it really was. If the tower is going to be \_\_\_\_\_ then that is going to be even harder for airplanes to pick up this tower and I know we have air shows that are going on at the airport and those airplanes fly low and it would be difficult for them to pick up this tower. When they have a snow storm in Denver, we have planes diverted to Walker Field and at the time that these planes are diverted, there is no controller on staff at that time because it is in the middle

of the night. Will pilots who have never flown into Walker Field be aware of this tower. Also, we have F-16's flying in here for refueling. We have pilots who practice their take off's and landings at Walker Field. Will they know about this tower, especially if it is not lighted. I'm a bit concerned about the statement that Mr. Hoff stated that it is just another pole in the area and people wouldn't notice it. Well, in the residential area, we kind of notice it. In the commercial, yes, you're not going to notice another pole because there are high buildings, but in the commercial and residential area it will be a sore spot. I'm also surprised that when people submit building plans, they also submit a landscaping design along with it. I would have appreciated it if he had submitted a landscaping design like they are going to put up around this tower, I know for one thing, out by where you get on I-70 there was a bus depot where they do \_\_\_\_\_ and stuff on buses and they have said they were going to do this landscaping, and this landscaping, then when it's all finalized, all we had was a fence and just a little bit of shrubs. I would have liked it if he had submitted \_\_\_\_\_ with the nice people here \_\_\_\_\_ could have seen what it was so that we could have commented on it. My final thing is that Mr. Hoff says he has an obligation to his 4,000 customers. Well, he has an obligation to the residents and those around \_\_\_\_\_ and to people who have a \_\_\_\_\_ going to affect them and now is the time to submit guidelines for towers. I think it is important \_\_\_\_\_ to right now start \_\_\_\_\_ because we are going to have more towers coming in here and this is going to set a precedent for other towers being built and if this one is built in the residential area, that is going to set a precedent for other towers being built in other residential areas and we really do need guidelines in the future to go over these plans. Thank you.

(Ken Richards – 2973 Bookcliff Ave., Grand Jct.) My residence is about ½ mile south of the proposed site. I would like to thank the commissioners for taking time out of their busy schedules to volunteer for this board. It is admirable.

I think I should probably begin by stating that I, too, work for Cleartalk. I am the Business Manager for them; however, I have a unique perspective. I was not going to speak until I heard all of the comments concerning aviation traffic. If I may, show on the \_\_\_\_\_ the proposed site is approximately right here. I am a commercial instrument rated pilot, and while I do not fly commercially, I do fly recreationally, and you can see from the pointer where that tower is. It is not in the direct flight path of runway 29 nor the adjacent runway. It is further ... it is far enough south that it is out of the zone of influence. As Mr. Hoff has stated, the top of the tower is only 40 ft. higher than the base of the runway. As a pilot who flies in and out of Walker Field, day and night, this proposed site, not quite 2 miles as the crow flies from the end of the runway, I do not feel that it would put me in any danger of piloting my small aircraft at its proposed site or its proposed height. I would like the commissioners, when they are weighing their decision for this site, to take into account my unique perspective on the location of this site and its height. Thank you.

(Commissioner Dibble) Anybody else like to talk or give further testimony? If not, we'll close the public comment here and \_\_\_\_\_ rebuttle by the commissioner. If you could just address the items that you need to as far as questions or concerns.

(Mr. Hoff) We did pick this site and I'm sorry we didn't spend more time going through the other sites that we did look at. We looked at nine different sites. We did look at Matchett Park, we did look at some others. The suggested site up here in the utility corridor does put me right in an area of influence by the airport and the critical area. It would be convenient if I did have a utility corridors, but in this case we did not have that. We are in the telecommunications business. We need to construct this tower in such a way to service our area. It is in the middle of a 12 acre field. We chose this with that \_\_\_\_\_ in there. There is not, as you can see, from the ariel there is some development around it but there is not as densely packed as if you came back down to Patterson where we were looking \_\_\_\_\_ of two large subdivisions on each side of it. Again, we don't do this to be the bad guy. The codes that are in effect now are very restrictive on where we can go. You guys are more and well set up to deal with the communications industry and the siting of towers than most places. We ... at this site does meet all the criteria and the codes for that. Towers are allowed in residential areas through this conditional use permit. We did contact the adjoining property owners that would be affected by the reduction of that setback. We can move that site where it \_\_\_\_\_ wouldn't help. We are using trees to screen it. Again, the height is a necessity here. Multiple towers at lower height don't work. Moving back out to the east takes me out of my engineered coverage area. We are at the limits of where I can go as far that way and this way ... There was a suggestion by somebody earlier that we should look at the existing water tanks out there. They are just too far away. When you start moving these towers it affects everything. If I move this tower, I have to move .... I have to still fill the coverage objective. If we move this one out to the east, I am not going to be able to reach my coverage objective. I already have the east covered. We are trying to fill a center area. We have a specific coverage objective here and we did spend an awful lot of time looking at multiple sites. I had three application hearings. We don't want to waste your time, nor do I want to waste my time. We had pre-application hearings at several of these sites and just general meetings to go down there and say "what do you think about this one". We did do our homework here and, no, I'm not covering all of the questions that were asked or presented up here, but we did choose this with the fact that it was a nice large lot situated mostly away from any large developed areas.

When I am saying that ...I have my typical 70 ft. X whatever it is, a normal lot. I'm not used to the 12 acres, but Mr. Meier was kind enough to allow us in there, looking at other sites in there. You know, putting it in trees. Sorry, I should have looked at my notes. Trees block our signal. That is one of the problems. We would like to be able to have this hidden behind all kinds of trees. But trees block the signal from antennas, so that doesn't work. The people that own these properties with the trees, there is no guarantee you are going to be able to \_\_\_ on the tower. We have to negotiate a lease and everything else. The eagle situation is part of our studies that we do prior to this \_\_\_\_\_ Grand Mesa Consulting. We do a raptor survey, we do a \_\_\_\_\_ checklist. We do a lot of work so these towers are not a hazard to those, they can't be, so this is not a rotating beacon. A rotating beacon is a special light used only at airports. It is not a rotating beacon on top of the tower, it is one color during the day and another color during the night and it just has a sleeve that slides down and covers it and it does shine upwards.

There is one other point... I did want to...this picture of our location, I'm sorry, the picture of what our sites look like, that is taken through the neighbors property. That is what our sites look like. This 1600 Ute is our office. We do have some that we have things there, but our sites are nice, they are clean. The building on the lower corner there is not ours. That is another facility right outside there. The inside of that fenced area is what our sites look like.

As far as building multiple towers on the Meier facility, the scenic pad and location and we didn't get into this too much, but they do require some sort of shelter and electrical equipment at the base, it is called an BTS, base transceiving system, if I have that wrong Dave is going to probably shoot me, he's the tech. But, as other carriers come in there, we put down cement pads. Different carriers use different types of shelters. We have these little cabinet types, some bring in other types of shelters, and it just protects the equipment. Those cement pads are just 20 X 40. They are \_\_\_\_\_ design and \_\_\_\_\_ show that so. We are not planning a multiple tower site there. There are some interference issues by going in utility corridors. We do need separation between some of these areas some interference issues are high voltage. There is also, we do require separation between antennas \_\_\_\_\_ center line to center line and we need separation from existing towers or other towers that are out there. We can build them on \_\_\_\_\_ communication sites. But, we need that 40 ft. separation. Those are very seldom used. We try to not build towers, I have a hard time understanding why a tower \_\_\_\_\_ would be preferable to single, and if I missed something, please...

(Commissioner Dibble) One question, about the donkeys. The donkeys are going to still stay on the property, is that correct to your knowledge?

(Mr. Hoff) Yes sir.

(Commissioner Dibble ) Is there any preventive maintenance of them eating up the growth that you plant as a buffer around the tower?

(Mr. Hoff) I actually got on the internet to see if there is anything donkeys won't eat that would fit for the landscaping. I didn't put a lot of time and effort into it, but I had a hard enough time translating the latin for the landscaping. We will protect ... Mr. Meier has electric fences out there. We will work with him to do that. It is our obligation to maintain that landscaping so we are fully prepared to fulfill that obligation.

(Commissioner Dibble ) From an environmentalist perspective, is there any health hazard to the donkeys from the radiation or electrical waves.

(Mr. Hoff) I can tell you about \_\_\_\_\_. I don't know ... I don't know, there could be. I know that our towers are safe. The emissions that come from these are so minimal that...

(Commissioner Dibble ) So, if the donkey were standing within, say 20 ft. of the base of the tower, or 50 ft., he wouldn't be suddenly be, (laughter) less than a donkey?

(Mr. Hoff) No. (laughter) We have technicians that climb those towers, so ... No, no problem. They are fine, even from electrical shock. There is a grounding halo grid that is put in there, so there is no danger to it at all. They are more like dogs and pets out there. They do sneak out of the trees and scare you every now and then. I know, Gary thought I was a city boy the first time I walked out through there, but they will be fine.

(Commissioner Dibble) Any other questions.

(Commissioner Binder) As far as esthetics, back to the fence height and barrier, I noticed from the picture that was presented as evidence awhile ago that there seems to be a clear view through the fence. Is there anything that would be required by staff to put a barrier, including one that already exists perhaps, so that the site at least at the base of this outbuilding or this building that is below the tower would be sheltered. That might be a little bit of the esthetic problem.

(Mr. Hoff) There is a landscaping plan that is submitted in there with your packet, and it is very specific as to the size and spread and height at maturity that will go in there to help do that. There is one, two, three, four, five trees and multiple shrubs. I believe the shrubs are 6 ft. at maturity and 8 ft. wide, at least that's fairly close, something like that, then there is all the other, it is a little halo looking area that runs down there that is existing 15 ft. tall vegetation that will be in there, or that is there \_\_\_\_\_ the rest of it with pressurized underground watering system. I know it's kind of on the side, but did you know that you cannot get a water tap just for landscaping purposes.

It has been one of our biggest problems when we go and ask for a water tap. I can't get one. So it's been, that is also another difficult thing that has come up deciding is finding someplace where somebody will give me water or do something different, but the code requires that we install a pressurized underground watering system and Ute Water will not give you a tap for landscaping purposes only.

(Commissioner Dibble) Are there any water rights that come with the lease

(Mr. Hoff) No, I think we'll probably .... our lease, I'm not all that familiar with it, but there are some requirements in there that the landlord with work with us to help us get this through. There is water over there, that is one of the reasons we went there. He had water already piped that direction to help water his donkeys.

(Commissioner Dibble) Any other questions? Thank you.

That closes the public hearing. \_\_\_\_\_planning commission discussion.

(Commissioner Binder) Sometimes I feel like we are between a rock and a hard place. I guess I, in listening to the testimony, I definitely feel for the people where this tower is being proposed. But we have to base our decisions on facts and laws and codes and all those kinds of things, so, what I am basing my decision on tonight is that I, we have to be shown evidence and I have not, have been told that there is no evidence to support the fact that property values would decline because of a tower of this nature, but I have not been shown that it won't. So when I think about this myself, I have to

draw on my own good common sense, I hope it is good common sense, but myself, if I were wanting to buy property, I definitely would not buy property that is located by a big tower like this that would obstruct my view of the beautiful things that we have in this valley. So using my own common sense, based on what I know myself, I can't support it, I can't support this, also, in a residential area. I think there is a need for towers, we've been shown that tonight. I think co-location is a good idea, but residential areas are a completely different thing than commercial or industrial areas. I also was told tonight about the highest and best use for this property. Those are things that we look at, and I do believe that the highest and best use of this property is residential, that's what it is zoned for.

We continually hear, with every subdivision that we approve, that you have to have covenants in that subdivision on height restrictions, fence heights, all these kinds of things, and then we have something that comes along that flies in the face of that and says we are going to put up a 140 ft. tower, when people in their own subdivision can't put up fences that are higher than 6 ft. or can't put up flag poles. To me, my common sense tells me this does not make any sense. In the code book in Chapter 4, page 62, 10-A, towers and telecommunication facilities shall be located to minimize any visual or other adverse impact in the neighborhood, especially residential areas and land uses. I think it is right there in the code, and this would definitely be a problem with use in the residential neighborhood. I guess that's it. So, I cannot support this in a residential neighborhood and that is what I am basing my decision on.

(Commissioner Dibble) Thank you.

(Chairman Elmer) I guess I take a \_\_\_\_\_ I guess, a different view, basically because of the federal law that is pre-empting a lot of the local land use issues. We've written a code to provide the restrictions necessary to protect neighborhoods and probably the one that is most restrictive is the setback and consequently it makes it difficult for them to find sites. It is obviously a fairly large site and prohibits them from going to other parcels like Patterson Road, which is very well developed. You are not going to locate it typically on a church property or smaller property, so I think our own code is maybe the consequences, the intent was good, the consequence limits where they can put it. I think as far as the residential area too, it is talking about minimizing, in fact it doesn't say to preclude or completely prohibit any impact and when I look at a single pole, it does, because it will allow other carriers. I agree with the petitioner that it is much better than a farm of smaller poles. It doesn't block the view, yes it does, but definitely from esthetics, but they still have the view of the mesa and the bookcliffs versus a large structure that would block their view totally. I think from an aviation... it is pointed out that is someone is down that low, they've got much bigger problems to worry about, they are not going to make the runway. I stood out there and watched several planes land and that flight path is nowhere close from the height, I mean altitude or direction, so I don't think \_\_\_\_\_ FAA and expert testimony that that is not an actual consideration. So, as you said, it is one of the necessary evils, I believe it is the intent of the code and the criteria of conditional use permit.

(male voice) In terms of applying common sense to reach a solution like this, nobody would ever accuse congress of \_\_\_\_\_ when they wrote that law, would they.

(Commissioner Dibble) I have to agree with the chairman and some of his points. The tower... common sense in order to achieve the pattern necessary to fill in this mid gap here in their business coverage has to be someplace in that general area and it is all residential in there. So the tower has to be placed somewhere that makes sense from that perspective. No one, it's like the same thing we face when we look at new subdivisions, no one wants a new subdivision to come in and block my view of the monument or to block my view of anything else. We just don't want that in and that is understandable and I wouldn't either, I wouldn't want a tower built there any more than you do, but it should be built some place if we are to achieve some of the goals that our society demands. Esthetics of a narrow tower being erected, I don't know what you could do about that, but I do know that after awhile, in the \_\_\_ they tend to go away. I very seldom see a high tower any more. Perhaps I'm just not looking around enough, but I think they are there and they are a part of our natural life in the valley. I don't know that it would restrict or lower property values. I think as e discussed, it doesn't, there are no facts given that it does lower property values. So, I don't know, this area seems to be the most adequate for the setback issue and seems to be the most adequate for the developer of the system, but probably is something that we ought to consider favorably at this point.

(Commissioner Nall) I think you are right, sometimes we are between a rock and a hard place on some of these issues. To me, I think \_\_\_\_ made some very good points, it's pretty common sense. If you look at property values, there are probably some good arguments that there could be some devaluation just from common sense, but I guess the point that I kept trying to question and get answered is did we look at all the alternatives, did we look at every piece of property to make sure there isn't a better place that would have less impact of less people. And the questions that I got back from staff and from petitioners, they gave me what I would call a good qualified hunt to try to get this tower in. They are bound by our own code and \_\_\_\_ . Of the fifty places to put it, this would be the fifty-first place I would choose. But, it just seems like there is no other logical place to put it and still meet the needs of what we are required to do under these federal laws, so for those reasons, I would vote for this conditional use permit.

(Commissioner Putnam) I have serious misgivings about putting this in a residential neighborhood, but it looks like there is no other alternative.

(Chairman Elmer) Any further discussion? I will entertain a motion.

(Commissioner Dibble) Mr. Chairman, on item CUP-2001-032, I move that we approve the Conditional Use Permit for a co-locatable 140 ft. telecommunications tower subject to staff recommendations and conditions, due to compliance to section 2.13 and section 4.3.R of the Zoning and Development Code.

(Commissioner Nall) Second

(Chairman Elmer) We have a motion and second to approve the Conditional Use Permit for a co-locatable 140 ft. telecommunications tower subject to staff



recommendations and conditions \_\_\_\_ for the reasons stated. All of those in favor say "I". (several say "I")

Against? (one female says "I")

Motion carries 4-1. Thank you.

P

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March 21, 2001

Tricia Parish  
Community Development Department  
City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81501

Re: **NOTICE OF APPEAL**  
CUP 2001-032

Dear Ms. Parish:

Kathy Deppe-Spomer, Gerry Spomer and Robert Dorssey hereby appeal the decision of the Grand Junction Planning Commission approving the Conditional Use Permit to construct a 140-foot monopole telecommunications tower at 688 29½ Road.

**ISSUES ON APPEAL**

- I. Was the applicant entitled to a reduction in the minimum set back requirement?
- II. Was the decision of the Director of Community Development that no existing tower could be used in lieu of new construction supported by competent evidence?
- III. Was the decision of the Director of Community Development and the Planning Commission that the proposed use under the Conditional Use Permit was compatible with adjoining property supported by competent evidence and in compliance with the laws of the City of Grand Junction?
- IV. Was the decision of the Planning Commission that the proposed tower location minimized visual and other adverse impact to the residential neighborhood supported by competent evidence?

### LEGAL ARGUMENT

I. Was the applicant entitled to a reduction in the minimum set back requirement?

The applicant was obligated to locate the tower and supporting facilities 280 feet from all residential property. A 25% reduction in the set back is permissible if the Director finds there is adequate mitigation to visual impact. The finding of the Director that existing trees support a set back restriction is not supported by the evidence in the record.

The General Project Report submitted by the applicant states: "We are also using existing trees and foliage to help in the screening of the facility." There was no independent evidence in the record to identify the visual effect of existing trees as a buffer and numerous neighbors submitted letters of opposition based upon the negative visual impact of the tower. Certainly, common knowledge of the community indicates the scarcity of trees reaching a height of 140 feet.

The applicant indicated correspondence had been sent to "effected" neighbors regarding the reduced set back. Such a statement is misleading if not an outright misrepresentation. From the record it is known that the applicant sent two (2) letters. Obviously, with 48 letters of opposition, more than two (2) neighbors are effected by the proposed tower. A quick review of the assessor's map shows numerous properties along 29½ Road on the west and G Road on the south and east effected by the proposed tower.

Other than the applicant's statement that existing trees would help screen the facility, there is nothing in the record to support the Director's finding that the applicant has reduced the visual impact on the neighborhood. Further, the applicant is obligated to give notice to the effected property owners and two (2) letters does not constitute effective notice. Lastly, although applicant represents that two (2) letters were sent, applicants spoke with both named recipients and learned that neither party actually received the letter purportedly sent by applicant.

II. Was the decision of the Director of Community Development that no existing tower could be used in lieu of new construction supported by competent evidence?

Other than applicant's statement that there are no other towers or locations available to them, the record is silent on this issue. Minimal investigation reveals another tower on Horizon Court north of the proposed tower. At a minimum the Director should have required independent evidence from the applicant that this existing tower was not available to the applicant. The Director should have required a survey of existing towers and evidence of their availability to applicant, or lack thereof, before concluding new construction was required.

Tricia Parish  
Community Development Department  
March 21, 2001  
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### CONCLUSION

Under the Grand Junction land use code, and the laws of the State of Colorado, the decision of the Planning Commission must be reversed due to the lack of competent evidence in the record supporting the approval of the conditional use permit. The application and the Community Development staff report are conclusory without independent documentation or evidence supporting those conclusions. In the absence of findings supported by competent evidence, the Planning Commission approval of the conditional use permit is arbitrary, capricious and must be reversed by the Grand Junction City Council.

The appellants respectfully request an opportunity to present oral argument before the Grand Junction City Council.

Sincerely yours,

GOLDEN, MUMBY, SUMMERS, LIVINGSTON & KANE, LLP



J. Richard Livingston

JRL:jlc

cc: Kathy Deppe-Spomer  
Gerry Spomer  
Robert Dorsey  
John Shaver, Esq., Assistant City Attorney



Jim and Elaine Mackley  
2972 F-3/10 Road  
Grand Junction, CO 81504

March 21, 2001

City of Grand Junction  
Planning Department  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

Attn: Trisha Parrish

To the following: Ms. Parrish, Grand Junction Planning Commission, Grand Junction City Council, et.al.

This letter comes to your as an official protest and request for appeal of the decision made by the Grand Junction Planning Commission regarding, CUP-2001-032, the conditional use permit for the Meier telecommunications tower site at 688 29 Road.

I want to appeal the decision made by the Planning Commission on the basis of lack of communication between staff and the Planning Commission, the apparent unwillingness of staff to pursue other available options and the general lack of following the guidelines for telecommunications sites as set forth in Chapter Four of the Grand Junction Zoning and Development Code.

The Planning Commission did not have the option of perusing the letters from the concerned neighbors prior to the hearing. They were handed the letters during the testimonies of the concerned parties.

Furthermore, I question why this tower can not be placed on the Matchett Property on Patterson Road, which will eventually be home of a City Park. According to Chapter Four of the Grand Junction Zoning and Development Code, Page 62 and 63, #10h, City Property and Buildings. "Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at City parks or other City buildings facilities are encouraged".

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March 21, 2001

I realize that Clear Talk needs to erect this tower somewhere, but what I ask of you, as the City Council, who are elected to represent the people of the City of Grand Junction, is that you encourage them to do so in an area other than a residential area. I wonder how the Planning Commission would have voted if the tower was going to be placed in their backyards and obstruct their views?

Thank you for your time and consideration on this very important matter.

Sincerely,

*James F. & Elaine S. Mackley*  
Jim and Elaine Mackley  
2972 F-3/10 Road  
Grand Junction, CO 81504

P.S. We currently live in Oxbow Subdivision, but have 5 acres at 687 30 Road which backs up close to the Meier Property. We are planning on building a home on this acreage this summer and we bought this because of the wonderful views. If this tower is approved, it will obstruct our views to the west.



May 4, 2001

Tricia Parish  
Community Development Department  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: Appeal Response  
CUP 2001-032

Dear Ms Parish:

NTCH-Colorado Inc. Response to Notice of Appeal; CUP 2001-032

1. Was the applicant entitled to a reduction in the minimum set back requirement?

**Response:** According to the City of Grand Junction Zoning and Development Code (chpt. 4, sec R, 10b) it states that a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view. NTCH requested the setback reduction to utilize existing trees to partially shield the tower from view. A tower antenna needs to be unobstructed to operate properly.

Notice was sent to the two property owners that are affected by the reduction in the setback. The city code does not require applicant to notify all property owners. It should also be noted that NTCH stated in their general project report that the tower could be located 280' from the property lines, in an area where no trees or plants are available for screening, and a reduction in the setback is not necessary.

2. Was the decision of the Director of Community Development that no existing tower could be used in lieu of new construction supported by competent evidence?

**Response:** NTCH furnished to the Planning staff propagation reports that include tower locations. NTCH and others are already using the Horizon tower mentioned in the appellant's letter. The Horizon tower does not meet the coverage objective for the Meier tower. NTCH spent many months looking for a suitable site for the Meier tower and during this time we were unable to locate any existing towers to meet our coverage objective.

**P 970.256.7600**  
**F 970.241.0437**  
**www.cleartalk.net**  
1600 Ute Avenue, Suite 10  
Grand Junction, CO 81501



3. Was the decision of the Director of Community Development and the Planning Commission that the proposed use under the Conditional Use Permit was compatible with adjoining property supported by competent evidence and in compliance with the laws of the City of Grand Junction.

**Response:** The Meier property is approximately 12 acres, with their house and shop being the only improvements. The Meier's run mules on this property and have left it mostly undeveloped. NTCH will be using a 75-foot by 75 foot leased parcel of land for the tower facility. A tower requires only power and telephone to operate properly; the equipment is fully automated and as such does not require constant monitoring by on site personnel.

The privacy of the neighboring properties will be much more protected by this property being used for a telecommunication facility as opposed to it being developed as a residential use. Residential use would create much more noise, dust and odor. This tower is designed to accommodate 4 carriers, and if all four carriers visited the site on a monthly schedule, it would mean only 4-8 vehicle visits per month. NTCH currently visits their existing sites every two months for maintenance purposes.

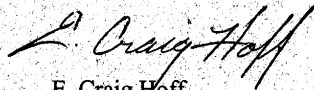
4. Was the decision of the Planning Commission that the proposed tower location minimized visual and other adverse impact to the residential neighborhood supported by competent evidence?

**Response:** NTCH has located the tower to utilize existing trees and plants to partially shield the facility. Additional landscaping trees and plants will also be installed. NTCH spent over a year looking for a site in this area to cover a specific coverage objective. NTCH held several general meetings and pre-application meetings with planning staff, on several sites in the area. These sites included the Church of Christ on Patterson, a city park on Patterson, the Miracle and Lucas sites North of I-70b. NTCH also looked at several other locations but for several reasons, these sites would not work.

**Summary**

NTCH-Colorado Inc. believes that we have met all applicable codes for approval of a CUP to allow for a telecommunication facility on the Meier Property. We have demonstrated due diligence in finding a site that will meet code and have shown that no other location is available that will meet our engineering requirements. We respectfully request that the City Council deny the request for appeal and affirm the Planning Commissions approval for CUP-2001-032.

Sincerely,



E. Craig Hoff  
Site Development  
NTCH-Colorado Inc.

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**CLAIRE B. LEVY, LLC**

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May 7, 2001

Tricia Parish  
Community Development Department  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

Re: Response to Notice of Appeal; CUP 2001-032

Dear Ms. Parish:

Petitioner Gary Meier, through his representative, NTCI Colorado Inc., hereby responds in support of the Planning Commission's decision granting a Conditional Use Permit for a 140-foot monopole for telecommunications uses.

Two appeals have been filed. Jim and Elaine Mackley base their appeal on an alleged lack of communication between staff and the Planning Commission, staff not pursuing other available options, and not following the guidelines for telecommunications sites in the Grand Junction Zoning and Development Code. The appeal filed on behalf of Kathy Deppe-Spomer, Gerry Spomer, and Robert Dorsey raises four issues. None of these issues is a valid basis for appeal. The City Council should affirm the decision of the Planning Commission.

#### ARGUMENT

**1. Appellants did not request a rehearing.**

Section 2.18.E. sets forth the procedures and criteria for an appeal from the Planning Commission's decision on a Conditional Use Permit. It states that a request for a rehearing, as described in Section 2.18.D, shall be a condition required for requesting an appeal. Section 2.18.D also states that a rehearing is a condition for a further appeal. A rehearing provides an opportunity for the original decision-making body to reconsider its decision. If the rehearing is not granted, the appeal may proceed.

It does not appear that the appellants requested a rehearing. Therefore, the City Council does not have jurisdiction to hear this appeal.

**2. The decision of the Planning Commission is consistent with the Grand Junction Zoning and Development Code and is supported by adequate evidence.**

The criteria in Section 2.18.E.1 state that the City Council must make one of five possible findings to grant an appeal. Essentially, the City Council must find that the

Planning Commission did not base its decision on the applicable code provisions; the Planning Commission based its decision on erroneous fact-findings; or the Planning Commission's decision was arbitrary, capricious or an abuse of discretion. The City Council must base its decision on the record made at the Planning Commission hearing. An appeal is not a *de novo* determination of whether to grant the Conditional Use Permit.

1. Appellants claim that the Applicant was not entitled to a reduction in the minimum set back. The Director's decision to reduce the allowable setback conformed to the code requirements.

Section 2.3.R.10.b requires a setback of 200% of the height of the tower. This section also allows the Director to reduce the setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located in a way that reduces the visual impact on the neighborhood. The applicant must give affected property owners notice of the proposed reduction. The record shows that the applicant sent letters to the two neighbors whose property adjoins the property line for which a variance was sought. The applicant did not send notice to all nearby neighbors because the variance only directly affects the adjacent property from which the setback is measured.

A 140-foot tower requires a 280-foot setback from residentially zoned or used property. The applicant requested a reduction of the setback to 210 feet so that the tower would be closer to some trees on the property. The staff report indicates that it supported this reduction. The Applicant's submittal information stated that they would move the facility to comply with the setback if required by staff.

Appellants complain that there is no "independent evidence" in the record to identify the visual effect of the trees as a buffer. The Grand Junction Zoning and Development Code and Colorado law do not require independent evidence of a fact as a condition to making a decision. The Planning Commission may rely for factual support on the applicant's testimony, staff's testimony, or on any lay testimony presented by interested members of the public.

The appellants also argue that the Director's decision was erroneous because the existing trees will not completely screen the tower. That argument misstates the standard for granting a variance. Section 2.3.R.10.b allows the variance if the visual impact on the neighborhood is reduced. Although the trees on the property are not of sufficient height to completely screen the tower, the closer the tower is in relation to the vegetation, the more it will be screened.

2. Appellants claim that the Director's decision that no existing tower could be used in lieu of a new tower was not supported by competent evidence. There is ample evidence in the record that a new tower was the only option available to provide coverage to this part of Grand Junction.

Appellants' argument in support of this appeal issue is again based on the absence of "independent" evidence concerning the availability of existing towers. This misperceives the legal requirement for a decision. The Code, Section 2.3.E.1, allows the City Council to grant an appeal if the decision-maker acted inconsistent with the Code, the findings of fact

were erroneous, or the decision was arbitrary, capricious, or an abuse of discretion. It does not require "independent" evidence.

Section 4.3.R.10.i requires the applicant to demonstrate "to the satisfaction of the Director" that no existing tower can be used in lieu of new construction. The Code specifies minimum facts the applicant must establish: no existing tower is located within a distance that meets the applicant's engineering requirements or that has sufficient strength or space for the equipment; there would be unreasonable interference from co-location on an existing tower; the owner of a suitably located tower will not allow co-location; or some other reasonable factor that renders an existing tower unsuitable.

Telecommunications providers must create a network of interrelated sites in order to provide uninterrupted coverage. The applicant submitted ample evidence that the Meier property was the only available site. Staff received propagation reports from NTCH showing potential tower locations. The testimony shows that the applicant looked at nine different sites and none of them was suitable. Other parcels were not large enough to meet the setbacks even with a 25% reduction in setback. Non-residential properties either were not large enough to meet the setbacks or were located within the airport influence area and would be prohibited by FAA regulations. Properties farther north or east did not provide coverage of the desired area. The applicant inquired about locating on city-owned property that would eventually be used for a park, and was informed that a telecommunications tower would not fit on that site. Utility corridors were not within the search area or conflicted with the airport influence area. The Appellants inquire about the "Horizon" tower. NTCH ClearTalk is already using that tower to cover other areas. The "Horizon" tower would not meet the coverage needs for which the Meier site is identified.

As is clear from the record, a large portion of the testimony was devoted to evidence and questions concerning alternative locations. The Director determined that an existing site was not available. The Planning Commission considered the testimony. The evidence fully supports both the Director's determination and the Planning Commission's decision.

3. Appellants' third and fourth arguments concern compatibility and visual impact. They contend that Planning Commission's decision on compatibility was not supported by competent evidence. Appellants base their argument on an alleged loss of privacy from the flag pole driveway, and on the inconsistency between a tower and a residential neighborhood. The record shows that the proposal meets the criteria for a Conditional Use Permit.

The Grand Junction Zoning and Development Code requires a Conditional Use Permit for telecommunications uses in all zone districts. The Planning Commission must make each decision on a case-by-case basis. The same criteria for granting a Conditional Use Permit apply whether the proposed zone district is industrial or residential. The Zoning and Development Code assumes that some towers will be located in residential zones. It would be impossible to comply with the Code and, more importantly, it would be impossible to provide coverage in Grand Junction, if a Conditional Use Permit requires identical uses in all zone districts. Instead, compatibility must be determined based on efforts to screen and buffer different uses.

The criteria that address the visual and other impacts of telecommunications towers do not prohibit incompatible uses. They require efforts to screen and buffer those uses, and to confine any emissions to the affected property. Section 2.2.D.4.b contains review criteria for site plans. The site must be organized harmoniously and efficiently in relation to topography, size and type of the affected property, the character of adjoining property, and the type of structures. There must be fences, walls or live screening to protect the neighborhood from adverse effects such as undesirable views, lighting and noise. Section 2.13.C contains additional criteria for Conditional Use Permits. In addition to the site plan review standards and the specific standards in Chapter 4, the proposal must comply with the compatibility requirements in this section. Fences, walls, and/or vegetation are again required to enhance the privacy of neighbors. The plan must be designed to have a minimal negative impact on the use of adjoining property. Noxious emissions and conditions that are not typical of adjoining land uses must be confined to the site.

The record shows that the site is a 75' x 75' leasehold area within eleven and a half acre parcel in a multifamily zone district. The location is setback 210 feet from the nearest property line, and much farther from other property lines. The site will have a six-foot fence with additional trees and shrubs to screen it. The applicants have found a large parcel, providing the maximum buffering possible. The facility will not be lighted. Locating in a residential area could not be avoided, as is demonstrated by their efforts to find an alternative site. The access easement will be used for maintenance purposes, requiring at most a monthly trip to the site by each of four carriers. The facility will be unmanned and will create less traffic than an ordinary single-family home. There is no evidence that any noise, odor, glare or dust will escape from the property. In fact, the proposal will not generate any noise, odor, glare or dust.

Testimony from neighbors who opposed the proposal focused on whether there was an alternative, non-residential site. One of the appellants questioned whether the applicant will be requesting additional towers at the site and objected to the impact on her view. Other neighbors objected to the height. The applicant stated that they did not intend to seek additional towers at this location. The applicant and staff demonstrated that there were no locations available in non-residential areas. The applicant demonstrated that the height was necessary to serve the coverage area. The applicant cannot entirely screen the tower behind trees without blocking the signal. The applicant addressed safety concerns in relation to the structural integrity of the tower and airport flight-path concerns.

The Planning Commission considered compatibility and screening issues, and determined that there was no alternative available that would provide service. This decision was based on facts in the record. It was based on the applicable provisions of the Zoning and Development Code, and should be affirmed.

#### SUMMARY

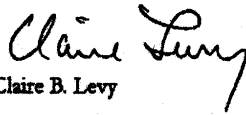
The Director and the Planning Commission applied all the relevant provisions of the Grand Junction Zoning and Development Code. There was a full and fair hearing. The applicant presented evidence on the issues of existing locations, air traffic hazard, tower design, screening, and all other required criteria. The Director and the Planning Commission based their decisions on the criteria listed for a Conditional Use Permit,

- 5 -

May 7, 2001

including the specific criteria for telecommunications uses. The applicant has amply demonstrated that no other location is available to provide the needed coverage. Reversing this decision would prevent coverage of a significant part of Grand Junction. Therefore, the City Council should affirm the decision.

Sincerely,

  
Claire B. Levy

C: Craig Hoff



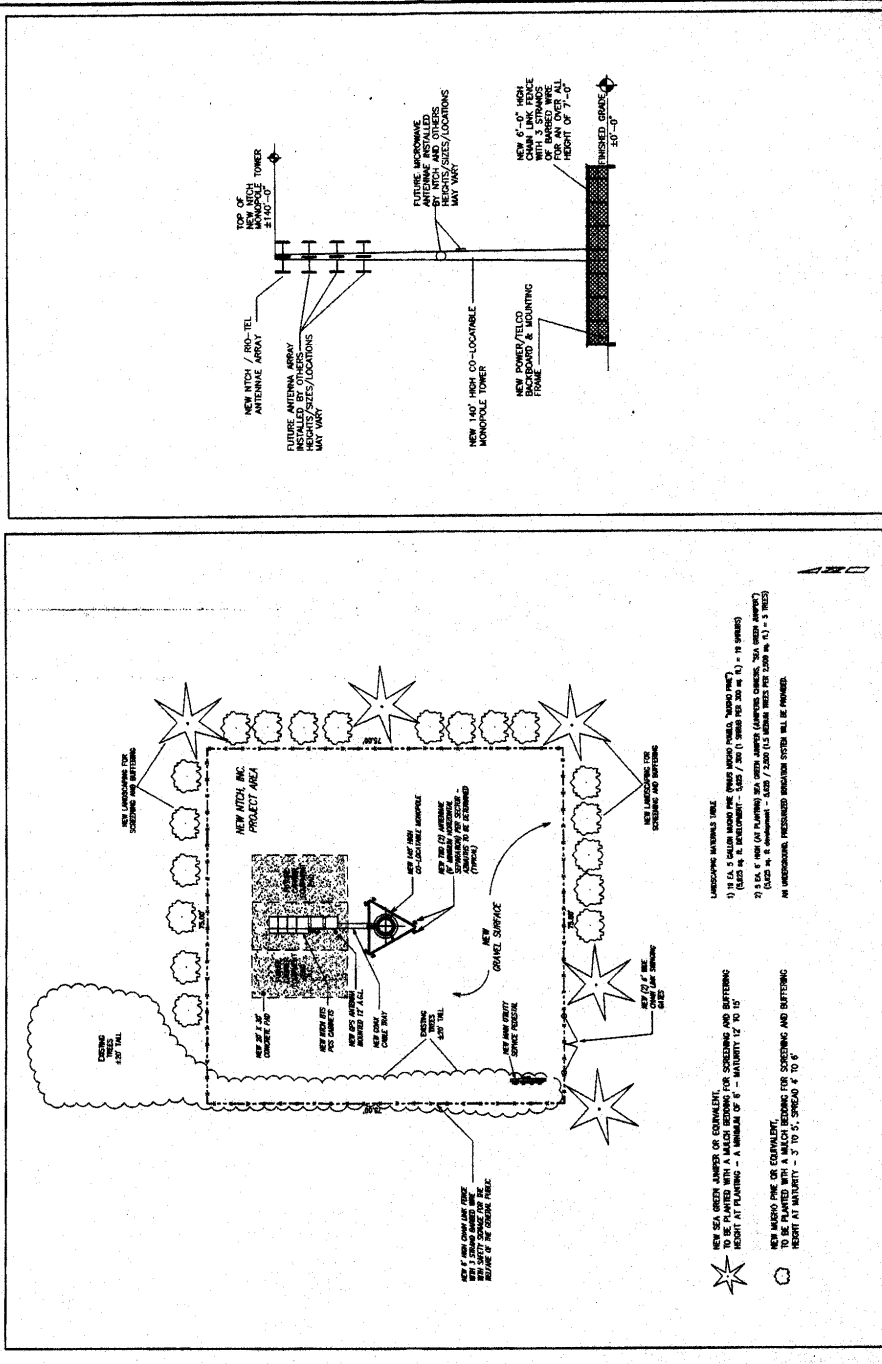






**NTCH Colorado, Inc.**

**NEW THREE (3) SECTOR ANTENNA ARRAY MOUNTED ON A NEW 140' HIGH CO-LOCATABLE MONOPOLE TOWER AND BASE TRANSMITTER SYSTEM (BTS) AT GROUND LEVEL**



ENLARGED LEASE AREA AND SITE PLAN ELEVATION

| <p><b>NTCH, COLORADO INC.</b></p> <p>1800 UTE AVENUE, SUITE 100<br/>DENVER, COLORADO 80202</p> | <p><b>MEIER</b><br/>CO1066<br/>100 N. W. 100th<br/>DENVER, CO 80231</p> | <p>PROJECT INFORMATION</p> <p>ISSUED FOR: <b>PLANNING REVIEW</b></p> <p>DATE: <b>FEBRUARY 26, 2001</b></p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | REV. | DATE | DESCRIPTION |  |  |  |  |  |  |  |  |  |  |  |  | <p>PREPARED BY:<br/><b>ATLAS LAND CONSULTANTS</b><br/>145 W. 25th AVENUE<br/>DENVER, CO 80211<br/>CONTACT: WEE FERGUSON<br/>(303) 583-8125<br/>(418) 791-2088 FAX</p> | <p><b>SITE PLAN AND ELEVATION</b></p> <p>SHEET NUMBER: <b>LS-1</b><br/>REVISION: <b>3</b></p> |
|--|---|--|---|------|------|-------------|--|--|--|--|--|--|--|--|--|--|--|--|---|---|
| REV.   | DATE  | DESCRIPTION  |   |      |      |             |  |  |  |  |  |  |  |  |  |  |  |  |   |   |
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# REVIEW COMMENTS

Page 1 of 3

FILE #CUP-2001-032

TITLE HEADING: Meier Telecommunications Tower

LOCATION: 688 29 1/2 Rd

PETITIONER: Gary Meier

PETITIONER'S ADDRESS/TELEPHONE: 688 29 1/2 Rd  
Grand Junction, CO. 81504  
261-3452

PETITIONER'S REPRESENTATIVE: NTCH Colorado Inc. - Craig Hoff  
256-7600

STAFF REPRESENTATIVE: Tricia Parish

**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., MARCH 1, 2001.**

## CITY COMMUNITY DEVELOPMENT

2/08/01

Tricia Parish

256-4038

1. Please revise your General Report to include how you have satisfied the criteria of the Conditional Use Permit and the Use Specific Standards for Telecommunications Towers (Sections 2.13 (#1-5) and 4.3.R. (#10-26) of the Zoning and Development Code and SSID's checklist X-07). This information is needed prior to further review of your project.
2. Due to the enormity of deficiencies in the General Project Report, and in order to keep on schedule for the March Planning Commission meeting, please do not delay in submittal of a complete Response to Comments. The deadline is March 1, 2001.
3. The landscape plan needs to include a note indicating that "An underground, pressurized irrigation will be provided". Also, please indicate groundcover surrounding the plantings. A mulch is a requirement and should be indicated. (SSID's checklist IX-20)
4. In order to guarantee the height and spread shown by the two species of plants indicated, a more specific species name is required. Please provide this on your description of the plantings' names. No street frontage landscaping will be required due to the configuration of the lot.
5. Please provide a copy of your easement agreements with property owner.

## CITY DEVELOPMENT ENGINEER

2/06/01

Dave Donahue

256-4155

Site Plan shows a 25-foot access and utility easement. However, The legal description states that the easement is 20 feet wide. Please rectify.

## CITY UTILITY ENGINEER

2/16/01

Trent Prall

244-1590

No sewer or water related objections.

**CITY CODE ENFORCEMENT**

2/14/01

**Nina McNally**

256-4103

1. Code Enforcement comments are based upon the most frequently addressed code violations for new construction/uses as they may apply to this project:
2. Screening/buffering/landscaping must be provided and maintained as required in ZD 6.5.
3. Required landscaping must be maintained as required at ZD 6.5.B.15.
4. The owner shall maintain all vegetation, fences, walls and berms so that there is no sight distance hazard nor road or pedestrian hazard. ZD 6.5.B.11.
5. Dust control measures must be taken during construction and for any parking areas Muni. 16-126.
6. Fences require a permit. ZD 4.1.J.

**CITY ATTORNEY**

2/16/01

**Stephanie Rubinstein**

244-1501

Please provide copy of lease agreement for property.

**CITY FIRE DEPARTMENT**

2/14/01

**Norm Noble**

244-1473

No comments or objections.

**CITY PARKS AND RECREATION**

2/16/01

**Shawn Cooper**

244-3869

No Comment

**CITY POLICE DEPT**

2/14/01

**Dave Stassen**

244-3554

The fencing design and height of the fence are consistent with accepted practices for this type of facility. The project poses no adverse impact on police service or response.

**GRAND VALLEY RURAL POWER**

2/08/01

**Perry Rupp**

242-0040

No comment

**MESA COUNTY BUILDING DEPT**

2/13/01

**Bob Lee**

244-1656

Building permit and licensed contractor required.

**PUBLIC SERVICE**

2/09/01

**Dale Clawson**

244-2697

No Comments.

**UTE WATER**

2/12/01

**Jim Daugherty**

242-7491

No objections.

All fees and policies in effect at time of application will apply.

**WALKER FIELD AIRPORT**

2/12/01

**Gary Mancuso**

244-9100

This proposal is outside the Airport Area of Influence.

The applicant has submitted a Federal Aviation Administration form 7460-1 to the Denver Airports District

**REVIEW COMMENTS / FILE #CUP-2001-032/ PAGE 3 OF 3**

Office for their review. Please see the attached response from Walker Field Airport Authority regarding Aeronautical Study No. 01-ANM-0154-OE. The Federal Aviation Administration office can be contacted at (303) 342-1251.

**WALKER FIELD AIRPORT 2**

**2/12/01**

**Daniel Reynolds**

**244-9110**

Since this is a 7460-1 issue for the FAA and a land use issue for the local government, and since the location is beyond airport boundaries and any airport related Critical Zones or Object Free Areas, Walker Field is somewhat limited in its ability to object or not object. However, we would like to point out that the location of this communications tower is directly in the flight path to Runway 29 and probably in the approach path of the LDA instrument approach to this same runway.

See attached map.

Comments not received as of 2/20/01:

FAA-Marsha Hofer

Grand Valley Water Users

U.S. West

RECEIVED

GENERAL PROJECT REPORT  
#CUP-2001-032  
Meier Telecommunications Tower

MAR 1 2001  
COMMUNITY DEVELOPMENT  
DEPT.

**Project description:**

NTCH-Colorado Inc. "Cleartalk" is proposing to construct a co-locatable 140' monopole telecommunications facility within a 75' x 75' leased parcel with associated electrical equipment and shelters on cement pads at the base, on a 12 acre parcel of land located at 688 29 1/2 Rd. This parcel is zoned RMF-5.

**Public Benefit:**

Co-locatable Telecommunications sites are very beneficial to the community. Not only do they eliminate the need for additional towers when multiple carriers are present in the area, they also provide for increased competition among wireless providers. Other benefits include enhanced public safety, 911 calling, wireless Internet access, and opportunities for employment within the industry.

**Project Compliance, Compatibility, and Impact:**

CUP10a This facility is located as far North as is acceptable to meet our engineering requirements without having to increase the towers height. We are also using existing trees and foliage to help in the screening of the facility.

b. We are requesting a 25% reduction in the setback so that we may use the existing trees to aid in the screening this facility. This would place the facility 210' from the nearest property line and 235' from the next nearest property line. We can move this facility to an area that will meet the 280' setback if that is preferred by the city.

c. This facility meets this requirement.

d. This is not applicable to this proposal.

e. There are no other tower structures within 750' of this location.

f. There are no other tower structures within 1500' of this location.

g. Location: There are no other structures suitable for collocation near this site.

h. Cleartalk approached the city to use the city park on Orchard Avenue. We were informed that the park was not scheduled for improvements at this time, and that it would be difficult at best to get a tower in at that location.

i. (1-2) There are no existing facilities suitable to our engineering requirements within the necessary area that will meet our coverage objective.

(3) The Meier site has been planned as a colocatable, multi-user tower that will meet the engineering needs of future wireless service providers. The planned spacing of ten vertical feet between antennas of different carriers mitigates any interference issues between colocatable service providers. Moreover, the proposed installation will not cause electromagnetic interference to any existing communications facility. Our CDMA PCS system will have one 1.25 MHz transmit channel at a center frequency of 1976.25 MHz which is within the C-block allocated for PCS service by the FCC. Since there will be only one transmit channel, there will be no external intermodulation products. Any nonlinear effects in the internal transmitter equipment that generate intermodulation products are included in the spurious emissions specification, which is 45dB below the carrier and so will not cause interference issues. A frequency sharing analysis has been performed by Comsearch and ensures that our PCS network will not interfere with any incumbent microwave links.

(4) There are no other existing towers in this area.

(5) There are no other existing towers in this area.

(6) We will submit engineer stamped structural and foundation plans to the building department for a building permit.

11. This facility and tower meet the regulations of the FCC regarding physical and electromagnetic interference.

12. This facility and tower meet applicable health and safety standards for EMF emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

13. This facility is not in the specified area.

14. This facility is not in an historic district.

15. All of our towers have gone through the necessary review process prior to construction and are on file with the appropriate jurisdiction.

- a. A zoning map was provided with the submittal.
- b. We have included photo simulations with this packet.
- c. This facility is designed to accommodate a total of 4 carriers and is specifically meant for collocation.
- d. Cleartalk works closely with American Tower and both entities are in the business of offering space on telecommunication facilities for collocation.
- e. The public notice mailings were included in the original submittal.
- f. N/A

16. N/A.

17. This proposed facility is placed so to utilize existing trees and plantings to aid in the screening of the base from view. Cleartalk has proposed a monopole of a dull gray in color for this location. Cleartalk would erect a self-support lattice tower if it is felt that type of structure is more suitable to this location. All towers are designed to meet the applicable engineering regulations. (See letter attached to original submittal).

- a. Cleartalk is proposing a monopole for this location. We believe that this type of structure is less intrusive to the views and more acceptable in an urban area due to the fact that the general public is used to seeing single pole structures, such as power poles, light poles and signposts.
- b. This location is not in the designated view corridors.
- c. There are no existing utility structures of sufficient height to utilize for this installation.
- d. N/A
- e. N/A
- f. Cleartalk has placed this tower in a location that will utilize existing vegetation to aid in the screening and also be partially screened by the existing house and shop buildings on the property.
- g. This facility is specifically designed to accommodate collocation.

18. This facility will be landscaped in accordance with the codes. We do ask that some allowance be made due to the fact that this property is being used as pasture for a herd of mules and other livestock. We may need to adjust the location of the landscaping to protect the plants from consumption. Cleartalk will install a gated 6-foot chain link fence with the proper signs for the safety of the general public.

19. This will be an unlighted facility unless required by a federal agency.

20. No signs, other than that required by state or local law will be placed on this facility.

21. This facility is designed to handle four carriers. Cement pads will be used to support the equipment shelters at the base. There are various types of equipment shelters, the largest of which is approximately 12x28x12H.

22. N/A

23. All construction will be done in compliance with applicable codes. Cleartalk will also provide periodic maintenance to the facility.

24. Cleartalk understands that this facility will be subject to review every two years.
25. The tower is designed for collocation of 4 carriers. We do not expect this facility to be abandoned at any time in the near future.
26. Cleartalk has filed form 7460-1 with the FAA and will include the determination if it is received prior to the submittal of this package. We have included a FAA consultants review on this facility.
27. Cleartalk is aware of the appeal process.

#### CRITERIA FOR CONDITIONAL USE PERMIT

1. **Site Plan Review Standards.** Cleartalk has submitted drawings for review by the planning department.
2. **District Standards.** Telecommunication facilities are allowed in the RMF-5 Zoning district through a conditional use permit process.
3. **Specific Standards.** We have addressed the specific standard above.
4. **Availability of Complementary Uses.** This facility requires only power and telephone to operate properly, both are available on site.
5. **Compatibility with Adjoining Properties.**
  - a. **Protection of Privacy.** The Meier telecommunications facility will be situated to utilize existing trees and vegetation to aid in the screening of the base of the tower. Landscaping will be provided in accordance with the code. This site will be an unmanned facility and will not increase traffic to the area. Cleartalk technicians will provide routine maintenance (approximately once a month).
  - b. **Protection of Use and Enjoyment.** The location of this proposed telecommunications facility is situated in a 12 acre parcel, the base of the tower will be 210 feet away from the nearest property boundary and 245 feet away from the next nearest property boundary Cleartalk has proposed a co-locatable tower at this site. The strategy of co-location affords Cities and the general public the benefits of wireless communication services while reducing the number of towers needed in the service the community. By providing a means of co-location this tower will reduce the visual impact of towers overall. Homes have been built and sold in close proximity to telecommunications facilities, and while any number of factors can affect the value individuals place on property, there is little evidence that these types of facilities cause a decrease in the value of surrounding property. Evidence from tax assessors indicates that there is no decline in property values or tax assessment solely due to the presence of communication facilities in the area.
  - c. **Compatible Design and Integration.** Utility structures such as power poles and lines, telephone poles, water tanks and sub stations have long been a part of rural and urban living and are a necessary to support our way of life and contribute to the general public welfare. These structures have become an integral and inoffensive fixtures in the community. Telecommunication facilities support the growing demand for wireless telephone service and do not generate smoke, noise, odors, vibrations, noxious gases, or increase traffic. Cleartalk's objective is to be a good neighbor and comply with the requirements of local zoning and landscaping regulations



**REVIEW COMMENTS RESPONSE**  
**#CUP-2001-032**  
**Meier telecommunications Tower**

**City Community Development**

1. We have provided a revised General Report that addresses the criteria for a Conditional Use Permit, the Use Specific Standards for Telecommunications Towers and the Zoning and Development Code.
2. The submittal will be delivered on March 1, 2001.
3. We have adjusted the landscape and site plan drawings. They are included with this submittal.
4. The specific species names for the plantings are included on the landscape drawings.
5. We have included a copy of the easement agreement with this submittal.

**City Development Engineer**

1. We have revised the drawings to reflect the 25' easement on the site plan drawings.

**City Code Enforcement**

1. Cleartalk endeavors to comply with all city codes.
2. Landscaping will be provided and maintained as required by the code.
3. Landscaping will be maintained as required.
4. The planned vegetation and fences pose no sight distance hazard nor road or pedestrian hazard. There are no berms or walls included in this proposal.
5. Dust control measures will be provided during construction activities and for any parking areas.
6. Cleartalk will obtain a fence permit prior to any construction.

**City Attorney**

1. A copy of the lease agreement is included with this submittal.

**Mesa County Building Department**

1. A building permit by a licensed contractor will be obtained.



February 15, 2001

LaDeen Shuping  
670 29 1/2 Road  
Grand Junction, CO 81504

Dear Ms. Shuping:

NTCH-Colorado, Inc., (CLEAR TALK), would like to notify you that we have requested from the City of Grand Junction Planning and Zoning Department a "Reduction in Setback" for our proposed CUP (conditional use permit) on the Meier property located at 688 29 1/2 Road. The purpose for this request is to utilize existing trees and plantings to aid in the screening of our facility.

We are requesting from Planning and Zoning a reduction of 25% for the facility. This would place the facility 245' from your property line that adjoins the Meier property.

If you have any concerns or questions, please feel free to contact us.

Sincerely,

E. Craig Hoff  
NTCH-Colorado, Inc., (CLEAR TALK)  
Site Development  
(970) 234-1358

**P 970.256.7600**  
**F 970.241.0437**  
**www.cleartalk.net**  
1600 Ute Avenue, Suite 10  
Grand Junction, CO 81501



February 15, 2001

Buddy & Tina L. Bear  
2975 G Road  
Grand Junction, CO 81504


Dear Mr. & Mrs. Bear:

NTCH-Colorado, Inc., (CLEAR TALK), would like to notify you that we have requested from the City of Grand Junction Planning and Zoning Department a "Reduction in Setback" for our proposed CUP (conditional use permit) on the Meier property located at 688 29 1/2 Road. The purpose for this request is to utilize existing trees and plantings to aid in the screening of our facility.

We are requesting from Planning and Zoning a reduction of 25% for the facility. This would place the facility 210' from your property line that adjoins the Meier property.

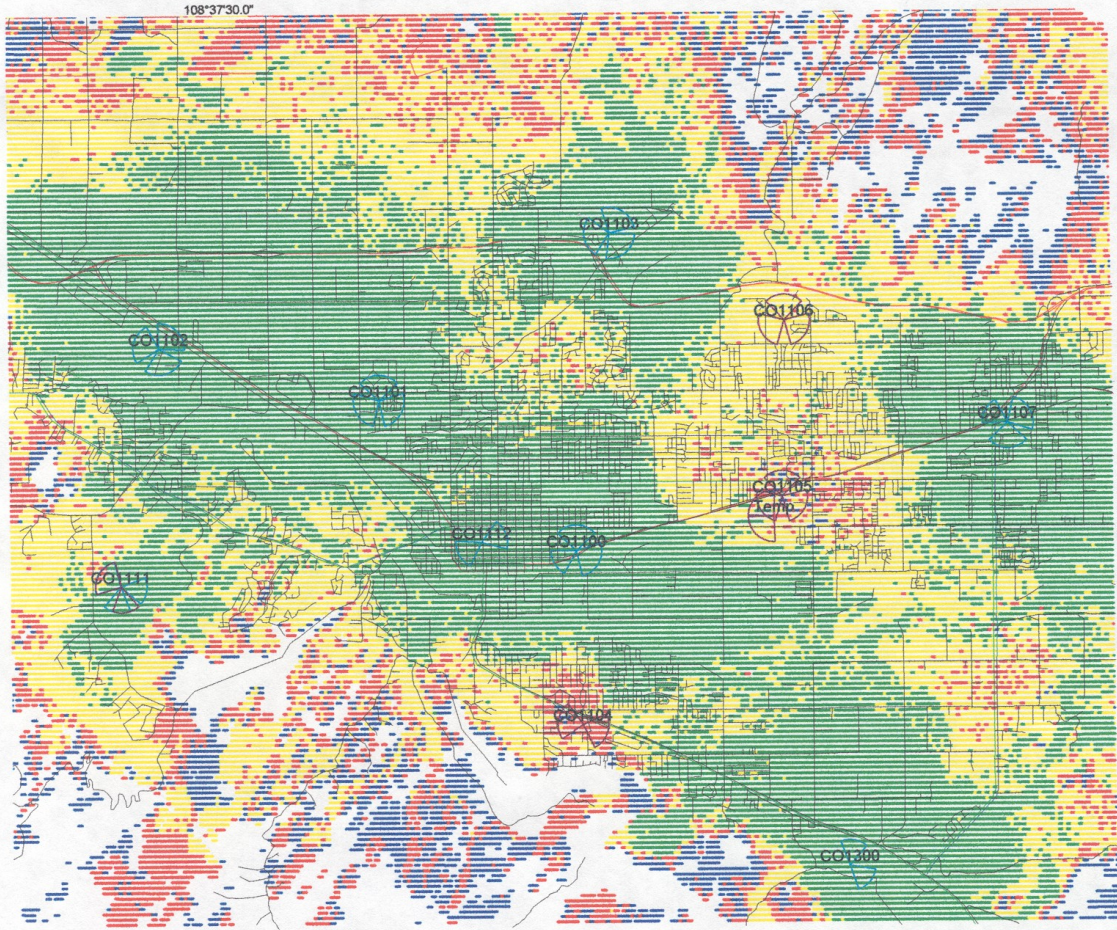
If you have any concerns or questions, please feel free to contact us.

Sincerely,

  
E. Craig Hoff  
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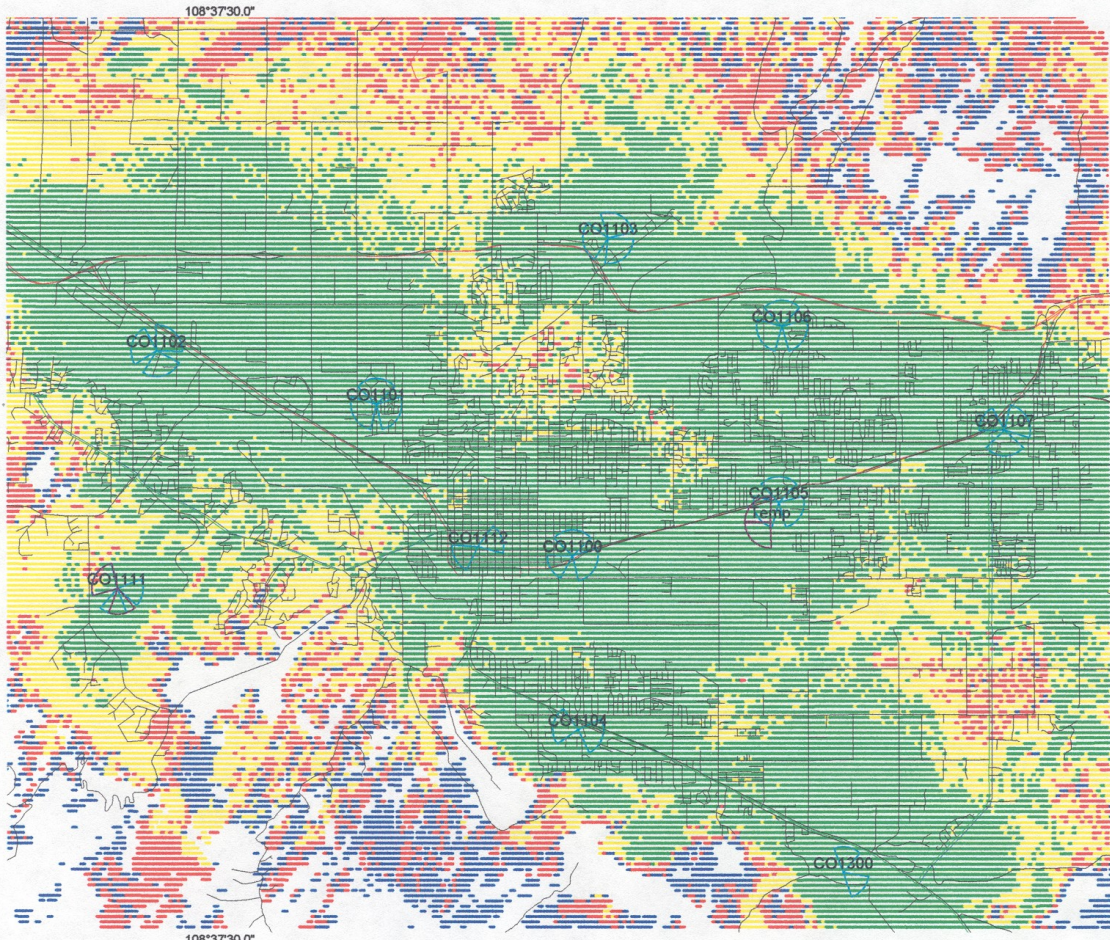
COVERAGE  
BEFORE



0 2 4 Miles Scale 1 : 102265 Polyconic Projection



COVERAGE  
AFTER



0 2 4 Miles Scale 1 : 102265 Polyconic Projection

## ClearTalk tower is too close to Walker Field flight path

Editor:

Although it is beyond the airport boundaries and any related critical zones, the proposed ClearTalk telecommunications tower is directly in the flight path to runway 29, probably in the last current approach path to this same runway, according to Walker Field officials.

Why, if there is no threat to aviation, does the Federal Aviation Administration now mandate lights on the tower, as opposed to the earlier indication to the planning department that the tower would be unlit?

The construction of the 140-foot telecommunications tower being in the flight path of Walker Field is reminiscent of the thinking of the Keystone Kops. The tower can be made even taller in the future in accordance with the determination of the FAA Seattle office of the Northwest Mountain Region. "Any future construction or alteration including increase in heights, power, or the addition of other transmitters, requires separate notice to the FAA."

In 15 years, a 140-foot telecommunications tower constructed in an area without an airport nearby is unlikely to suffer an encounter with a plane. With the countless takeoffs and landings, what is the likelihood of a 140-foot (plus) telecommunications tower being crashed into by a plane due to a dense fog, an acute wind shear tossing a small plane into the tower, or even pilot error which must of necessity be under consideration? Not the least of which is the fact that the Walker Field control tower is not in operation for the full 24 hours.

Why not locate the tower in conjunction with

the water tower at the Clifton exit of Interstate 70? This would be expedient and prove acceptable to the general provisions of the City of Grand Junction Zoning and Development Code.

EVELYN McCABE  
Grand Junction

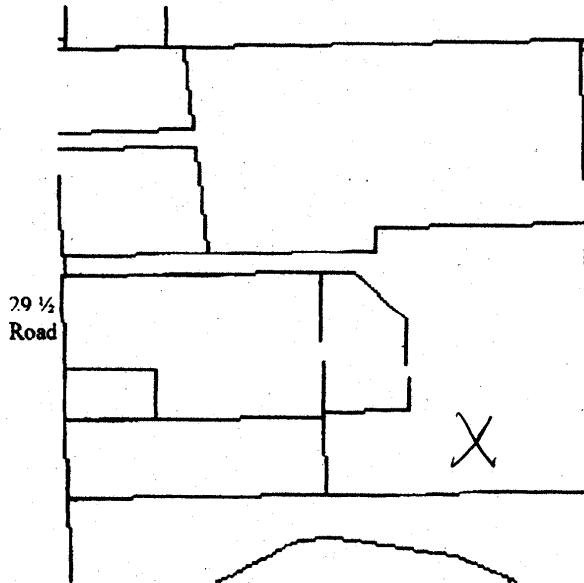
Attention: Theresa Parish

Regarding the article in the Grand Junction Sentinel this morning we would like to request the exact location of the proposed "Tower". As a probable new adjacent landowners (682 29 1/2 Rd) this could effect our decision on the sale.

Just mark this sheet with an X as to the proposed location and fax it back to us.  
We appreciate your assistance.

Thank you  
Steven A. & Karen Tolle  
Phone # 303 973-5401

Fax # 303 948-8155



February 21, 2001

TO: Community Development  
250 N 5th St.  
Grand Junction, Co., 81501

ATTN: Trish Parish

RE: CUP-2001-032; MEIER TELECOMMUNICATIONS TOWER, 688 29 1/2 RD.

I am writing to protest the above project for a number of reasons:

1. I live directly to the east of the project and it would be an eyesore in a residential area.
2. I cannot imagine why this location is the ONLY one that will work. Surely a more suitable location can be found.
3. It is very close to the Airport.

Thank you for your time.

SINCERELY;



Larry E. Hammer  
2995 Brookwood Ct.  
Grand Junction, Co., 81504  
(970) 245-0814



February 22, 2001

To: City of Grand Junction  
Community Development Department  
Att: Trishia Parish, Planner

Ref: CUP-2001-032 CONDITIONAL USE PERMIT  
MEIER TELECOMMUNICATIONS TOWER  
688 29 1/2 ROAD, GRAND JUNCTION, CO 81504

Please be advised that I/We are in opposition for the approval of the above referenced Conditional user Permit which would allow the placement of a telecommunications tower at 688 29 1/2 Road by NTCH, Colorado, Inc., (CLEAR TALK).

| NAME                                 | ADDRESS          | DATE    | COMMENTS   |
|--------------------------------------|------------------|---------|--|
| Bonnie & Rick Vanderlee              | 2980 1/2 Bret Dr | 2/23/01 | We don't want this tower in our area. Also feel there are other non-residential places it should be put if actually needed.                              |
| Duane L. (Jr.) & Linda K. Storey     | 697 30 Rd        | 2/24/01 | I feel such a tower will impede on the natural beauty of the mountain views. It should be placed in a commercial setting, not in a residential location. |
| Andrea & William S. Richardson       | 683 Shavano Ct   | 2/25/01 |  |
| Robert G. & Beverly A. Schreckengost | 2985 G Rd        | 2/24/01 |  |
| Beth Berning                         | 2939 W. Erika Ct | 2/25/01 |  |
| Bret & Cathy Seligman                | 2980 Bret Dr     | 2/24/01 |  |
| Paula & Cary Dilzell                 | 2942 Erika Rd    | 2/23/01 |  |
| Al & Judy Savoya                     | 682 Shavano Ct   | 2/21/01 |  |
| Art Craven                           | 2982 1/2 Kia Dr  | 2/25/01 |  |
| Nancy M. Coston                      | 684 Crestone Ct  | 2/23/01 | Main concern is air traffic in the area since we are in the flyway. Next concern - it sure is ugly!  |
| Diane M. Stephens                    | 666 29 1/2 Rd    | 2/22/01 |  |
| Gay L. Martin                        | 272 1/2 31 Rd    | 2/23/01 | Property owned at: 2976 Brookwood Drive, Grand Junction  |
| Gerold & Donna Miller                | 679 Shavano Ct   | 2/23/01 |  |
| Deanna & Rodney Vandermeer           | 686 Crestone Ct  | 2/22/01 | Please put an eye sore somewhere other than people's back yard.  |
| Beck Dorssey                         | 690 29 1/2 Rd    | 2/24/01 | This would be worse of an eyesore than thousands of tires.   |

| NAME                               | ADDRESS                  | DATE       | COMMENTS   |
|------------------------------------|--------------------------|------------|--|
| Paul & Bonnie<br>Crabtree          | 678 Shavano Ct           | 2/23/01    | We object to the installation of the tower for the following reasons: (1) the tower would adversely affect property values (2) Wattage output could affect homeowners electronic signals (3) unsightliness, appearance not conducive to neighborhoods (4) twenty foot trees will not buffer a 140 foot tower (5) noise from constant running of equipment (6) Airplanes on circling approaches to airport runway fly directly over the planned site. |
| Ladeen Shuping                     | 670 29 1/2 Rd            | 2/25/01    |  |
| Gilbert & Rosella<br>Jorgensen     | 685 Crestone Ct          | 2/21/01    | After reading where the location of the proposed tower is to be, I firmly believe it to be a danger to the community - flight path to Walker Field.  |
| Wayne W. & Joan<br>P. White        | 2982 Bret Dr             | 2/22/01    | I am looking North from my home and wonder why this tower has to be placed in my neighborhood and not on the 1000's of acres of open land.   |
| Lloyd L. & Betty<br>Jean Ireland   | 2949 E. Erika Ct         | 2/21/01    |  |
| Kurt E. &<br>Kathleen D.<br>Nelson | 680 Shavano Ct           | 2/21/01    |  |
| Duane A. Harris                    | 2976 Bret Dr             | 2/21/01    | We need this like we need another subdivision, NOT AT ALL!! My thanks to Kathy Deppe-Spomer for carrying the fight. I do hope the Airport Authority or FAA slams the door shut on this!  |
| Eugene H. &<br>Frona Stoffel       | 2984 Kia Dr              | 2/21/01    |  |
| Wayne & Lorita<br>Ehle             | 698 29 1/2 Rd            | No<br>date | This could cause property values to go down.   |
| Henry & Alice<br>Langstaff         | 2948 Erika Rd            | 2/22/01    |  |
| Al & Rixie<br>Flewelling           | 2941 W. Erika Ct         | 2/21/01    | No - No - No   |
| Audry D. Cowan                     | 692 Erika Rd             | 2/21/01    | Greatly oppose this. Our North Glen subdivision is a wonderful place to live now; but, I also dislike future plans for 29 Road which will also have a negative impact.   |
| Sylvia A. &<br>Richard W. Preuss   | 2979 1/2<br>Brookwood Dr | 2/22/01    | This would definitely be an eyesore for our subdivision.   |
| Bud Bear                           | 2975 G Rd                | 2/22/01    | I strongly object to the construction of this tower. I am a pilot private and I work for St. Marys Care Flight Program as an aircraft mechanic. This will be a safety issue as well as an eyesore. This construction will be detrimental to my property values as well.  |
| Gerald W. &<br>Judith L. Stone     | 678 29 1/2 Rd            | 2/21/01    | This installation is totally inappropriate for our residential area. Surely there are more acceptable sites available which will not be the nuisance to residents in sight of this monstrosity and the accompanying traffic required for its maintenance.  |

| NAME                         | ADDRESS           | DATE    | COMMENTS  |
|------------------------------|-------------------|---------|---|
| Jon H. & Marie Brizendine    | 2947 E. Erika Ct  | 2/26/01 | We do <u>not</u> want the tower constructed there!!   |
| Ray Sigwart                  | 2979 Brookwood Dr | 2/28/01 | It would seem to me that a more appropriate site on higher ground would be North of the Interstate on one of the hills. That area would not conflict with anyone. Put it up next to the water tank or a similar spot. I bought my house because of the view. The proposed tower would be in direct line with my view of the Monument. Would anyone on the Planning Commission want that to happen to them? This is a residential area, not a commercial area. Why do we have zoning if you allow this to be approved?               |
| Karen Alexander              | 2945 E. Erika Ct  | 3/1/01  |   |
| Jim & Elaine Mackley         | 687 30 Rd         | 3/1/01  | We own 5 acres that backs up close to 688 29 1/2 Road. Not only will this ruin our view to the wets, it will decrease the value of our property. This should not be installed in a residential area. There are other sites that could be utilized other than a residential area. I ask all of you on the Planning Dept and the City Council members - <u>How would you like it if this was in your back yard?</u> Please do the right thing and recommend to Clear Talk that this is not an area to install their tower. Thank you! |
| Sharon L. Gorishek           | 2982 Brookwood Dr | 3/2/01  |   |
| Mary Anne Pacini             | 624 Pioneer Rd    | 3/6/01  | It is disturbing that this tower is placed in a predominately residential area, especially when non-residential land is readily available with equal line of sight potential. It is also a concern that this tower is directly in the flight path for Runway #29, raising safety concerns for both airplanes and homes in the area.   |
| Sam & Kathy Deppe Spomer     | 676 29 1/2 Rd     | 3/1/01  |   |
| Richard B. Cassidy           | 682 Crestone Ct   | 3/8/01  |   |
| Valentino & Elaine Hernandez | 2948 E. Erika Ct  | 2/24/01 |   |
| Mark & Tamie Schulz          | 2978 Brookwood Dr | 2/22/01 | The open land and views should not be ruined by this "eye-sore" of a tower. The land should be left alone. There is too much growth and building within the 2 mile area around our neighborhood the way it is.  |

**Attach 13  
Snidow Annexation No. 1 and No. 2**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |  |  |                      |
|------------------------|--|--|----------------------|
| <b>Subject:</b>        | <b>Snidow Annexation No. 1 and No. 2</b> |  |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                      |  |                      |
| <b>Date Prepared:</b>  | <b>May 8, 2001</b>                       |  |                      |
| <b>Author:</b>         | <b>Pat Cecil</b>                         | <b>Development Services Supervisor</b> |                      |
| <b>Presenter Name:</b> | <b>Pat Cecil</b>                         | <b>Development Services Supervisor</b> |                      |
|                        | <b>Workshop</b>                          | <b>X</b>                               | <b>Formal Agenda</b> |

**Subject:** Annexation of the Snidow Annexation, #ANX-2001-062

**Summary:** Resolution for Acceptance of the Petition to Annex and Second Reading of the annexation ordinance for the Snidow Annexation No. 1 and No. 2 located at 3165 D Road and including portions of the 29 5/8 Road and D Road Rights-of-way. (#ANX-2001-062). This 34.14 acre annexation consists of one parcel of land.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council accept the Petition to Annex and conduct a public hearing for the Second Reading of the annexation ordinances for the Snidow Annexation.

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

|  |                                     |                          |                          |            |              |  |
|--|-------------------------------------|--------------------------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|--------------------------|--------------------------|------------|--------------|--|

|                             |                          |                          |                                     |                          |                             |                          |                 |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------|--------------------------|-----------------|

| <b>BACKGROUND INFORMATION</b>       |              |                                 |            |
|-------------------------------------|--------------|---------------------------------|------------|
| <b>Location:</b>                    |              | <b>3165 D Road</b>              |            |
| <b>Applicants:</b>                  |              | <b>Donald and Tamera Snidow</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Residential</b>              |            |
| <b>Proposed Land Use:</b>           |              | <b>Commercial subdivision</b>   |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Residential/Agricultural</b> |            |
|                                     | <b>South</b> | <b>Commercial/Industrial</b>    |            |
|                                     | <b>East</b>  | <b>Commercial/Industrial</b>    |            |
|                                     | <b>West</b>  | <b>Agricultural</b>             |            |
| <b>Existing Zoning:</b>             |              | <b>RSF-R (AFT) in County</b>    |            |
| <b>Proposed Zoning:</b>             |              | <b>C-2 General Commercial</b>   |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>PUD (Residential)</b>        |            |
|                                     | <b>South</b> | <b>Planned Industrial</b>       |            |
|                                     | <b>East</b>  | <b>Planned Commercial</b>       |            |
|                                     | <b>West</b>  | <b>RSF-R (AFT)</b>              |            |
| <b>Growth Plan Designation:</b>     |              | <b>Commercial/Industrial</b>    |            |
| <b>Zoning within density range?</b> |              | <input type="checkbox"/>        | <b>Yes</b> |
|                                     |              | <input type="checkbox"/>        | <b>No</b>  |

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing 34.14 acres of land including portions of the 29 5/8 Road and D Road Rights-of-way. The property owners have requested annexation into the City as the result of needing a rezone in the County to commercial subdivision. Under the 1998 Persigo Agreement all rezones east of the 31 Road line and outside of the Clifton Sanitation District boundary 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 Snidow 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.

| <b><i>ANNEXATION SCHEDULE</i></b> |  |
|-----------------------------------|--|
| <b>April 4<sup>th</sup></b>       | Referral of Petition (30 Day Notice), First Reading, Exercising Land Use           |
| <b>April 17<sup>th</sup></b>      | Planning Commission considers Zone of Annexation                                   |
| <b>May 2<sup>nd</sup></b>         | First Reading on Zoning by City Council  |
| <b>May 16<sup>th</sup></b>        | Acceptance of Petition and Public hearing on Annexation and Zoning by City Council |
| <b>June 17<sup>th</sup></b>       | Effective date of Annexation and Zoning  |

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

**Attachments:**

- 5. Snidow Annexation Summary
- 6. Resolution of Acceptance of the Petition
- 7. Annexation Ordinances
- 8. Annexation Map

| <b><i>SNIDOW ANNEXATION SUMMARY</i></b> |                     |
|---|---------------------|
| <b>File Number:</b>                     | <b>ANX-2001-062</b> |
| <b>Location:</b>                        | <b>3165 D Road</b>  |

|                                       |   |   |
|---------------------------------------|---|---|
| <b>Tax ID Number:</b>                 | <b>2943-221-00-092</b>  |   |
| <b>Parcels:</b>                       | <b>1</b>  |   |
| <b>Estimated Population:</b>          | <b>0</b>  |   |
| <b># of Parcels (owner occupied):</b> | <b>0</b>  |   |
| <b># of Dwelling Units:</b>           | <b>0</b>  |   |
| <b>Acres land annexed:</b>            | <b>34.14 acres for annexation area</b>  |   |
| <b>Developable Acres Remaining:</b>   | <b>16.594 acres</b>   |   |
| <b>Right-of-way in Annexation:</b>    | <b><u>D Road:</u> Entire remaining ROW width between 29 5/8 Road and 3165 D Road, See Map<br/><u>29 5/8 Road:</u> Entire ROW width south of D Road to where ROW ends, See Map</b> |   |
| <b>Previous County Zoning:</b>        | <b>RSF-R (County)</b>   |   |
| <b>Proposed City Zoning:</b>          | <b>(C-2) Heavy Commercial</b>   |   |
| <b>Current Land Use:</b>              | <b>1 house w/ 2 outbuildings to be removed</b>  |   |
| <b>Future Land Use:</b>               | <b>Pipe Trades Commercial Park</b>  |   |
| <b>Values:</b>                        | <b>Assessed:</b>  | <b>= \$ 11,480</b>                      |
|                                       | <b>Actual:</b>  | <b>= \$ 71,870</b>                      |
| <b>Census Tract:</b>                  | <b>17.01</b>  |   |
| <b>Address Ranges:</b>                | <b>3165 D Road</b>  |   |
| <b>Special Districts:</b>             | <b>Water:</b>   | <b>Clifton Water and Ute Water</b>      |
|                                       | <b>Sewer:</b>   | <b>Central Grand Valley</b>             |
|                                       | <b>Fire:</b>  | <b>Clifton Fire</b>                     |
|                                       | <b>Drainage:</b>  | <b>Grand Junction Drainage District</b> |
|                                       | <b>School:</b>  | <b>District 51</b>                      |
|                                       | <b>Pest:</b>  | <b>Upper Grand Valley Pest</b>          |

**RESOLUTION NO. -01**

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

**SNIDOW ANNEXATION**

**(A SERIAL ANNEXATION COMPRISING SNIDOW ANNEXATION NO 1 AND SNIDOW ANNEXATION NO. 2)**

**IS ELIGIBLE FOR ANNEXATION LOCATED AT 3165 D ROAD AND INCLUDING A PORTION OF THE 29 5/8 ROAD AND D ROAD RIGHTS-OF-WAY**

**WHEREAS**, on the 4th day of April 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:

**SNIDOW ANNEXATION NO. 1**

A parcel of land situate in the SW1/4 of Section 15, in Section 16, in the NE1/4 of Section 20, in Section 21, and in the NW1/4 of Section 22 all in Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the N1/4 Corner of said Section 20, thence S00° 01'52"W along the west line of the NE1/4 of said Section 20 a distance of 1324.28 feet to the south west corner of the NW1/4 NE1/4 of said Section 20; thence S89°46'35"E on the southerly line of the NW1/4 NE1/4 of said Section 20 a distance of 30.00 feet to the easterly right-of-way line of 29-5/8 Road; thence N00°01'52"E a distance of 1274.42 feet to the southerly right-of-way line of D Road; thence on said southerly right-of-way line the following:

1. N89°57'50"E a distance of 1287.50 feet to a point;
2. N00°02'21"W a distance of 20.00 feet to a point;
3. N89°57'32"E a distance of 1317.46 feet to a point on the easterly line of said Section 20;
4. S00°21'47"E on said easterly line a distance of 10.00 feet to a point;
5. N89°55'06"E a distance of 330.11 feet to a point;
6. N00°03'10"W a distance of 10.00 feet to a point;
7. N89°55'06"E a distance of 2311.13 feet to the easterly line of the NW1/4 of said Section 21;
8. N89°55'06"E a distance of 2641.66 feet to the east line of said Section 21;
9. S00°01'02"W on said east line a distance of 20.00 feet to a point;
10. S89°52'50"E a distance of 784.25 feet to a point;
11. N00°11'23"E a distance of 20.00 feet to a point;



12. S89°52'50"E a distance of 1840.83 feet to a point on the east line of the NW1/4 of said Section 22;

thence leaving said southerly right-of-way line of D Road N00°06'54"E a distance of 30.00 feet to the N1/4 Corner of said Section 22; thence N89°52'50"W a distance of 2625.20 feet to the Northwest Corner of said Section 22; thence N00°00'00"E on the west-line of said Section 15 a distance of 40.00 feet to the northerly right-of-way line of said D Road; thence on said northerly right-of-way line the following:

1. S89°55'06"W a distance of 660.61 feet to a point;
2. N00°00'00"E a distance of 10.00 feet to a point;
3. S89°55'06"W a distance of 740.45 feet to a point;
4. S00°00'00"W a distance of 20.00 feet to a point;
5. S89°55'06"W a distance of 269.83 feet to a point;
6. N00°00'00"E a distance of 20.00 feet to a point;
7. S89°55'06"W a distance of 820.82 feet to a point;
8. S00°00'00"W a distance of 20.00 feet to a point;
9. S89°55'06"W a distance of 150.04 feet to a point;
10. N00°04'54"W a distance of 10.00 feet to a point;
11. S89°55'06"W a distance of 978.21 feet to a point;
12. S00°18'23"E a distance of 10.00 feet to a point;
13. S89°55'06"W a distance of 1197.08 feet to a point;
14. N00°04'54"W a distance of 11.00 feet to a point;
15. S89°55'06"W a distance of 394.77 feet to a point;
16. N69°52'41"W a distance of 11.88 feet to a point;

thence leaving said northerly right-of-way line of D Road S00°01'05"W a distance of 50.19 feet to the southerly line of the Parham Annexation; thence, continuing along said annexation boundary, N90°00'00"W a distance of 60.00 feet to the west line of said Section 21; thence S89°57'32"W a distance of 30.00 feet; thence S00°02'28"E a distance of 5.00 feet; thence S89°57'32"W a distance of 312.46 feet; thence N00°01'40"W a distance of 5.00 feet; thence S89°57'32"W a distance of 974.97 feet; thence N00°02'28"W a distance of 5.00 feet; thence S89°57'50"W a distance of 1317.48 feet to the beginning.

## **SNIDOW ANNEXATION NO. 2**

A parcel of land situate in Section 15 and in the NE 1/4 of Section 22 all in Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the N 1/4 Corner of said Section 22; thence S00°06'54"E a distance of 30.00 feet to a point; thence on the southerly right-of-way line of D Road S89°52'17"E a distance of 656.06 feet; thence on the easterly right-of-way line of 31-5/8 Road S00°27'01"W a distance of 1064.76 feet; thence leaving said right-of-way line S89°52'58"E a distance of 664.23 feet to a point; thence N00°01'56"E a distance of 1094.61 feet to the north line of said Section 22; thence N00°06'41"E a distance of 40.00 feet to the northerly right-of-way line of D Road; thence on said northerly right-of-way line the following:

1. N89°52'17"W a distance of 412.57 feet to a point;
2. S00°19'23"E a distance of 10.00 feet to a point;

3. N89°52'17"W a distance of 132.00feet to a point;
4. N00°09'21"E a distance of 10.00 feet to a point;
5. N89°52'17"W a distance of 767.99 feet to a point;
6. N89°52'50"W a distance of 1312.66 feet to a point;
7. S00°13'21"E a distance of 10.00 feet to a point;
8. N89°52'50"W a distance of 1005.60 feet to a point;
9. N00°08'11"W a distance of 20.00 feet to a point;
10. N89°52'50"W a distance of 76.00 feet to a point;
11. S00°08'11"E a distance of 20.00 feet to a point;
12. N89°52'50"W a distance of 231.06 feet to a point on the west line of said

Section 15;

thence leaving said northerly right-of-way line S00°00'00"W a distance of 30.00 feet to the S.W. Corner of said Section 15; thence S89°52'50"E a distance of 2625.20 feet to the beginning.

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 16<sup>th</sup> day of May, 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 16<sup>th</sup> day of May, 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**

**SNIDOW ANNEXATION NO. 1**

**APPROXIMATELY 13.78 ACRES**

**LOCATED IN THE 29 5/8 ROAD AND D ROAD RIGHTS-OF-WAY**

**WHEREAS**, on the 4<sup>th</sup> day of April, 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 16<sup>th</sup> day of May, 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 SW1/4 of Section 15, in Section 16, in the NE1/4 of Section 20, in Section 21, and in the NW1/4 of Section 22 all in Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the N1/4 Corner of said Section 20, thence S00° 01'52"W along the west line of the NE1/4 of said Section 20 a distance of 1324.28 feet to the south west corner of the NW1/4 NE1/4 of said Section 20; thence S89°46'35"E on the southerly line of the NW1/4 NE1/4 of said Section 20 a distance of 30.00 feet to the easterly right-of-way line of 29-5/8 Road; thence N00°01'52"E a distance of 1274.42 feet to the southerly right-of-way line of D Road; thence on said southerly right-of-way line the following:

1. N89°57'50"E a distance of 1287.50 feet to a point;
2. N00°02'21"W a distance of 20.00 feet to a point;
3. N89°57'32"E a distance of 1317.46 feet to a point on the easterly line of said Section 20;

4. S00°21'47"E on said easterly line a distance of 10.00 feet to a point;
5. N89°55'06"E a distance of 330.11 feet to a point;
6. N00°03'10"W a distance of 10.00 feet to a point;
7. N89°55'06"E a distance of 2311.13 feet to the easterly line of the NW1/4 of said Section 21;
8. N89°55'06"E a distance of 2641.66 feet to the east line of said Section 21;
9. S00°01'02"W on said east line a distance of 20.00 feet to a point;
10. S89°52'50"E a distance of 784.25 feet to a point;
11. N00°11'23"E a distance of 20.00 feet to a point;
12. S89°52'50"E a distance of 1840.83 feet to a point on the east line of the NW1/4 of said Section 22;

thence leaving said southerly right-of-way line of D Road N00°06'54"E a distance of 30.00 feet to the N1/4 Corner of said Section 22; thence N89°52'50"W a distance of 2625.20 feet to the Northwest Corner of said Section 22; thence N00°00'00"E on the west-line of said Section 15 a distance of 40.00 feet to the northerly right-of-way line of said D Road; thence on said northerly right-of-way line the following:

1. S89°55'06"W a distance of 660.61 feet to a point;
2. N00°00'00"E a distance of 10.00 feet to a point;
3. S89°55'06"W a distance of 740.45 feet to a point;
4. S00°00'00"W a distance of 20.00 feet to a point;
5. S89°55'06"W a distance of 269.83 feet to a point;
6. N00°00'00"E a distance of 20.00 feet to a point;
7. S89°55'06"W a distance of 820.82 feet to a point;
8. S00°00'00"W a distance of 20.00 feet to a point;
9. S89°55'06"W a distance of 150.04 feet to a point;
10. N00°04'54"W a distance of 10.00 feet to a point;
11. S89°55'06"W a distance of 978.21 feet to a point;
12. S00°18'23"E a distance of 10.00 feet to a point;
13. S89°55'06"W a distance of 1197.08 feet to a point;
14. N00°04'54"W a distance of 11.00 feet to a point;
15. S89°55'06"W a distance of 394.77 feet to a point;
16. N69°52'41"W a distance of 11.88 feet to a point;

thence leaving said northerly right-of-way line of D Road S00°01'05"W a distance of 50.19 feet to the southerly line of the Parham Annexation; thence, continuing along said annexation boundary, N90°00'00"W a distance of 60.00 feet to the west line of said Section 21; thence S89°57'32"W a distance of 30.00 feet; thence S00°02'28"E a distance of 5.00 feet; thence S89°57'32"W a distance of 312.46 feet; thence N00°01'40"W a distance of 5.00 feet; thence S89°57'32"W a distance of 974.97 feet; thence N00°02'28"W a distance of 5.00 feet; thence S89°57'50"W a distance of 1317.48 feet to the beginning.

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

**INTRODUCED** on first reading on the 4th day April, 2001.

**ADOPTED** and ordered published this 16th day of May, 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**

**SNIDOW ANNEXATION NO. 2**

**APPROXIMATELY 20.36 ACRES**

**LOCATED AT 3165 D ROAD  
AND INCLUDING A PORTION OF THE D ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 4<sup>th</sup> day of April, 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 16<sup>th</sup> day of May, 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 Section 15 and in the NE 1/4 of Section 22 all in Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the N 1/4 Corner of said Section 22; thence S00°06'54"W a distance of 30.00 feet to a point; thence on the southerly right-of-way line of D Road S89°52'17"E a distance of 656.06 feet; thence on the easterly right-of-way line of 31-5/8 Road S00°27'01"W a distance of 1064.76 feet; thence leaving said right-of-way line S89°52'58"E a distance of 664.23 feet to a point; thence N00°01'56"E a distance of 1094.61 feet to the north line of said Section 22; thence N00°06'41"E a distance of 40.00 feet to the northerly right-of-way line of D Road; thence on said northerly right-of-way line the following:

1. N89°52'17"W a distance of 412.57 feet to a point;
2. S00°19'23"E a distance of 10.00 feet to a point;

3. N89°52'17"W a distance of 132.00feet to a point;
4. N00°09'21"E a distance of 10.00 feet to a point;
5. N89°52'17"W a distance of 767.99 feet to a point;
6. N89°52'50"W a distance of 1312.66 feet to a point;
7. S00°13'21"E a distance of 10.00 feet to a point;
8. N89°52'50"W a distance of 1005.60 feet to a point;
9. N00°08'11"W a distance of 20.00 feet to a point;
10. N89°52'50"W a distance of 76.00 feet to a point;
11. S00°08'11"E a distance of 20.00 feet to a point;
12. N89°52'50"W a distance of 231.06 feet to a point on the west line of said

Section 15;

thence leaving said northerly right-of-way line S00°00'00"W a distance of 30.00 feet to the S.W. Corner of said Section 15; thence S89°52'50"E a distance of 2625.20 feet to the beginning.

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

**INTRODUCED** on first reading on the 4th day April, 2001.

**ADOPTED** and ordered published this 16th day of May, 2001.

Attest:

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

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

**Attach 14  
Snidow Zone of Annexation**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |  |                      |
|------------------------|---|--|----------------------|
| <b>Subject:</b>        | <b>Snidow Zone of Annexation (ANX-2001-062)</b> |  |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                             |  |                      |
| <b>Date Prepared:</b>  | <b>May 8, 2001</b>                              |  |                      |
| <b>Author:</b>         | <b>Pat Cecil</b>                                | <b>Development Services Supervisor</b> |                      |
| <b>Presenter Name:</b> | <b>Pat Cecil</b>                                | <b>Development Services Supervisor</b> |                      |
|                        | <b>Workshop</b>                                 | <b>X</b>                               | <b>Formal Agenda</b> |

**Subject:** Second reading of the Zoning Ordinance for the Snidow Annexation, (ANX-2001-062).

**Summary:** Request for the second reading of the Zoning Ordinance to rezone the annexation area from County AFT to the City General Commercial (C-2) zone district. The rezone area is located at 3165 D Road and including portions of the 29 5/8 Road and D Road Rights-of-way. (#ANX-2001-062). The rezone area encompasses 16.59 acres.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council conduct a public hearing for the second reading of the Zoning Ordinance and approve a C-2 zone district for the site.

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

|  |                                     |                          |                          |            |              |  |
|--|-------------------------------------|--------------------------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|--------------------------|--------------------------|------------|--------------|--|

|                             |                          |                          |                                     |                          |                             |                          |                 |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------|--------------------------|-----------------|



**AGENDA TOPIC:** Zone of Annexation for ANX-2001-062 (Snidow/Pipe Trades Commercial Park)

**SUMMARY:** The Petitioner is requesting a rezoning of approximately 16.59 acres from ATF (County) to the General Commercial (C-2) district in order to implement an approved preliminary plan for the creation of eleven commercial lots.

**ACTION REQUESTED:** City Council second reading of the Zoning Ordinance.

|  |              |                                 |           |
|--|--------------|---------------------------------|-----------|
| <b>Location:</b>                           |              | <b>3165 D Road</b>              |           |
| <b>Applicants:</b>                         |              | <b>Donald and Tamera Snidow</b> |           |
| <b>Existing Land Use:</b>                  |              | <b>Residential</b>              |           |
| <b>Proposed Land Use:</b>                  |              | <b>Commercial subdivision</b>   |           |
| <b>Surrounding Land Use:</b>               | <b>North</b> | <b>Residential/Agricultural</b> |           |
|  | <b>South</b> | <b>Commercial/Industrial</b>    |           |
|  | <b>East</b>  | <b>Commercial/Industrial</b>    |           |
|  | <b>West</b>  | <b>Agricultural</b>             |           |
| <b>Existing Zoning:</b>                    |              | <b>RSF-R (AFT) in County</b>    |           |
| <b>Proposed Zoning:</b>                    |              | <b>C-2 Heavy Commercial</b>     |           |
| <b>Surrounding Zoning:</b>                 | <b>North</b> | <b>PUD (Residential)</b>        |           |
|  | <b>South</b> | <b>Planned Industrial</b>       |           |
|  | <b>East</b>  | <b>Planned Commercial</b>       |           |
|  | <b>West</b>  | <b>RSF-R (AFT)</b>              |           |
| <b>Growth Plan Designation:</b>            |              | <b>Commercial/Industrial</b>    |           |
| <b>Zoning within density range?</b><br>N/A |              | <b>Yes</b>                      | <b>No</b> |

**Project Analysis:**

**Rezoning:** The petitioner is requesting approval of a rezoning of approximately 16.59 acres to the General Commercial (C-2) zone district from the County zoning of ATF. The proposed zoning is consistent with the Commercial/Industrial Growth Plan designation and is consistent with adjacent County zoning and property uses to the south and east.

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

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

The zoning at the time of adoption was not in error. The County zoning would have permitted some commercial activity on the site.

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, ect.;

With annexation of the property to the City, along with the provision of City services, a change is occurring to the character of the area.

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

There already exist commercial and industrial activities occurring immediately adjacent to the project site to the south and east.

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

The proposed zoning complies with the goals and policies of the Growth Plan designation for the site.

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

Adequate public facilities will be available or financially assured for the project upon recordation of the plat.

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

The Growth Plan recognizes the need for additional commercial development in this area. The proposed rezoning implements the Growth Plan.

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

The proposed rezoning and subsequent development of the commercial subdivision will increase property values, jobs in the area and the tax base of the City.

## **PLANNING COMMISSION RECOMMENDATION:**

That the City Council find the rezoning consistent with the Growth Plan, Section 2.6 and 2.14 of the Zoning and Development Code, adjacent property zoning and usage, and recommended adoption of the rezoning from the AFT zone district to the C-2 zone district to the City Council.

Attachments: a. Zoning Ordinance  
b. Location map

**ORDINANCE NO. \_\_\_\_**

**ZONING THE SNIDOW ANNEXATION TO THE GENERAL COMMERCIAL  
(C-2) ZONE DISTRICT, LOCATED AT 3165 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 a C-2 zone district to this annexation.**

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

- This zone district meets the criteria of Section 2.14 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 to the General Commercial (C-2) zone district:**

Includes the following tax parcel 2943-221-00-092

Beginning at the Northwest Corner of the NE ¼ NE ¼ of Section 22, Township 1 South, Range 1 East, of the Ute Meridian; thence south 1320 feet along the west line of the NE ¼ NE ¼ of said Section 22; thence East 9.09 feet; thence North 0° 23' 40" West 1320.03 feet; thence West to the beginning,

AND

The East Half of the NW ¼ of NE ¼ of Section 22, Township 1 South, Range 1 East of the Ute Meridian, EXCEPT the South 225.0 feet thereof, Mesa County, Colorado.

Introduced on first reading this 2<sup>nd</sup> day of May, 2001.

PASSED and ADOPTED on second reading this 16<sup>th</sup> day of May, 2001.

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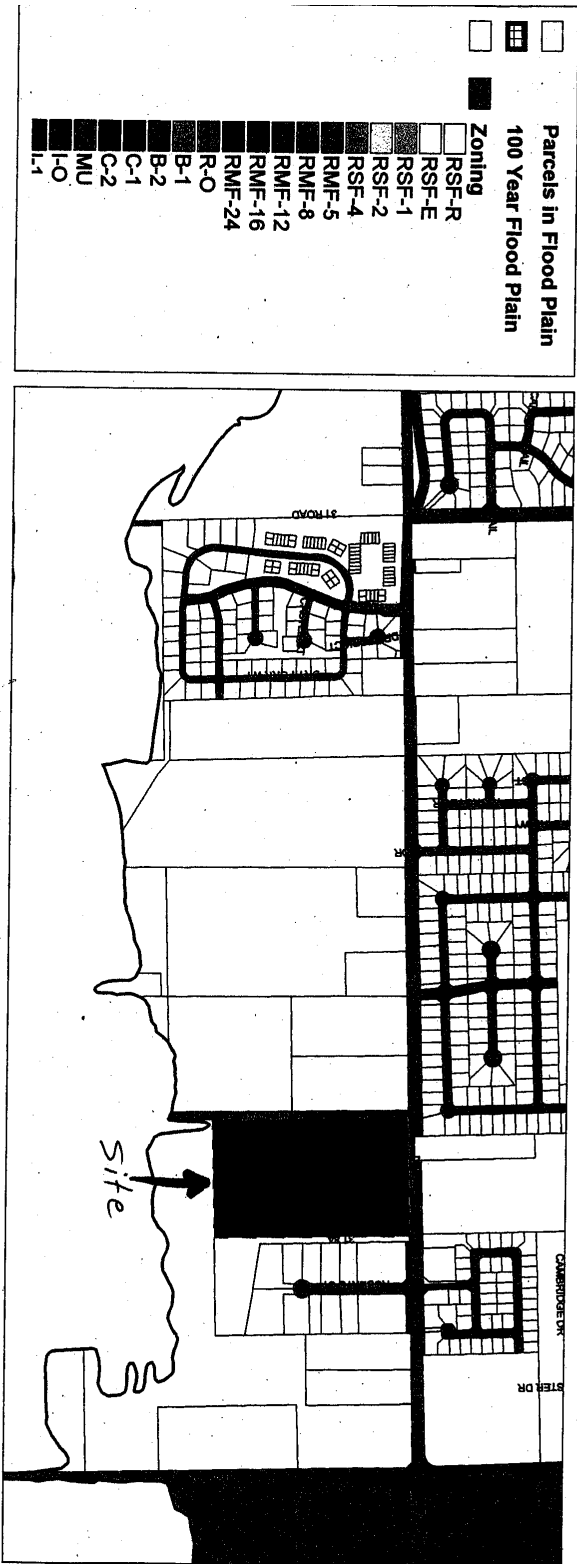
President of the Council

ATTEST:

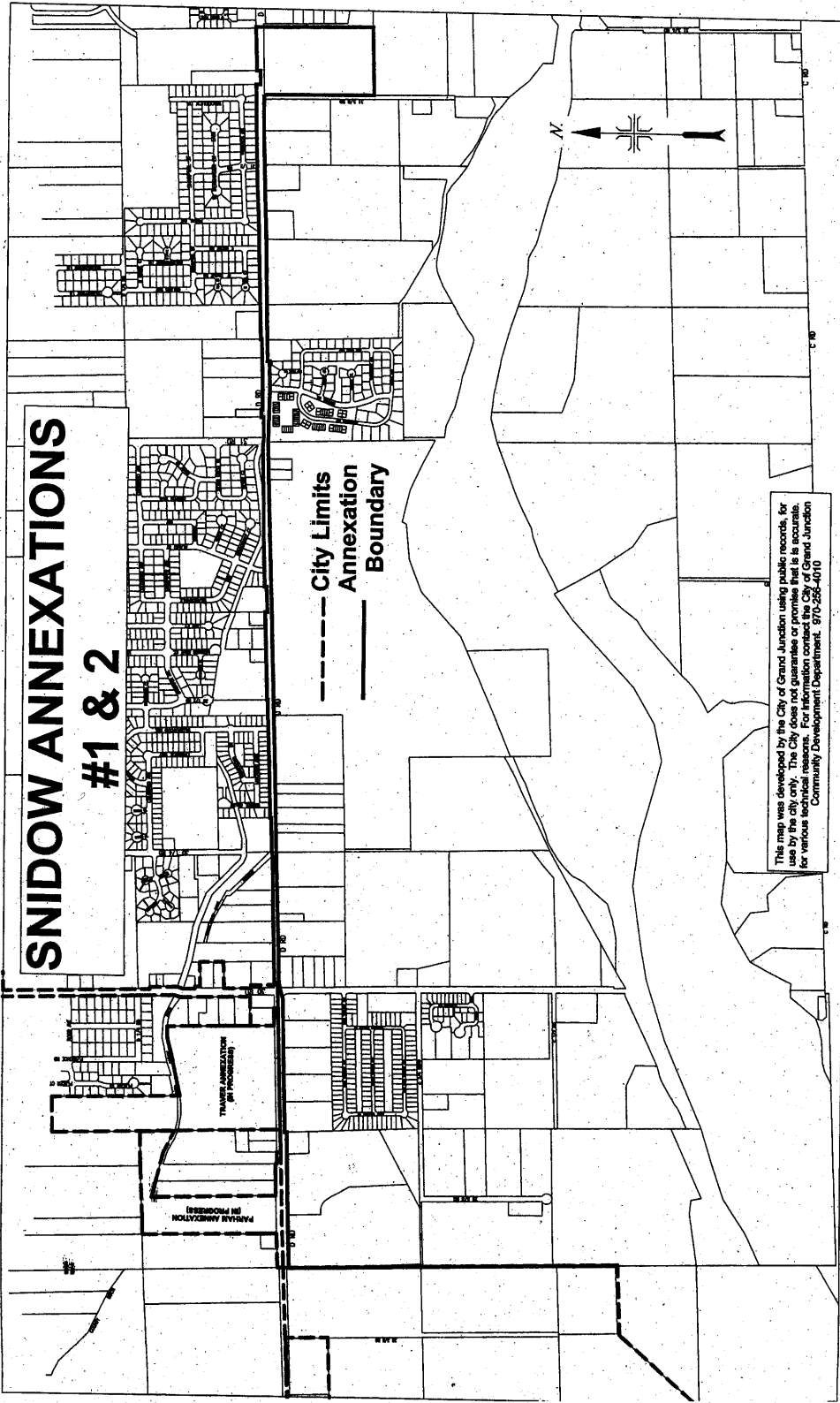
City Clerk

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# 3165 D Road



# SNIDOW ANNEXATIONS #1 & 2



This map was developed by the City of Grand Junction using public records, for use by the City only. The City does not guarantee or promise that it is accurate, for various reasons. For more information contact the City of Grand Junction Community Development Department, 870-526-4110





**Attach 15  
Gamble/Sage Annexation**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |                               |                          |                      |
|------------------------|-------------------------------|--------------------------|----------------------|
| <b>Subject:</b>        | <b>Gamble/Sage Annexation</b> |                          |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>           |                          |                      |
| <b>Date Prepared:</b>  | <b>May 9, 2001</b>            |                          |                      |
| <b>Author:</b>         | <b>Lori V. Bowers</b>         | <b>Associate Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Lori V. Bowers</b>         | <b>Associate Planner</b> |                      |
|                        | <b>Workshop</b>               | <b>X</b>                 | <b>Formal Agenda</b> |

**Subject:** Public Hearing for acceptance of the Annexation Petition and second reading of the annexation ordinance, for the Gamble/Sage Annexation, located at 3070 I-70 B.

**Summary:** The 10.78-acre Gamble/Sage Annexation area consists of one parcel of land, approximately 6.06 acres in size. The remaining acreage is comprised of approximately 582.28 feet along E ¼ Road; 256.37 feet along I-70 B. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

Background Information: **See attached Staff Report**

**Budget: N/A**

**Action Requested/Recommendation:** Acceptance of the Annexation Petition, and second reading of the Annexation Ordinance.

|                              |   |           |          |            |                |
|------------------------------|---|-----------|----------|------------|----------------|
| <b>Citizen Presentation:</b> |   | <b>No</b> | <b>X</b> | <b>Yes</b> | <b>If Yes,</b> |
| <b>Name:</b>                 | <b>Mark Austin, RG Consulting Engineers, Representative</b> |           |          |            |                |
| <b>Purpose:</b>              | <b>Representative for Sage Properties</b>                   |           |          |            |                |

|  |          |           |  |            |              |  |
|--|----------|-----------|--|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | <b>No</b> |  | <b>Yes</b> | <b>When:</b> |  |
|--|----------|-----------|--|------------|--------------|--|

|                             |  |                |          |                             |  |                 |
|-----------------------------|--|----------------|----------|-----------------------------|--|-----------------|
| <b>Placement on Agenda:</b> |  | <b>Consent</b> | <b>X</b> | <b>Indiv. Consideration</b> |  | <b>Workshop</b> |
|-----------------------------|--|----------------|----------|-----------------------------|--|-----------------|

**AGENDA TOPIC:** Public Hearing for acceptance of the Annexation Petition and second reading of the annexation ordinance for the Gamble/Sage Annexation, located at 3070 I-70 B.

**SUMMARY:** The 10.78-acre Gamble/Sage Annexation area consists of one parcel of land, approximately 6.06 acres in size. The remaining acreage is comprised of approximately 582.28 feet along E ¼ Road; 256.37 feet along I-70 B. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

| BACKGROUND INFORMATION              |              |  |            |
|-------------------------------------|--------------|--|------------|
| <b>Location:</b>                    |              | <b>3070 I-70B</b>  |            |
| <b>Applicants:</b>                  |              | <b>Sage Properties, LLC, Owner<br/>RG Consulting Engineers,<br/>Representative</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant land</b>   |            |
| <b>Proposed Land Use:</b>           |              | <b>Office, Warehouse/shop/indoor storage</b>                                       |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Residential</b>   |            |
|                                     | <b>South</b> | <b>I-70 B and Southern Pacific Railroad</b>  |            |
|                                     | <b>East</b>  | <b>Commercial / Dale Broom RV Sales</b>  |            |
|                                     | <b>West</b>  | <b>Commercial</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>B-2</b>   |            |
| <b>Proposed Zoning:</b>             |              | <b>C-1</b>   |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>(Mesa County) B-2 and RSF-4</b>   |            |
|                                     | <b>South</b> | <b>I-1 (across highway and RR)</b>   |            |
|                                     | <b>East</b>  | <b>C-1</b>   |            |
|                                     | <b>West</b>  | <b>(Mesa County) B-2</b>   |            |
| <b>Growth Plan Designation:</b>     |              | <b>Commercial</b>  |            |
| <b>Zoning within density range?</b> |              | <b>X</b>   | <b>Yes</b> |
|                                     |              |  | <b>No</b>  |

**ACTION REQUESTED:** It is recommended that City Council hold a public hearing for acceptance of the annexation petition, and approve on second reading the annexation ordinance for the Gamble/Sage Annexation.

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing 10.78-acres of land. The request for annexation comes from a request to subdivide this 6.06-acre parcel for two commercial lots. One lot will house FCI Construction’s new office with an enclosed shop building. The other lot will be available for other commercial development. The property currently is zoned Commercial in the County. 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 Gamble/Sage 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.

| <b>ANNEXATION SCHEDULE</b>   |  |
|------------------------------|--|
| <b>April 4<sup>th</sup></b>  | Referral of Petition to Annex & 1 <sup>st</sup> Read (30 Day Notice) |
| <b>April 10<sup>th</sup></b> | Planning Commission considers Zone of Annexation                     |
| <b>May 2<sup>nd</sup></b>    | First Reading on Zoning by City Council                              |
| <b>May 16<sup>th</sup></b>   | Public hearing on Annexation and Zoning by City Council              |
| <b>June 17<sup>th</sup></b>  | Effective date of Annexation and Zoning                              |

**RECOMMENDATION:**

Approval

Attachments: Gamble/Sage Annexation Summary  
Gamble/Sage Annexation Map...A

**GAMBLE / SAGE ANNEXATION SUMMARY**

**File Number:** ANX-2001-043

**Location:** 3070 I-70 B

**Tax ID Number:** 2943-094-00-115

**Parcels:** 1

**Estimated Current Population:** 0

**# of Parcels (owner occupied):** 0

**# of Dwelling Units:** 0

**Acres in annexation:** 10.78

**Developable Acres Remaining:** 6.06

**Right-of-way in Annexation:** 582.28 feet along E 1/4 Road; 256.37 feet along I-70 B.

**Previous County Zoning:** Commercial

**Proposed City Zoning:** C-1

**Current Land Use:** Vacant

**Future Land Use:** FCI Construction office and warehouse

**Assessed Values:** \$7,950.

**Actual Value:** \$27,400

**Census Tract:** 11

**Address Ranges:** 3070 I-70 B and 3076 I-70 B

**Special Districts:**

|                  |                            |
|------------------|----------------------------|
| <b>Water:</b>    | Clifton Water              |
| <b>Sewer:</b>    | Central Grand Valley Sewer |
| <b>Fire:</b>     | Clifton Fire               |
| <b>Drainage:</b> | Grand Junction Drainage    |
| <b>School:</b>   | District 51                |
| <b>Pest:</b>     | -                          |

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. -00**

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

**LOCATED AT 3070 I-70B**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 4<sup>th</sup> day of April, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
GAMBLE / SAGE ANNEXATION**

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

Commencing at the northeast corner of the NW 1/4 SE 1/4 of said Section 9; thence S 89°58'48" E along the north line of the NE 1/4 SE 1/4 of Section 9 a distance of 331.00 feet to a point; thence leaving the north line of said NE 1/4 SE 1/4 S 00°09'13" E a distance of 728.86 feet to the True Point of Beginning of the parcel described herein; thence S 00°09'13" E a distance of 525.40 feet to a point on the northerly right of way line for I-70B ( said point also being the southwest corner of Lot 5 of 31 Road Business Park ); thence N 68°45'00" E along the northerly right of way line for said I-70B a distance of 256.37 feet to a point; thence leaving said northerly right of way line S 00°18'27" E a distance of 237.05 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I-70B a distance of 833.81 feet to a point; thence leaving said line N 00°09'13" W a distance of 208.23 feet to a point on the northerly right of way line for said I-70B; thence leaving said northerly right of way line N 00°09'13" W a distance of 537.87 feet to a point on the northerly right of way line for E 1/4 Road ( said point also being the southwest corner of Lot 1 of Solar Horizons Village ); thence N 73°04'12" E along the northerly right of way line for said E 1/4 Road a distance of 582.28 feet to the point of beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4<sup>th</sup> day of April, 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 \_\_\_\_ 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**

**GAMBLE / SAGE ANNEXATION  
APPROXIMATELY 10.78 ACRES  
LOCATED AT 3070 I-70 B**

WHEREAS, on the 4<sup>th</sup> day of April, 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 16<sup>th</sup> day of May, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
GAMBLE / SAGE ANNEXATION**

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

Commencing at the northeast corner of the NW 1/4 SE 1/4 of said Section 9; thence S 89°58'48" E along the north line of the NE 1/4 SE 1/4 of Section 9 a distance of 331.00 feet to a point; thence leaving the north line of said NE 1/4 SE 1/4 S 00°09'13" E a distance of 728.86 feet to the True Point of Beginning of the parcel described herein; thence S 00°09'13" E a distance of 525.40 feet to a point on the northerly right of way line for I-70B ( said point also being the southwest corner of Lot 5 of 31 Road Business Park ); thence N 68°45'00" E along the northerly right of way line for said I-70B a distance of 256.37 feet to a point; thence leaving said northerly right of way line S 00°18'27" E a distance of 237.05 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I-70B a distance of 833.81 feet to a point; thence leaving said line N 00°09'13" W a distance of 208.23 feet to a point on the

northerly right of way line for said I-70B; thence leaving said northerly right of way line N 00°09'13" W a distance of 537.87 feet to a point on the northerly right of way line for E 1/4 Road ( said point also being the southwest corner of Lot 1 of Solar Horizons Village ); thence N 73°04'12" E along the northerly right of way line for said E 1/4 Road a distance of 582.28 feet to the point of beginning.

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

INTRODUCED on first reading on the 4th day of April, 2001.

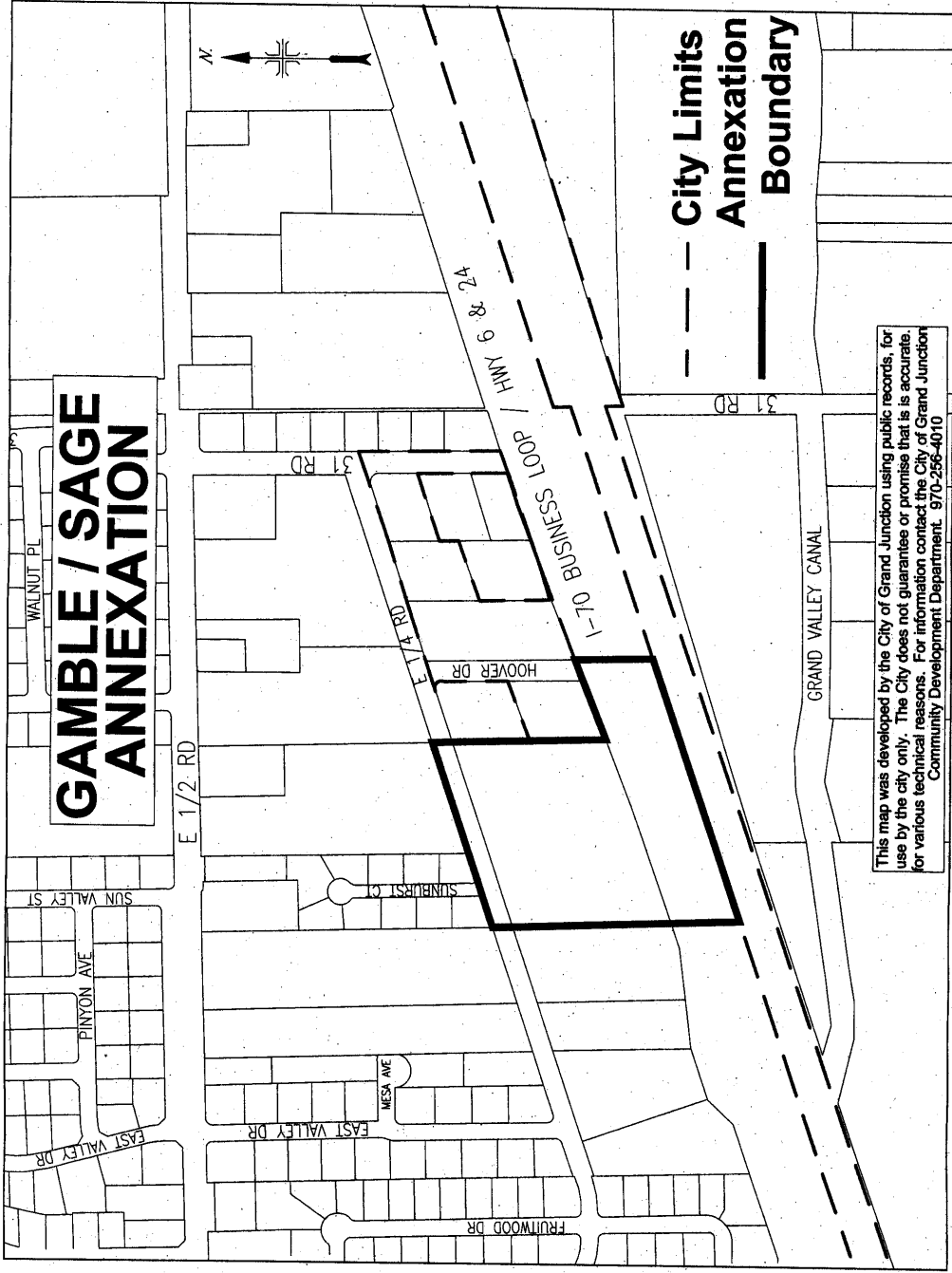
ADOPTED and ordered published this \_\_\_ day of \_\_\_\_\_, 2001.

Attest:

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

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





# GAMBLE / SAGE ANNEXATION

- - - City Limits  
 ——— Annexation  
 ——— Boundary

This map was developed by the City of Grand Junction using public records, for use by the city only. The City does not guarantee or promise that is accurate, for various technical reasons. For information contact the City of Grand Junction Community Development Department. 970-256-4010

**Attach 16  
Gamble/Sage Zone of Annexation**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                                       |                          |                      |
|------------------------|---------------------------------------|--------------------------|----------------------|
| <b>Subject:</b>        | <b>Gamble/Sage Zone of Annexation</b> |                          |                      |
| <b>Meeting Date:</b>   | <b>May 16, 2001</b>                   |                          |                      |
| <b>Date Prepared:</b>  | <b>May 9, 2001</b>                    |                          |                      |
| <b>Author:</b>         | <b>Lori V. Bowers</b>                 | <b>Associate Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Lori V. Bowers</b>                 | <b>Associate Planner</b> |                      |
|                        | <b>Workshop</b>                       | <b>X</b>                 | <b>Formal Agenda</b> |

**Subject:** Public Hearing for second reading of the Zone of Annexation for Gamble/Sage property, located at 3070 I-70 B; File # ANX-2001-043.

**Summary:** The Petitioner had requested the zoning designation of C-2 (Heavy Commercial) be placed upon the property upon annexation to the City. Upon review of adjacent County and City zoning, staff is suggesting the zoning designation of C-1 (Light Commercial) be recommended. The applicants are currently in the site plan review process for a new office building and enclosed workshop/garage facility with screened outdoor storage.

Background Information: **See attached Staff Report**

**Budget: N/A**

**Action Requested/Recommendation:** Approve the zoning designation of C-1 for the Gamble/Sage Annexation.

|                              |  |           |          |            |                |
|------------------------------|--|-----------|----------|------------|----------------|
| <b>Citizen Presentation:</b> |  | <b>No</b> | <b>X</b> | <b>Yes</b> | <b>If Yes,</b> |
| <b>Name:</b>                 | <b>Mark Austin, RG Consulting Engineers</b>      |           |          |            |                |
| <b>Purpose:</b>              | <b>Representative for Gamble/Sage Annexation</b> |           |          |            |                |

|  |          |           |  |            |              |  |
|--|----------|-----------|--|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | <b>No</b> |  | <b>Yes</b> | <b>When:</b> |  |
|--|----------|-----------|--|------------|--------------|--|

|                             |  |                |          |                             |  |                 |
|-----------------------------|--|----------------|----------|-----------------------------|--|-----------------|
| <b>Placement on Agenda:</b> |  | <b>Consent</b> | <b>X</b> | <b>Indiv. Consideration</b> |  | <b>Workshop</b> |
|-----------------------------|--|----------------|----------|-----------------------------|--|-----------------|

**AGENDA TOPIC:** Public Hearing for second reading of the Zone of Annexation for Gamble/Sage property, located at 3070 I-70 B; File # ANX-2001-043.

**SUMMARY:** The Petitioner had requested the zoning designation of C-2 (Heavy Commercial) be placed upon the property upon annexation to the City. Upon review of adjacent County and City zoning, staff is suggesting the zoning designation of C-1 (Light Commercial) be recommended. The applicants are currently in the site plan review process for a new office building an enclosed workshop/garage facility with screened outdoor storage.

**ACTION REQUESTED:** Approval from City Council of the rezoning/zone of annexation request to C-1 (Light Commercial) for Sage Properties LLC, located at 3070 I 70-B.

| <b>BACKGROUND INFORMATION</b>       |              |   |            |           |
|-------------------------------------|--------------|---|------------|-----------|
| <b>Location:</b>                    |              | <b>3070 I-70 B.</b>   |            |           |
| <b>Applicants:</b>                  |              | <b>Sage Properties, LLC, owners;<br/>Mark Austin, of RG Consulting<br/>Engineers, representative.</b> |            |           |
| <b>Existing Land Use:</b>           |              | <b>Vacant land</b>  |            |           |
| <b>Proposed Land Use:</b>           |              | <b>Office, Warehouse/shop/garage/outside<br/>storage</b>  |            |           |
| <b>Surrounding Land<br/>Use:</b>    | <b>North</b> | <b>Residential</b>  |            |           |
|                                     | <b>South</b> | <b>I-70 B and Southern Pacific Railroad</b>   |            |           |
|                                     | <b>East</b>  | <b>Commercial / Dale Broom RV sales</b>   |            |           |
|                                     | <b>West</b>  | <b>Vacant</b>   |            |           |
| <b>Existing Zoning:</b>             |              | <b>B-2</b>  |            |           |
| <b>Proposed Zoning:</b>             |              | <b>C-1</b>  |            |           |
| <b>Surrounding<br/>Zoning:</b>      | <b>North</b> | <b>Mesa County B-2 and RSF-4</b>  |            |           |
|                                     | <b>South</b> | <b>I-1 (across the highway and R.R. tracks)</b>   |            |           |
|                                     | <b>East</b>  | <b>C-1</b>  |            |           |
|                                     | <b>West</b>  | <b>Mesa County B-2</b>  |            |           |
| <b>Growth Plan Designation:</b>     |              | <b>Commercial</b>   |            |           |
| <b>Zoning within density range?</b> |              | <b>X</b>  | <b>Yes</b> | <b>No</b> |

**Project Analysis:**

**Zone of Annexation / Rezoning:** The petitioner is requesting approval of the zone of annexation/rezoning of approximately 6.06 acres to the zoning designation of C-2 (Heavy

Commercial). Staff recommends the zone of C-1 (Light Commercial). The zone of C-1 (Light Commercial) is closer to the Mesa County zoning designation of B-2 (Business). C-1 zoning is also consistent with previous annexation zonings in this area. The Growth Plan designates this area as a Commercial area. After verification of the existing zoning of B-2, the County stated that the zone of B-2 was consistent with the designation of "Commercial" on the growth plan. The Zoning and Development Code states that the zone of C-1 (Light Commercial) allows the proposed use of "Contractor Trade shops with indoor operations and storage". "Contractor and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)" requires a Conditional Use Permit in this zoning district. This is a double fronted lot and the C-1 zoning district requires storage to be on the back half of the lot. The applicant has provided a screened outdoor storage area on their site plan. The proposed storage area is behind the principal structure, thus considered to be on the back half of the lot. Planning Commission approved a Conditional Use Permit for this project, and is recommending the zoning designation of C-1 (Light Commercial) for this property.

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

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

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

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

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

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

*The proposed zone of annexation/rezone is compatible with the neighborhood and should not create any adverse impacts. Adequate screening has been provided per Code for the properties across from E 1/4 Road.*

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

*The proposal conforms to the Growth Plan and the requirements of the Code.*

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

*Adequate facilities currently exist on the property.*

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and  
*(Not applicable to annexation)*

8. The community or neighborhood will benefit from the proposed zone.  
*The Community will benefit by the development of this property.*

Staff feels the proposed site plan shows adequate screening for the protection of the residentially zoned property to the north and adequate screening on the other sides of the storage area. Considering the property to the east has extensive outdoor display and the land to the west is vacant, the plan addresses the minimal screening needs of this proposal. The north side of the property is screened with landscaping and an opaque covering over a chain link fence. The east and west sides of the property propose landscaping as the screen.

**STAFF RECOMMENDATION:**

Staff recommends, approval of the request for the zone of annexation from County B-2 to the City zoning designation of C-1 (Light Commercial) for the Gamble/Sage Annexation, located at 3070 I-70 B

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommends to City Council the zone of annexation for the Gamble/Sage property, consisting of 6.06 acres, to that of C-1 (Light Commercial) zone district.

**ATTACHMENTS:**

Zoning Ordinance  
Annexation Boundary Map

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_**

**ZONING THE GAMBLE/SAGE ANNEXATION TO LIGHT COMMERCIAL (C-1)  
LOCATED AT 3070 I-70 B**

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 C-1, Light Commercial zone district to this annexation.

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

Includes the following tax parcel 2943-094-00-115

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
GAMBLE / SAGE ANNEXATION**

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

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point; thence leaving said line N 00°09'13" W a distance of 208.23 feet to a point on the northerly right of way line for said I-70B; thence leaving said northerly right of way line N 00°09'13" W a distance of 537.87 feet to a point on the northerly right of way line for E 1/4 Road ( said point also being the southwest corner of Lot 1 of Solar Horizons Village ); thence N 73°04'12" E along the northerly right of way line for said E 1/4 Road a distance of 582.28 feet to the point of beginning.

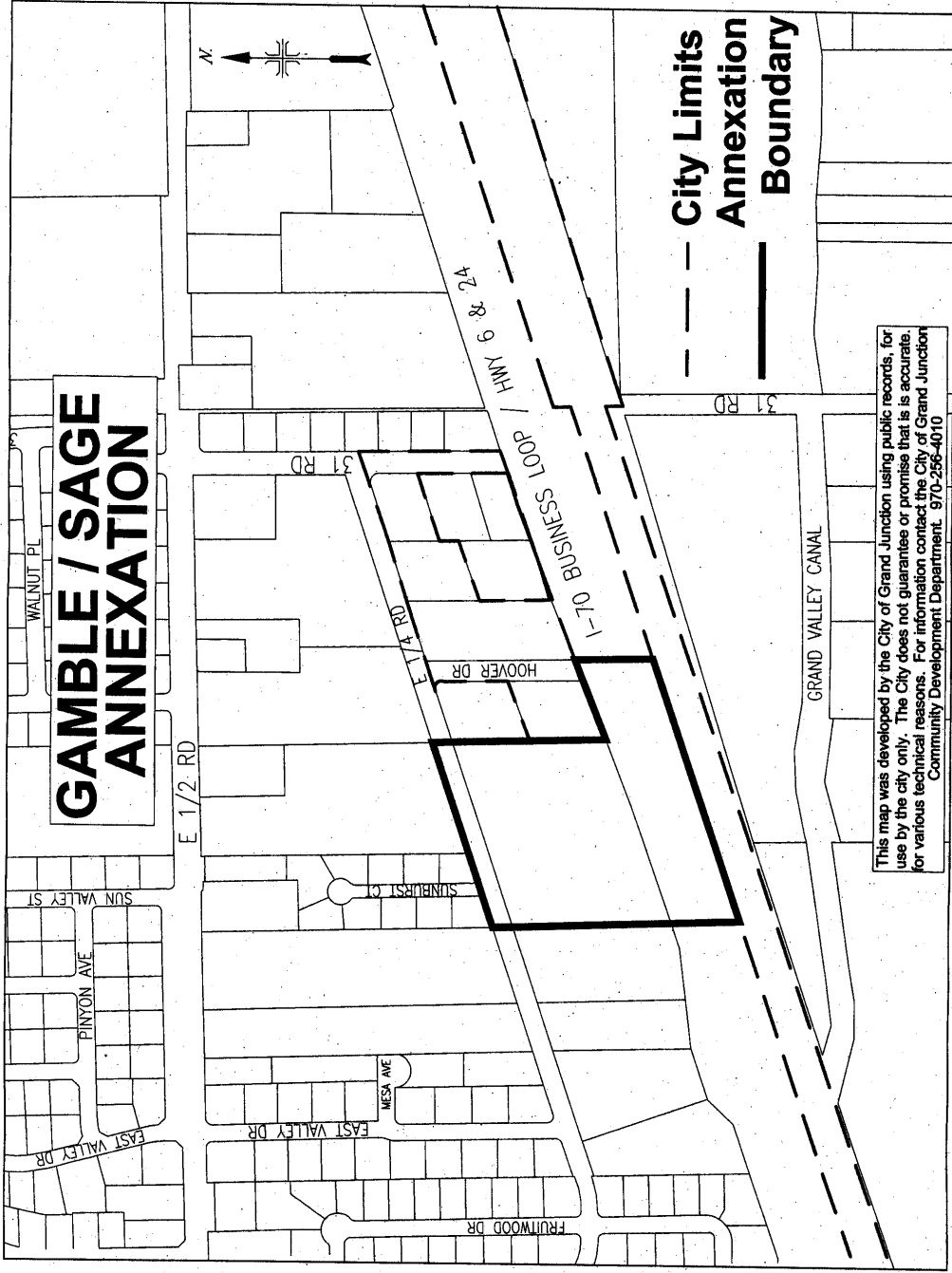
Introduced on first reading this 2<sup>nd</sup> day of May, 2000.

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

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

ATTEST:

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



# GAMBLE / SAGE ANNEXATION

- - - City Limits  
 ——— Annexation  
 ——— Boundary

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**Attach 17  
Parham Annexation**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                    |                |                      |
|------------------------|--------------------|----------------|----------------------|
| <b>Subject:</b>        | Parham Annexation  |                |                      |
| <b>Meeting Date:</b>   | April 4, 2001      |                |                      |
| <b>Date Prepared:</b>  | March 20, 2001     |                |                      |
| <b>Author:</b>         | Lisa Gerstenberger | Senior Planner |                      |
| <b>Presenter Name:</b> | Lisa Gerstenberger | Senior Planner |                      |
|                        | <b>Workshop</b>    | <b>X</b>       | <b>Formal Agenda</b> |

**Subject:** Parham Annexation, ANX-2001-061.

**Summary:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Parham Annexation located at 2960 D Road and including a portion of D Road right-of-way.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Recommend 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 Parham Annexation and set a hearing for May 16, 2001.

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

|  |          |    |     |              |  |
|--|----------|----|-----|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | No | Yes | <b>When:</b> |  |
|--|----------|----|-----|--------------|--|

|                             |          |         |                      |          |
|-----------------------------|----------|---------|----------------------|----------|
| <b>Placement on Agenda:</b> | <b>X</b> | Consent | Indiv. Consideration | Workshop |
|-----------------------------|----------|---------|----------------------|----------|

**AGENDA TOPIC:** ANX-2001-061, Parham Annexation.

**SUMMARY:** Resolution for Referral of Petition to Annex/First reading of the Annexation Ordinance/Exercising land use jurisdiction immediately for the Parham Annexation located at 2960 D Road and including a portion of D Road right-of-way.

| <b>BACKGROUND INFORMATION</b>       |              |   |            |
|-------------------------------------|--------------|---|------------|
| <b>Location:</b>                    |              | <b>2960 D Road</b>                                |            |
| <b>Applicants:</b>                  |              | <b>Bryan Parham</b>                               |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant Residential Unit and Barn</b>           |            |
| <b>Proposed Land Use:</b>           |              | <b>Residential</b>                                |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Vacant</b>                                     |            |
|                                     | <b>South</b> | <b>Residential</b>                                |            |
|                                     | <b>East</b>  | <b>Residential</b>                                |            |
|                                     | <b>West</b>  | <b>Residential</b>                                |            |
| <b>Existing Zoning:</b>             |              | <b>County AFT</b>                                 |            |
| <b>Proposed Zoning:</b>             |              | <b>City RMF-8</b>                                 |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>County Planned Residential 3.31 units/acre</b> |            |
|                                     | <b>South</b> | <b>County AFT</b>                                 |            |
|                                     | <b>East</b>  | <b>County AFT</b>                                 |            |
|                                     | <b>West</b>  | <b>County AFT</b>                                 |            |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Medium</b>                         |            |
| <b>Zoning within density range?</b> |              | <b>x</b>  | <b>Yes</b> |
|                                     |              |   | <b>No</b>  |

**Staff Analysis:**

**ANNEXATION:**

The owner of the property has signed a petition for annexation as part of the request to construct a single family residential subdivision, pursuant to the 1998 Persigo Agreement with Mesa County.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Parham 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.

| <b><i>PARHAM ANNEXATION SUMMARY</i></b> |  |  |
|---|--|--|
| <b>File Number:</b>                     | <b>ANX-2001-061</b>                      |  |
| <b>Location:</b>                        | <b>2960 D Road</b>                       |  |
| <b>Tax ID Number:</b>                   | <b>2945-174-00-186</b>                   |  |
| <b>Parcels:</b>                         | <b>1 parcel and D Road right-of-way</b>  |  |
| <b>Estimated Population:</b>            | <b>0</b>                                 |  |
| <b># of Parcels (owner occupied):</b>   | <b>N/A</b>                               |  |
| <b># of Dwelling Units:</b>             | <b>1 (vacant)</b>                        |  |
| <b>Acres land annexed:</b>              | <b>14.53 acres for annexation area</b>   |  |
| <b>Developable Acres Remaining:</b>     | <b>13 acres</b>                          |  |
| <b>Right-of-way in Annexation:</b>      | <b>1.53 acres, See Annexation Map</b>    |  |
| <b>Previous County Zoning:</b>          | <b>AFT</b>                               |  |
| <b>Proposed City Zoning:</b>            | <b>Residential Multi-family, 8 du/ac</b> |  |
| <b>Current Land Use:</b>                | <b>Vacant</b>                            |  |
| <b>Future Land Use:</b>                 | <b>Residential</b>                       |  |
| <b>Values:</b>                          | <b>Assessed:</b>                         | <b>= \$98,500</b>                      |
|   | <b>Actual:</b>                           | <b>= \$9,600</b>                       |
| <b>Census Tract:</b>                    | <b>8</b>                                 |  |
| <b>Address Ranges:</b>                  | <b>2960 D Road</b>                       |  |
| <b>Special Districts:</b>               | <b>Water:</b>                            | <b>Ute Water</b>                       |
|   | <b>Sewer:</b>                            | <b>Central Grand Valley Sanitation</b> |
|   | <b>Fire:</b>                             | <b>GJ Rural Fire</b>                   |
|   | <b>Drainage:</b>                         | <b>GJ Drainage District</b>            |

|  |                |                    |
|--|----------------|--------------------|
|  | <b>School:</b> | <b>District 51</b> |
|  | <b>Pest:</b>   | <b>N/A</b>         |

The following annexation and zoning schedule is being proposed.

| <b><i>ANNEXATION SCHEDULE</i></b> |  |
|-----------------------------------|--|
| <b>4-4-2001</b>                   | Referral of Petition (30 Day Notice), First Reading, Exercising Land Use           |
| <b>4-10-2001</b>                  | Planning Commission considers Zone of Annexation                                   |
| <b>5-2-2001</b>                   | First Reading on Zoning by City Council  |
| <b>5-16-2001</b>                  | Acceptance of Petition and Public hearing on Annexation and Zoning by City Council |
| <b>6-17-2001</b>                  | Effective date of Annexation and Zoning  |

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

**Attachments:**

- Resolution of Referral of Petition/Exercising Land Use Immediately
- Annexation Ordinance
- Annexation Map

H:\Projects2001\ANX-2001-061\ParhamRefPet.doc

**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 April 4, 2001, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PARHAM ANNEXATION**

**APPROXIMATELY 14.53 ACRES LOCATED AT 2960 D ROAD AND  
INCLUDING A PORTION OF D ROAD RIGHT-OF-WAY**

**WHEREAS**, on the April 4, 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 May 16, 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:

**PARHAM ANNEXATION**

A parcel of land situate in the SW 1/4 and SE 1/4 of Section 17 and in the NE 1/4 of Section 20, all in 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 Section 17; thence S 89°57'50" W along the south line of the SE 1/4 SW 1/4 of said Section 17 a distance of 716.19 feet to a point; thence N 00°02'10" W a distance of 5.00 feet to a point; thence N 89°57'50" E along a line 5.00 feet north of and parallel with the south line of said SE 1/4 SW 1/4 a distance of 716.19 feet to a point on the west line of the SW 1/4 SE 1/4 of said Section 17; thence N 00°03'26" W along the west line of said SW 1/4 SE 1/4 a distance of 45.00 feet to a point on the north right of way line for D Road; thence N 89°57'50" E along the north right of way line for said D Road a distance of 329.34 feet to a point on the east line of the W 1/4 SW 1/4 SE 1/4 of said Section 17; thence N 00°03'26" W along the east line of said W 1/4 SW 1/4 SE 1/4 a distance of 1270.57 feet to the northeast corner of said W 1/4 SW 1/4 SE 1/4; thence N 89°58'55" E along the north line of the SW 1/4 SE 1/4 of said Section 17 a distance of 988.81 feet to the SE 1/16 corner of said Section 17; thence S 00°01'40" E along the east line of said SW 1/4 SE 1/4 a distance of 324.92 feet to a point on the centerline for the

Grand Valley Irrigation Company Canal; thence along said centerline the following 5 courses:

N 67°31'47" W a distance of 67.05 feet to a point;  
N 59°26'07" W a distance of 137.94 feet to a point;  
N 70°43'27" W a distance of 60.07 feet to a point;  
N 76°08'25" W a distance of 132.54 feet to a point;  
N 71°48'17" W a distance of 286.92 feet to a point;  
thence S 00°02'13" E a distance of 1182.69 feet to a point on the north right of way line for said D Road; thence along the north right of way line for said D Road the following 3 courses:

N 89°57'50" E a distance of 309.00 feet to a point;  
S 00°02'10" E a distance of 20.00 feet to a point;  
N 89°57'50" E a distance of 119.39 feet to a point;  
thence leaving said north right of way line S 00°01'40" E a distance of 25.00 feet to a point;  
thence N 89°57'50" E along a line 5.00 feet north of and parallel with the south line of the SW 1/4 SE 1/4 of said Section 17 a distance of 210.00 feet to a point on the west line of the SE 1/4 SE 1/4 of said Section 17; thence S 00°01'40" E along the west line of said SE 1/4 SE 1/4 a distance of 5.00 feet to the E 1/16 corner on the south line of said Section 17; thence N 89°57'32" E along the south line of said SE 1/4 SE 1/4 a distance of 980.00 feet to a point; thence S 00°01'40" E a distance of 5.00 feet to a point; thence N 89°57'32" E along a line 5.00 feet south of and parallel with the north line of the NE 1/4 NE 1/4 of Section 20 a distance of 307.46 feet to a point; thence S 00°02'28" E a distance of 5.00 feet to a point; thence S 89°57'32" W along a line 10.00 feet south of and parallel with the north line of said NE 1/4 NE 1/4 a distance of 312.46 feet to a point; thence N 00°01'40" W a distance of 5.00 feet to a point; thence S 89°57'32" W along a line 5.00 feet south of and parallel with the north line of said NE 1/4 NE 1/4 a distance of 975.00 feet to a point on the west line of said NE 1/4 NE 1/4 of said Section 20; thence N 00°02'21" W along said west line a distance of 5.00 feet to the E 1/16 corner on the north line of said Section 20; thence S 89°57'50" W along the north line of the NW 1/4 NE 1/4 of said Section 20 a distance of 1317.48 feet to the N 1/4 corner of said Section 20 and point of beginning, containing 14.53 acres more or less.

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

**INTRODUCED** on first reading on the April 4, 2001.

**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2001.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. -00**

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

**PARHAM ANNEXATION**

**IS ELIGIBLE FOR ANNEXATION**

**LOCATED AT 2960 D ROAD  
and including a portion of D Road Right-of-Way**

**WHEREAS**, on the April 4, 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:

**PARHAM ANNEXATION**

A parcel of land situate in the SW 1/4 and SE 1/4 of Section 17 and in the NE 1/4 of Section 20, all in 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 Section 17; thence S 89°57'50" W along the south line of the SE 1/4 SW 1/4 of said Section 17 a distance of 716.19 feet to a point; thence N 00°02'10" W a distance of 5.00 feet to a point; thence N 89°57'50" E along a line 5.00 feet north of and parallel with the south line of said SE 1/4 SW 1/4 a distance of 716.19 feet to a point on the west line of the SW 1/4 SE 1/4 of said Section 17; thence N 00°03'26" W along the west line of said SW 1/4 SE 1/4 a distance of 45.00 feet to a point on the north right of way line for D Road; thence N 89°57'50" E along the north right of way line for said D Road a distance of 329.34 feet to a point on the east line of the W 1/4 SW 1/4 SE 1/4 of said Section 17; thence N 00°03'26" W along the east line of said W 1/4 SW 1/4 SE 1/4 a distance of 1270.57 feet to the northeast corner of said W 1/4 SW 1/4 SE 1/4; thence N 89°58'55" E along the north line of the SW 1/4 SE 1/4 of said Section 17 a distance of 988.81 feet to the SE 1/16 corner of said Section 17; thence S 00°01'40" E along the east line of said SW 1/4 SE 1/4 a distance of 324.92 feet to a point on the centerline for the Grand Valley Irrigation Company Canal; thence along said centerline the following 5 courses:

N 67°31'47" W a distance of 67.05 feet to a point;

N 59°26'07" W a distance of 137.94 feet to a point;

N 70°43'27" W a distance of 60.07 feet to a point;

N 76°08'25" W a distance of 132.54 feet to a point;

N 71°48'17" W a distance of 286.92 feet to a point;

thence S 00°02'13" E a distance of 1182.69 feet to a point on the north right of way line for said D Road; thence along the north right of way line for said D Road the following 3 courses:



N 89°57'50" E a distance of 309.00 feet to a point;  
S 00°02'10" E a distance of 20.00 feet to a point;  
N 89°57'50" E a distance of 119.39 feet to a point;  
thence leaving said north right of way line S 00°01'40" E a distance of 25.00 feet to a point;  
thence N 89°57'50" E along a line 5.00 feet north of and parallel with the south line of the  
SW 1/4 SE 1/4 of said Section 17 a distance of 210.00 feet to a point on the west line of  
the SE 1/4 SE 1/4 of said Section 17; thence S 00°01'40" E along the west line of said SE  
1/4 SE 1/4 a distance of 5.00 feet to the E 1/16 corner on the south line of said Section 17;  
thence N 89°57'32" E along the south line of said SE 1/4 SE 1/4 a distance of 980.00 feet  
to a point; thence S 00°01'40" E a distance of 5.00 feet to a point; thence N 89°57'32" E  
along a line 5.00 feet south of and parallel with the north line of the NE 1/4 NE 1/4 of  
Section 20 a distance of 307.46 feet to a point; thence S 00°02'28" E a distance of 5.00  
feet to a point; thence S 89°57'32" W along a line 10.00 feet south of and parallel with the  
north line of said NE 1/4 NE 1/4 a distance of 312.46 feet to a point; thence N 00°01'40" W  
a distance of 5.00 feet to a point; thence S 89°57'32" W along a line 5.00 feet south of and  
parallel with the north line of said NE 1/4 NE 1/4 a distance of 975.00 feet to a point on the  
west line of said NE 1/4 NE 1/4 of said Section 20; thence N 00°02'21" W along said west  
line a distance of 5.00 feet to the E 1/16 corner on the north line of said Section 20; thence  
S 89°57'50" W along the north line of the NW 1/4 NE 1/4 of said Section 20 a distance of  
1317.48 feet to the N 1/4 corner of said Section 20 and point of beginning, containing  
14.53 acres more or less.

**WHEREAS**, a hearing on the petition was duly held after proper notice on May 16, 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 16th day of May, 2001.

Attest:

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

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

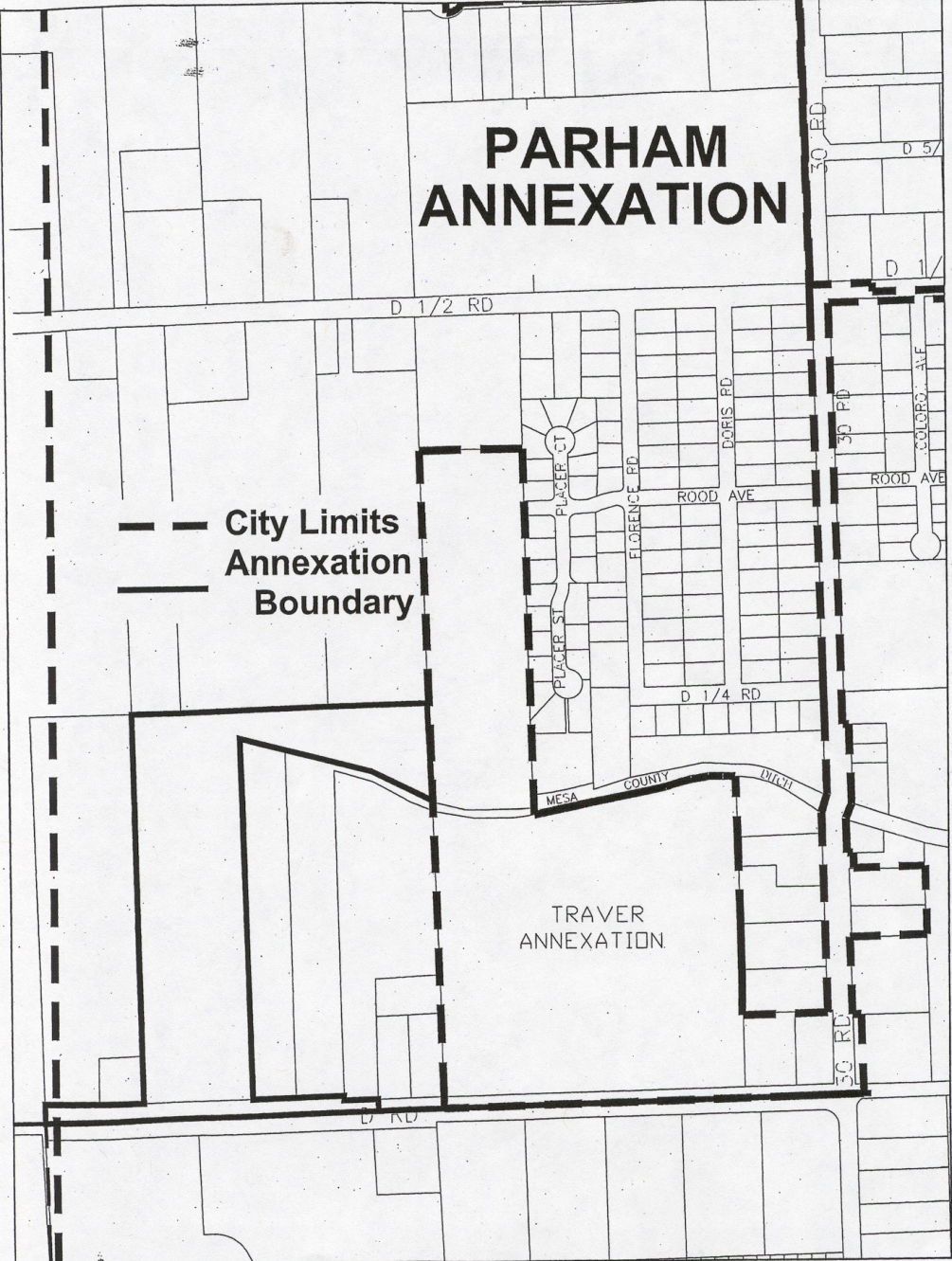


# PARHAM ANNEXATION



**--- City Limits**  
**— Annexation Boundary**

# TRAVER ANNEXATION





# PARHAM ANNEXATION

## AREA OF ANNEXATION

- ANNEXATION DISTRICT 16
- CONTOUR INTERVAL 200.00 FT.
- AREA IN SQUARE FEET 430,375.54
- AREA IN ACRES 9.83

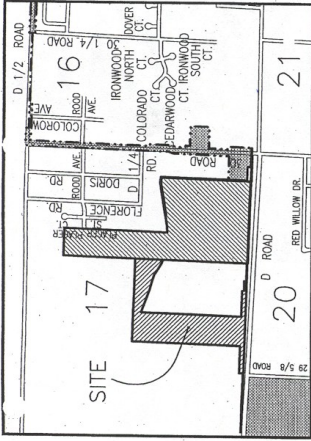
## LEGEND

ANNEXATION BOUNDARY

EXISTING CITY LIMITS

## ORDINANCE NO.

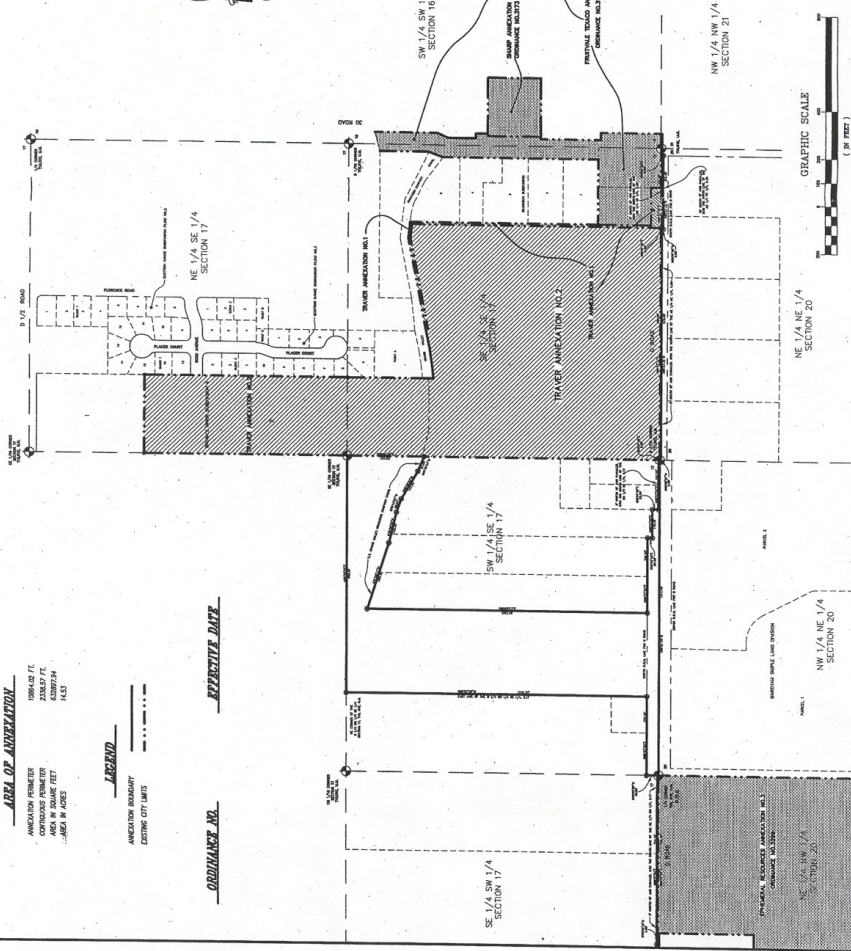
## EFFECTIVE DATE



## LEGAL DESCRIPTION

A portion of land situated in the SW 1/4 and SE 1/4 of Section 17 and in the NE 1/4 of Section 20, all in Township 1 South, Range 1 East of the 10th Meridian, County of Adams, State of Colorado, being more particularly described in the following:

- 1) A portion of the SW 1/4 of Section 17, containing 17.3200 acres, more particularly described as follows:
- 2) A portion of the SE 1/4 of Section 17, containing 17.3200 acres, more particularly described as follows:
- 3) A portion of the NE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 4) A portion of the NW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 5) A portion of the SW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 6) A portion of the SE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 7) A portion of the NE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 8) A portion of the NW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 9) A portion of the SW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 10) A portion of the SE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 11) A portion of the NE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 12) A portion of the NW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 13) A portion of the SW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 14) A portion of the SE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 15) A portion of the NE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 16) A portion of the NW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 17) A portion of the SW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 18) A portion of the SE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 19) A portion of the NE 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:
- 20) A portion of the NW 1/4 of Section 20, containing 17.3200 acres, more particularly described as follows:



The boundaries of the parcels shown here have been determined from the information on record descriptions and maps of the parcels in the office of the Mead County Clerk and Recorder. This plat does not constitute a warranty of the accuracy of the boundary lines. It is intended to be used for establishing or verifying property boundary lines.

SMOK REAL ESTATE TECHNOLOGY, PLS 22580

|  |                               |                             |
|--|-------------------------------|-----------------------------|
| <p>DESIGNED BY _____ DATE E-20-2001</p> <p>CHECKED BY _____ DATE _____</p> <p>APPROVED BY _____ DATE _____</p> | <p>SCALE</p> <p>1" = 200'</p> | <p>1</p> <p>OF</p> <p>1</p> |
|  |                               |                             |