

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

WEDNESDAY, JANUARY 16, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Miriam Greenwald, Lay Leader
Jewish Community Congregation Ohr Shalom

PRESENTATIONS

***Presentation of the Mayor's Cup for the Mayor's Skijoring Challenge of 2002

PRESCHEDULED CITIZENS AND VISITORS

National Parks Superintendent Palma Wilson and Greg Gnesios with the Bureau of Land Management will Update Council on Upcoming Planning Efforts and Public Meetings

CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the January 2, 2002 Regular Meeting and the January 7 and January 9, 2002 Special Meetings

2. **Setting a Hearing on Rezoning The Pines Located at 2645 F ½ Road**

[File #RZP-2001-225]

[Attach 2](#)

Approval of a rezoning application to change the zoning of the project site from the RSF-1 (Residential Single Family-1 dwelling unit per acre) to RSF-2 (Residential

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

Single Family-2 dwelling units per acre) in conjunction with a 10 lot subdivision of approximately 5.07 acres

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 6, 2002

Staff presentation: Pat Cecil, Development Services Supervisor

3. **Animal Control Agreement with Mesa County** [Attach 3](#)

An annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays Mesa County a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2002 is 40.3% or \$181,067. Payments are made to the County on a quarterly basis.

Action: Authorize the Mayor to Sign the 2002 Agreement for Animal Control Services with Mesa County in the Amount of \$181,067.00

Staff presentation: Robert Knight, Police Lieutenant

4. **Award of Construction Contract for the Redlands Village South Sewer Improvement District Project** [Attach 4](#)

This contract would construct over 10,000 feet of sanitary sewer within the existing Redlands Village South subdivision located northwest of the intersection of the Redlands Parkway and Highway 340. The owners of real estate located in the vicinity northwest of the intersection of Highway 340 and the Redlands Parkway, and south of Willow Wood Road, have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on January 17, 2002 based on bids received. Bids were received and opened on October 2, 2001 for Redlands Village South Sewer Improvement District.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$662,936.00
MA Concrete Construction	Grand Jct.	\$672,579.00
RW Jones Construction	Fruita, CO	\$674,979.60
Spallone Construction	Gunnison, CO	\$772,693.00

Skyline Construction	Grand Jct.	\$778,623.50
Mendez Construction	Grand Jct.	\$879,674.00
Engineer's Estimate		\$777,896.00

Action: Authorize the City Manager to Execute a Contract for the Redlands Village South Project to Sorter Construction in the Amount of \$662,936 Contingent on the Creation of the District by Mesa County

Staff presentation: Mark Relph, Public Works and Utilities Director

5. **Award of Construction Contract for Redlands Village Northwest Sewer Improvement District and Appropriate Money for Sewer Extension to Panorama Lift Station** [Attach 5](#)

1). This contract would construct over 18,000 feet of sanitary sewer within the existing Redlands Village North subdivision located northwest of the intersection of the Redlands Parkway and Highway 340. 2.) Appropriate \$136,909 to construct 2600 foot sewer extension between Panorama Lift Station #2 and a revised Redlands Village North lift station location.

The following bids that were deemed responsible and responsive were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$1,022,568.00
MA Concrete Construction	Grand Jct.	\$1,108,795.40
Precision Excavating	Hayden, CO	\$1,157,445.00
Downey Excavating	Montrose, CO	\$1,191,669.80
Skyline Construction	Grand Jct.	\$1,338,527.65
Engineer's Estimate		\$1,239,240.00

Action: Authorize City Manager to Execute a Contract for the Redlands Village Northwest Project to Sorter Construction in an Amount of 1,022,568.00 contingent on the creation of the District by Mesa County and Approve the Appropriation of \$136,909 to construction sewer line to eliminate Panorama Lift Station #2

Staff presentation: Mark Relph, Public Works and Utilities Director

6. **Renewal of Grant Application for the Colorado Department of Health and Environment Water Quality Control Division for Stormwater Public Information and Education** [Attach 6](#)

Approval to submit a 319 Grant Application to the Colorado Department of Health and Environment, Water Quality Control Division, for funding of \$10,000 stormwater public information and education campaign that would begin in September 2002. Applications are due January 31, 2002. This grant is to essentially “re-run” the Grand Valley Non-point Source Pollution Prevention (P2) Education Program that was previously developed under Colorado Department of Public Health and Environment. Mesa County Health Department administered the 1999 grant. This year however, the City is applying for a different funding source.

***Action:** Authorize the City Manager to Execute a Grant Application for Colorado Department of Health and Environment Water Quality Control Division*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Award of Construction Contract for Independent Avenue Utility Improvements Phase 1A**

[**Attach 7**](#)

Bids were received and opened on January 8, 2002 for Independent Avenue Utility Improvements Phase 1A. M. A. Concrete Construction submitted the apparent low bid in the amount of \$197,108.61. This work is between 25 1/2 Road and First Street on Independent Avenue. This work must be done in preparation for the street reconstruction scheduled for the spring of 2002.

The following bid was received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M. A. Concrete Construction	Grand Junction	\$197,108.61
Engineer's Estimate		\$200,034.61

***Action:** Authorize the City Manager to Execute a Contract for Independent Avenue Phase 1A – Utilities to MA Concrete Construction in the Amount of \$197,108.61*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Contract for a Digital Ortho-Photography Project** (Aerial Photos) [**Attach 8**](#)

This is a cooperative project between the City of Grand Junction and Mesa County, for the purpose of obtaining digital ortho-photography in the Grand Valley. The project was bid and is administered by Mesa County. The total project cost is \$547,084.00 of which the City's share is \$110,000.00.

Action: Authorize the City Manager to Approve a Contract for Aerial Photos, the City's portion to be \$110,000

Staff presentation: Tim Moore, Public Works Manager

9. **Purchase of Street Sweeper** [Attach 9](#)

The Street Sweeping Division has scheduled the replacement of Unit #2294 street sweeper. As per the Purchasing Policy Manual, this purchase will be facilitated by use of a State of Colorado Department of Transportation Contract.

Action: Authorize the City Purchasing Manager to Procure One Elgin Pelican P Street Sweeper from Faris Machinery Company, in the Amount of \$95,675

Staff presentation: Ron Watkins, Purchasing Manager

10. *****Setting a Public Hearing on Amending the Zoning and Developmental Code, Section 4.3.D. and 4.1.I.2.c pertaining to Salvage Yards, Recyclers and Impound Lots** [File #TAC-2001-203] [Attach 12](#)

On December 19, 2001, the City Council approved Ordinance No. 3390, the Revised Zoning and Development Code, but asked that Section 4.3.D. and 4.1.I.2.c, pertaining to new and existing Salvage Yards, Recyclers and Impound Lots, be brought back for further discussion.

Proposed Ordinance Amending Ordinance 3390, adding Sections 4.1.I.2.c and 4.3.D to the Zoning and Development Code

Action: Adopt Ordinance on First Reading and Set Hearing for February 6, 2002

Staff presentation: Kathy Portner, Planning Manager

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

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

10. **Public Hearing - Approval of a Growth Plan Consistency Review and Rezoning Ordinance for Riverside Market Located at 215 Chuluota Avenue** [File #RZ-2001-226] [Attach 10](#)

APPLICANT HAS REQUESTED A CONTINUANCE – Request for Approval of: 1) Growth Plan Consistency Review for a neighborhood grocery market; and 2) Second Reading of the Rezoning Ordinance to Rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district, to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

a. Resolution for Growth Plan Consistency

Resolution No. 06-02 - A Resolution Finding the Redevelopment of the Neighborhood Market Located at 215 Chuluota Avenue to be Consistent with the Growth Plan

b. Rezone Ordinance

Ordinance No. 3395 – An Ordinance Rezoning 215 Chuluota Avenue from the Residential Multi-Family-8 (RMF-8) Zone District to Planned Development with Neighborhood Business (B-1) as the Default Zone

**Action: Adopt Resolution No. 06-02 and Ordinance No. 3395 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

11. **Public Hearing - Annexation of Cimarron Mesa Annexation, Located at the Southwest Corner of Linden Avenue and B ½ Road** [ANX-2001-161]

[Attach 11](#)

Accepting the petition to annex/second reading of the annexation ordinance for the Cimarron Mesa Annexation located at the intersection (southwest corner) of Linden Avenue and B ½ Road. The 32.567 acre Cimarron Mesa Annexation consists of one parcel of land.

a. Accepting Petition

Resolution No. 07-02 – A Resolution accepting petitions for annexation, making certain findings, determining that property known as Cimarron Mesa Annexation is eligible for annexation located at the southwest corner of Linden Avenue and B ½ Road

b. Annexation Ordinance

Ordinance No. 3396 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Annexation, approximately 32.567 Acres, located at the southwest corner of Linden Avenue and B ½ Road

**Action: Adopt Resolution No. 07-02 and Ordinance No. 3396 on Second Reading*

Staff presentation: Bill Nebeker, Senior Planner

12. **Revocable Permit for Fences at 3025 Milburn Drive** [File #RVP-2001-228]

[Attach 13](#)

The petitioner is requesting approval and issuance of a revocable permit for a 6' solid wood privacy fence constructed within the City right-of-way for Monarch Way and a 30" split rail fence constructed within the City right-of-way for Milburn Drive.

Resolution No. 08-02 – A Resolution Concerning the Issuance of a Revocable Permit to Scott C. Bialkowski and Michelle R. Bialkowski

**Action: Adopt Resolution No. 08-02*

Staff presentation: Ronnie Edwards, Associate Planner

13. **Revocable Permit for Locating Bus Benches** [File #RVP-2002-020]

[Attach 14](#)

Issuance of a Revocable Permit to allow the petitioner to install Transit Bus Benches along the adopted GVT Routes in City Right-of-Way. This application is for approximately 64 benches along the GVT Bus Routes within the City. These benches all may contain advertising.

Resolution No. 09-02 - A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

**Action: Adopt Resolution No. 09-02*

Staff presentation: Lori Bowers, Associate Planner

14. **Public Hearing - Appeal of the Denial of a Growth Plan Amendment for Bank of Grand Junction** [File #GPA-2001-060]

[Attach 15](#)

APPLICANT HAS REQUEST A CONTINUANCE - The Bank of Grand Junction proposes to amend the Growth Plan Future Land Use Map from residential medium to commercial on two parcels at the northwest corner of F Road and 27 ½ Road. At its hearing of September 18, 2001 the Planning Commission recommended denial of the amendment. Over-turning the Commission's recommendation requires an affirmative vote of five members of the Council in accordance with Section 2.17.E.3.

**Action: Decision on appeal*

Staff presentation: Bill Nebeker, Senior Planner

15. **Public Hearing - Appeal of the Denial of a Growth Plan Amendment for 2258 South Broadway** [File #GPA-2001-178] [Attach 16](#)

Appeal of Planning Commission recommendation of denial for a Growth Plan Amendment to redesignate a portion of the Lewis property, located at 2258 South Broadway, from Residential Low (1/2 – 2 acres per dwelling unit) to Commercial.

**Action: Decision on appeal*

Staff presentation: Lisa Gerstenberger, Senior Planner

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

17. **OTHER BUSINESS**

18. **ADJOURNMENT**

Attach 1

Minutes Jan 2, 7, 9, 2002

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

JANUARY 2, 2002

The City Council of the City of Grand Junction convened into regular session the 2nd day of January, 2002 at 7:34 p.m. in the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Janet Terry, Jim Spehar and President of the Council Cindy Enos-Martinez. Councilmember Reford Theobald was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

Council President Enos-Martinez called the meeting to order and City Attorney Dan Wilson led in the pledge of allegiance. The audience remained standing for the Invocation by Michael Torphy, Grand Junction Church of Religious Science.

CONSENT CALENDAR

Council President Enos-Martinez announced that item #6 was being removed from the Consent Calendar as per the request of Councilmember Jim Spehar.

It was moved by Councilmember Terry, seconded by Councilmember Kirtland and carried by a roll call vote to approved Consent Items #1 through 13, with Item #6 being removed.

1. Minutes of Previous Meetings

Action: Approve the Summary of the December 17, 2001 Workshop and the Minutes of the December 19, 2001 Regular Meeting

2. Meeting Schedule and Posting of Notices

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-02 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

Meeting Schedule and the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-02

3. **Sole Source Approval for Police Computers**

The existing computers have reached the end of their usable life and require replacement. The sole source procurement is required for compatibility or conformity with other City-owned equipment in which non-conformance would require the expenditure of additional funds. PCS/Portable Computer Systems is the regional Panasonic Distributor for Colorado located in Golden.

Action: Approve the Sole Source Purchase from PCS/Portable Computer Systems for 34 Panasonic Computers in the Amount of \$133,080

4. **Special Event Funding Awards**

Ten applications for funding were received by the November 6 deadline. After review and discussion of the applications, the VCB Board recommends funding the following six events:

\$4,500	Colorado Mountain Winefest
\$2,000	Kokopelli Adventure Race
\$ 500	Celtic Festival and Highland Games
\$1,670	Rim Rock Run
\$2,000	Fruita Fat Tire Festival
\$4,000	Country Jam USA

Action: Approve Funding Awards as Recommended

5. **Grand Junction Strategic Cultural Plan**

The Grand Junction Commission on Arts and Culture convened a 50-member cultural plan steering committee to revise the 1991 cultural plan. The plan's recommendations are a ten-year blueprint for arts and cultural development, activities, organizations, and facilities throughout the community.

Resolution No. 02-02 – A Resolution to Approve the 2001 Update of the Grand Junction Strategic Cultural Plan

Action: Adopt Resolution No. 02-02

6. **Grant from the Colorado Council on the Arts to the Grand Junction Commission on Arts and Culture** Removed for full discussion

The Commission would like to accept a \$3,200 grant from the Colorado Council on the Arts in 2002. This funding will be added to the existing budget for Commission support of local arts and cultural events, projects, and programs.

7. **Temporary Easement Vacation Independence Ranch Filing 8** [File#VE-2001-224]

The applicant proposes to vacate a temporary turnaround easement and a temporary stormwater retention easement at the end of Tranquil Trail in Independence Ranch Filing 8. The subdivision is located at the northeast corner of 20 ½ and F ¾ Road. At its hearing of December 18, 2001 the Planning Commission recommended approval of this request.

Resolution No. 03-02 – A Resolution Vacating a Temporary Turnaround and Stormwater Retention Easement at the End of Tranquil Trail in Independence Ranch Subdivision

Action: Adopt Resolution No. 03-02

8. **Setting a Hearing on Rezoning Ordinance for Riverside Market Located at 215 Chuluota Avenue** [File #RZ-2001-226]

First Reading of the Rezoning Ordinance to rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

Proposed Ordinance Rezoning 215 Chuluota Avenue from the Residential Multi-Family-8 (RMF-8) Zone District to Planned Development with Neighborhood Business (B-1) as the Default Zone

Action: Approve Proposed Ordinance on First Reading and Set a Hearing for January 16, 2002

9. **One-Year Farm Lease of the Saccomanno Park Property with Robert H. Murphy**

The proposed lease will allow the property to remain in a productive condition pending its development as a community park. The 30-acre Saccomanno Park property is located at the southwest corner of 26 ½ Road and H Road. The City purchased the property in 1994 as a Community Park site in accordance with the recommendation of the Parks, Recreation and Open Space Master Plan. Development of the property as a park is scheduled for 2008.

Resolution No. 04-02 – A Resolution Authorizing a One-year Farm Lease of the Saccomanno Park Property with Robert H. Murphy

Action: Adopt Resolution No. 04-02

10. **Exchange of Real Estate with the Botanical Society**

The proposed resolution will authorize the exchange of real estate between the City and The Western Colorado Botanical Society. The Botanical Society presently leases 15 acres of City property located east of 5th Street between Struthers Avenue and the Colorado River. In addition to utilizing the leased premises, the Botanical Society owns an adjoining parcel of land containing 1/3 of an acre.

Resolution No. 05-02 – A Resolution Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society

Action: Adopt Resolution No. 05-02

11. **Award of Contract for Independent Avenue Irrigation and Storm Line Phase 1B**

Bids were received and opened on December 20, 2001 for Independent Avenue Utility Improvements Phase 1B. Bogue Construction submitted the apparent low bid in the amount of \$377,846.45.

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Bogue Construction, Inc.	Fruita	\$377,846.45
Skyline Contracting, Inc.	Grand	\$458,794.33
Downey Excavation, Inc.	Montrose	\$501,877.60
M. A. Concrete	Grand	\$516,193.17
R. W. Jones	Fruita	\$550,339.21

Continental West	Eagle	\$568,758.85
Spallone Construction,	Gunnison	\$580,861.02
Engineer's Estimate		\$517,007.17

***Action:** Authorize City Manager to Execute a Construction Contract for the Independent Avenue Utility Improvements Phase 1B with Bogue Construction in the Amount of \$377,846.45*

12. **Award of Contract for 26 Road Sewer Trunk Line Extension**

This contract would construct over 5,200 feet of sanitary sewer along the 26 Road corridor from F½ Road to a proposed development northwest of the intersection of 26 Road and G Road and eliminate the Jasmine Lane Lift Station.

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Precision Excavating, Inc.	Hayden, CO	\$408,186.00
Mendez, Inc.	Grand Jct., CO	\$445,650.00
M.A. Concrete Const.	Grand Jct., CO	\$452,985.00
Downey Excavation, Inc.	Montrose, CO	\$505,972.50
Spallone Construction, Inc.	Gunnison, CO.	\$524,563.00
Bogue Construction, Inc.	Fruita, CO	\$551,447.30
Engineer's Estimate		\$455,255.00

***Action:** Authorize the City Manager to Execute a Construction Contract for the 26 Road Sewer Trunk Extension with Precision Excavating in the Amount of \$408,186.00*

13. **Redlands Area Study**

The written report will serve to update the City Council on the progress of the Transportation and Land Use Study, including information on the January 8th Public Meeting and recommendations for future improvements.

***Action:** Acknowledge Written Report*

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

Grant from the Colorado Council on the Arts to the Grand Junction Commission on Arts and Culture

The Commission would like to accept a \$3,200 grant from the Colorado Council on the Arts in 2002. This funding will be added to the existing budget for Commission support of local arts and cultural events, projects, and programs.

Councilmember Spehar pointed out that grants such as these may have to be reconsidered in years where a TABOR refund might be at issue because acceptance of even small grants such as these might result in a refund of general fund monies and the cutting back of already programmed projects.

Councilmember Spehar moved to Authorize the City Manager to Sign a Contract with Colorado Council on the Arts for a \$3,200 Grant. Councilmember McCurry seconded. Motion carried.

Public Hearing – Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups

The City of Grand Junction, Colorado Employees Retirement Plan, the New Hire Fire Money Purchase Plan and the New Hire Police Money Purchase Plan have been amended to incorporate Internal Revenue Code (IRC) amendments that have been passed by Congress since 1994. These amendments must be incorporated into the aforementioned Plans by February 28, 2002 in order for the Plans to retain their tax-qualified status. Two minor amendments requested by the respective Plan Boards to add flexibility to the Plans are also included herein.

The public hearing was opened at 7:39 p.m.

Ron Lappi, Administrative Services Director reviewed this item. He noted that the members of the specified groups would still need to have a vote in order for the amendments to become effective. The members had requested some of the changes.

There were no public comments.

The public hearing was closed at 7:40 p.m.

Ordinance No. 3394 – An Ordinance Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups and Authorizing Publication of the Retirement Plans by Pamphlet

It was moved by Councilmember Kirtland, seconded by Councilmember Butler and carried by a roll call vote to adopt Ordinance No. 3394.

Purchase of 4 BMW Police Patrol Motorcycles

The Grand Junction Police Department has been working collaboratively with the City Purchasing office to compare and evaluate police motorcycles over the planned life cycle of the proposed units. The life cycle analysis includes the price, resale value, miscellaneous set-up fees, warranty, routine maintenance costs and the value of the lost investment when purchasing rather than leasing. The process also included a physical evaluation and test ride on the Harley Davidson and BMW Police Motorcycles by the Police Department.

Ron Watkins, Purchasing Manager and Greg Morrison, Police Chief, reviewed this item. Mr. Watkins explained the process and the reasons for recommending BMW motorcycles over Harley Davidson. He noted that motorcycles were leased in the past

however, the lease rate went up and now it is more reasonable to purchase them and then resell after five years.

Councilmember Butler moved to approve the Purchasing Manager to Procure 4 New BMW Police Motorcycles from All Sports Honda/BMW, LTD, Grand Junction, Colorado for the Amount of \$16,694 each; Total Purchase Price (delivered and set up) is \$66,596. Councilmember McCurry seconded. The motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION – PRIVILEGED ATTORNEY – CLIENT COMMUNICATION and PERSONNEL MATTERS-

It was moved by Councilmember Spehar, seconded by Councilmember Terry to go into executive session for Privileged Attorney-Client Communication and for Personnel Matters, that is to discuss the City's relationship with the DDA, and to then instruct our negotiators in this regard, and to discuss the City's position regarding related matters as allowed under Open Meetings Act, section (402)(b) and (e) and also some discussion of personnel matters as allowed under Section 4 (f).

ADJOURNMENT

The City Council adjourned into executive session in the Municipal Hearing Room at 7:45 p.m.

Stephanie Tuin, CMC
City Clerk

GRAND JUNCTION CITY COUNCIL MINUTES OF THE SPECIAL MEETING

January 7, 2002

The City Council of the City of Grand Junction, Colorado, convened into special session the 7th day of January, 2002, at 6:38 p.m. in the Administration Conference Room, 2nd floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Councilmember Jim Spehar was absent. Also present were City Clerk Stephanie Tuin and Municipal Judge David Palmer.

Council President Enos-Martinez called the meeting to order.

Councilmember Kirtland moved to go into executive session for discussion of a personnel matter under C.R.S. 24-6-402(4)(f)(i) specifically the discussion will be the evaluation of the Municipal Judge. This will be followed by a discussion on the procedure to be used for two other evaluations. Councilmember Terry seconded. The City Council convened into executive session at 6:42 p.m.

Stephanie Tuin, CMC
City Clerk

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

January 9, 2002

The City Council of the City of Grand Junction, Colorado, convened into special session the 9th day of January, 2002, at 6:39 p.m. in the Administration Conference Room, 2nd floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Harry Butler, Dennis Kirkland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver and Deputy City Clerk Juanita Wesley.

Council President Enos-Martinez called the meeting to order.

Councilmember Terry moved to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-

402(4)(e); specifically instructing negotiators and developing strategy for negotiation on a question arising under the Persigo agreement.

AND

For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employee who has requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; specifically the discussion will be the evaluation of the City Manager. Councilmember Spehar seconded. Motion carried. The City Council convened into executive session at 6:41 p.m.

Juanita S. Wesley
Deputy City Clerk

Attach 2
The Pines

CITY COUNCIL AGENDA

CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	RZP-2001-225, The Pines Subdivision		
Meeting Date:	January 16, 2002		
Date Prepared:	January 8, 2002		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop Agenda	X	Formal Agenda

Subject: RZP-2001-225, The Pines Subdivision, first reading of the ordinance.

Summary: Approval of a rezoning application to change the zoning of the project

site from the RSF-1 (Residential Single Family-1 dwelling unit per acre) to the RSF-2 (Residential Single Family-2 dwelling units per acre) in conjunction with a 10 lot subdivision of approximately 5.07 acres.

Background Information: The Planning Commission reviewed the rezone application on December 11, 2001, and recommended approval of the rezone to the City Council.

Budget: Not applicable

Action Requested/Recommendation: First reading of the ordinance and scheduling the public hearing.

Citizen Presentation:	X	No		
Name:				
Purpose:				

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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**CITY OF GRAND JUNCTION
CITY COUNCIL**

**MEETING DATE: January 16, 2002
STAFF PRESENTATION: Pat Cecil**

AGENDA TOPIC: Rezoning request RZP-2001-225, The Pines Subdivision

SUMMARY: The petitioner is requesting approval of a rezoning application to change the zoning of the project site from the RSF-1 (Residential Single Family-1 dwelling unit per acre) to the RSF-2 (Residential Single Family-2 dwelling units per acre) in conjunction with a 10 lot subdivision of approximately 5.07 acres.

ACTION REQUESTED: First reading of the ordinance and scheduling of the public hearing.

BACKGROUND INFORMATION		
Location:		2645 F ½ Road
Applicants:		Grand Valley Development, LLC Cliff Anson, Representative Ciavonne & Associates, Consultant
Existing Land Use:		Existing residence on the site
Proposed Land Use:		Residential
Surrounding Land Use:	North	Residential
	South	Residential
	East	Residential
	West	Residential
Existing Zoning:		Residential Single Family-1 dwelling per acre (RSF-1)

Proposed Zoning:		Residential Single Family-2 dwellings per acre (RSF-2)			
Surrounding Zoning:	North	Residential Single Family-1 dwelling per acre (RSF-1)			
	South	Residential Single Family-2 dwellings per acre (RSF-2)			
	East	Residential Single Family-1 dwelling per acre (RSF-1)			
	West	Residential Single Family-1 dwelling per acre (RSF-1)			
Growth Plan Designation:		Residential Medium 4-8 dwelling units per acre			
Zoning within density range?		X	Yes		No

Rezoning: The petitioner is requesting a recommendation of approval from the Planning Commission to rezone approximately 5.07 acres from the RSF-1 zone district to the RSF-2 zone district.

The existing RSF-1 zoning of the site occurred at the time of annexation of the area. According to the Presigo Agreement, property being annexed can either be zoned consistent with the Growth Plan Future Land Use Map or consistent with the County zoning. The RSF-1 was consistent with the County zoning at that time. The RSF-1 zone district was not consistent with the Growth Plan Future Land Use Map density of 4-8 dwelling units per acre. The density of the current project will be 1.97 dwelling units per acre.

The RSF-2 density is permissible under Section 3.6.B.4. of the Zoning and Development Code. This section of the Zoning and Development Code allows parcels that are less than 10 acres in size to be developed at ½ of the density identified by the zoning and/or Growth Plan Future Land Use Map designation. The RSF-2 zone district would also be consistent with the zoning of the Sage Court area adjacent to the southeast.

This zone district would also be consistent with proposed Growth Plan changes to reduce density in the area that staff will be recommending in the Plan update currently in progress.

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 existing zoning (RSF 1) is a carry over from the County when this property was annexed; the Growth Plan 'zoning' appears to be in error. This site is currently designated as Residential Medium Density 4-8 Units/Acre on the City of Grand Junction Future Land Use Map. The Grand Junction Community Development Department has indicated that 4-8 Units/Acre was likely not intended for this area, and that a lesser density classification should have been designated for this property.

We understand that City Staff will be initiating a Growth Plan Amendment on and around this property for densities not exceeding 4 Units/Acre.

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.;

There has not been a change of character in the neighborhood.

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

The proposed rezone, to RSF-2, allows maximum densities of two units per acre. This +5 acre property will have 10 for a density of 1.97 units per acre. We believe this rezone is compatible with the neighborhood, and will not have adverse impacts

beyond those expected with an RSF-2 development.

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;

When considering the forthcoming lower density Growth Plan designation, along with density provisions allowed for lots less than 10 acres in size (Code 3.6.4.b), the

proposed plan and RSF-2 Zoning meets the intent of the Code and Growth Plan

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

There are adequate public facilities to serve this project.

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

Since we are requesting a zoning that allows a lower density, this item does not apply.

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

Based on feedback received first at the neighborhood meeting, additional feedback

at the denied RSF-4 Rezone, and letters of support from the recent Concept Plan

Review by Planning Commission, the neighborhood appears ready to accept 10

lots. The community benefits from an infill development that utilizes existing

infrastructure.

Planning Commission Recommendation: The Planning Commission recommends approval of the requested zoning, finding the rezoning to the RSF-2 district to be consistent with the Growth Plan, adjacent land uses and Sections 2.6 and 3.6.B.4. of the Zoning and Development Code.

- Attachments:
- a. General location map
 - b. Preliminary Plan
 - c. General Project Report
 - d. Letters in support of project
 - e. Letter in opposition (received after the Planning Commission hearing)
 - f. Ordinance

January 16, 2002

The Pines

The Pines Subdivision Preliminary Plan General Project Report

Project Overview

The petitioner, Grand Valley Development, LLC, is seeking preliminary approval for the rezone and subdivision of property at 2645 F ½ Road. This entire property consists of three tax parcels totaling 5.07 acres. The proposed subdivision will have a total of 10 lots, with a density of 1.97 units/acre and 0.11 acres of dedicated open space. The project can display that it meets the intent of the current Zoning and Development Code and the Future Land Use Map.

A. Project Description

Location and Site Features

The current address, 2645 F ½ Road, is for the existing home that sets on the east side of the 5.07 acre property. It is accessed by a driveway off F ½, which is also an access easement to the Grand Valley Canal. The entire property lies north of the Sage Court and Northacres Subdivisions, separated by an unimproved City ROW; northeast of the Northridge development, separated by the lower Grand Valley Canal; and south of Crestridge Subdivision, separated by the upper Grand Valley Canal and F ½ Road. The site slopes generally to the southwest, and is reasonably flat. A few mature trees exist along the property perimeters (volunteers), with desirable tree plantings and lawn around the existing house. The west half of the property, west of the driveway, is presently irrigated pasture.

Existing Zoning

This site is currently zoned RSF-1 but is designated as Residential Medium 4-8 Units/Acre on the current City of Grand Junction Growth Plan/Future Land Use Map. The Grand Junction Community Development Department has indicated that 4-8 Units/Acre was likely not intended, and that a lesser density classification should have been designated for this property. We understand that City Staff will be initiating a Growth Plan Amendment on and around this property for densities not exceeding 4 Units/Acre.

Proposed Plan

This proposal is to divide the site into 10 home sites, which includes the one existing home. Lot sizes vary from 17,019 SF to 24,428 SF, and meet the standards for the RSF-2 Zone. All 10 lots will be accessed by one cul-de-sac (Pineneedle Court) and shared driveways off this cul-de-sac. The proposed access to the cul-de-sac aligns with the present driveway. The layout of Pineneedle Court and all 10 lots respect the existing house and significant vegetation. Irrigation water will be provided to each lot, as well as common open space and landscape areas. All layout dimensions shall meet current city standards.

When considering the forthcoming lower density Growth Plan designation, along with density provisions allowed for lots less than 10 acres in size (Code 3.6.4.b), the proposed plan and RSF-2 Zoning meets the intent of the Code and Growth Plan. This project proposes a density of 1.97 units per acre.

B. Public Benefit

The Pines will offer a unique residential neighborhood, located in a more rural-like area close to downtown Grand Junction. Public benefits include:

- the development of infill properties adjacent to existing City services;
- the creation of larger lots in a neighborhood of similar densities;
- maintenance of existing traffic patterns ... no new access points on to F ½ Road;
- maintenance of the majority of existing mature trees;
- continued use of irrigation water associated with the property, and / or improvements to irrigation delivery to downstream users;
- land dedications to improve F ½ ROW needs;
- the creation landscape easements and maintained open space for detention;
- the walled and landscaped buffering between this project and F ½ Road.

January 16, 2002

The Pines

C. Project Compliance, Compatibility, and Impact

Adopted Plans and Policies

Rezone Criteria; Section 2.6, Zoning and Development Code

1. The existing zoning (RSF 1) is a carry over from the County when this property was annexed; the Growth Plan 'zoning' appears to be in error. This site is currently designated as Residential Medium Density 4-8 Units/Acre on the City of Grand Junction Future Land Use Map. The Grand Junction Community Development Department has indicated that 4-8 Units/Acre was likely not intended for this area, and that a lesser density classification should have been designated for this property. We understand that City Staff will be initiating a Growth Plan Amendment on and around this property for densities not exceeding 4 Units/Acre.
2. There has not been a change of character in the neighborhood.
3. The proposed rezone, to RSF 2, allows maximum densities of two units per acre. This +5 acre property will have 10 for a density of 1.97 units per acre. We believe this rezone is compatible with the neighborhood, and will not have adverse impacts beyond those expected with an RSF 2 development.
4. When considering the forthcoming lower density Growth Plan designation, along with density provisions allowed for lots less than 10 acres in size (Code 3.6.4.b), the proposed plan and RSF-2 Zoning meets the intent of the Code and Growth Plan
5. Adequate public facilities and services are available, or will be made available as part of this development.
6. Since we are requesting a zoning that allows a lower density, this item does not apply.
7. Based on feedback received first at the neighborhood meeting, additional feedback at the denied RSF 4 Rezoning, and letters of support from the recent Concept Plan Review by Planning Commission, the neighborhood appears ready to accept 10 lots. The community benefits from an infill development that utilizes existing infrastructure.

The Pines meets the following key issues and goals of the adopted Growth Plan.

- The Pines helps ensure land use compatibility; supports compact development patterns; focuses on the unique needs of the neighborhood; helps enhance community aesthetics.
- Policies 1.1-1.3- At present the proposed zoning is below the guidelines established in the Growth Plan, however, for this property the Growth Plan appears to be inaccurate. The decreased density is a result of the developer's and surrounding neighbors desire to be sensitive to the surrounding neighborhood character.
- Policy 5.2-5.3- The Pines will utilize existing public facilities (streets, utilities)
- Policy 6.5- The Pines will use existing irrigation water for home irrigation systems as well as open space irrigation.
- Policies 7.1-7.4- The Pines will pay its appropriate share of development and open space fees.
- Policy 10.3- The Pines proposes development densities that are supportive of the valued character of the neighborhood while considering the needs and values of the community as a whole.
- Policies 13.1-13.3- The Pines has set aside entrance areas for landscaping.
- Policies 23.6-23.7- The Pines has minimized new roads, and maximized shared driveways.

Surrounding Land Use

Parcels surrounding The Pines have slowly converted from agricultural uses to residential uses. Land use to the south is predominantly residential with densities of 2-4 units per acre; to the north are densities of 1 unit per acre.

Site Access & Traffic

The proposed road, Pineneedle Court, intersects F ½ Road where the existing driveway entry lies. Access to the Grand Valley Canal will be from the end of Pineneedle Court. Increased traffic associated with 9 additional residential units is anticipated on F ½ Road, particularly east of the entrance to The Pines.

The proposed road is a cul-de-sac residential court street section with a 44' right-of-way, attached 6' 6" curb, gutter and walk, with a 28' asphalt mat.

Availability of Utilities

The City of Grand Junction sanitary sewer line runs along the east edge of the site. Both gas and electric lines run under F ½ Road, as well as an irrigation water line which currently serves the site.

Site Soils

A Geologic Report titled "Subsurface Soils Exploration, Curlee Property, 2645 F ½ Road, Grand Junction, CO," is provided with this submittal.

D. Development Schedule and Phasing

The Pines is planned as a single phase, for development as soon as possible (winter 2001, spring 2002).

January 16, 2002

September 28, 2001

City of Grand Junction Planning Commission
250 N. 5th Street
Grand Junction, CO 81501

Re: The Pines Subdivision at 2645 F1/2 Road Grand Junction, Colorado.

Gentleman,

We feel that RSF-2 zoning (2 units/acre) is appropriate for the above referenced project and the surrounding properties. Furthermore, we would support a site plan that contains only 10 units.

Thank you,

NAME

ADDRESS

Neal Gilman
Neal Gilman

627 Sage Ct.
GJ 81506

January 16, 2002

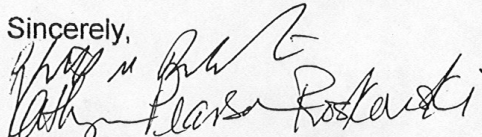
September 25, 2001

Mr. Cliff Anson,

We, Philip and Kathryn Roskowski, are neighbors of the proposed development "The Pines" at 2645 F1/2 Road. We support the new concept for the development with a rezone request to RSF-2 zoning. While we would prefer to see it developed as zoned (RSF-1) we recognize that development in the area will occur. The RSF-2 zoning requested by Mr. Anson and his company is a fair compromise for all involved. A density of 2 units per acre is more in keeping with surrounding development and will help maintain the character of the neighborhood.

Although it does not conform to the existing growth plan, it does fall in line with pending proposed growth plan amendments. We hope that the development authorities will support this plan.

Sincerely,



Philip M. Roskowski

Kathryn P. Roskowski

630 Sage Court

Grand Junction, Colorado 81506

January 16, 2002

January 16, 2002

September 28, 2001

City of Grand Junction Planning Commission
250 N. 5th Street
Grand Junction, CO 81501

Re: The Pines Subdivision at 2645 F1/2 Road Grand Junction, Colorado.

Gentleman,

We feel that RSF-2 zoning (2 units/acre) is appropriate for the above referenced project and the surrounding properties. Furthermore, we would support a site plan that contains only 10 units.

Thank you,

NAME

ADDRESS

Philip M. Roskowski
Philip M Roskowski

630 Sage Ct.
Grand Junction
81506

Walt Bergman

Walt Bergman

628 Sage Ct
G. J. CO 81506

Chula Desrosier

2643 F¹/₂ Rd 81506

Harry K. Webster
Ruth N. Webster

629 Sage Ct
GJT CO 81506

January 16, 2002

Alisa Radice
Wayne Meineke
2634 F ½ Road
Grand Junction CO 81506

July 7, 2001

City of Grand Junction
Planning Commission
250 North 5th Street
Grand Junction, CO 81501

RECEIVED
DEC 14 2001
COMMUNITY DEVELOPMENT
DEPT.

ATTN: Pat Cecil

This is in reference to the amended development proposal for 2645 F ½ Road. Unfortunately, I cannot attend the scheduled public hearing on Dec 11, 2001, but I feel I must speak my piece about that proposed development and the effects on our neighborhood.

On April 27, 2000, there was a neighborhood meeting at the New Horizon Foursquare Church about the "enclave annexation" of our area. This meeting was attended by City Council members and the Mesa County Commissioners, for the purpose of answering our questions and addressing our concerns about being annexed into the city. At this meeting, it was reiterated several times by the City Council that our present zoning would not change, and the animal regulations would be very comparable to the existing County regulations.

A subdivision of one (1) house per acre is going to change the dynamics of our neighborhood on F ½ Road, just by the fact that it is a subdivision; pasture to houses is an urban change. A subdivision of one (1) house per acre is consistent with the neighborhood zoning now. Having that land in a subdivision is a compromise for the neighborhood. Keeping the zoning at one (1) house per acre will be in line with what the City Council told us at that meeting.

The new proposal by Cliff Anson for two (2) house per acre is more favorable than the previous 13 houses on the 5 acres, but I ask you to consider our rural type setting we are trying to hold onto and consider what we have been told by our City Council. If we are told these things when we are being forced into the city, is it just lip service by a politician to appease us? This would be a nice opportunity to blend the "old" neighborhood with the new and not have it look like it doesn't belong. Thank you for the time and consideration you have given this project.

Respectfully yours,

Alisa Radice
Alisa Radice

CITY OF GRAND JUNCTION, COLORADO
Ordinance No. _____
ZONING 5.07 ACRES OF LAND LOCATED
AT 2645 F ½ Road

Recitals.

A rezone from the Residential Single Family-1 (RSF-1) district to the Residential Single Family-2 (RSF-2) district has been requested for the properties located at 2645 F ½ Road for purposes of developing a 10 lot subdivision. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied, and the project meets the density standards of Section 3.6.B.4. of the Zoning and development Code.

The Grand Junction Planning Commission, at its December 11, 2001 hearing, recommended approval of the rezone request from the RSF-1 district to the RSF-2 district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCELS DESCRIBED BELOW ARE HEREBY ZONED TO THE RESIDENTIAL SINGLE FAMILY-2 (RSF-2) DISTRICT:

Parcel 1: A parcel of land located in the NW¼NE ¼SW ¼ Sec 2, T1S, R1W of the UM, Mesa Co, CO, & being more particularly desc as follows: Beg at a pt on the S ROW of F ½ Rd as desc in Bk 882, Pg 303 of the Mesa Co recds, from which the Center ¼ cor of Sec 2, a standard Mesa Co brass cap, bears N87°42'26"E, 808.99' & considering the In btwn the Center ¼ cor & the Center W1/16 cor, standard Mesa Co brass cap, to bear S89°49'56"W, with all bearings being relative thereto. Thence N89°49'56"E along the S ROW of F ½ Rd, 150.71' to a pt on the E In of NE ¼SW ¼SW ¼ Sec 2; S00°00'40"W along E In, 237.87'; S89°53' 17"W, 179.53' to a pt on the CL of the vacated rd desc in Bk 1715, Pg 983 of the Mesa Co recds; N06°55'17"E along CL of the vacated rd, 239.52' to the POB. Said parcel contains 0.90 ac, more or less.

Parcel 2: A parcel of land located in the NW ¼NE ¼SW ¼ Sec 2, T1S, R1W of the UM, Mesa Co, CO, & being more particularly desc as follows: Beg at a pt on the S ROW of F ½ Rd as desc in Bk 882, Pg 303 of the Mesa Co recds, from which the Center ¼ cor Sec 2, a standard Mesa Co brass cap, bears N87°42'26"E, 808.99' & considering the In btwn the Center ¼ cor & the Center W1/16 cor a standard Mesa Co brass cap, to bear S89°49'56"W, with all bearings being relative thereto. S06°55'17"W along the CL of the vacated rd desc in Bk 1715, Pg 983 of the Mesa Co recds, 437.40'; S72°35'36"E along vacated rd, 37.97' to a pt on the NLY ROW of the Grand Valley Canal; N86°44'43"W along ROW of the Grand Valley Canal, 285.17'; N00°01'04 "E, 428.50' to the S ROW of

the F ½ Rd; N89°49'56"E along S ROW of F ½ Rd, 301.06' to the POB. Said parcel contains 2.75 ac, more or less.

Parcel 3: A parcel of land located in the NW ¼NE ¼SW ¼ Sec 2, T1S, R1W of the UM, Mesa Co, CO, & being more particularly desc as follows: Beg at the SE cor of the NW ¼NE ¼SW ¼ Sec 2, from which the Center ¼ cor Sec 2, a standard Mesa Co brass cap, bears N44°54'41"E, 931.65' & considering the In btwn the Center ¼ cor & the Center W1/16 cor, a standard Mesa Co brass cap, to bear S89°49'56"W, with all bearings being relative thereto. S89°53'17"W along the S In of the NW ¼NE ¼SW ¼ Sec 2, 148.34' to a pt on the ELY ROW of the Grand Valley Canal; along the ELY ROW of the Grand Valley Canal the following courses: N15°14'49"E, 48.74'; N05°12'14"E, 37.07'; N10°23'00"W, 60.00'; N31°35'00"W, 46.00' to a pt on the CL of the vacated rd desc in Bk 1715, Pg 983 of the Mesa Co recds; thence along the CL of the vacated rd the following 2 courses: N72°35'36"W, 37.97'; N06°55'17"E, 197.88'; N89°53'17"E, 179.53' to the E In of the NW ¼NE ¼SW ¼ Sec 2; S00°00'40"W along the E In of the NW ¼NE ¼SW ¼ Sec 2, 390.00' to the POB. Said parcel contains 1.50 ac, more or less.

INTRODUCED for FIRST READING and PUBLICATION this 16th day of January, 2002.

PASSED on SECOND READING this day of , 2002.

ATTEST:

City Clerk

President of Council

Attach 3

Animal Control Agreement with Mesa Co

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Animal Control Contract – 2002		
Meeting Date:	January 16, 2002		
Date Prepared:	January 3, 2002		
Author:	Robert Knight	Lieutenant	
Presenter Name:	Robert Knight	Lieutenant	
	Workshop	X	Formal Agenda

Subject: Approval of 2002 Mesa County Animal Control agreement requesting funding of \$181,067.

Summary: The City has had an ongoing annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays Mesa County a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2002 is 40.3% or \$181,067. Payments are made to the County on a quarterly basis.

Background Information: The amount requested for the 2002 budget is an increase of \$9,251.00 over the amount allocated in the 2002 budget. The increase is a result of salary market increases for Animal Control personnel and for capital repairs to the Animal Control facility.

Budget: The amount for this contract is housed under the Police Department budget. We anticipated this contract being at least \$171,816.00 and were aware that the market survey for Mesa County employees would not be completed until November. The difference between the contract amount and the budgeted amount is a result of salary increases for Animal Control personnel and capital repairs to the Animal Control facility.

Action Requested/Recommendation: It is recommended that the 2002 agreement for Animal Control services be approved in the amount of \$181,067.00 and the Mayor be authorized to sign the agreement on behalf of the City of Grand Junction. An additional \$9,251.00 will be requested in a supplemental budget appropriation.

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

January 16, 2002

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

AGREEMENT

**BETWEEN MESA COUNTY AND THE CITY OF GRAND JUNCTION PERTAINING TO
DOG CONTROL SERVICES.**

**The City of Grand Junction ("City") and Mesa County ("County") or ("Animal
Control")**

**have determined to provide for dog control within the City of Grand Junction by
Animal**

**Control, pursuant to the City's home rule powers and under the provisions of 29-
1-201, et.**

seq., C.R.S. as amended. The Agreement entered into

**_____,'
is intended to provide the basis for dog control for the year 2002.**

AGREEMENT

**1) The City has adopted Chapter 6, Article III & IV of the Grand Junction Code of
Ordinances ("Code" or "the Code") for the control of dogs within the City.
Consistent with that law the City hereby agrees to provide the County with
authority necessary to administer and enforce City regulations ("Code") relating
to dog control within the City.**

**2) The County agrees to enforce the Code as codified and amended, in
accordance with its
provisions, consistent with proper enforcement practice and on a uniform basis
throughout
the City.**

**3) During the term hereof, the City will pay to the County One Hundred Eighty-one
Thousand, Sixty-seven dollars (\$181,067). One-fourth of that amount, Forty-five
Thousand, Two Hundred Sixty-eight dollars (\$ 45,268) shall be paid quarterly on a
prorated basis based on the number of days remaining in the quarter in relation
to the total days in said quarter. All fines and shelter/impoundment revenues
derived from enforcement under this Agreement shall be paid to the County as
additional consideration for the services rendered.**

4) The consideration paid by the City for the operation of the Animal Control Division of the County is sufficient to support this Agreement and the same is determined as follows:

Animal Control's projected 2002 expenditures shall be reduced by the projected 2001 carry-overs and the projected 2002 revenues. The resulting amount represents the budgeted 2002 ("the Budget" or "Budget") taxpayer expense of the overall, combined city-county animal control program .

As part of this Agreement (and past Agreements), Animal Control's dispatch and patrol stops are logged within a database. The percentage of Animal Control's workload attributable to the City is calculated from this data after administrative stops have been deleted.

Multiplying the Budget by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the cost of providing service to the City. The resulting figure is the amount due Mesa County under this Agreement for providing animal control services in 2002.

Listed below is the calculation:

\$598,458.00	projected 2002 expenditures
\$ 0.00	projected 2001 carry-overs
\$149,160.00	projected 2002 revenues
\$449,298.00	overall cost of city-county program
X 40.3	City's percentage of Animal Control Responses (September 2000 through August 2001)
\$181,067.00	contract amount due Mesa County In 2002. Contract amount divided by four (4) quarterly payments.
\$ 45,268.00	QUARTERLY PAYMENTS DUE Mesa County

5) In providing the service agreed to in this Agreement, the County shall provide said services during those hours best suited, as determined by the County, for enforcement; the County shall provide a standby system for other hours. In situations that cannot be handled solely by the County, the Police Department may be called by the Animal Control Division to dispatch a uniformed Officer to assist.

6) The County will select and supervise personnel for its Animal Control. The County shall provide to the City all necessary or required reports on the activities of Animal Control.

7) Enforcement actions arising out of or under the Code shall be prosecuted in the Grand Junction Municipal Court. The City agrees to reasonably cooperate with the County in municipal enforcement and prosecution activities.

8) The County agrees that it will indemnify and hold harmless the City of Grand Junction and City officers and employees from and with respect to any and all claims, demands and causes of action, including the costs of defense and attorney's and expert's fees arising out of or related to the duties, acts and omissions of the County's officers and employees under this Agreement. The City agrees to hold harmless and to indemnify the County, its officers and employees for any and all claims, demands and causes of action, including the costs of defense and attorney's and expert's fees arising out of or related to the duties, acts and omissions of the City and Municipal Court of the City under this Agreement.

In the event that the claim, demand or cause of action alleges tortuous or other wrongful acts on the part of both the City and the County arising out of or under this Agreement, the parties agree that each will abide by the determination of a court of competent jurisdiction with respect to the allocation of the expenses, costs, damages and payments of moneys based on the relative misconduct of each. The parties agree that claims, demands

and causes of action arising out of allegedly tortuous acts or tortuous failure(s) to act and claims, demands and causes of actions which allege a violation of the federal Civil Rights

Act are included within the hold harmless and indemnity provisions set forth herein.

9) This Agreement shall terminate upon six months' written notice of intent to terminate, or on December 31, 2002 if the parties to this contract enter into a new contract for the provision of animal control services in the succeeding year as set forth below. Notice to terminate, if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.

10) It shall be the responsibility of the County to provide the City with a proposed Animal Control Services contract for 2003 animal control services no later than August 1, 2002.

After review of the proposed contract the City of Grand Junction will, on or before September 30, 2002, either issue a preliminary acceptance of the proposed contract or a written notice of termination of the existing contract and a statement of their intent not to enter the proposed contract for animal control services in the succeeding calendar year.

11) If preliminary acceptance has been given, the proposed contract shall not become effective until expiration of the then existing contract and until signed by the parties. The City's preliminary acceptance may be withdrawn at any time prior to contract signing by notification of termination being sent to the County as specified in paragraph nine. If preliminary acceptance is withdrawn by a notice of termination, the City will pay for, and the County will provide, animal control services for six months from the date of the notice of termination.

12) The terms and rates for the six months service continuation period after notice of

termination shall be those agreed to by the parties in the 2002 contract, unless the six months extends beyond December 31, 2002, in which case the remainder of the six months shall be controlled by the terms and rates of the proposed contract which shall be effective during the service period following December 31, 2002 until the completion of the six month termination period.

13) If terms and conditions of the proposed contract are acceptable to City and County staff, then the Agreement shall be scheduled for consideration/approval by the City Council and the Board of County Commissioners. If the proposed contract is not approved by both the City Council and Board of County Commissioners on or before March 15 of any year, the provision of dog control services to the City shall cease in accordance with paragraph 12.

Attest:

City of Grand Junction

City Clerk: Stephanie Tuin

Mayor:

Date: _____

Date: _____

Attest:

County of Mesa

County Clerk: Monika Todd

Board of County Commissioners Chairperson:

Date: _____

Date: _____

Attach 4
Redlands Village South Sewer

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Award of Construction Contract for Redlands Village South Sewer Improvement District		
Meeting Date:	January 16, 2002		
Date Prepared:	January 4, 2002		
Author:	Bret Guillory / Trent Prall	Project Engineer / City Utility Engr	
Presenter Name:	Mark Relph	Public Works Director	
	Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **Redlands Village South Sewer Improvement District** to Sorter Construction in the amount of **\$662,936.00**.

Summary: This contract would construct over 10,000 feet of sanitary sewer within the existing Redlands Village South subdivision located north west of the intersection of the Redlands Parkway and Highway 340.

Background Information: The owners of real estate located in the vicinity north west of the intersection of highway 340 and the Redlands Parkway, and south of Willow Wood Road, have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on January 17, 2002 based on bids received. Bids were received and opened on October 2, 2001 for Redlands Village South Sewer Improvement District.

Should the District be formed, work is scheduled to begin on or about January 28, 2002 and continue for 120 calendar days with an anticipated completion date of May 17, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$662,936.00
MA Concrete Construction	Grand Jct.	\$672,579.00

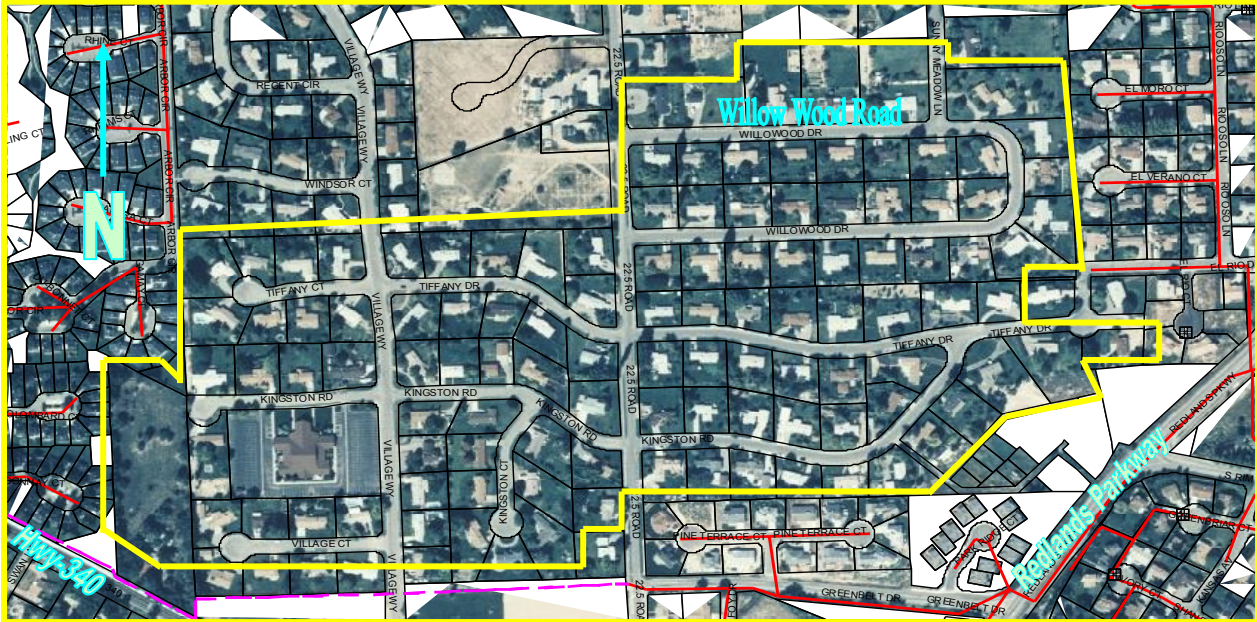
This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
* *Requires Roll Call Vote*

January 16, 2002

RW Jones Construction	Fruita, CO	\$674,979.60
Spallone Construction	Gunnison, CO	\$772,693.00
Skyline Construction	Grand Jct.	\$778,623.50
Mendez Construction	Grand Jct.	\$879,674.00

Engineer's Estimate		\$777,896.00
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Project Location:

Budget: This project was budgeted for 2002 construction. Sufficient funds will be allocated through the Colorado Water Pollution Control Revolving Fund Loan through the Colorado Water Resources & Power Development, to pay for costs associated with this proposed improvement district.

Project Costs:

Estimated Project Costs*	\$753,290.00	\$6,330.17 / lot
-30% Septic System Elimination Contribution by City	(\$225,987.00)	(\$1,899.05) / lot
Total Estimated Assessments	<u>\$527,303.00</u>	<u>\$4,431.12 / lot</u>

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the Redlands Village South Sewer Improvement District with Sorter Construction in the amount of **\$662,936.00**. Award is to be contingent on formation of the District by the BOCC on January 17, 2002.

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

Attach 5
Redlands Village Northwest Sewer

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Award of Construction Contract for Redlands Village Northwest Sewer Improvement District and appropriate money for sewer extension to Panorama Lift Station.		
Meeting Date:	January 16, 2002		
Date Prepared:	January 9, 2002		
Author:	Bret Guillory / Trent Prall	Project Engineer / City Utility Engr	
Presenter Name:	Mark Relph	Public Works Director	
	Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **Redlands Village Northwest Sewer Improvement District** to Sorter Construction in the amount of **\$1,022,568.00** and 2.) appropriate unallocated sewer fund dollars to construct a sewer line to eliminate a Panorama lift station by piping sewage to the proposed Redlands Village North lift station.

Summary: 1). This contract would construct over 18,000 feet of sanitary sewer within the existing Redlands Village North subdivision located north west of the intersection of the Redlands Parkway and Highway 340. 2.) Appropriate \$136,909 to construct 2600 foot sewer extension between Panorama Lift Station #2 and a revised Redlands Village North lift station location.

1.) CONSTRUCTION CONTRACT AWARD.

Background Information: The owners of real estate located in the vicinity north west of the intersection of highway 340 and the Redlands Parkway, and north of Willow Wood Road, have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on February 27, 2002 based on bids received. Bids were received and opened on December 11, 2001 for Redlands Village Northwest Sewer Improvement District.

There are 171 properties in the proposed district.

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
* *Requires Roll Call Vote*

The project will also eliminate the Vineyard Lift Station as shown below utilizing 100% sewer fund dollars. The sewer fund is paying \$48,704 for the upsize of the Redlands Village North lift station to accommodate future out of district flows as well as the 778 foot extension between the district and the Vineyards Lift Station.

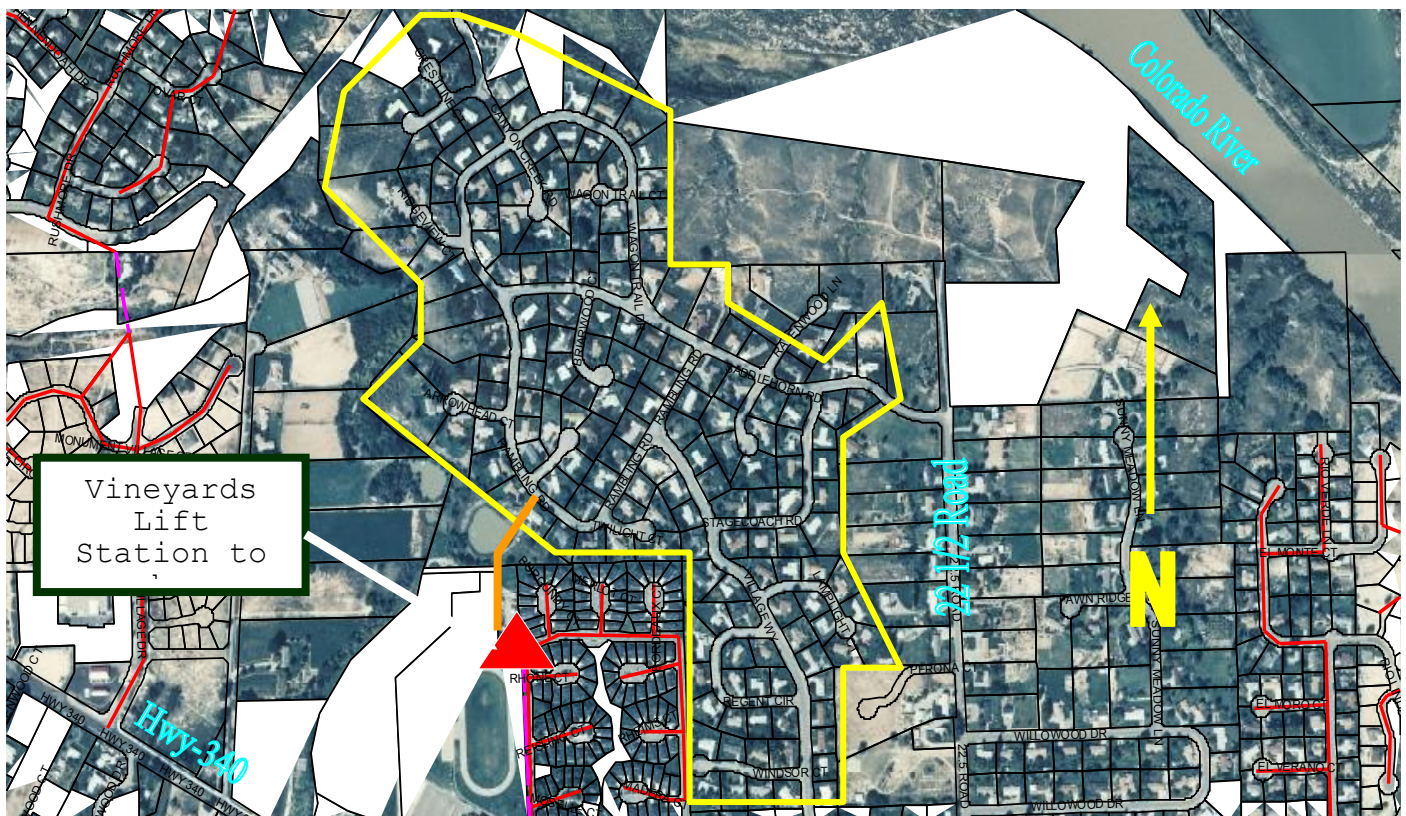
Should the District be formed, work is scheduled to begin on or about March 11, 2002 and continue for 240 calendar days with an anticipated completion date of November 6, 2002.

The following bids that were deemed responsible and responsive were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$1,022,568.00
MA Concrete Construction	Grand Jct.	\$1,108,795.40
Precision Excavating	Hayden, CO	\$1,157,445.00
Downey Excavating	Montrose, CO	\$1,191,669.80
Skyline Construction	Grand Jct.	\$1,338,527.65
Engineer's Estimate		\$1,239,240.00

RW Jones Construction did submit a lower bid amount however was disqualified due to numerous performance issues on the \$495,000 Country Club Park #2 Sewer ID contract.

Project Location:



Budget: This project was budgeted for 2002 construction. Due to its size, this project must be funded with a loan or bonding dollars. A loan application has been submitted to the Colorado Water Pollution Control Revolving Fund through the Colorado Water

Resources & Power Development Authority, to pay for costs associated with this proposed improvement district. The loan will be repaid with proceeds from this district as well sewer fund revenues.

Project Costs:

Estimated Total Project Costs	\$1,213,224.40	
-Sewer Fund portion of Vineyards LS Elimination	\$48,704.00	
-RV Northeast portion of Lift Station	\$6,513.00	
Estimated RV Northwest Project Costs	\$1,158,007.00	\$6,771.97 / lot
-30% Septic System Elimination Contribution by City	(\$347,402.00)	(\$2,031.59) / lot
Total Estimated Assessments	<u>\$810,605.00</u>	<u>\$4,740.38 / lot</u>

2.) APPROPRIATION FOR SEWER EXTENSION.

Background Information: This \$136,909 appropriation is for construction of a 2,600 foot sewer extension between the recently acquired Panorama Lift Station #2 (Safeway) and a revised Redlands Village (RV) North lift station location. An additional 500 feet of sewer will need to be constructed between the currently proposed Redlands Village North lift station location and the revised location. The Redlands Village North Lift Station will also need to be redesigned to accommodate the increased flows. This relocation and extension would allow for the elimination of the Safeway lift station which is scheduled to be upgraded in 2002 at a cost of \$15,000.

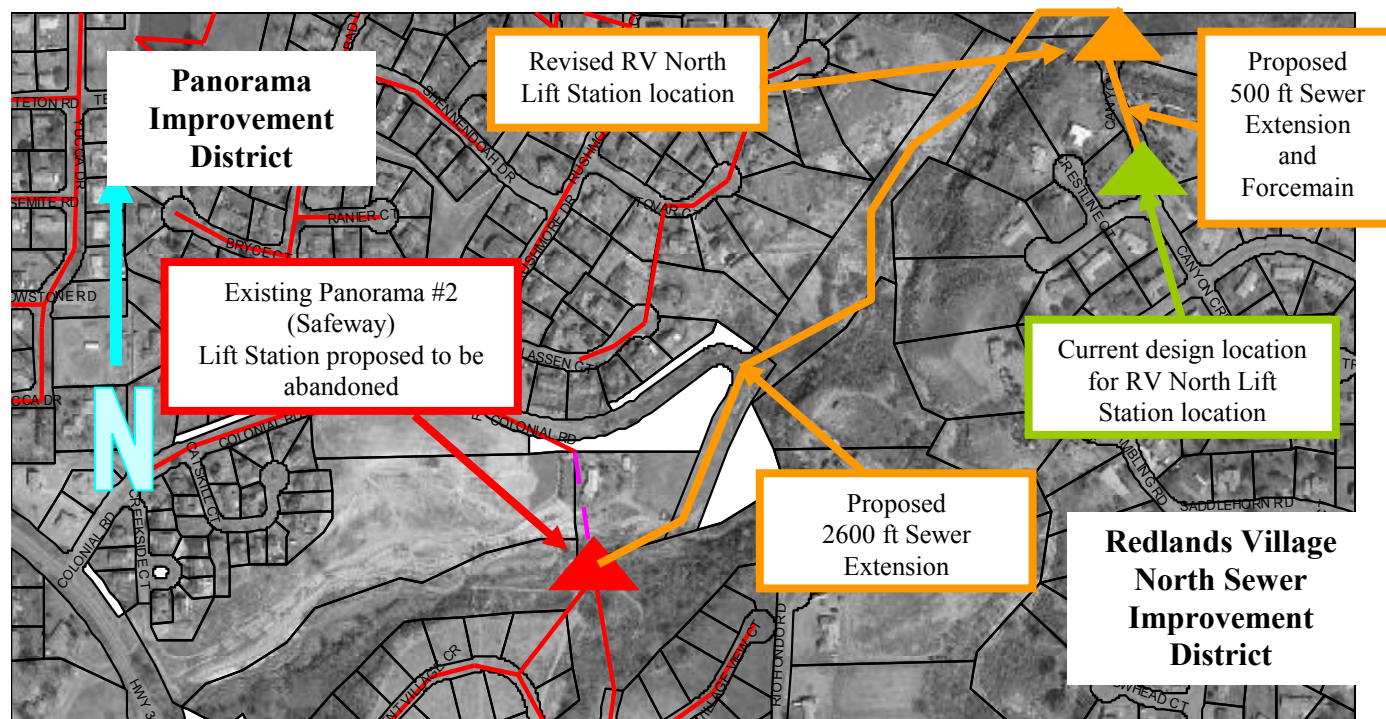
The new lift station location would require a utility easement on the fringe of the parcel owned by Colorado Dept of Natural Resources / Division of Wildlife. The project would also allow for future gravity service to developable properties to the south and east of the proposed lift station location that are "below the rim" of Redlands Village North, thus eliminating the need for any future lift stations in the area.

The present value of the operation, maintenance and upgrades of the Panorama - Safeway Lift Station estimated at \$225,000. The project would breakeven in 15 years. The estimated project costs are as follows:

	Item	Cost
1	Surveying / Engineering / Inspection / ROW	\$ 30,000
2	3,100 ft sewer main extension @ \$30/ft (includes stabilization imported backfill / reseeding)	\$ 93,000
3	500 ft of force main laid in same trench as sewer @15/ft	\$ 7,500
4	9 manholes at \$1800/EA	\$ 16,200
5	15 ft x 700 ft graded access road + 40 ft x 40 ft pad. 1344 SY of 6" ABC @ \$8.00/SY	\$ 10,752
6	Easement from Safeway Lift Staton to new location would follow existing Mesa County ROW/Land	\$ -
7	Easement from Colorado Dept of Natural Resources / Division of Wildlife 40 ft x ft pad @ \$2.00 / sf	\$ 32,000
	Total Estimated Cost	\$ 189,452

Design work is already underway under the existing budget. It is scheduled to be completed by the end of February, about the time that Redlands Village Northwest would be ready to start construction. The additional work would add about 20 working days to the 7 month construction schedule.

Once the design is complete a formal change order will be negotiated with the low bidder, Sorter Construction, for the additional work. That Change Order will be forwarded to City Council for their approval in early March.

Project Location:

Budget: Redlands Village Northwest and Northeast Sewer IDs were budgeted for 2002 construction as shown below.

	Total Cost	Sewer Fund 30%+
Redlands Village Northwest/east Current Budget	\$ 1,805,210	\$ 541,563
Redlands Village Northwest/east As-bid	\$ 1,501,226	\$ 489,020
Unused budget	\$ 303,983	\$ 52,543

The above design work is proposed to be funded with the sewer fund's portion of the unused budget which is shown above at \$52,543. City Council is requested to appropriate the difference between the \$189,452 additional project cost and the \$52,543 current unused budget out of unallocated fund balance in the sewer fund 904 (Backbone). The total additional amount to be requested is \$136,909.

Mesa County staff is aware of the proposed work.

Action Requested/Recommendation: 1.) City Council motion authorizing the City Manager to execute a Construction Contract for the Redlands Village Northwest Sewer

Improvement District with Sorter Construction in the amount of **\$1,022,568.00**. Award is to be contingent on formation of the District by the BOCC on February 27, 2002. 2.) Approve the appropriation of \$136,909 out of unallocated sewer fund 904 dollars to construct a sewer line to eliminate the Panorama lift station #2.

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

Attach 6

Grant for CO Dept. Health Stormwater

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Approval to submit application for EPA 319 Grant for Stormwater Information and Education.		
Meeting Date:	January 16, 2002		
Date Prepared:	January 9, 2002		
Author:	Trent Prall	City Utility Engr	
Presenter Name:	Mark Relph	Public Works Director	
	Workshop	X	Formal Agenda

Subject: EPA 319 Grant Application for stormwater public information and education campaign.

Summary: Approval to submit a 319 Grant Application to the Colorado Department of Health and Environment, Water Quality Control Division, for funding of \$10,000 stormwater public information and education campaign that would begin in September 2002. Applications are due January 31, 2002.

Background Information:

This grant is to essentially "re-run" the Grand Valley Non-point Source Pollution Prevention (P2) Education Program that was previously developed under Colorado Department of Public Health and Environment P2 Grant #5, RO-RFP 990113 in 1999. Mesa County Health Department administered the 1999 grant. This year however, we are applying for a different funding source ourselves.

The goal of the program is to reduce the amount of stormwater / non-point source pollution through increased awareness.

Various objectives are proposed including:

1. Develop standards-based educational materials for schools.
2. Continue television and radio advertisements to reach a larger audience.
3. Continue printed advertisement for newspapers and newsletters.

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*** *Indicates New Item*
* *Requires Roll Call Vote*

By educating the public, individuals will become more aware of stormwater pollution: what it is, where it comes from and how it can be prevented or minimized. They will have specific information to make informed pollution prevention decisions. Business owners will learn about pollution prevention practices that apply to their facility's lots and storage areas. Households will learn about pollution prevention practices that apply to their use of household hazardous materials that could be washed away by stormwater.

Budget: The 319 Grant requires a 40% non-federal match which does allow for in-kind services. Although not specifically budgeted, a relatively small amount of labor would easily meet the 40% threshold estimated at \$4,000. This funding is federal dollars and therefore is not subject to TABOR.

Action Requested/Recommendation: Approval to submit application for EPA 319 Grant for stormwater information and education.

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

Attach 7

Independent Ave Utility Imp Phase 1A

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Award of Construction Contract for Independent Avenue Utility Improvements Phase IA		
Meeting Date:	January 16, 2002		
Date Prepared:	January 7, 2002		
Author:	Mike Curtis / Trent Prall	Project Engineer / City Utility Engr	
Presenter Name:	Tim Moore	Public Works Manager	
	Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **Independent Avenue Utility Improvements Phase IA** to M. A. Concrete Construction in the amount of **\$197,108.61**.

Summary: Bids were received and opened on January 8, 2002 for **Independent Avenue Utility Improvements Phase IA**. M. A. Concrete Construction submitted the apparent low bid in the amount of \$197,108.61.

Background Information: This project consists of installation of approximately 1,249 lineal feet of 8-inch diameter PVC sewer line, 11 manholes, 28 sanitary sewer taps, aggregate base course, asphalt removal, construction surveying, and traffic control. This work is between 25 1/2 Road and First Street on Independent Avenue. This work must be done in preparation for the street reconstruction scheduled for the spring of 2002.

This work was originally bid with storm drain and irrigation improvements and retaining wall construction. Only one bid was received from M. A. Concrete Construction on November 6, 2001. The bid was not read aloud at the bid opening because it was considerably higher than the Engineer's estimate. A letter was sent to M. A. Concrete stating that their bid was not accepted because it was the only one received and was 23 percent higher than the Engineer's estimate. The work was repackaged into two phases and rebid. Phase 1A consists of sanitary sewer and water line replacements. Phase 1B consists of storm drain and irrigation improvements. The retaining walls will be constructed during Phase II, street construction.

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*** *Indicates New Item*
* *Requires Roll Call Vote*

Bids were received and opened on December 10, 2001 for **Independent Avenue Utility Improvements Phase IA**. R. W. Jones Construction submitted the apparent low bid in the amount of \$440,621.79. R. W. Jones Construction was removed from the prequalified list for sanitary sewer line construction on December 17 based on work performance and other issues for the **Country Club Park #2 Sewer Improvement District**. Skyline Contracting, Inc. was the second low bidder. All of the bids received for the project were approximately \$100,000 over the engineer's estimate. Negotiations were conducted with Skyline Contracting. The negotiated price submitted by Skyline Contracting was not within the budget. The scope of the project was decreased and the project was rebid on January 9, 2002. Work is scheduled to begin on or about January 28, 2002 and continue for 6 weeks with an anticipated completion date of March 14, 2002.

The following bid was received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M. A. Concrete Construction	Grand Junction	\$197,108.61
Engineer's Estimate		\$200,034.61

Budget: This project was originally budgeted for 2001 construction for \$160,000. That money will need to be carried forward to 2002 as well as another \$59,000 appropriated out of unallocated fund balance in Fund 905 to cover the project costs outlined below. The fund has a current balance of approximately \$580,689. The 10-year financial plan analysis suggests the extra appropriation would be within limits that would maintain the integrity of the fund. The additional appropriation of \$59,000 would be formalized with Council later this spring during the first supplemental appropriation of the larger City budget for 2002.

Project Costs:

Engineering and administration estimated cost	\$21,000.00
Construction contract	<u>\$197,108.61</u>
Total Estimated Project Costs	<u>\$218,108.61</u>

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **Independent Avenue Utility Improvements Phase IA** with M. A. Concrete Construction in the amount of **\$197,108.61**.

Citizen Presentation:	X	No	Yes
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January 16, 2002

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

Attach 8
Digital Ortho-Photography

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL				
Subject:	Award of City of Grand Junction's Portion of Contract for Digital Ortho-Photography Project (Project Number F26600)			
Meeting Date:	Wednesday, January 16, 2002			
Date Prepared:	Wednesday, January 09, 2002			
Author:	Terry Brown/Tim Moore	Project Engineer		
Presenter Name:	Tim Moore	Public Works Manager		
Meeting Type:		Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for the Digital Ortho-Photography Project to Merrick and Company of Aurora, Colorado, in the amount of **\$110,000.00**.

Summary: This is a cooperative project between the City of Grand Junction and Mesa County, for the purpose of obtaining digital ortho-photography in the Grand Valley. The project was bid and is administered by Mesa County. The total project cost is \$547,084.00 of which the City's share is \$110,000.00.

Background Information: This project will provide 0.2 meter digital color photos of the 201 sewer area and 2' contours of the same area to be used by the GIS and the Engineering Department.

The Ortho-photography would replace the current photography in the City's GIS, which was completed in 1997. Considerable changes have occurred in the valley since that time, which has limited the value of the current photography. The proposed project will add 2 foot map contours, which we have not had updated since 1974.

The contract administrator for the County is Rick Corsi. Although the project is a two-year project which began in 2001, the City's portion of this project is proposed to be paid out of our 2002 budget. The project should be completed by July of this year.

The following bids were received for this project:

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*** *Indicates New Item*
* *Requires Roll Call Vote*

Earth Data – Albuquerque, NM	\$1,795,666
BAE Systems – Colorado Springs	
\$1,142,653	
Analytical Surveys- Indianapolis, Indiana	
\$1,032,667	
Kucera International – Willoughby, OH	\$ 645,200
Merrick and Company– Aurora, CO	\$ 547,084

Budget: This project was part of the City’s adopted 2002 Capital Plan. The general fund plus Water and sewer funds would pay a proportionate share as follows based on the areas in which they serve.

100-61120-85200-30-F26600	\$49,825.00
301-61120-85200-30-F26600	\$16,575.00
905-61120-85200-30-F26600	<u>\$44,200.00</u>
TOTAL	\$110,500.00

Action Requested/Recommendation: City Council motion authorizing the City Manager to approve the City of Grand Junction’s share of the Digital Ortho-Photography Project in the amount of \$110,000.00

Citizen Presentation:	X	No	Yes
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Report results back to Council:	X	No	Yes	When :	
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Placement on Agenda:	X	Consent	Individual Consideration	Workshop
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Attach 9
Purchase Street Sweeper

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Street Sweeper		
Meeting Date:	January 16, 2002		
Date Prepared:	January 10, 2002		
Author:	Ron Watkins	Title: Purchasing Manager	
Presenter Name:	Chuck Leyden	Title: Fleet Manager	
	Ron Watkins	Title: Purchasing Manager	
	Workshop	X	Formal Agenda

Subject: Purchase One Elgin Pelican Street Sweeper

Summary: The Street Sweeping Division has scheduled the replacement of unit # 2294 street sweeper. As per the promulgated Purchasing Policy Manual, this purchase will be facilitated by use of a State of Colorado Department of Transportation contract # 76577HAA01M.

Background Information: City of Grand Junction Fleet Manager, Chuck Leyden is requesting we purchase the replacement unit from the State of Colorado Contract. The purchase price is \$95,675.00 with all options required for City use. The City Purchasing Policy provides for this type of transaction and the Purchasing Manager agrees with this process. The State Contract documentation is on file in the City Purchasing Office. The Fleet Manager is exercising his option not to trade the replacement unit at the vendor's offered amount of \$10,000. It is his intent to explore retaining the old unit as a backup unit and for chip seal use.

Budget: The Fleet accrual account currently has \$110,240 budgeted for the replacement of unit #2294. State Contract replacement cost is \$95,675.

Action Requested/Recommendation: Recommend the City Council approve the City Purchasing Manager procure one Elgin Pelican P Street Sweeper from Faris Machinery

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*** *Indicates New Item*
* *Requires Roll Call Vote*

January 16, 2002

Company, 722 Valley Court, Grand Junction, Colorado 81505 at the Purchase Price of \$95,675.

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

**Attach 10
Riverside Market**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Riverside Market		
Meeting Date:	January 16, 2002		
Date Prepared:	January 2, 2002		
Author:	Lisa Gerstenberger	Senior Planner	
Presenter Name:	Lisa Gerstenberger	Senior Planner	
	Workshop	X	Formal Agenda

Subject: Request for approval of a Growth Plan Consistency Review and Second reading of the Rezoning Ordinance for 215 Chuluota Avenue, RZ-2001-226.

Summary: Request for approval of: 1) Growth Plan Consistency Review for a neighborhood grocery market; and 2) Second reading of the Rezoning Ordinance to rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district, to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Request City Council consider the Growth Plan Consistency Review and Second reading of the Rezoning Ordinance.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Mike Joyce and/or Tom Volkmann				
Purpose:	Presentation				

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
* *Requires Roll Call Vote*

January 16, 2002

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

DATE: January 2, 2002

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

AGENDA TOPIC: RZ-2001-226, Riverside Market.

SUMMARY: Request for: 1) Growth Plan Consistency Review for a neighborhood grocery market; and 2) Second reading of the Rezoning Ordinance to rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district, to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

BACKGROUND INFORMATION				
Location:		215 Chuluota Avenue		
Applicants:		Jose Martinez and Cindy Enos-Martinez, Owners Mike Joyce, Representative		
Existing Land Use:		Vacant Comm. building/Residential		
Proposed Land Use:		Commercial/Residential		
Surrounding Land Use:	North	Vacant church building		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RMF-8		
Proposed Zoning:		Planned Development w/B-1 default zone		
Surrounding Zoning:	North	RMF-8		
	South	RMF-8		
	East	RMF-8		
	West	RMF-8		
Growth Plan Designation:		Residential Medium, 4-8 du/ac		
Zoning within density range?		X	Yes	No

ACTION REQUESTED: Consideration of request for approval of: 1) a Growth Plan Consistency Review; and 2) Rezone from Residential Multi-Family 8 (RMF-8) to Planned Development (PD) with B-1 default zone.

Project Background/Summary

The applicant has requested a Growth Plan Consistency Review to allow redevelopment of a neighborhood grocery market in the Riverside Neighborhood which is currently zoned RMF-8. A Consistency Review determines if the proposed project is consistent with the goals and policies of the Plan.

The subject property is located at 215 Chuluota Avenue, although Mesa County Assessor's records indicate the property is addressed as 502 W. Colorado Avenue because of the property's previous affiliation with the Riverside Baptist Church across the street. The property is currently developed with an existing non-residential building of approximately 1,500 square feet located on the corners of Colorado Avenue and Chuluota Avenue, and a single family residence facing Chuluota Avenue. The existing non-residential building was constructed in 1911 as a grocery store and is constructed almost to the front property lines along Colorado Avenue and Chuluota Avenue. There is no off-street parking available on the site due to the location of existing structures.

The grocery market was in business from 1911 until 1984 when the building was purchased by the Baptist church for use as Sunday school classrooms. The applicant would like to redevelop the existing non-residential building as a neighborhood grocery market and continue to utilize the single family residence for residential purposes. The current RMF-8 zoning allows the residential use but precludes the redevelopment of a neighborhood market.

Access/Streets/Parking

Access for the proposed project will be provided by street frontage on Colorado Avenue and Chuluota Avenue. There is no off-street parking available on the site. The grocery market is intended to serve the Riverside community and is expected to be accessed by primarily pedestrian traffic which will be accommodated by existing sidewalks in the neighborhood. The proposed PD zone district will not require off-street parking for the grocery store due to the neighborhood orientation of the proposed uses.

Lot Configuration and Bulk Requirements

The Neighborhood Business, B-1 zone district is being proposed as the underlying default district. Bulk standards are specified in table format on the Final Plan and will be incorporated into the rezoning ordinance for the PD zone district.

Drainage/Irrigation/Utilities

Because existing structures are being utilized, there will not be an increase in stormwater runoff from the proposed project. Existing infrastructure will accommodate the minute stormwater runoff from the proposed deck/patio area. Irrigation water is not proposed for this development, and all required utilities are currently available.

GROWTH PLAN CONSISTENCY REVIEW:

Relationship to Comprehensive Plan: The Growth Plan Future Land Use Map designates this property as Residential Medium, 4-8 dwelling units per acre. The current zoning of the property is Residential Multi-Family 8 (RMF-8).

In accordance with Section 2.4.C of the Zoning and Development Code, when making a determination as to whether or not a proposal is consistent with the Plan, the reviewing body may find that:

1. The proposed development is consistent with all applicable portions of the plan, or the overall intent of the plan if two or more of the applicable portions of the plan appear to conflict; or
2. The proposed development is inconsistent with one or more applicable portions of the plan, or the overall intent of the plan if two or more of the applicable portions of the plan appear to conflict.

In reviewing the proposed redevelopment project, staff finds that the applicant's request is supported by the following goals and policies of the Growth Plan:

Policy: Chapter Five, Section E, Preferred Land Use Scenario, principals governing land use. Specifically item b, Support/Enhance Existing Neighborhoods.

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflect the residents respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the need of the urbanizing community as a whole.

Policy 1.6: The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories through planned developments.

Policy 1.7: The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

Goal 5: Efficient Use of Investments in Streets, Utilities and other Public Facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with surrounding development.

Goal 10: To retain valued characteristics of different neighborhoods within the community.

Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

Policy 10.3: The City and County, recognizing the value of historic features to neighborhood character and distinction between neighborhoods will allow design variety that is consistent with the valued character of individual neighborhoods, while also considering the needs and values of the community as a whole.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the neighborhood.

Policy 11.2: The City and County will limit commercial encroachment into stable residential neighborhoods. No new commercial development will be allowed in areas designated for residential development unless specifically approved as part of a planned development.

After review of the proposed redevelopment project and the goals and policies of the Growth Plan, staff finds the proposed project to be consistent with the goals and policies of the Growth Plan.

CHAPTER 5, PLANNED DEVELOPMENT DISTRICTS:

Staff finds that the request to rezone to PD is consistent with the applicable portions of the intent and purpose of Chapter 5. The applicant has specified the permitted uses, addressed the development standards and non-residential intensity use standards in the request to rezone and identified the deviations from the underlying default zone district standards.

The minimum district size of 5 acres can not be met; however, Section 5.4.E of the Code allows the Planning Commission to consider a smaller site that is determined to be appropriate for redevelopment as a Planned District. Because the applicant plans to utilize an existing vacant, non-residential structure and offer neighborhood services to the surrounding community, staff recommended approval of the site for redevelopment as a Planned District. After consideration of the proposed redevelopment project, the

Planning Commission determined that the site was appropriate for redevelopment as a Planned District.

REZONING CRITERIA:

The rezone request 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.** The existing zoning was not in error at the time of adoption. The zoning was based on the existing use (church classrooms) at the time the RMF-8 zone district was applied.
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 that is primarily built out and is residential in character with supporting services such as a church and Head Start program located within the community. Even with the proposed market, the character of the neighborhood remains residential in nature.**
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. **The proposed rezone is compatible with the neighborhood because it is intended to support the neighborhood in which the proposed grocery market is located. There are no anticipated adverse impacts because existing buildings and infrastructure will be redeveloped and utilized.**
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 conforms with a number of goals and policies of the Growth Plan as have been noted earlier in staff's report.**
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 are currently available.**
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. **The neighborhood has a limited amount of land that is undeveloped. The**

applicant would like to utilize an existing building and infrastructure for the proposed redevelopment project.

7. The community or neighborhood will benefit from the proposed zone. **The proposed rezone would provide the neighborhood with many benefits such as the utilization of a vacant building and provision of neighborhood services which will eliminate the need for additional vehicular trips. The proposed redevelopment project will also help to preserve some of the history of the neighborhood.**

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the request for a Growth Plan Consistency Review and request to rezone from RMF-8 to PD with a B-1 underlying default zone, staff makes the following findings of fact and conclusions:

1. **The proposed redevelopment of the existing non-residential structure is consistent with and supported by certain goals and policies of the Growth Plan.**
2. **The proposed redevelopment project and request to rezone the property to Planned Development (PD) meets applicable criteria of Chapter 5, Planned Development Districts.**
3. **The request to rezone meets the applicable approval criteria of Section 2.6.A of the Zoning and Development Code, Code Amendment and Rezoning.**

STAFF RECOMMENDATION:

1) Request for approval of a Growth Plan Consistency Review. Staff recommends approval of the request for a Growth Plan Consistency Review with a finding that the proposed project is consistent and supported by certain goals and policies of the Growth Plan as noted in staff's report.

2) Rezone from Residential Multi-Family 8 (RMF-8) to Planned Development (PD) with a B-1 underlying default zone: Staff recommends approval of the request to rezone, subject to the following condition, with the finding that the request to rezone is consistent with the goals and policies of the Growth Plan, the intent and purpose of Chapter 5 and the rezone criteria of Section 2.6.A of the Zoning and Development Code:

1. Dedicate property between the ROW line (to be located by a licensed surveyor) and a line one foot from the building footprint as a multipurpose easement. If the existing 1/2 street ROW exceeds the required 1/2 street ROW for urban residential street (22 ft), then excess ROW can be counted as equivalent easement footage.

PLANNING COMMISSION RECOMMENDATION:

1) Request for approval of a Growth Plan Consistency Review:

Recommend approval of the Growth Plan Consistency Review with a finding that the proposed project is consistent and supported by certain goals and policies of the Growth Plan as noted in staff's report.

2) Rezone from Residential Multi-Family 8 (RMF-8) to Planned Development (PD) with a B-1 underlying default zone:

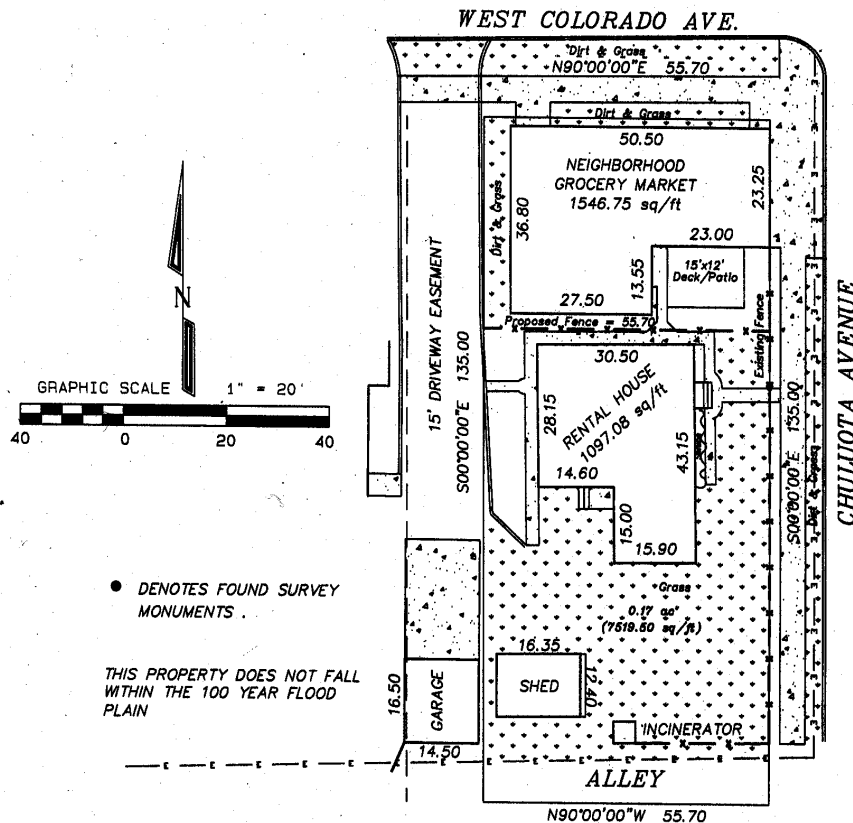
Recommend approval subject to staff's condition and with the findings that the request is consistent with the Growth Plan, Chapter 5 and the review criteria of Section 2.6.A of the Zoning and Development Code.

Attachments: Site location map
Final Plan
General Project Report
Resolution
Rezone Ordinance

January 16, 2002



FINAL DEVELOPMENT PLAN



THIS PLAN WAS PRODUCED BASED
ON INFORMATION PROVIDED BY
QED SURVEYING DATED 10-03-01

Utility Providers

Public Service Company - Electric and Natural Gas
Grand Valley Irrigation Company - Irrigation Water
Grand Junction Drainage District - Drainage
Paraga 201 District - Sanitary Sewer
Ute Water District - Potable Water
Qwest (US West) - Telephone
AT&T Cable Services - Cable Television
Grand Junction Fire Department - Fire Protection district
Grand Junction Police Department - Police Protection

Table 1
Forward Development/Zone District Bulk
Standard/Model/Service/Structure/Type
Dimension/Volume/Structure

Structure	Volume	Structure	Volume	Structure	Volume	Structure	Volume	Structure	Volume
1,200	30	30	00	00	100	100	00	00	00

FINAL DEVELOPMENT PLAN
EXHIBIT II
FOR: JOSE MARTINEZ AND CINDY ENOS-MARTINEZ
GRAND JUNCTION, COLORADO

DEVELOPMENT CONCEPTS, INC.
Planning and Development Services
2744 Compass Drive, Suite 201
Grand Junction, CO 81506
Phone (970) 255-1131 Fax (970) 255-1159
E-mail Address - yebubba@sjct.net



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Riverside Market
Growth Plan Consistency Review
and
Rezone to Planned Development (PD) from RMF-8

General Project Report

Parcel #: 2945-154-21-951
502 West Colorado Avenue

Petitioner: Jose Martinez and Cindy Enos-Martinez

Submittal Date: October 31, 2001
Revised: November 29, 2001

Application Description

Jose Martinez and Cindy Enos-Martinez proposes a neighborhood grocery market to be located at 215 Chuluota Avenue in the Riverside Neighborhood of the City of Grand Junction (see attached Assessor's Map). In order to redevelop a neighborhood grocery market and single family detached dwelling on the subject property, a *Growth Plan* consistency review and rezone to Planned Development (PD), with an underlying zone of Neighborhood Business (B-1) from Residential Multiple Family 8 (RMF-8) must be approved by the City of Grand Junction.

According to the Mesa County Assessor's records the legal address of the subject property is 502 West Colorado Avenue. The West Colorado Avenue address is actually the address of the Riverside Baptist Church main building. In 1984, the subject property was placed under the same parcel number as the main church building due to its tax exempt status. The subject property was recently sold to the petitioners. It is currently developed with an existing building, which was originally built in 1911 as a neighborhood market, and a single family home. The existing grocery store building is approximately 1,500 square feet in size. There is no space available to provide for any off-street parking, except for the single family home.

The proposed location of the grocery market has historically been the location of a neighborhood grocery market from 1911 until 1984, at which time the owner was having some finance problems and the Riverside Baptist Church was in need of additional Sunday school classrooms. The Membership of the church drastically reduced and the church eventually closed its doors, which left the building vacant.

RECEIVED
NOV 29 2001
COMMUNITY DEVELOPMENT
DEPT.

This application for a *Growth Plan* Consistency Review and rezone to Planned Development (PD) is for both the original grocery store building, and for the single family residence on the parcel. The single family home on the parcel is currently undergoing rehabilitation to be used for residential rental property.

If the application is approved, the petitioner's plans are to re-open the neighborhood store offering the basics such as milk, bread, eggs, pop, candy and various can goods. The market's purpose would be to supplement, not be the primary provider of groceries. The market is intended to serve mainly the elderly and children of the neighborhood. The petitioners currently operate a store at 132 S. 5th Street in downtown Grand Junction. The petitioners indicate that approximately 75% of their customer base at the 5th Street market are people who reside in the Riverside Neighborhood. Due to their large customer base traveling downtown, the petitioners would like to relocate the store to an area where their main customer base resides, the Riverside Neighborhood. By relocating the market, it is hoped that the market will become a social gathering place and a sense of community and comfort back into the Neighborhood. By approving this application, the petitioners will be allowed to operate a neighborhood grocery market in this location once again for the residents of the Riverside Neighborhood.

Surrounding Land Use/Zoning

LAND USE - The following Land-uses surround the subject property:

- ❖ North - Vacant Riverside Baptist Church property - single family and duplex residential housing
- ❖ South - Single family and duplex homes
- ❖ East - Single family and duplex homes
- ❖ West - Single family and duplex homes

ZONING - The subject property is currently zoned Residential Multiple Family 8 dwelling units to the acre (RMF-8). Zoning in the surrounding area is comprised of City of Grand Junction RMF-8, Community Services and Recreation (CSR) and Planned Development (PD). Within a ½ mile radius of the subject property, properties are zoned by the City of Grand Junction as:

- ❖ North - CSR and RMF-8
- ❖ South - RMF-8
- ❖ East - B-2 and RMF-8
- ❖ West - CSR and RMF-8

Neighborhood Meeting

As required in Table 2.1 of Section 2.1, Review and Approval Required, of Chapter 2, Procedures, of the City of Grand Junction *Zoning and Development Code* (2000), a Neighborhood

Meeting was held. This meeting took place on Tuesday, October 23, 2001, at 5:30 p.m. at the Riverside Park Picnic Shelter, Grand Junction, CO. The meeting was adjourned at 6:10 p.m. Eighty-three (83) notices were mailed out from a list prepared by the City of Grand Junction, with 23 neighbors attending the meeting.

One of the petitioners, Cindy Enos-Martinez, and representatives of Development Concepts, Inc., were present to answer any questions from the neighborhood concerning the proposed neighborhood grocery market. The meeting's content and conduct were held in accordance with Section 2.3.B.4.f of the Code. The following questions/concerns, and responses/comments were raised by the neighbors in attendance:

Are the Petitioners also going to buy the church? No the petitioners are only buying the existing store building and the pastor's manse on the separate lot with the address of 215 Chuluota Avenue. The main church property is addressed as 502 West Colorado Avenue.

Is the building going to be expanded? No, except for adding a deck at the rear of the building to set a few table for people to sit and visit while they drink coffee and eat a muffin.

Will you serve liquor? No, the cost of a 3.2 beer or liquor license is not worth the amount of sales anticipated. Several people at the meeting were opposed to the sale of liquor or beer.

Will the store be like the one the petitioners currently own downtown? No, it will be a grocery store. The downtown store has other specialty items.

The petitioners are brave to open a grocery store due to competition with City Market and/or Albertsons. We are not in competition with the large grocery stores. We are here to assist the children and elderly residents of the neighborhood, who can not go out of the area for items such as milk, eggs, flour, sugar, tortillas or bread.

What are the prices to be charged as compared to City Market or Albertsons? As long as the market can meet the costs of operation, the petitioner will keep the prices as low as possible. Cindy indicated that this market is not a primary income generator for either her or her husband (Jose). They will not be quitting their jobs to operate the store. This is also a retirement project for her brother now, and in the future for Cindy and Jose. Cindy's brother and son currently operate the store downtown, with no change anticipated with the relocation to Riverside.

Are you going to continue to operate the store downtown? No, it will close when we are ready to open this store.

Will you accept food stamps? Yes, but we must get set-up with the State first.

Are you going to use the house? Yes, as a rental. A fence will be built to separate the buildings, so that each one can operate separately.

Also at the meeting, a petition supporting the reopening of the "neighborhood grocery store" was presented. Also accomplished with this support petition was a census of residents in the household under 16 years of age and over 55 years old and older. The petition reads as follows:

"We, the residents of the Riverside Neighborhood support the rezone of the property located at 502 West Colorado Avenue, as a neighborhood grocery store. This property has a history of being a neighborhood grocery store prior to the 1940's until 1984."

The petitions contained the signatures of 184 households. The results of the census found that in these households 126 persons were 55 years or older; and, 196 children under the age of 16 years old. This indicates a large number of potential clientele for the neighborhood grocery market that are walking for either health purposes, or as their only means of transportation.

Growth Plan Consistency Review

The subject properties are located in the urbanizing area of the *Mesa Countywide Land Use Plan*, also known as the *City of Grand Junction Urban Growth Plan (Growth Plan)*. No new *Growth Plan* defined Activity Centers are proposed to be developed with the development of the approximately 1,500 square foot grocery market and the existing single family dwelling. The *Growth Plan* Consistency review is required due to requested rezone of the subject property from RMF-8 to Planned Development with a default zone of Neighborhood Business (B-1).

The *Growth Plan* proposes Residential-Medium Density development at the southwest corner of West Colorado Avenue and Chuluota Avenue. Table 1 indicates the Land-use, Intensity and Typical Uses found in Future Land Use Categories of Exhibit V.2 of the *Growth Plan* for the general area (Riverside Neighborhood) of the proposed *Growth Plan* consistency review.

Table 1
Growth Plan Future Land-use Categories
Riverside Neighborhood

Land Use	Intensity	Typical Uses
Residential- Medium	Urban - 4.0 to 7.9 du/ac	A mix of residential development types with gross densities less than 8 dwelling units per acre are anticipated in areas with this designation. Single family developments will be integrated with other dwelling types, including duplexes, low intensity attached residential development. Some low intensity multi-family development may be permitted through the planned development process where residents with typical 2 to 4 dwelling units per acre compatibility with adjacent development can be assured.
Park	Variable	Active Park and recreation sites with significant public access, whether publically owned or privately owned.

Source: City of Grand Junction Growth Plan (1996)

The following criteria from Section 2.4.C, *Growth Plan* Consistency Review, of the City of

Grand Junction *Zoning and Development Code* (2000) is to be used to determine if the application is consistent with the *Growth Plan*:

1. The proposed development is consistent with all applicable portions of the plan, or the overall intent of the plan if two or more of the applicable portions of the plan appear to conflict; or

In reviewing the *Growth Plan's* 27 Goals and Policies, the proposed reopening of a neighborhood grocery market is consistent with all applicable portions of the *Growth Plan*. On page V.10 of the *Growth Plan*, the "Preferred Land Use Scenario" is based on the following seven policy principals:

- a. Concentrate Urban Growth
- b. Support/Enhance Existing Neighborhoods
- c. Reinforce Community Centers
- d. Provide Open Space Throughout the Urban Area
- e. Ensure that Development Pays Its Own Way
- f. Disperse Higher Density Housing
- g. Continue Coordination to Implement Plan
- h. Retain Valued Cultural and Environmental Resources

The "Preferred Land Use Scenario" principal which has the most bearing on this application is Item b, Support/Enhance Existing Neighborhoods. A more detailed description of Item b is found on page V.12 of the *Growth Plan*, which states:

1. Planning should help maintain the quality of life in existing neighborhoods.
2. The recently adopted Orchard Mesa neighborhood plan should be incorporated.
3. New roadways (such as the Riverside bypass) should be designated and located so that they do not intrude on existing neighborhoods.
4. Compatibility standards should be in place for more intense uses in or adjacent to neighborhoods.

Obviously sub-item 2 is not applicable, since the subject property is not located in Orchard Mesa. Sub-items 1, 3 and 4 are applicable, and are supported by the following applicable Goals and Policies of the *Growth Plan*:

Goal 1 - To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflect the residents respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the need of the urbanizing community as a whole.

Policy 1.6 - The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories through planned developments.

Policy 1.7 - The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should

ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

Policy 1.8 - The City and County will use zoning and special area policies (adopted as part of this plan) to describe the preferred types of non-residential development in different parts of the community.

By using a Planned Development with an underlying zone of Neighborhood Business (B-1), the reopening of the Neighborhood Grocery Market in its historic location will meet the stated policies of Goal 1.

Goal 4 - To coordinate the timing, location and intensity of growth with the provision of adequate public facilities

Policy 4.4 - The city and county will ensure that water and sanitary sewer systems are designed and constructed with adequate capacity to serve the proposed development. *All utility providers have indicated that adequate capacity is available for water and other utilities. The City of Grand Junction just recently completed a separation of the combined sanitary and storm sewer systems in the Riverside Neighborhood.*

Goal 5 - Efficient Use of Investments in Streets, Utilities and other Public Facilities

Policy 5.2 - Encourage development that uses existing facilities and is compatible with surrounding development.

All urban services are available to the property and the proposed neighborhood grocery market is compatible with the surrounding area due to the pedestrian traffic and limited vehicular traffic which will be generated by this low impact business activity.

Goal 7 - To equitably fund improvements required to serve community residents and businesses.

Policy 7.4 - The City and County may subsidize development fees in certain defined areas to promote redevelopment and infill development.

The Riverside Neighborhood is one of the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) eligible neighborhoods in Grand Junction. The separation of the combined sanitary and storm sewer projects was recently completed using CDBG funds. Sidewalk, street, park, and other infrastructure projects have been completed due to CDBG funds and matching City of Grand Junction funds. By spending these monies in this neighborhood, redevelopment and infill, such as the reopening of the neighborhood grocery market, is occurring.

Goal 9 - To recognize and preserve valued distinctions between different areas within the community.

Policy 9.2 - The city and county will encourage neighborhood designs which promote neighborhood stability and security.

The proposed market is reopening of a building that was originally built in 1911 as a neighborhood grocery. This exterior of this building has changed little in the last 90+ years. This building has been a part of the neighborhood fabric of the Riverside area, and the

reopening will preserve this valued resource in this neighborhood which many other neighborhoods in the City of Grand Junction do not have.

Goal 10 - To retain valued characteristics of different neighborhoods within the community.

Policy 10.2 - The city and county will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

Policy 10.3 - The city and county, recognizing the value of historic features to neighborhood character and distinction between neighborhoods and will allow design variety that is consistent with the valued character of individual neighborhoods, while also considering the needs and values of the community as a whole.

Policy 10.4 - The city and county will encourage development designs that enhance the sense of neighborhood.

As has been previously stated, this location has historically been the location of a neighborhood grocery market from 1911 until 1984, at which time the owner was having some finance problems and the property was sold to Riverside Baptist Church. Even though the property was not used as market, it continued to be used as neighborhood resource as the site for additional Sunday school classrooms, and the single family home was used as the pastor's manse. Ultimately, the Membership of the church reduced drastically and the church eventually closed its doors, which left the building vacant. The petitioners, recognizing the value of historic features to neighborhood character and the enhancement of a sense of community, request to reopen the building as a neighborhood grocery market.

Goal 11 - Promote stable neighborhoods and land use compatibility throughout the neighborhood

Policy 11.1 - Promote compatibility between adjacent land uses, addressing traffic, noise, lighting, height/bulk ...

Policy 11.2 - The City and the County will limit commercial encroachment into stable residential neighborhoods. No new commercial development will be allowed in areas designated for residential development, unless specifically approved as part of a planned development.

As stated in the review of Goal 9, the proposed market is reopening of a building that was originally built in 1911 as a neighborhood grocery. One could take the view that this business is not a new commercial development, but the reopening of an historic commercial use. But if one considers this a new business use, then the requested zone of Planned Development (PD) meets Policy 11.2. The scale of the proposed neighborhood grocery market use is very small — the building is just over 1,500 square feet in size. The only additions planned by the petitioners are a small patio area at the front of the existing grocery market building for customers to sit, meet, visit and drink their coffee or other non-alcoholic beverage. The existing single family home is undergoing rehabilitation at this time to bring it back to building code standards.

2. The proposed development is inconsistent with one or more applicable portions of the plan, or the overall intent of the plan if two or more of the applicable portions of the plan appear to conflict.

The petitioners do not believe that their proposed development of a neighborhood grocery store is inconsistent with one or more applicable portions of the *Growth Plan*, hence this criterion is deemed **NOT APPLICABLE** under the *Growth Plan* Consistency Review.

The *Growth Plan* is considered to be a "living" document. The *Growth Plan* effort was developed to provide generalized land-uses in the City of Grand Junction, as was the *Mesa Countywide Land-Use Plan* developed to provide generalized land-uses in unincorporated Mesa County from 1996 to 2010. This Neighborhood is historically and culturally diverse, with such amenities as the Riverside Park, the Head Start Program building, Riverside School (soon to be the Riverside Community Center), Riverfront Trail, churches and several types of residential housing. There are many residents over the age 55, and many under the age of 16. These are the target market of the petitioners -- customers who need to walk to the store for milk, eggs or community support and to keep young or the children who cannot drive and need a place to get milk, candy or a soda pop and visit with other members of the community. The petitioners' consistency review of the *Growth Plan* finds that the type of limited impact commercial development proposed in the PD zone is consistent with the type of mixed use development which occurred historically in the Riverside Neighborhood, and is **CONSISTENT** and **MEETS** all applicable portions of the *Growth Plan*.

Rezone to Planned Development (PD)

According to Section 5.1 of the *Zoning and Development Code*, the purpose of a Planned Development zone is as follows

"The planned development (PD) zone applies to mixed-use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter Three. Planned development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs; and/or
7. Protection and/or preservation of natural resources, habitat areas and natural features."

Although the Development Standards in Section 5.4 states the minimum area for a PD zone is 5-acres, the Planning Commission and City Council can that a smaller site can be allowed if the smaller site "is appropriate for the development or redevelopment." In approving a Planned Development smaller than 5-acres, the Planning Commission and City Council must find that the proposed development:

1. Cannot be developed under conventional zoning;

As noted in the *Growth Plan* Consistency Review criteria, if residential development is mixed with non-residential development, the use of a Planned Development zone is recommended. This recommendation is accomplished to ensure continued compatibility in established neighborhoods. The *Zoning and Development Code* and the *Growth Plan* encourage low impact retail development within neighborhoods. As noted previously, the location of neighborhood grocery market was established in 1931 and continued in operation until 1984. After the market closed it was used as classroom space for the Riverside Baptist Church, until the church closed. The grocery market portion of the subject property has historically been used for a higher intensity use than the surrounding single family and duplex development. No other conventional business or commercial zone exists in the Riverside Neighborhood. Conventional zoning is not supported by the *Growth Plan*, the use of Planned Development is needed for the mixed use of a neighborhood business and a residential dwelling.

2. Is adequately buffered from adjacent residential property;

All structures, including the market building, have been in existence for many years. The petitioners plan on erecting a fence between the market building and the existing home, which is also located on the property, so that each building will operate separately and be buffered from each other. The market building is built abutting the property lines of Colorado and Chuluota Avenues. Existing sidewalks abut the building on these two streets. No additional buffering can be provided, nor is needed. The building is proposed undergo historic rehabilitation to bring it back to code and enhance its aesthetics to the rest of the neighborhood, just as the applicant has accomplished in rehabilitating the existing single family home located on the subject property.

3. Mitigates adverse impacts on adjacent properties; and,

The proposed reopening of the property as a neighborhood grocery market mitigates the potential impacts by not having any off-street parking. As noted in the Neighborhood Meeting section of this General Project Report (pages 2-4), the target market for the neighborhood grocery market are age groups that are walking for either health purposes, or as their only means of transportation. Ms. Enos-

Martinez has indicated that this market is not a primary income generator for either her or her husband (Jose). They will not be quitting their jobs to operate the store. This is also a retirement project for her brother now, and in the future for Mr. and Ms. Martinez. Ms. Enos-Martinez's brother and son currently operate the store downtown, with no change anticipated with the relocation to Riverside. Not having additional off-street parking will have **limited** impact on adjacent properties, since the Martinez family owns most of the property which abuts Chuluota Avenue and Colorado Avenue, north of Chuluota Avenue. All of the properties owned by the Martinez family have off-street parking available for the existing homes.

4. Is consistent with the goals and policies of the *Growth Plan*.

Please refer to the *Growth Plan* Consistency Review (pages 5-7) to determine compliance with this criterion.

The proposed use of a Planned Development for a parcel less than 5-acres has been **MET**. The petitioners are requesting the concurrence of the Planning Commission and City Council to allow a PD zone at this location.

Section 5.2 requires that a PD zone have "Default Standards" should be derived from an underlying zone. In the case of this application the proposed underlying zone is Neighborhood business (B-1). The neighborhood grocery market building is existing, which requires revisions to the "bulk standards." Table 2 are the dimensional standards for the B-1 zone found in Table 3.2 of the *Zoning and Development Code*. Table 3 are the revised dimensional standards for the PD zone based on the default zone.

Table 2
Zoning and Development Code
Neighborhood Business (B-1) Zone
Dimensional Standards

Zone District	Minimum Lot Size		Minimum Street Frontage (FT)	Minimum Setbacks (Principal/Accessory Buildings)			Maximum Lot Coverage (%)	Maximum FAR	Maximum Building Height (FT)
	Area (SF)	Width (FT)		Front (FT)	Side (FT)	Rear (FT)			
B-1	10,000	50	N/A	20/25	0/0 or 10/5 if abutting residential zone or use	15/15	N/A	0.50	40

Source: City of Grand Junction Zoning and Development Code (2000)

Table 3
Planned Development Zone
Bulk Zoning Standards

Minimum Lot Size		Minimum Street Frontage (FT)	Minimum Setbacks (Principal/Accessory Buildings)			Maximum Lot Coverage (%)	Maximum FAR	Maximum Building Height (FT)
Area (SF)	Width (FT)		Front (FT)	Side (FT)	Rear (FT)			
1,200	30	30	0/0	3/3	10/5	N/A	0.90	40

Section 5.3 of the *Zoning and Development Code* requires the "Establishment of Uses" within the proposed PD zone. The *Zoning and Development Code* states:

"At the time of zoning a parcel to PD, the City Council shall determine the allowed uses. Only uses consistent in type and density with the *Growth Plan* may be allowed in a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning."

The default zone for the Planned Development is the B-1 zone. This zone allows for a variety of commercial, business, retail, and single family detached homes (Conditional Use) land-uses. Neither a limited service Neighborhood Grocery Market, nor a full service Grocery supermarket are listed as "Specific Use Types" in Table 3.5 of the *Zoning and Development Code*. The most similar "Specific Use Type" listed in Table 3.5 is General Retail, Indoor operations, display and storage. This "Specific Use Type" seemed to allow too many potential incompatible land-uses, so the petitioners have limited the General Retail use type further. By further limiting the allowed land-use of the subject property, other potential incompatible land-uses can be eliminated. This is even more important, due to the fact that no space for off-street parking is available, except for the existing single family home. Table 4 indicates the allowed land uses in the PD zone.

Table 4
Planned Development Allowed Land Uses

Use Category - Definition. See Chapter 9 for complete description.	Specific Use Type	Zone	Use Specific Standard
Retail Sales and Service – firms involved in the sale, lease or rental of new or used products to the general public.	General Retail, Indoor operations, display and storage – sales limited to grocery and accessory products and prepared food products for over the counter sales for off-premise or on-premise consumption. No alcohol sales allowed	PD	
Housing Living – residential occupancy of a dwelling unit by a "household"	Single Family Detached Housing	PD	Section 4.3.N

Due to the limited vehicular traffic anticipated with the reopening of the Neighborhood Grocery Market, and no land being available for off-street parking on the subject parcel, no on-site/off-street parking is required for the neighborhood grocery market portion of the PD zone. The proposed service entrance is located at the rear of the building, and no outdoor display or storage is proposed. Although the hours of operations have not been established by the petitioners, the PD zone can meet the "Performance Standard" outlined in the Neighborhood Business (B-1) zone, which states:

"No use in this district shall open or accept deliveries earlier than 5:00 a.m. nor close later than 11:00 p.m. 'Close' includes no customers on-site, no deliveries and no illumination of signs."

Final Development Plan (FDP) Review Criteria

According to the *Zoning and Development Code* in Section 2.12 and Section 5.5, rezoning of the property to Planned Development must occur simultaneously with Final Development Plan (FDP) review if less than 5 lots are proposed. The purpose of the process is to answer the question:

"Should this use, with this specific density, designed in this particular manner, be constructed on this site?"

Section 2.12.D.2, Final Development Plan (FDP) for a Planned Development, provides the approval criteria to be used in a review of the FDP. An FDP application must demonstrate conformance with all of the following:

- a. The approved ODP if applicable;

Although this criterion is technically **NOT APPLICABLE**, a response has been drafted to insure an complete review of the criteria for a PD zone.

- 2.12.B.2.a. The Growth Plan, major street plan, and other adopted plans and policies;

Please refer to the *Growth Plan* Consistency Review (pages 5-7) found in this General Project Report to determine compliance with this criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.

- 2.12.B.2.b. The rezoning criteria provided in Section 2.6;

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

There is no evidence that an error was made at this time of adoption of the RMF-8 zone on this property in 2000. At that time the property had been used and was under the ownership of Riverside Baptist Church. The market

building was built in 1911, prior to zoning being enacted by the City of Grand Junction.

3. 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 character of the surrounding area has changed with the installation of CDBG public infrastructure improvements. The reopening of a Neighborhood Grocery Market in this location is reestablishing a historical land-use in the Riverside Neighborhood. During our Neighborhood meeting, overwhelming support from the residents was shown. The neighborhood has deteriorated in the past, but with the new infrastructure improvements and other public investments in the neighborhood, the reopening of a Neighborhood Grocery Market continues development transitions taking place in the Riverside Neighborhood.

The character and/or condition of the area has changed that the proposed rezone to PD and FDP **MEETS** this review criterion.

4. 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;

Expressed in terms of compatibility with the Riverside Market and the neighboring residential structures, the reopening of the market will not create adverse impacts. The location of the market has always had a higher intensity of land use than other areas of the Riverside Neighborhood. Across Colorado Avenue is the Riverside Baptist Church building and parking area. North of the market are duplex residential structures and the railroad yard. Ultimately, the Riverside Bypass is proposed to be built along the Lawrence Avenue alignment. To the east is the former Riverside Baptist Church's manse, which the petitioners are renovating for a rental dwelling. A fence will be erected between the market and the rental unit to ensure that each building operates separately and in compatibility with each other.

The proposed reopening of the property as a neighborhood grocery market mitigates the potential impacts by not having any off-street parking. There is plenty of on-street parking in the surrounding area. The residential structures in the surrounding area have adequate off-street parking. As noted in the Neighborhood Meeting section of this General Project Report (pages 2-4), the target market for the neighborhood grocery market are age groups that are walking for either health purposes, or as their only means of transportation.

Ms. Enos-Martinez indicated that this market is not a primary income generator for either her or her husband (Jose). They will not be quitting their jobs to operate the store. This is also a retirement project for her brother now, and in the future for Mr. and Mrs. Martinez. Ms. Enos-Martinez brother and son currently operate the store downtown, with no change anticipated with the relocation to Riverside. Not having additional off-street parking will limit the impact on adjacent properties. The proposed rezone to PD and FDP **MEETS** this review criterion.

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

Please refer to the *Growth Plan* Consistency Review (pages 5-7) found in this General Project Report to determine compliance with this criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.

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

All urban services are available to the site, and have sufficient capacity for the urban density allowed by the proposed Planned Development (PD) zone. This application proposes limited, if any, additional impacts on public services. The subject property is currently served by:

Public Service Company – Electric and Natural Gas
 Grand Valley Irrigation Company – Irrigation Water
 Grand Junction Drainage District – Drainage
 Persigo 201 District – Sanitary Sewer
 Ute Water District – Potable Water
 Qwest (US West) -- Telephone
 AT&T Cable Services – Cable Television

Grand Junction Fire Department – Fire Protection
Grand Junction Police Department – Police Protection

The proposed rezone to PD and FDP **MEETS** this review criterion.

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

As currently zoned at RMF-8, an adequate supply of suitably designated land does not exist in the Riverside Neighborhood. An adequate supply of land for the proposed Neighborhood Grocery Market exists, which is the subject property, if the rezone to PD is approved. The proposed rezone to PD and FDP **MEETS** this review criterion.

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

As noted in the Neighborhood Meeting section of this General Project Report (page 2 - 4), the neighborhood will benefit from the rezone and reopening of the Neighborhood Grocery Market. The proposed rezone to PD and FDP **MEETS** this review criterion.

- 2.12.B.2.c. The planned development requirements of Chapter Five;

The proposed rezone of the property is Planned Development (PD) with an underlying zone of Neighborhood Business (B-1). Please refer to "Rezone to Planned Development (PD)" on pages 8 -11 of this General Project Report for compliance with this review criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.

- 2.12.B.2.d. The applicable corridor guidelines and other overlay districts in Chapter Seven;

This criterion is **NOT APPLICABLE**, since the development does not fall under any of the applicable corridor or other overlay districts.

- 2.12.B.2.e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

Please refer to review of Section 2.12.B.2.b.5 of this General Project Report (page 13) for compliance with this review criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.

- 2.12.B.2.f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;
- Please refer to the review of Section 2.12.B.2.b which is the Rezoning Criteria provided in Section 2.6 subsection 3 (page 12) for compliance with this Review Criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.
- 2.12.B.2.g. Appropriate screening and buffering of adjacent property and uses shall be provided;
- Please refer to "Rezone to Planned Development (PD)" on pages 8 - 11 of this General Project Report for compliance with this review criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.
- 2.12.B.2.h. An appropriate range of density for the entire property or for each development pod/area to be developed;
- There is one existing single family detached home located on the subject property, which is approximately 1,100 square feet in size. The existing neighborhood market building is approximately 1,500 square feet in size. The proposed rezone to PD and FDP **MEETS** this review criterion.
- 2.12.B.2.i. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed;
- Please refer to "Rezone to Planned Development (PD)" on pages 8 - 11 of this General Project Report for compliance with this review criterion. The proposed rezone to PD and FDP **MEETS** this review criterion.
- 2.12.B.2.j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and
- The market building is existing on the subject property. Upon remodeling and rehabilitation of the building, the Neighborhood Grocery Market will be scheduled to open within 3 months of the issuance of a building permit. The existing single family home is currently undergoing rehabilitation, with occupancy of the structure to take place in less than 1 month after the date of the revised General Project Report. The proposed rezone to PD and FDP **MEETS** this review criterion.
- 2.12.B.2.k. The property is at least twenty (20) acres in size.
- The petitioners believe that typographical error was made in this criterion. The criterion states that 20-acres is needed to complete a

Planned Development, when other sections state only 5-acres. Although this site contains less than 5-acres, a review of Section 5.4 (pages 8 - 9) indicates that the Planning Commission and City Council can find that a smaller site can be allowed if the smaller site "is appropriate for the development or redevelopment." This is the case with this application. The proposed rezone to PD and FDP **MEETS** this review criterion.

- b. The approved preliminary development plan;

This criterion is **NOT APPLICABLE** since a preliminary development plan is not required with this application for a PD zone.

- c. The approved preliminary plat;

This criterion is **NOT APPLICABLE** since a preliminary plat is not required since the property has previously been platted with no further subdivision of the existing lot proposed.

- d. The approved PD rezoning ordinance;

This criterion is **NOT APPLICABLE**, since the PD rezoning ordinance is taking place with this application for a PD Final Plan.

- e. The SIDD, TEDS, and SWMM manuals and all other applicable development and construction codes, ordinances and policies;

The proposed PD Final Plan **WILL MEET** the applicable standards listed above, except where existing structures cannot meet such modern standards.

- f. The applicable site plan review criteria in Section 2.2.D.4.;

- (1) Adopted plans and policies, such as:

- (A) The Growth Plan and any applicable corridor, special area or neighborhood plans; and
- (B) The major street plan, trails plan and parks plan.

- (2) Conditions of any prior approvals.

- (3) Other code requirements, including:

- (A) Rules of the zoning district;
- (B) The Use-specific standards in Chapter Three;
- (C) The design and improvement standards provided in Chapter Six; and

- (4) Quality site design practices, including:

- a. The site shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character and site design of adjoining property, and the type and size of structures. The site shall be developed to accommodate future growth in the neighborhood.
- b. To the maximum degree practical, the native floral bushes, grasses and trees and other landscaping shall be preserved, by minimizing

vegetation disturbance and soil removal and by other appropriate site construction planning techniques. Wind and water erosion shall be minimized through site design.

- c. Fences, walls and live screening shall be provided to protect the neighborhood and the future uses of the site from adverse effects such as undesirable views, lighting and noise.

The proposed rezone to PD and PDP **MEETS** this review criterion.

- g. The applicable preliminary plat criteria in Section 2.8.B;
 - a. The Growth Plan, major street plan, Urban Trails Plan and other adopted plans;
 - b. The purposes of this Section 2.8.B;
 - c. The Subdivision standards (Section 6.7);
 - d. The Zoning standards (Chapter Three)
 - e. Other standards and requirements of this Code and other City policies and regulations;
 - f. Adequate public facilities and services will be available concurrent with the subdivision;
 - g. The project will have little or no adverse or negative impacts upon the natural or social environment;
 - h. Compatibility with existing and proposed development on adjacent properties;
 - 2. Adjacent agricultural property and land uses will not be harmed;
 - i. Is not piecemeal development nor premature development of agricultural land or other unique areas;
 - k. There is adequate land to dedicate for provision of public services; and
 - l. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

The proposed rezone to PD and FDP **MEETS** this review criterion.

Upon completion of the review of the previous criteria, it has been shown that the reopening of a Neighborhood Grocery Market answers the question positively that

this use should be allowed at this location, designed in this particular manner on this site.

Conclusion

This application proposes a *Growth Plan* Consistency Review, and rezone from RMF-8 to Planned Development (PD), with a default zoning of Neighborhood Business (B-1). The subject property is currently developed with a building which was constructed in 1911 as a Neighborhood Grocery Market, and a single family detached residential dwelling unit. The *Growth Plan* Consistency Review, and Rezone **MEETS** Section 2.4, *Growth Plan* Consistency Review, Section 2.6, Rezone, and Chapter 5, Planned Developments found in the 2000 *City of Grand Junction Zoning and Development Code*. This application also meets numerous goals and policies of the *City of Grand Junction Growth Plan*. We respectfully request your approval of the *Growth Plan* Consistency Review, and rezone to PD with an underlying zone of B-1 for the Riverside Market Planned Development.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**FINDING THE REDEVELOPMENT OF THE
NEIGHBORHOOD MARKET LOCATED AT 215 CHULUOTA AVENUE
TO BE CONSISTENT WITH THE GROWTH PLAN**

Recitals.

The applicant has submitted an application to redevelop an existing non-residential building in the Riverside Neighborhood as a neighborhood grocery market. The Future Land Use Map designates this parcel as Residential Medium which allows residential development but would not permit the proposed redevelopment of the grocery market. The applicant has requested a finding that the proposed redevelopment and rezone to PD is consistent with the goals and policies of the Growth Plan.

At its December 11, 2001 meeting, the Grand Junction Planning Commission found the proposed redevelopment to be consistent with the overall intent of the Growth Plan, the goals and policies recognizing the value of historic features to neighborhood character and encouraging development that uses existing facilities compatible with surrounding development.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the proposed redevelopment is consistent with the goals and policies of the Growth Plan.

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

The following described property, located at 215 Chuluota Avenue and described in Community Development File #RZ-2001-226, is hereby found to be consistent with the overall intent of the Growth Plan:

That part of Lot 3, Blk 10 Mobley's Subd, West of Plank Avenue in Sec 15, T1S, R1W of the UM, Mesa Co., CO.

PASSED AND ADOPTED on this _____ day of January, 2002.

Attest:

January 16, 2002

Mayor

City Clerk

CITY OF GRAND JUNCTION, COLORADO

REZONING ORDINANCE No. ____

**Ordinance Rezoning 215 Chuluota Avenue
from the Residential Multi-Family-8 (RMF-8) zone district
to Planned Development with
Neighborhood Business (B-1) as the default zone**

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 rezoning 215 Chuluota Avenue to the Planned Development (PD) zone district with B-1 default zone, for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the intent and purpose of Chapter 5.
3. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Planned Development (PD) zone district be established.

The Planning Commission and City Council find that the Planned Development (PD) zoning is in conformance with Chapter 5 and the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Planned Development (PD) zone district:

That part of Lot 3, Blk 10 Mobley's Subd, West of Plank Avenue in Sec 15, T1S, R1W of the UM, Mesa Co., CO.

The underlying default zone shall be Neighborhood Business (B-1) with bulk standards to be specified on the Final Plan.

Introduced on first reading this 2nd day of January, 2002.

PASSED and ADOPTED on second reading this ____ day of January, 2002.

January 16, 2002

Mayor

ATTEST:

City Clerk

**Attach 11
Cimarron Mesa**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Cimarron Mesa Annexation		
Meeting Date:	January 16, 2002		
Date Prepared:	January 10, 2002		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the proposed Cimarron Mesa Subdivision, #ANX-2001-161.

Summary: Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance for the Cimarron Mesa Annexation located at the intersection (southwest corner) of Linden Avenue and B ½ Road (#ANX-2001-161). The 32.567-acre Cimarron Mesa 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 resolution for the acceptance of petition to annex and adopt the annexation ordinance on second reading.

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

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
* *Requires Roll Call Vote*

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

HEARING DATE: January 10, 2002

CITY COUNCIL

STAFF PRESENTATION: [Bill Nebeker](#)

BACKGROUND INFORMATION				
Location:		SW corner of Linden Ave and B ½ Rd		
Applicants:		Darren Davidson		
Existing Land Use:		Vacant		
Proposed Land Use:		Single family residential		
Surrounding Land Use:	North	Vacant and elementary school		
	South	Low density residential		
	East	Medium and low density residential		
	West	Vacant		
Existing Zoning:		County RSF-4		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	City & County RSF-4		
	South	City RSF-4		
	East	City RMF-16 & County RSF-4		
	West	City CSR & County RSF-4		
Growth Plan Designation:		Residential Medium Low (2 to 4 du/acre)		
Zoning within density range?		X	Yes	No

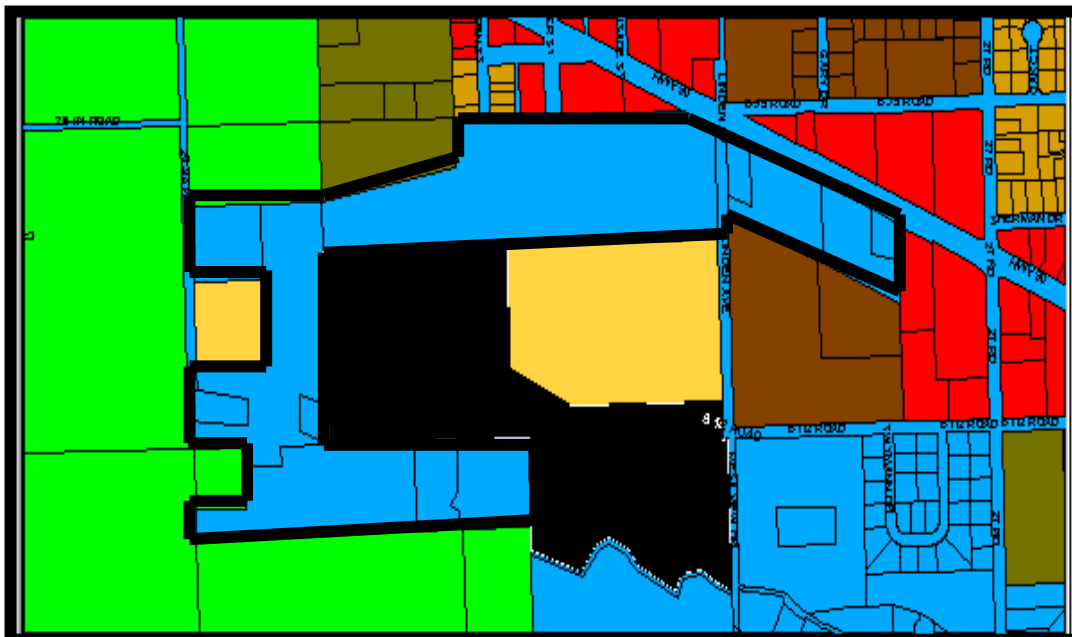
Staff Analysis:

Acceptance of the Annexation Petition:

This annexation area consists of annexing 32.567 acres of land. A portion of Linden Avenue (26 $\frac{3}{4}$ Road) adjacent to this parcel is also being annexed. Owners of the property have signed a petition for annexation as part of their request to develop the Cimarron Mesa Subdivision, pursuant to the 1998 Persigo agreement with Mesa County.

The Cimarron Mesa Annexation will inadvertently enclave twelve (12) properties (see picture below). Under the requirements of the Persigo Agreement with Mesa County, the City is required to annex those twelve properties after three years but before five years from being enclaved. The last time this occurred was with the Webb Crane Annexation in March of 2000 when four properties were enclaved as result of that annexation. As with Webb Crane, staff sent a letter to the twelve affected properties notifying them of their property being enclaved. This letter was sent on December 28, 2002.

The map below shows the parcel to be annexed in white. The parcels to be enclaved are blue and are outlined in black. The colored areas (non-blue) except for the streets are within City limits. The hard copy of this map is in black and white.



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 Cimarron Mesa 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;

Annexation Ordinance:

When annexed the petitioner proposes a 114-lot single family development in two phases on 32.03 acres. Due to unforeseen circumstances the preliminary plan and zone of annexation have been delayed and have not been heard by the Planning Commission. They are tentatively scheduled for the February 2002 Planning Commission hearing. The zone of annexation will be forwarded to the City Council after the Planning Commission's hearing in February.

This annexation consists of annexing one parcel. The total size of the annexation (32.567 acres) is slightly larger than the subdivision (32.03 acres) since it includes a portion of Linden Avenue.

Action Requested/Recommendation: Adopt resolution to accept petition and adopt annexation ordinance on second reading.

Attachments:

- Vicinity Map
- Aerial Photo
- Annexation Map
- Resolution Accepting Petition
- Annexation Ordinance

RESOLUTION NO. __-01

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

CIMARRON MESA ANNEXATION

IS ELIGIBLE FOR ANNEXATION

**LOCATED AT THE SOUTHWEST CORNER
OF LINDEN AVENUE AND B ½ ROAD**

WHEREAS, on the 5th day of December, 2001, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼), the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) and the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and a portion of the Plat of Miles Craig Minor Subdivision as same is recorded in Plat Book 16, Page 38, Reception No. 1819902, Public Records of Mesa County, State of Colorado, being more particularly described as follows:

ALL of Lot 2, said Plat of Miles Craig Minor Subdivision, TOGETHER WITH the following described parcel of land; BEGINNING at the Northeast corner of the NW ¼ SE ¼ of said Section 26, and considering the East line of the NW ¼ SE ¼ of said 26 to bear S 00°06'59" E with all bearings contained herein being relative thereto; thence S 00°06'59" E along the East line of the NW ¼ SE ¼ of said Section 26, a distance of 627.94 feet; thence S 89°53'01" W a distance of 30.00 feet to a point being the Southeast corner of said Lot 2; thence N 00°06'59" W along a line 30.00 feet West of and parallel with the East line of the NW ¼ SE ¼ of said Section 26, being the East line of said Lot 2, a distance of 628.21 feet to a point on the North line of the NW ¼ SE ¼ of said Section 26; thence continuing along the East line of said Lot 2, N 00°11'27" E along a line 30.00 feet West of and parallel with the East line of the SW ¼ NE ¼ of said Section 26, a distance of 143.08 feet to a point being the Southeast corner of Lot 1 of said Plat of Miles Craig Minor Subdivision; thence S 89°36'24" E a distance of 30.00

feet to a point on the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26; thence S $00^{\circ}11'27''$ W, along the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26, a distance of 143.08 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of January, 2002; 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 January, 2002.

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

CIMARRON MESA ANNEXATION

APPROXIMATELY 32.567ACRES

LOCATED AT THE SOUTHWEST CORNER
OF LINDEN AVENUE AND B ½ ROAD

WHEREAS, on the 5th day of December, 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 16th day of January, 2002; 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 certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼), the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) and the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and a portion of the Plat of Miles Craig Minor Subdivision as same is recorded in Plat Book 16,

Page 38, Reception No. 1819902, Public Records of Mesa County, State of Colorado, being more particularly described as follows:

ALL of Lot 2, said Plat of Miles Craig Minor Subdivision, TOGETHER WITH the following described parcel of land; BEGINNING at the Northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26, and considering the East line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said 26 to bear S 00°06'59" E with all bearings contained herein being relative thereto; thence S 00°06'59" E along the East line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26, a distance of 627.94 feet; thence S 89°53'01" W a distance of 30.00 feet to a point being the Southeast corner of said Lot 2; thence N 00°06'59" W along a line 30.00 feet West of and parallel with the East line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26, being the East line of said Lot 2, a distance of 628.21 feet to a point on the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26; thence continuing along the East line of said Lot 2, N 00°11'27" E along a line 30.00 feet West of and parallel with the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26, a distance of 143.08 feet to a point being the Southeast corner of Lot 1 of said Plat of Miles Craig Minor Subdivision; thence S 89°36'24" E a distance of 30.00 feet to a point on the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26; thence S 00°11'27" W, along the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26, a distance of 143.08 feet, more or less, to the POINT OF BEGINNING,

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

INTRODUCED on first reading on the 5th day of December, 2001.

ADOPTED and ordered published this ____ day of _____, 2002.

Attest:

President of the Council

City Clerk



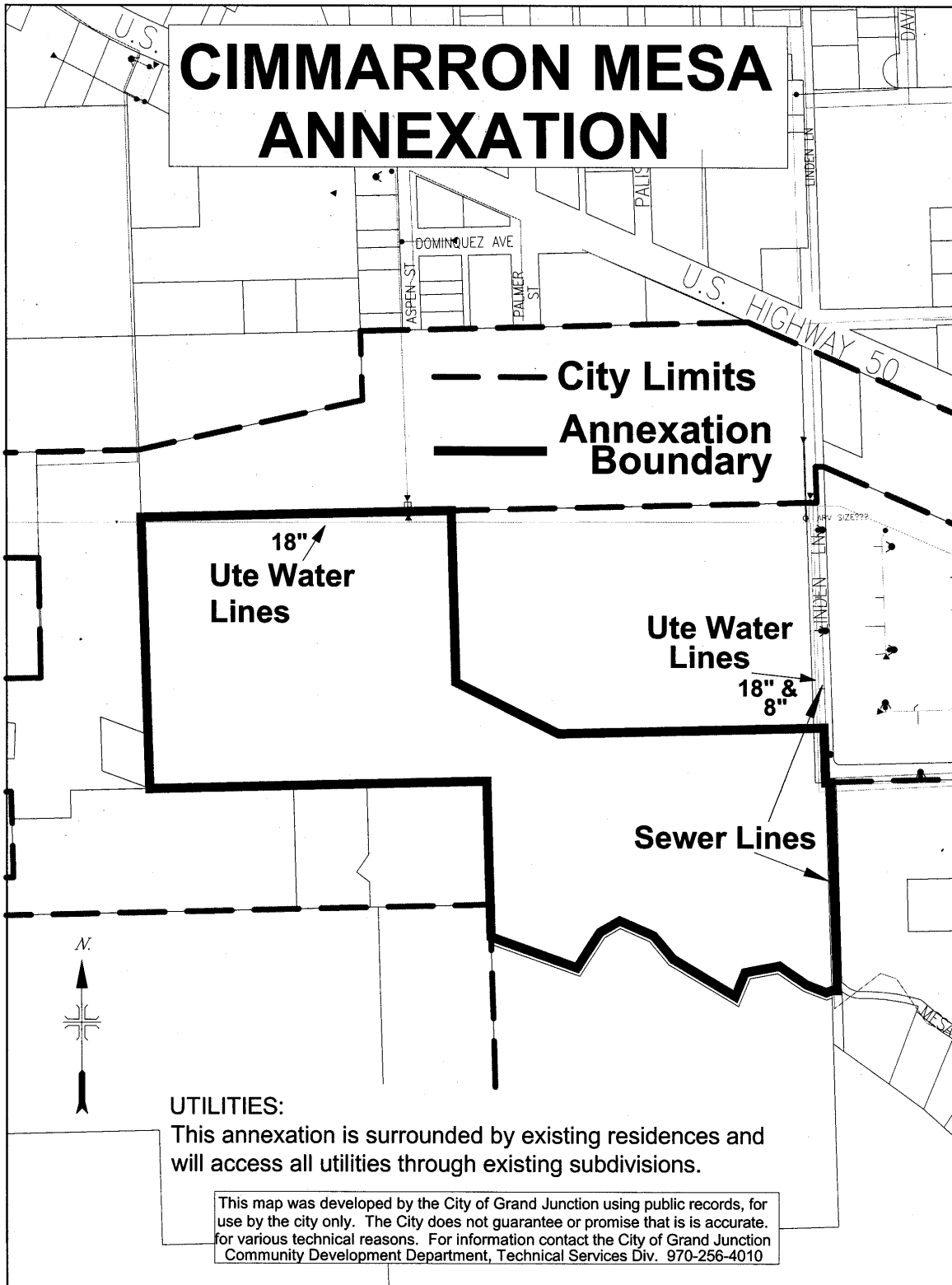
agenda.

- *** Indicates New Item
- * Requires Roll Call Vote

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*

* *Requires Roll Call Vote*



*** Indicates New Item
* Requires Roll Call Vote

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*

* *Requires Roll Call Vote*

This is a detailed plat map of a portion of the City of St. Louis, Missouri. The map shows a grid of streets and lots. Key streets include Ashmun St, Douglas Ave, Palmer St, Gary Dr, and St. Louis Ave. Several large lots are labeled with specific addresses and names, including 'EAST END SUBDIVISION' and 'WEST END SUBDIVISION'. A north arrow is located in the bottom right corner.

Streets shown include:

- ASHMUN ST
- DOUGLAS AVE
- PALMER ST
- GARY DR
- ST. LOUIS AVE
- W. 1ST ST
- W. 2ND ST
- W. 3RD ST
- W. 4TH ST
- W. 5TH ST
- W. 6TH ST
- W. 7TH ST
- W. 8TH ST
- W. 9TH ST
- W. 10TH ST
- W. 11TH ST
- W. 12TH ST
- W. 13TH ST
- W. 14TH ST
- W. 15TH ST
- W. 16TH ST
- W. 17TH ST
- W. 18TH ST
- W. 19TH ST
- W. 20TH ST
- W. 21ST ST
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- W. 45TH ST
- W. 46TH ST
- W. 47TH ST
- W. 48TH ST
- W. 49TH ST
- W. 50TH ST

Other labels on the map include:

- EAST END SUBDIVISION
- WEST END SUBDIVISION
- ST. LOUIS AVE
- ASHMUN ST
- DOUGLAS AVE
- PALMER ST
- GARY DR
- ST. LOUIS AVE
- W. 1ST ST
- W. 2ND ST
- W. 3RD ST
- W. 4TH ST
- W. 5TH ST
- W. 6TH ST
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- W. 50TH ST

[illegible]

AREA OF APPLICATION

ANALYSTS' PRACTICES
COMMERCIAL PRACTICES
WORK IN DOMESTIC TRAVEL
WORK IN FOREIGN TRAVEL

ORIGINATE FC
SHOULD FC
COUNCIL FC
OTHER

ORDINANCE NO.

EFFECTIVE DATE

GRAPHIC SCALE

(10 FEET)

1 inch = 100 ft.

CIMARRON MESA ANNEXATION

16, 2002**Attach 12****Revised Zoning and Dev Code****CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	TAC-2001-203 Zoning and Development Code Revisions		
Meeting Date:	January 16, 2002		
Date Prepared:	January 9, 2002		
Author:	Kathy Portner		
Presenter Name:	Kathy Portner	Planning Manager	
	Workshop	X	Formal Agenda

Subject: TAC-2001-203 Continuation of the hearing on Section 4.3.D and 4.1.I.2.c of the Revised Zoning and Development Code, Ordinance 3390.

Summary: On December 19th the City Council approved ordinance 3390, the Revised Zoning and Development Code, but asked that section 4.3.D and 4.1.I.2.c, pertaining to new and existing salvage yards, recyclers and impound lots, be brought back for further discussion.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Continuation of the hearing for Ordinance 3390, adding sections 4.3.D and 4.1.I.2.c.

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

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

DATE: January 9, 2002

CITY COUNCIL

STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: TAC-2001-203 Continuation of the hearing for Section 4.1.1.2.c and 4.3.D of the Revised Zoning and Development Code.

SUMMARY: On December 19th the City Council approved ordinance 3390, the Revised Zoning and Development Code, but asked that section 4.1.1.2.c and 4.3.D, pertaining to existing and new salvage yards, recyclers and impound lots, be brought back for further discussion.

ACTION REQUESTED: Continuation of the hearing for Ordinance 3390, adding sections 4.1.1.2.c and 4.3.D.

Staff Analysis:

On December 19th the City Council adopted the revised Zoning and Development Code (Ordinance 3390), but asked that sections 4.1.1.2.c and 4.3.D, pertaining to new and existing salvage yards, recyclers and impound lots, be brought back for further discussion. There was testimony at the hearing from business owners that they preferred an ordinance proposed in October of 2000 to the proposal in the draft Code. (This report will refer to the October, 2000 proposal as the "2000 proposal" and the recent proposal as the "2001 proposal".)

When the 2000 proposal was presented to the City Council in October of 2000, Council directed the staff to assess the impact of applying the proposed regulation to all outdoor storage. In February of 2001, staff presented to Council the results of a survey indicating there were over 200 properties identified with outdoor storage that would be out of compliance with the proposed regulation. Adding those properties to the existing salvage yards for compliance would have required additional personnel and additional funds for the proposed financial incentive for landscaping. Staff felt the better alternative was to see how the regulations for salvage yards could be incorporated into the existing regulations for all outdoor storage.

The two main concerns with the 2001 proposal expressed by business owners at the December 19th hearing were the appliance recycler not having sufficient time to dispose of appliances dumped along their frontage and existing recyclers and salvage yards having to relocate because of new road alignments and being subject to the more stringent regulations for new facilities.

As requested, staff has done a comparison of the 2001 proposal and the 2000 proposal. The detailed comparison is attached. For existing yards, both proposals

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require screening along the street frontage and the first 50' of the side property lines. The 2001 proposal requires the screening to be a minimum of 6' and allows for the screening to be a wall, solid fence, vegetation or chain link with slats. The 2000 proposal requires screening to be a minimum of 8' and requires a vegetative screen. It also proposed that the City would participate financially in the landscaping requirement for the existing businesses.

The 2001 proposal includes section 4.3.D for new facilities. The 2000 proposal did not address new facilities in detail, but did make allowances for existing businesses to expand without meeting all the requirements for new facilities. The 2001 proposal would include expansions under the general category of expansion of non-conforming uses and sites and treat expansions of recycling and salvage facilities the same as any other type of use in the City.

The 2000 proposal included special provisions for appliance recyclers to give them relief from the requirement to remove material dumped and/or stored outside of the screen fence. The wording of that provision was:

Notwithstanding any other provision to the contrary, an appliance recycler is not in violation of this Code if appliances that are abandoned by third parties outside of a perimeter fence are not removed within five working days. If the City gives a notice after the fifth working day, the appliance recycler shall remove such appliances from any right-of-way within three working days, however, if there is no end recycler or other person available in the Grand Valley to remove the appliances, the appliance recycler shall have three working days from the time that the end recycler or other person is available to remove and dispose of the appliances.

The staff is concerned with the open-endedness of when the materials would ultimately be removed and the difficulty in tracking when an end recycler is available. However, there should be some acknowledgement of the service the recyclers are providing and their willingness to deal with illegally dumped materials. Therefore, we propose amending the 2001 proposal to include the following provision:

Notwithstanding any other provision to the contrary, a recycler is not in violation of this Code if items placed outside of a perimeter fence are not removed within five working days. If the City gives a notice after the fifth working day, the recycler shall remove such items within five working days.

STAFF RECOMMENDATION: Staff recommends adoption of Sections 4.1.I.2.c and 4.3.D as presented in the attached ordinance.

ATTACHMENTS:

Ordinance adopting section 4.1.I.2.c and 4.3.D
Comparison of 2000 Proposal and 2001 Proposal

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2000 Proposal

16, 2002**ORDINANCE NO.****AMENDING ORDINANCE 3390, ADDING SECTIONS 4.1.I.2.c and 4.3.D TO
THE ZONING AND DEVELOPMENT CODE**

RECITALS: On December 19th the City Council approved ordinance 3390, the Revised Zoning and Development Code, but asked that section 4.1.I.2.c and 4.3.D, pertaining to existing and new salvage yards, recyclers and impound lots, be brought back for further discussion. After considering the staff and Planning Commission recommendations and all testimony, the Council finds that the approved sections best implement the goals and policies of the City Growth Plan.

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

That the Zoning and Development Code, adopted by Ordinance 3390, be amended to include the following sections:

4.1.I.2.c. If the principal use of the property is recycling to include car/auto recycler, end recycler (salvage yard) or wrecking yard storing inoperable vehicles, vehicle parts, dismantled machinery and associated parts, appliance recycler and impound lot and if the use was an existing legal use as of January 1, 2002, outdoor storage shall meet the following conditions.

1. Storage and dismantling areas shall require screening along all street frontages and along the first fifty feet (50) of the side perimeter from the street. Sites may use opaque slats in existing chain link fences or vegetation to meet the screening requirement as long as the screening is at least six (6) feet in height. Any new fencing shall be a minimum of six (6) feet.
2. If the recycler abuts a property with zoning which is not C-2, I-1 or I-2, the recycler shall also screen each perimeter that abuts such zone that is not C-2, I-1 or I-2. Buildings on property lines shall serve as screening.
3. No item shall be allowed to project above the screening except: integral units as defined in Chapter Nine of this code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purpose of storing recyclable parts. End recyclers are exempt from this requirement.
4. Each owner, operator, independent contractor and employee of a recycling business, and every other person who dismantles, repairs or installs motor vehicle parts or appliances or other equipment containing any fluid, gas or liquid or other regulated substance shall, in accordance with applicable laws and rules, control, contain, collect,

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and dispose of all fluids, hazardous wastes, and other regulated fluids in or generated by the dismantling, shredding, baling or storage of motor vehicles, appliances, other equipment or parts, including but not limited to oils, antifreezes, CFC's, transmission fluids, diesel fuel, and gasoline.

5. Tires shall be stored as required by the Grand Junction Code of Ordinances.
6. Notwithstanding any other provision to the contrary, a recycler is not in violation of this Code if items placed outside of a perimeter fence are not removed within five working days. If the City gives a notice after the fifth working day, the recycler shall remove such items within five working days.

4.3.D NEW CAR/AUTO RECYCLER, END RECYCLER (SALVAGE YARD), WRECKING YARDS, APPLIANCE RECYCLER, IMPOUND LOTS. For existing uses see section 4.1.1.2.c

1. **Performance Standards.** New car/auto recycler, end recycler (salvage yard), wrecking yards, appliance recycler and impound lots shall be allowed to operate only with an approved conditional use permit and are subject to the following requirements. Salvage, dismantling, recycling or impound lot uses as accessory uses are permitted under the same status as the principal use and are subject to all requirements of the principal use in addition to the following requirements:
 - a. Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by Table 6.5 and provide a 6' high wall along the street frontage and along the first 50' of the side perimeter from the street. The wall shall be increased to 8' if the yard will contain any stored items in excess of 6'. The required wall shall meet the required front yard setback with landscaping in the setback area.
 - b. The wall shall be of solid, 100 percent opaque, construction of wood, masonry, chain-link with slats, or other material approved in writing by the Director (unless the screening and buffering required by Table 6.5 allows for only masonry or wood).
 - c. All outdoor yards or storage lots shall comply with the following:
 1. No yard or storage lot shall be placed or maintained within a required yard setback.
 2. Stored items shall not project above the screening except for integral units as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purposed of storing recyclable materials. Integral units shall not be stored within the first twenty (20) feet of the property from any street frontage property line.

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3. All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.
- d. All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.
- e. Unusable items shall be disposed of and not be allowed to collect on the premises.
- f. All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six (6) feet in height; if on racks, the top of any tire on any rack shall not be over ten (10) feet in height.
- g. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of all such uses.

Introduced on first reading this 5th day of December, 2001.

Passed and adopted on second reading this day of , 2002.

President of the Council

Attest:

City Clerk

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CAR/AUTO RECYCLING, END RECYCLING (SALVAGE YARD), WRECKING YARDS, APPLICANCE RECYCLER, IMPOUND LOTS

Comparison of Proposed Zoning and Development Code Amendments and
October, 2000 Recycling Industry Proposal

	Proposed Zoning and Development Code Amendments	Recycling Industry Proposal (October, 2000)
Non-Residential Outdoor Storage	Section 4.1.1.2	
Screening	Storage and dismantling areas provide screen along street frontage	Screen required along each street frontage
	Storage and dismantling areas provide screen along first 50' of side perimeter from street	Screen required along nearest 50' of each side yard
	May use slats in existing chain link fences	Frontage vegetation required. City to participate financially for required landscaping
	New fencing must be minimum of 6'	Fencing and walls must be minimum of 8'
	Screen when abutting zoning not C-2, I-1, I-2	Screening of side yards not required when adjacent to property zoned C-2, I-1 or I-2
	Nothing allowed to project above screening except integral units and stacking of no more than 2 vehicles on top of wheel stands	Stored material cannot be visible above the screen from any adjacent street that is not elevated except for integral units
	Tires stored as required by Grand Junction Code of Ordinances	

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New Recycling/Wrecking Yards and Heavy Equipment/Industrial Storage Lot	Section 4.3.D	
Approval Process	Conditional Use Permit: New Recycling/wrecking yards New Heavy equipment & industrial storage lots	Conditional Use Permit: All new recyclers All additions of recycling to an existing business
	Existing businesses subject to non-conforming section of the Code	No permit required if business existed as of 6/1/2000 or annexed after that date: Replace existing structure if destroyed; Expand recycling use; Expand volume of business
Screening	Recycling/wrecking yard: Must comply with the screening and buffering sections of the Code (Section 6.5) A 6' to 8' wall or screen fence required along street frontage and first 50' of side perimeter	New facilities not addressed
	Outdoor storage fences/walls solid, 100% opaque made of wood, masonry or other material approved by Director	
	All sides of heavy equipment or industrial storage lot screened from the view of all surrounding land uses and all streets and ROW	

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Outdoor yards and storage lots	No yard or storage lot shall be placed or maintained within a required yard setback	
	Stored items cannot project above the screening except for integral units and stacking of no more than 2 vehicles on top of a wheel stand	Stored material cannot be visible above the screen from any adjacent street that is not elevated
	Integral units cannot be stored within the first 20 feet of the property from any street frontage property line	
		Appliance recyclers can only store refrigerators within 10' of the screened yard
Noise	Compaction, cutting and other material volume reducing operations must minimize noise	
Tires	Tires not on operational vehicles shall be stacked or placed in racks	
	Stacks cannot exceed 6' in height	
	If on racks, top of any tire on a rack cannot be over 10 feet in height	
Trash	No garbage to be kept on premises	
Hazardous Materials	Gasoline, oil or other hazardous materials from vehicles to be disposed of according to federal, state and local regulations	

Miscellaneous		Appliance recyclers not in violation if abandoned appliances not removed within 5 days. If City gives notice, recycler has 3 days to remove appliances provided an end recycler available
		Establishes an appeals board the majority of which would consist of industry representatives
		Recyclers required to register with Director

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
 * *Requires Roll Call Vote*

ORDINANCE No. ____

Recycler Industry chapter of the City Code

[§ 4.3 D]

Background and purpose. When it adopted the new City Code, the City Council delayed adoption of rules for salvage yards, auto dismantling/recycling, appliance dismantling/recycling, and impound lots at the request of the affected business owners.

Those owners designated representatives to work with the City to agree on rules that would both serve the community's aesthetic desires while attempting to mitigate the financial impacts on these necessary and valuable businesses. It was agreed that existing businesses should have rules different from the requirements for a start-up business, because start-up businesses can plan for and incorporate these rules much more easily.

As the drafting of these rules has progressed, a fairness issue has arisen: if the recyclers must improve screening and aesthetics, why shouldn't such rules apply to other businesses that have outdoor storage? These rules attempt to recognize that all businesses that store materials out-of-doors must keep storage areas neat and aesthetically pleasing.

The City's Code has other provisions addressing outdoor storage and outdoor display. In effect, these rules apply to businesses displaying new goods and materials (e.g., a car dealer and a pipe supplier). Manufacturers that store materials which will be used or incorporated into the final product, and manufacturing products too large to economically be enclosed indoors may be subject to different rules but should still be required to present a neat and orderly view from the public rights of way.

Motor vehicles, new and used, have traditionally displayed out-of-doors. These rules do not control these displays, if the vehicles are operable.

The public policy question posed by the working group: Is it fair to limit these rules to the salvage and recycling industry? Shouldn't these rules also apply to every business with outdoor storage?

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

A. Section 4.1(l)(8) of the City Zoning and Development Code is amended to read:
"No person shall permit rubbish to be stored in the City, in or out of a structure. Junk shall not be stored outside of an enclosed structure unless the owner or operator of the property and use is a registered or sales/use tax licensed recycler, as defined in section 4.3(D).

B. Amend section 4.1(l)(2)(a) by replacing the word "junk" with the word "salvage."

C. The City Zoning and Development Code is amended by the repeal of section 4.3(E) and its replacement with the following.

New § 4.3 (D)

Recyclers and Salvage Operations

1. (a) **Applies to all recyclers/transition rules.** These rules [in this new Section 4.3] apply to existing, new and all other salvage yards, auto recyclers, appliance recyclers, household recyclers, end recyclers, salvage and impound lots, except as is specified otherwise. During such times as a use or business which is defined herein as a recycler is either registered as a recycler or has a sales tax license as a

recycler, the Outdoor Storage and Display rules, Section 4.1(I) of this Code, to the extent inconsistent with these rules, do not apply to the recycler.

(b) A recycler whose property is annexed into the City who establishes to the Director that such recycling business was lawful under the County's code and rules at the time of annexation shall, by the fifth January 1st after annexation, comply with all of the rules and requirements of this Section 4.3; except that such recycler shall plant all required plants by the third anniversary of annexation.

(c) A recycler whose property is annexed into the City who does not provide the Director with evidence that such recycling business was lawful under the County's code and rules upon annexation shall comply with all of these rules by the first anniversary of annexation; except that such recycler shall be deemed to have complied with the screening requirements hereof if the recycler has planted as required herein by the second anniversary of annexation.

2. **All rules must be followed.** It shall be unlawful, and a violation of the City Code, for any person to operate or do business as a salvage yard, end recycler, auto recycler, appliance recycler, household recycler, salvage yard or tow or impound lot, as those terms are herein defined, unless such person complies with all of rules and requirements of this Section 4.3.

3. **Definitions** [adding to those in Chapter 9 of the Zoning and Development Code].

(a) Annexation means, for the purpose of this Section 4.3, the date the annexation ordinance was adopted.

(b) Appliance recycler and/or dismantler: A person who operates a business at which appliances and/or machines and/or equipment such as refrigerators, washers, dryers, furnaces, evaporative coolers, air conditioners, water heaters, and any associated scrap or re-used duct work, but not vehicles, are dismantled for the purpose of selling usable parts, including the purchase, sale or other transfer of used appliance and other machine parts. The term does not include car recycler, a salvage yard, an end recycler, a household recycler, a pawnshop or secondhand goods business.

(c) Car recycler or motor vehicle recycler: A person who operates a business at which one or more automobiles, light trucks and/or other vehicles are dismantled in

any twelve month period for the purpose of selling useable parts, including the purchase, sale, or other transfer of used automobile, truck and other motor vehicle parts as defined herein. "Car recycler" does not include a salvage yard, pawnshop, end recycler, household recycler, salvage yard, tow or impound lot or secondhand goods business.

(d) End recycler or recycling: An establishment or lot or parcel at or on which salvage, motor vehicles and/or other equipment, machinery or man-made objects are dismantled, crushed, shredded, separated, baled, and/or shipped to a recycling center, a smelter, or other processing or manufacturing enterprise.

Typically, most of the volume of salvaged materials are metals. For example, car recyclers would dispose of vehicle frames and car bodies at an end recycler once the usable parts were removed or sold.

(e) Household recycler or recycling: A recycling business that collects household waste such as cardboard, bottles, cans and/or recyclable plastics used to store or contain food or house wares. A household recycler is not an "end recycler" if all storage, dismantling, baling, shredding, and separation of recycled materials and salvage is completely within an enclosed structure.

Impound lot: See "tow yard."

(f) Integral Unit: Only on the property of a lawful car recycler, end recycler, wrecking yard or appliance recycler, either: (i) metal configured into shelves or bins using regularly spaced, symmetrical commercial grade welded or bolted shelving, beams or similar straight materials, no portion of which, including stored or shelved materials or objects, is higher at any point than twenty feet (20') above ground; or (ii) a vehicle, crane, or similar piece of mechanized equipment that cannot be stored in a way in which all portions of the equipment as manufactured are less than twenty feet (20') high. Stacking, adding metal or other materials by welding, fusing or gluing smaller pieces together in order to fit within the definition is prohibited. Shelves and bins (including stored or shelves materials or objects) that are not visible above the perimeter fencing, including those that are "home-made," do not require notice to the Director to be lawful and are not included within the definition of "Integral Unit."

(g) Motor vehicle: Any self-propelled vehicle that is designed primarily for travel on the public streets and which is generally and commonly used to transport persons and property. "Motor vehicle" does not include a bicycle, a wheelchair or other vehicle moved by human power.

(h) New use (only applies to the property on which a recycler was lawfully in business as of June 1, 2000): Any expansion, addition, extension or increase of a recycler use or activity that increases the area in which the activity or business is

operated Changes to the boundaries of a lot, parcel or property due to survey errors, adverse possession and similar doctrines, or other changes that are not a subdivision under the City's codes, do not constitute a new use. For example, an existing recycler owns a 10 acre parcel on June 1, 2000 but actually only stores salvage materials on 5 acres. In 2004, if business volume is such that the owner desires to store salvage on all 10 acres, the business may expand to 10 acres and will not constitute new use.

(j) Plant (or planting or planted): To place in soil that contains, either naturally or with amendments, sufficient constituents to nourish the planted material; and to thereafter water and care for so that the planted material thrives. "Plant" includes the duty to replace any plant or planted material which has died or does not thrive.

(k) Recycling or recycler: An end recycler, a car recycler, an appliance recycler, a household recycler, a salvage yard and/or an impound lot or tow yard.

(l) Salvage yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including vehicle wrecking yards, house wrecking, and storage of structural steel materials and equipment. The term includes a wrecking yard but does not include: the purchase or storage of used furniture; household equipment; used motor vehicles which are in operable condition; or used or salvaged materials which are used or consumed on the same property or facility as part of manufacturing operations.

(n) Screen or screened: An opaque wall or fence eight feet high from natural grade made of wood, brick, masonry or similar materials as approved by the Director, or an equivalent plant maintenance and location plan approved by the Director.¹ [This sentence to be placed as footnote 8 in Exhibit 6.5.A, Z and D Code] For existing recycling uses only, screening may be an equivalent visual barrier consisting of chain link fence in good condition at the base of which the owner/operator plants approved evergreen plants that will make the fence substantially opaque in five

¹ See Exhibit 6.5.A

years. Other materials that will accomplish the same goals of aesthetics and opacity may be approved in writing by the Director.

(o) Towing or tow yard or impound lot: The storing, assembling or standing of damaged, inoperable, towed or impounded vehicles for indeterminate periods of time. Any person or business that is listed on the City's Communications Center's, rotation towing call list is by definition a "impound lot" during all periods listed. However, a business that is not included on the rotation calling list may still be subject to these rules as an impound lot.

(p) Used automobile part: Any object designed to be attached to a motor vehicle. A frame, chassis, axle, engine, transmission, fender, or hood, *etc.*, that was once a part of an operable motor vehicle, but which is not at the time of sale, bargain, exchange, purchase, or other transfer of the object is included within the term.

(q) Wrecking yard: A business or area where machinery or other man-made objects are dismantled.

4. **Most stringent rules apply.** If one recycler use is combined with or occurs on the same parcel or property as any other recycler use, such as combining towing with car recycling, or vehicle repair with car recycling, the entire parcel and use must comply with the more stringent rules of either use.
5. **Sales tax license or registration required.** No person shall operate as a recycler without possessing at all times either a registration permit issued by the Director or a current City sales tax license.
6. [Already regulated by Table 3.5. Not needed.] **New uses need a permit.** Except as provided in subsection 7, and notwithstanding section 3.8, below, no person shall begin a new recycler use (*i.e.*, a salvage yard, a wrecking yard, car recycling business, appliance recycling business, household recycling business, towing business or other recycler business) until the Director has issued a Conditional Use Permit. Any lawful recycling use may be expanded in accordance with § 3.8 of the Zoning and Development Code.
7. [Already regulated by Table 3.5, and other definitions. Not needed] **No addition without a permit.** (a) No person shall add a recycling use to an existing location,

business, site or enterprise until the Director has issued a Conditional Use Permit. The Director should allow a car dismantling or recycling use as accessory to the principle use of an existing and lawful recycling use, if the new and accessory use also meets these rules as if the new and accessory use were operated separately.

(b) On a lot or parcel on which a recycler was licensed by the City for sales taxation ("licensed") and which lawfully existed as of June 1, 2000, or is thereafter annexed and was lawful under the County's codes and requirements upon annexation, a recycler may on the same parcel or lot [See c. 3, p. 44] so long as such expanded or additional improvements, activities, uses and structures are in compliance with then existing rules and codes: Replace an existing structure if the structure was destroyed by an act of God or other cause beyond the control of the recycler; Expand the recycling use; Make improvements and expand the volume of business. If the RAB had previously allowed the recycler to operate without having fully complied with all of the requirements of this Section 4.3 (especially with regard to trees, shrubs, vines and other flora), as a condition of the conditional use permit which must authorize the expansion, replacement or other improvement, the recycler shall make such reasonable efforts as the Director may require to make the recycler's business and property more compliant with the requirements of this Section 4.3 than it was before.

8. **No pawnbroker as recyclers.** No recycler shall carry on the business of a pawnbroker on the same property or as a part of the same business, nor shall any pawnbroker do business as a recycler on the same property or as a part of the same business.
9. **Enclosed structures.** A new recycler may avoid perimeter screen requirements, but not street buffering, by containing all storage and other activity within enclosed structures so that the storage, handling, separation and accumulation of salvage, used parts and objects, and materials to be recycled, is not visible from any street.
10. **Screening and Landscaping.** [Put as note in 6.5A]

(a) For existing uses, a screen is required along each street frontage and the nearest fifty feet of each side yard of each lot and parcel on which a recycler does business, except that the side yard screen is not required during such times as the adjoining property is zoned C-2, I-1 or I-2. If the recycler abuts a zone that is not C-2, I-1 or I-2, the recycler shall also screen the length of each perimeter that abuts such zone that is not C-2, I-1 or I-2. Recyclers who adjoin another recycler that is also required to screen all or a portion of the a side yard may jointly maintain the screen on the common a side yard, however, if one ever fails to maintain the screen , the other adjoiner shall forthwith do so.

(f) For existing recycling uses: by June 1, 2005, the recycler shall plant, in addition to plants required to make a fence opaque: (i) one tree for each 100 feet of perimeter and one shrub for each fifty feet of perimeter up to a maximum requirement in any one calendar year of five hundred perimeter feet or twenty percent of the perimeter, whichever is greater; and (ii) if the street frontage is not landscaped as would be required for a new use and the Director determines that due to space constraints compliance is not likely without moving a screen or other improvement, or acquiring an additional lot or parcel, the recycler shall plant the equivalent value of plants either to obscure existing chain link fencing along a perimeter which would not otherwise require screening or in another location approved by the Director.

(g) Each recycler shall maintain the perimeter of the property so that it is a screen, except along each rear yard if the abutting zone is I-1, I-2 or C-2, and except along each side yard if the abutting zone is I-1, I-2 or C-2, beginning fifty feet from the street. Stored material shall not be visible above the screen from any adjacent street that is not elevated.

(h) Existing recyclers shall plant sufficient materials in accordance with the City Forester's approved standard plans, by June 1, 2002.

(i) After June 1, 2000, no recycler shall construct or improve a chain link or other fence that is not solid wood or masonry unless: (1) the person is an existing recycler; (2) the fence was in existence as of March 1, 2000; and (3) after the fence is improved it is at least six feet high at all points. Notwithstanding any provision to the contrary, an existing recycler may repair, replace and upgrade a

fence that existed on March 1, 2000 at any time to keep the fence in good and workmanlike condition or to convert a fence to a fence which meets the definition of a screen.

13. (a) Except for Integral Units that are shelves or bins to store other personal property, all recyclers, except refrigerator recyclers, shall limit storage within the twenty feet (20') nearest to the perimeter screen so that no piece or part of any salvage or other stored item or property shall project above the screen.
- (b) "Home-made" or similar non-manufactured shelving or racks shall be authorized by the Director only if the "home-made" shelves or bins are symmetrical, neat, and built in a workmanlike manner, however, no person shall use any such integral unit after June 1, 2001 unless the person has written the Director on or before January 1, 2001 identifying the Integral units being used and the Director has not denied approval in writing within sixty days of receipt of such writing. Photographs of acceptable "home-made" integral units are available from the Director and will be available on the City's web site². Integral Units shall be aligned in rows or in some other symmetrical and neat pattern.
- (c) In the ten feet nearest the street within the screened yard or area, existing appliance recyclers may only store refrigerators, but not other appliances or objects, neatly in rows.
- (d) Existing recyclers shall comply with these rules by January 1, 2006, except as otherwise provided.
14. No new, expanded or additional recycler use, activity or business shall be allowed within five hundred feet (500') of a residential zone. The Director may reduce this separation if the Director finds and the RAB recommends, after the applicant gives notice to all residents within five hundred feet (500'), and shows that the proposed use, projected traffic and other impacts are such that a lesser separation will have no significant effect on the affected resident(s).
15. All portions of a new recycler use shall be a minimum of five hundred feet (500') from any residential use or zone, unless the Director finds and the RAB recommends

² The date that the web site will contain this information is not established.

RAB that a lesser separation will have no significant effect on an existing residential use which is not zoned residential.

1. Fluids and regulated substances. See, City Code Chapter 16, Nuisances.

17. Special rules for car recyclers.

(a) Vehicle parts and bodies shall be arranged and stacked in an orderly manner.

Outdoor aisles shall be graveled or covered with a dust-free surface material.³

(b) No portion of a dismantling area shall be visible from a street or from an adjacent use that is not zoned C-2, I-1 or I-2.

18. Special rules for appliance recyclers. Notwithstanding any other provision to the contrary, an appliance recycler is not in violation of this Code if appliances that are abandoned by third parties outside of a perimeter fence are not removed within five working days. If the City gives a notice after the fifth working day, the appliance recycler shall remove such appliances from any right-of-way within three working days, however, if there is no end recycler or other person available in the Grand Valley to remove the appliances, the appliance recycler shall have three working days from the time that the end recycler or other person is available to remove and dispose of the appliances.

19. Outdoor storage of any use, not just recyclers. Notwithstanding any other provision to the contrary in this Code, the screening requirements and time limits that apply to existing recyclers apply and shall be complied with by each outdoor storage use, area or facility, including those that occupy or are located only on a portion of a lot or parcel.

The storage of fuel, raw materials, inoperable equipment, inoperable machinery and vehicles, pipes, valves, salvage and other used products shall be screened from

³ The Director of Public Works must approve the dust free surface, in accordance with adopted standards.

each adjacent residential zoned property and from each abutting street by the same time and in the same manner as is provided herein for recyclers.

20. Appeals Board. (a) The Recycler Advisory Board ("RAB") is hereby created for the purpose of giving advice regarding these rules, any needed changes, helping the regulated industry and others to understand and comply with these rules, and to perform the other duties as specified herein. The City Council shall appoint the members of the RAB to staggered terms of four years, in accordance with bylaws to be adopted by the City Council. There shall be five members, a majority of whom shall be owners, operators or employees of a recycling business located within the City's limits. If there are not enough citizen volunteers, the other members shall be City officers or employees who may be assigned by the City Council or the City Manager if the City Council delegates such authority.

(b) The RAB shall hear any appeal from a recycler or other person aggrieved who alleges that the provisions of this Section 4.3 have been misapplied by the Director or that the time requirements should reasonably be varied based on the following standards: the applicant can justify the departure from one of the rules in this Section 4.3; granting the variance will not injure any person or the public; the recycler's property has unique conditions which are not the result of the action/inaction of the recycler, or the agents, predecessors or associates of the recycler; and a literal enforcement of the rule would result in unnecessary and undue hardship. No time limit can be extended or varied by more than an additional five years. The RAB may substitute the location and types of plants required by these rules if site constraints so require and if the net effect is substantially the same, based on the advice of the City's Forester or a City landscape architect or similar City approved expert. The Director may appeal a decision of the RAB to the Planning Commission similar to an appeal of a Site Plan Review; however, the Director may not appeal a lawful time extension.

21. Registration. Every recycler shall register with the Director on or before June 1, 2001. A recycler is registered if the recycler has a sales tax license issued by the City. To assist the industry in this regard, the Director shall mail a notice to each recycler of which he is aware (and who does not have a sales tax license) by December 31, 2000, however the failure to send such a notice does not excuse, or

constitute a defense to, the recycler's duty to register. The Director shall also send notice to other persons who the RAB indicate might be likely to be operating another business with some recycling activity or accessory recycling use. For each month, or portion thereof, that a recycler does not register, the date such recycler must comply with all of the rules in this section 4.3 shall be reduced by one month.

22. **Comply by June 1, 2001.** No person shall operate, or allow another to operate on such person's property, a recycling use or business after June 1, 2001 unless all the rules of this Section 4.3 are met on or before that date.

-END OF 4.3 (D)-

Attach 13**Revocable Permit for Fences 3025 Milburn Dr****CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Revocable Permit RVP-2001-228, 3025 Milburn Dr.		
Meeting Date:	January 16, 2002		
Date Prepared:	December 26, 2001		
Author:	Ronnie Edwards	Associate Planner	
Presenter Name:	Ronnie Edwards	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Revocable Permit RVP-2001-228, Bialkowski

Summary: The petitioner is requesting approval and issuance of a revocable permit for a 6' solid wood privacy fence constructed within the City right-of-way for Monarch Way and a 30" split rail fence constructed within the City right-of-way for Milburn Drive.

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: Consideration of the Resolution authorizing issuance of a revocable permit to Scott and Michelle Bialkowski.

Citizen Presentation:		No	X	Yes	If Yes,
Name:	Scott Bialkowski				
Purpose:	Petitioner Presentation				

Report results back to Council:	X	No		Yes	When:	
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This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
* *Requires Roll Call Vote*

Placement on Agenda:		Consent	X	Indiv. consideration	Workshop
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**CITY OF GRAND JUNCTION
CITY COUNCIL**

**MEETING DATE: January 16, 2001
STAFF PRESENTATION: Ronnie Edwards**

AGENDA TOPIC: RVP-2001-228

SUMMARY: The Petitioner is requesting approval and issuance of a revocable permit for a 6' solid wood privacy fence and a 30" split rail fence currently constructed within the City right-of-way for Monarch Way and for Milburn Drive.

BACKGROUND INFORMATION		
Location:		3025 Milburn Drive
Applicants:		Scott and Michelle Bialkowski
Existing Land Use:		Existing residence
Proposed Land Use:		Fences within dedicated right-of-way
Surrounding Land Use:	North	Residential uses
	South	Residential uses
	East	Residential uses
	West	Residential uses
Existing Zoning:		RSF-4
Proposed Zoning:		Same
Surrounding Zoning:	North	RSF-4
	South	RSF-4
	East	RSF-4
	West	RSF-4

Growth Plan Designation:	Residential Medium Low (2-4 du/acre)			
Zoning within density range?	X	Yes		No

Action Requested: Approval of the Resolution authorizing the issuance of a revocable permit.

Staff Analysis: The petitioners are requesting approval of a Revocable permit to legalize a 6' solid wood privacy fence constructed on dedicated City right-of-way adjacent to the east side of Monarch Way and a 30" split rail fence on dedicated City right-of-way adjacent to the south side of Milburn Drive.

The 6' fence has been constructed without a permit directly on the edge of the sidewalk along the rear half of the property adjacent to Monarch Way as has the 30" fence, which continues to the corner and adjacent to Milburn Drive along the front of the residence. City regulations require that a permit be obtained prior to the construction of a fence in any zone. While there is no interference with the site triangle for the intersection of Milburn Drive and Monarch Way in relation to vehicular traffic, it does interfere with the placement of any proposed City signage and lighting along the street frontage.

An inspection by the Code Enforcement Department revealed 38 fences within this neighborhood were built without required permits and 34 of these are built within/or on the property lines and not on City right-of-way. Three of the remaining four fences are being moved to come into compliance with Section 4.1.J of the Zoning and Development Code, which references fence placement in residential zone districts.

A Revocable Permit must be evaluated by the criteria set forth in Section 2.17 of the Zoning and Development Code. Applications shall demonstrate compliance with all of the following:

1. There will be benefits derived by the community or area by granting the proposed revocable permit;

The applicant has stated that the neighborhood would benefit from the established fence in this location because it adds to the beautification of their landscaping theme.

From a traffic standpoint, Staff finds that situations like this can create problems with the placement of City street signage on City right-of-way as well as sidewalk and sign maintenance. This would create more of a detriment instead of a benefit.

2. There is a community need for the private development use proposed for the City property;

The applicant has stated that there is a community need for the use proposed as they are a part of this community and the fence is needed to be consistent with other yards in the neighborhood.

In this particular case, there is no apparent need for the placement of a private fence within public right-of-way. In fact, the placement of the fence on the corner of Milburn Drive and Monarch Way has infringed on the access to public street signs and a street light.

3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;

Typically, property lines are one foot or more behind attached sidewalks. This space is required for possible placement of signage and street lights. These uses conflict with any fence placed in this area.

4. The proposed use shall be compatible with the adjacent land uses;

While the actual placement of a fence may not create an incompatibility, as noted previously, four property owners built fences in the City right-of-way, including the applicant. The other three owners are correcting the discrepancy.

5. The proposed use shall not negatively impact access, traffic circulation,

neighborhood stability or character, sensitive areas such as floodplains or natural

hazard areas;

Staff finds that the proposed fence could negatively impact pedestrian use of the sidewalk and interferes with maintenance of the City sidewalk, street light and signage. Site plans, provided at time of obtaining planning clearances for the residences, depict the adjacent neighbor at 628 Monarch Way as having a driveway location within 15' of this fence, which could impede his egress sight triangle.

6. The proposed use is in conformance with and in furtherance of the implementation

of the goals, objectives and policies of the Growth Plan, other adopted plans and

policies, intents and requirements of this Code;

The proposed use is not in conformance with Section 4.1.J of the Zoning and Development Code concerning fences in residential zones, as no permit was obtained prior to construction, which would have supplied the petitioner with the information for fence placement. A fence permit provides a bold note on the form stating that the fence must be on or behind the property line and that the property line is likely one foot or more behind the sidewalk.

7. The application complies with the submittal requirements as set forth in Section 127

of the City Charter, this Chapter Two and the SIDD Manual.

The application was complete and does comply with the submittal requirements.

Recommendation: The Planning Director recommends denial of the revocable permit request.

- Attachments:
1. Resolution authoring the Revocable Permit
 2. Revocable Permit
 3. General location map
 4. Fence site plan
 5. Area site plan
 6. Applicant's general project report

RESOLUTION NO. _____

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
SCOTT C. BIALKOWSKI AND MICHELLE R. BIALKOWSKI**

Recitals.

1. Scott C. Bialkowski and Michelle R. Bialkowski, hereinafter referred to as the Petitioners, represents that they are the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Address: 3025 Milburn Drive

Tax Schedule No.: 2943-043-62-004

Legal Description: Lot 4 in Block 4 of Mountain Vista Subdivision

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install a 6-foot high solid wood privacy fence within the limits of the following described public right-of-way for Monarch Way and a 30-inch high split rail fence within the limits of the following described public right-of-way for Monarch Way and Milburn Drive, to wit:

6-foot privacy fence in Monarch Way: Commencing at the Southwest Corner of Lot 4, Block 4 of Mountain Vista Subdivision, situate in the Southwest $\frac{1}{4}$ of Section 4, Township 1 South, Range 1 East of the Ute Meridian, as recorded in Plat Book 17 at Pages 264 through 266 in the office of the Mesa County Clerk and Recorder; thence N $00^{\circ}08'45''$ W along the West boundary line of said Lot 4 a distance of 11.75 feet to the True Point of Beginning; thence N $00^{\circ}08'45''$ W along the West boundary line of said Lot 4 a distance of 32.42 feet; thence leaving the West boundary line of said Lot 4, S $89^{\circ}51'15''$ W a distance of 1.0 feet, more or less, to a point abutting the East edge of the back-of-sidewalk for Monarch Way as it presently exists; thence S $00^{\circ}08'45''$ E along a line abutting the East edge of the back-of-sidewalk for Monarch Way as it presently exists a distance of 32.42 feet; thence leaving said line, N $89^{\circ}51'15''$ E a distance of 1.0 feet, more or less, to the Point of Beginning, and also

30-inch split rail fence in Monarch Way & Milburn Drive: Commencing at the Southwest Corner of Lot 4, Block 4 of Mountain Vista Subdivision, situate in the Southwest $\frac{1}{4}$ of Section 4, Township 1 South, Range 1 East of the Ute Meridian, as recorded in Plat Book 17 at Pages 264 through 266 in the office of the Mesa

County Clerk and Recorder; thence N 00°08'45" W along the West boundary line of said Lot 4 a distance of 44.17 feet to the True Point of Beginning;
thence N 00°08'45" W along the West boundary line of said Lot 4 a distance of 38.87 feet to a point on the Northwesterly boundary line of said Lot 4;
thence N 44°51'15" E along the Northwesterly boundary line of said Lot 4 a distance of 23.33 feet to a point on the North boundary line of said Lot 4;
thence N 89°51'15" E along the North boundary line of said Lot 4 a distance of 36.0 feet;
thence leaving the North boundary line of said Lot 4, N 00°08'45" W a distance of 1.0 feet, more or less, to a point abutting the South edge of the back-of-sidewalk for Milburn Drive as it presently exists;
thence S 89°51'15" W along a line abutting the South edge of the back-of-sidewalk for Milburn Drive as it presently exists a distance of 36.71 feet, more or less, to an angle point in said back-of-sidewalk;
thence S 44°51'15" W along a line abutting the edge of the back of sidewalk a distance of 23.74 feet, more or less, to a point abutting the East edge of the back-of-sidewalk for Monarch Way;
thence S 00°08'45" E along a line abutting the East edge of the back of sidewalk for Monarch Way a distance of 39.58 feet;
thence leaving said line, N 89°51'15" E a distance of 1.0 feet, more or less, to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioners for the purposes aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2002.

Attest:

January 16, 2002

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals

1. Scott C. Bialkowski and Michelle R. Bialkowski, hereinafter referred to as the Petitioners, represents that they are the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Address: 3025 Milburn Drive

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30-inch split rail fence in Monarch Way & Milburn Drive: Commencing at the Southwest Corner of Lot 4, Block 4 of Mountain Vista Subdivision, situate in the Southwest $\frac{1}{4}$ of Section 4, Township 1 South, Range 1 East of the Ute Meridian, as recorded in Plat Book 17 at Pages 264 through 266 in the office of the Mesa County Clerk and Recorder; thence N $00^{\circ}08'45''$ W along the West boundary line of said Lot 4 a distance of 44.17 feet to the True Point of Beginning;

thence N 00°08'45" W along the West boundary line of said Lot 4 a distance of 38.87 feet to a point on the Northwesterly boundary line of said Lot 4;
thence N 44°51'15" E along the Northwesterly boundary line of said Lot 4 a distance of 23.33 feet to a point on the North boundary line of said Lot 4;
thence N 89°51'15" E along the North boundary line of said Lot 4 a distance of 36.0 feet;
thence leaving the North boundary line of said Lot 4, N 00°08'45" W a distance of 1.0 feet, more or less, to a point abutting the South edge of the back-of-sidewalk for Milburn Drive as it presently exists;
thence S 89°51'15" W along a line abutting the South edge of the back-of-sidewalk for Milburn Drive as it presently exists a distance of 36.71 feet, more or less, to an angle point in said back-of-sidewalk;
thence S 44°51'15" W along a line abutting the edge of the back of sidewalk a distance of 23.74 feet, more or less, to a point abutting the East edge of the back-of-sidewalk for Monarch Way;
thence S 00°08'45" E along a line abutting the East edge of the back of sidewalk for Monarch Way a distance of 39.58 feet;
thence leaving said line, N 89°51'15" E a distance of 1.0 feet, more or less, to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioners a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioners, for themselves and for their heirs, successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioner's heirs, successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioners shall, at the sole expense and cost of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit .

Dated this _____ day of _____, 2002.

Attest: Junction, The City of Grand
rule municipality a Colorado home

City

January 16, 2002

Acceptance by the Petitioners:

Scott C. Bialkowski

Michelle R. Bialkowski

AGREEMENT

Scott C. Bialkowski and Michelle R. Bialkowski, for themselves and for their heirs, successors and assigns, do hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at their sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2002.

Scott C. Bialkowski

Michelle R. Bialkowski

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2002, by Scott C. Bialkowski and Michelle R. Bialkowski.

My Commission expires: _____

Witness my hand and official seal.

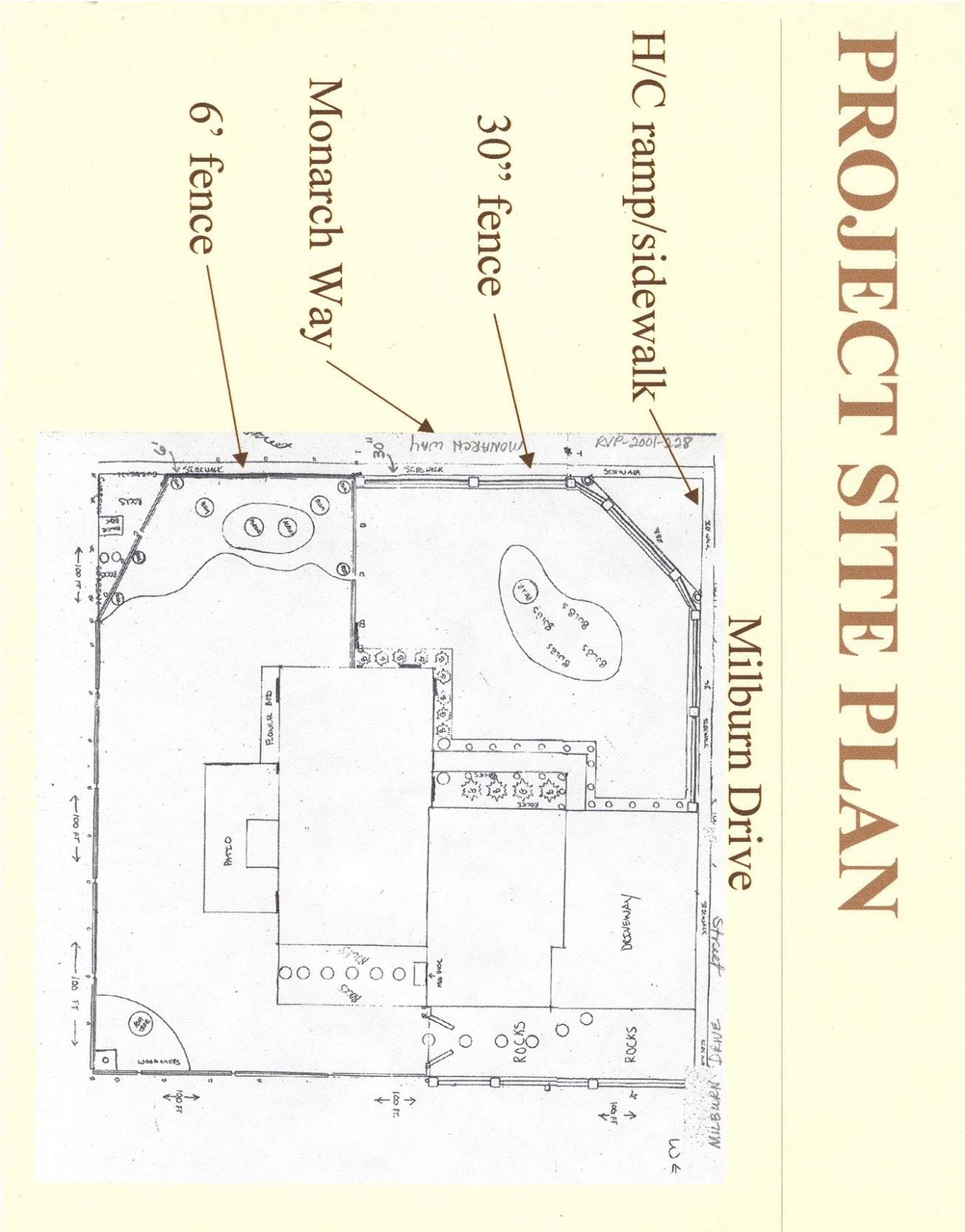
Notary Public

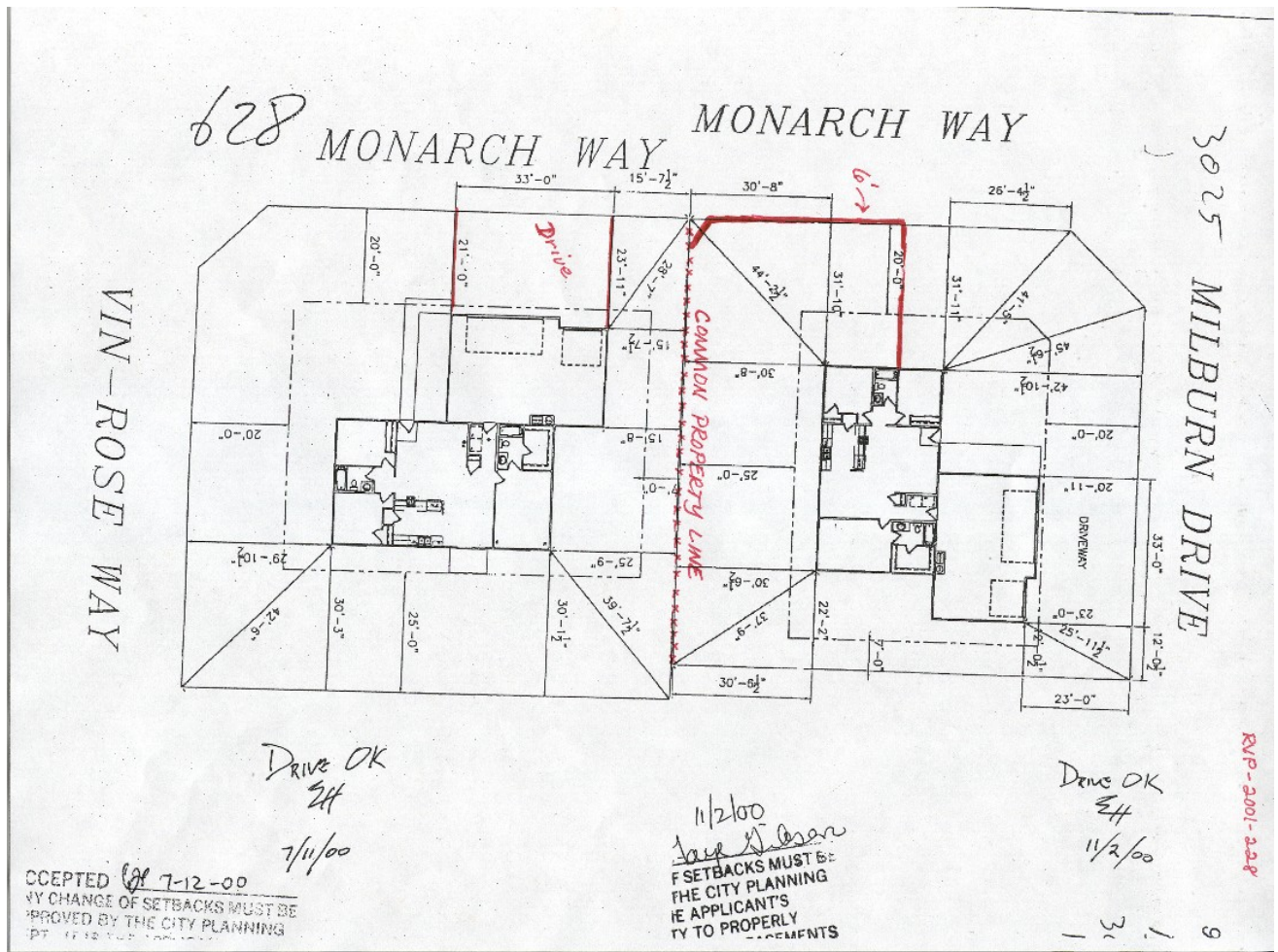
January 16, 2002



January 16, 2002

Milburn Drive





January 16, 2002

October 27th, 2001

RECEIVED
DEC 21 2001
COMMUNITY DEVELOPMENT
DEPT.

To The Members of the City of Grand Junction:

On October 23, 2001, the Code Enforcement Division for the City of Grand Junction issued us a notice of violation. The violation consisted of the following offences; failure to obtain a fence permit prior to construction and an illegal fence encroaching on sidewalk right-of-way.

The following will demonstrate that our fence is in compliance with the approval criteria of section 2.17 of the Zoning and Development Code.

1. By granting the proposed revocable permit the neighborhood will benefit greatly. Our privacy and split rail fences have been complete for over 6 months. The fences add to the beautification of our landscaping theme. If the fence has to be moved, it will take a sufficient amount of time to rebuild and will create an eye sore for the neighborhood.
2. There is a community need for the private development use proposed for the City property because we are a part of this community and as stated before the fence is needed to keep the landscaping of our yard consistent with other yards in our neighborhood.
3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property. We do not intend to use the property for anything other than what is being used for now.
4. Adjacent land uses are not affected by the proposed land use since no land borders the west or north side of our lot, Lot 4 in Block 4 of Mountain Vista Subdivision.
5. The proposed use does not negatively impact automobile or pedestrian traffic. The fence is in agreement with the 40 ft sight triangle, therefore, it does not create a hazard for oncoming traffic. The fence is along the sidewalk but it does not impede pedestrian traffic. The proposed use does not negatively impact neighborhood stability or character. Our privacy fence is 6 ft high. All other privacy fences in the neighborhood are the same height, providing a look of continuity. The split rail fence is 3 ft high and creates a good balance with our northwest neighbor who has the same split rail fence.

We became homeowners for the first time in January of 2001. As new homeowners, we were unaware that a fence permit was required prior to building. Had we known the permit was required we would have obtained it right away. We are prepared to do whatever is necessary, but we ask that you consider the following reasons to allow us to keep our fence where it is.

- Hardship – We were one of the first houses in our neighborhood to begin our landscaping. We spent every spare moment we had building our fence. We worked so hard some of our neighbors told us we actually “motivated” them to start building their own fence. When we finally completed our fence it was a

great sense of accomplishment. When we found out our fence had to be moved, we were absolutely devastated.

- Appearance – If we had to move our fence, it would have a negative impact on the appearance of our front yard. The front yard consists of curbing, grass, rock, a sprinkler system, and a split rail fence. To move the fence in question would greatly disrupt the continuity of our entire yard. (FIGURES 1 & 2)
- Vegetation – Not only would the moving of our fence create problems for us, it would definitely cause harm to our lilac bushes. These bushes are planted on the inside of the fence, in each corner. Since these bushes were planted 4 months ago, digging them up may cause severe damage to their established root systems. (FIGURE 3)
- Sidewalk Right-of-Way – The violation we received is due to the fact that our fence is along the sidewalk. The fence neither impedes pedestrian traffic, nor does it obstruct the 40-foot “sight triangle” at the intersection of Milburn Drive and Monarch Way. (FIGURES 4,5 & 6)
- Comparison – We have been asked to move our fence because it is along the sidewalk, however, there are many other fences in town that are also built along the sidewalk. (FIGURES 7,8, & 9) If other fences are permitted to be along the sidewalk, then why can't ours?

We feel the reasons we have brought to your attention are adequate enough to obtain a revocable permit. We are aware that others in our neighborhood were required to move their fences. These yards had little, if any, landscaping completed. This made it much easier for them to move their fences. All we ask is that you consider the time and effort we have put into, what we feel, is a beautiful yard.

Attach 14**Revocable Permit Bus Benches****CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	RVP-2002-020, Revocable Permit GVT Bus Benches		
Meeting Date:	January 16, 2002		
Date Prepared:	January 9, 2002		
Author:	Lori V. Bowers	Associate Planner	
Presenter Name:	Lori V. Bowers	Associate Planner	
	Workshop	X	Formal Agenda

Subject: RVP-2002-020 - Request from Outdoor Promotions for issuance of a Revocable Permit, to place approximately 64 bus benches in the right-of-way in various locations throughout the City for the benefit of the patrons of Grand Valley Transit (GVT).

Summary: Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the Petitioner to install transit bus benches along the adopted GVT routes in City right-of-way. This application is for approximately 64 benches along the GVT Bus Routes within the City. These benches all may contain advertising.

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: Adopt the resolution formally allowing Outdoor Promotions to install approximately 64 transit benches in City right-of-way for the benefit of GVT passengers, conditioned on the provision of actual GPS coordinates for each bench.

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*
* *Requires Roll Call Vote*

Citizen Presentation:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	If Yes,
Name:	Gary Young of Outdoor Promotions		
Purpose:	Explain Outdoor Promotions program for GVT benches		

Report results back to Council:	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	When:	
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Placement on Agenda:	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Individ. Consideration	<input type="checkbox"/> Workshop
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BACKGROUND INFORMATION	
Locations:	Various sites along existing bus routes
Applicants:	Gary Young, Outdoor Promotions, Representative
Existing Land Use:	City Right-of Way
Proposed Land Use:	GVT Bus Benches

Project Background/Summary:

The Petitioner is requesting permission to install bus benches for the benefit of GVT passengers in various locations throughout the City's right-of-ways. This revocable permit is one step in the review process to ensure that transit benches comply with the recently adopted Code amendments. Staff is in the process of confirming that the 64 proposed bench sites do not conflict with any current Zoning and Development Code requirements. Due to constraints in time, an additional 30 days is being allowed for the applicant to provide the City with accurate GPS locations and amend some of the proposed sites to meet the Zoning and Development Code requirements.

In February of last year, Outdoor Promotions signed a contract with Mesa County to provide services, equipment, personnel and management for safe, clean, attractive bus passenger shelters and benches. The City of Grand Junction amended the Sign Code in 1999 to allow for advertising on City approved transit shelters. Benches were not mentioned. In October, 2001, the Code was further amended to allow for advertising on bus benches and regulate their placement and installation. The proposed benches for this Revocable Permit are under review for current Code criteria. Benches are

allowed only on a Principal or Minor Arterial Street, major collectors and designated Dial-A-Ride stops. Benches with advertising will only be allowed in these location provided the adjacent property is not zoned for residential use. Benches (and shelters) are also not allowed within the Main Street Shopping Park bounded by 2nd Street and 7th Street or within the North 7th Street Residential Historic District. Staff is currently working with the applicant on clarification of these sites. Again, with the 30 days to provide the City with accurate GPS locations, all proposed sites can be verified. This Revocable Permit will be conditioned similar to the Revocable Permit for bus shelters. One, the City must be listed as an added insured on the Liability Policy and two, if and when it may be determined that a bench is in a sight distance triangle or poses to be detrimental to traffic, it must be removed or relocated.

At the direction of the City Manager, it is recommended that the “break-away” anchor design be waived with this application due to the construction of the benches to be used in Grand Junction. All other installation requirements do apply to this request for a Revocable Permit.

Staff Analysis:

A request for a Revocable Permit must be reviewed for conformance with the criteria established by Section 2.17 of the Zoning and Development Code, as follows:

1. There will be benefits derived by the community or area by granting the proposed revocable permit. *The community will benefit by providing benches for GVT patrons. The benches further define the bus stop location.*
2. There is a community need for the private development use proposed for the City Property. *The community will benefit from the benches by providing funding for GVT from revenues generated by the advertising on the benches. By privatizing this project, Outdoor Promotions relieves the City of installation and maintenance costs.*
3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property. *The City proposes no other use at this time.*
4. The proposed use shall be compatible with adjacent land uses. *The proposed use is compatible with the growing GVT system as it is designed to get the riders as close as it can to numerous essential destinations. Benches with advertising area deemed to be compatible with adjacent non-residential uses.*
5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas. *The installation of the bus benches better defines the bus stops. City and County Traffic Engineers have reviewed many of these stops with GVT and Outdoor Promotions. The character of the bus benches will provide a more urban look to the City. No benches are proposed in sensitive areas or natural hazard areas. The benches are not allowed to affect pedestrian walkways.*

6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies. *The proposed use does conform to the above referenced plans and policies.*
7. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and SSID Manual. *The application is in progress with the above referenced codes and manuals and will meet the requirements prior to the issuance of the Revocable Permit.*

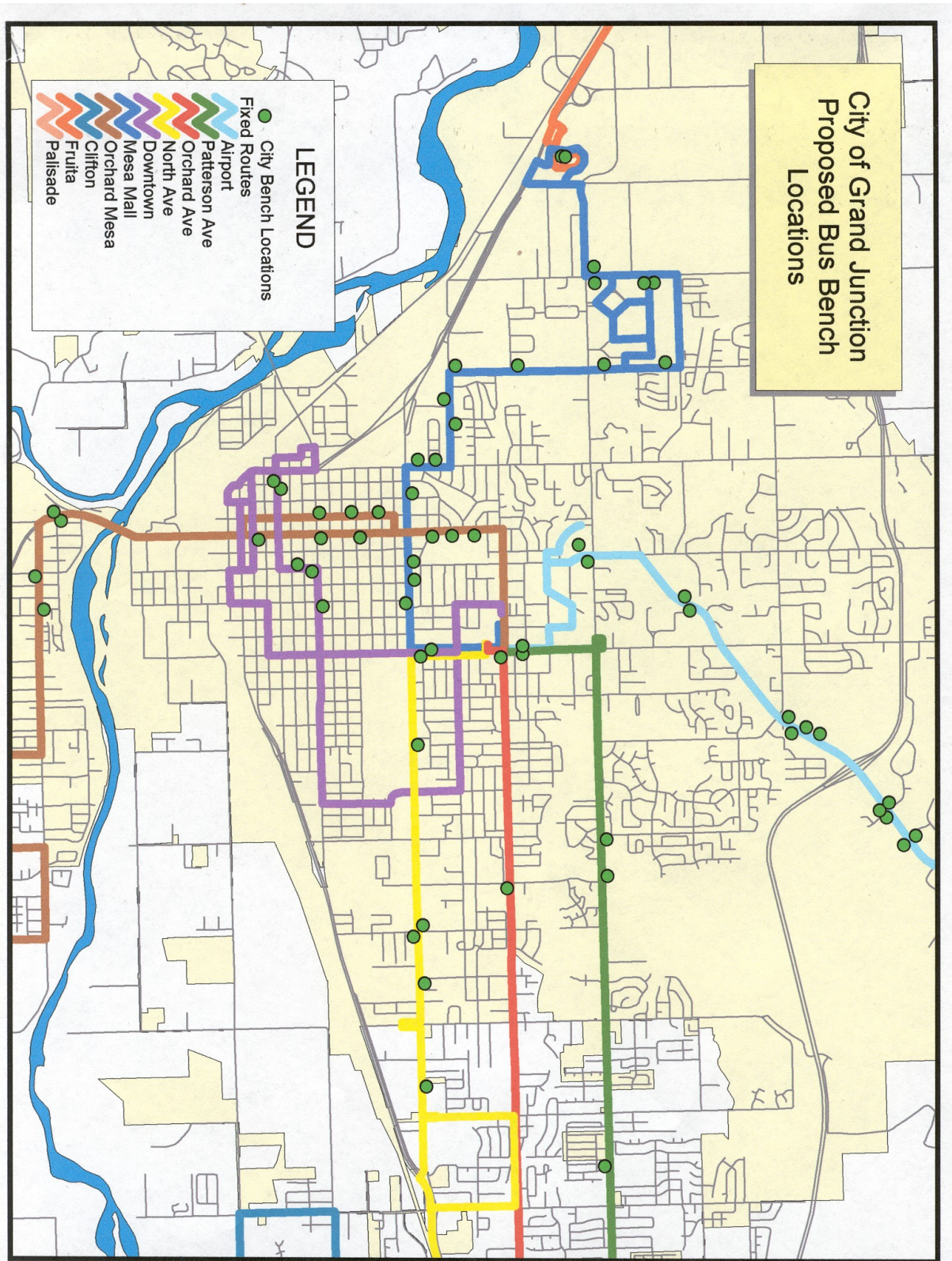
Staff Findings:

The City Charter gives Council authority to allow private use of public property provided such use is substantiated by resolution. This Revocable Permit gives the applicant a license to use the public property for a public benefit, through privatization. The City may revoke the permit and require the applicant to restore the property to its original condition by giving 30 days written notice. The project shall meet the criteria for a Revocable Permit as set forth in Section 127 of the City Charter, the SSID Manual and Section 2.17 of the Zoning and Development Code prior to the issuance of the Revocable Permit, within 30 days of this Public Hearing.

STAFF RECOMMENDATION: Staff recommends approval of the resolution authorizing the Revocable Permit upon a findings of compliance with criteria of Section 2.17 of the Zoning and Development Code, Section 127 of the City Charter and the SSID Manual, provided that within thirty (30) days from the date of this hearing, all GPS coordinates for all proposed bench locations will be provided to the City and that all proposed bench locations are found to be compliant with the provision of Section 4.2 of the Zoning and Development Code. Location and installation requirements shall be met, except with the variance to using a “break-away” anchor design for the installation of the benches.

Attachments:

1. Proposed bus location map
2. Resolution
3. Agreement



RESOLUTION NO. _____

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
OUTDOOR PROMOTIONS, INC.**

Recitals.

1. Outdoor Promotions, Inc., a Colorado corporation, hereinafter referred to as the Petitioner, represents that it is a legally created entity authorized to conduct business in the State of Colorado and represents that it has entered into an agreement with the County of Mesa, Colorado, which authorizes the Petitioner to provide bus passenger benches at various transit stops in Mesa County.

2. The Petitioner has requested that the City Council of the City issue a Revocable Permit to allow the Petitioner to install bus passenger benches in the public right-of-way at 64 locations in the City limits. The Petitioner warrants and represents that the bus passenger benches the Petitioner proposes to install at the locations described below, which locations were provided by the Petitioner and described by the Petitioner by GPS coordinate data in UTM Zone 12 metric format, shall be situated entirely within the limits of public right-of-way:

Bench No.	Utm North	<u>Utm East</u>	<u>General Location</u>

3. Based on representations made by the Petitioner, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.
2. The City's existing prohibitions against advertising and signs in residential areas shall apply to each transit bench located adjacent to a residentially zoned area of the City ("residential shelter").

PASSED and ADOPTED this 16th day of January, 2002.

Attest:

President of the City Council

City Clerk

REVOCAABLE PERMIT

To Outdoor Promotions, Inc.

For Transit Benches

Recitals

1. Outdoor Promotions, Inc., a Colorado corporation, hereinafter referred to as the Petitioner, represents that it is a legally created entity authorized to conduct business in the State of Colorado and represents that it has entered into an agreement with the County of Mesa, Colorado, which authorizes the Petitioner to provide bus passenger shelters at various transit stops in Mesa County.

2. The Petitioner has requested that the City Council of the City issue a Revocable Permit to allow the Petitioner to install bus passenger benches in the public right-of-way at 64 locations in the City limits. The Petitioner warrants and represents that the bus passenger shelters the Petitioner proposes to install at the locations described below, which locations were provided by the Petitioner and described by the Petitioner by GPS coordinate data in UTM Zone 12 metric format, shall be situated entirely within the limits of public right-of-way:

[illegible]

3. Based on representations made by the Petitioner, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner warrants and represents that the bus passenger benches to be installed by the Petitioner at the above stated locations: will be situated entirely within the limits of public right-of-way; will not encroach upon any privately owned real estate, and; will not encroach over or across any buried utility. The City is issuing this Permit based on the reliance of such warranties and representations.

2. The Petitioner shall at all times maintain in effect suitable comprehensive general liability and hazard insurance which will protect the City, its officers, employees, agents and assets from liability in the event of loss of life, personal injury or property damage suffered by any person or persons arising from the facilities of the Petitioner authorized pursuant to this Permit. Such insurance policy shall have terms and amounts approved by the Risk Manager of the City. Such insurance shall not be cancelable without thirty (30) days prior written notice to the City and shall be written for at least a minimum of One Million Dollars (\$1,000,000), combined single limit. The certificate of insurance must be deposited with the City and must designate "the City of Grand Junction, its officers, employees and agents" as additional insureds. If a policy approved by the Risk Manager of the City is not at all times in full force and effect, this Permit shall automatically terminate.

3. The installation, operation, maintenance, repair and replacement of bus passenger benches by the Petitioner within the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

4. The City hereby reserves and retains a perpetual right, on behalf of the City and public utilities authorized by the City, to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

5. The Petitioner, for itself and for its successors and assigns, agrees that it shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to the facilities to be installed by the Petitioner within the limits of said public right-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

6. The Petitioner agrees that it shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

7. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit .

8. The Petitioner, for itself and for its successors and assigns, agrees that it shall be solely responsible for maintaining and repairing the condition of facilities authorized pursuant to this Permit.

9. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

10. The Petitioner shall not assign this Permit or any right or privilege connected therewith, or allow any other person to install any other facility within the aforescribed right-of-way or any part thereof without first obtaining the written consent of the City, which consent must be approved and ratified by the City Council of the City. Any attempt to sublet, assign or transfer without the prior written consent of the City shall be void *ab initio*. Any consent by the City shall not be a consent to a subsequent assignment or occupation by any other party. Any unauthorized assignment or permission to occupy by the Petitioner shall be void and shall, at the option of the City, provide reasonable cause for the City to revoke this Permit. This Permit is not to be assignable by operation of law without the formal approval and ratification by the City Council of the City.

11. By signing this Permit, the Petitioner affirmatively represents that he has authority to bind Outdoor Promotions, Inc., to the terms and conditions of this Permit.

Dated this _____ day of _____, 2002.

Attest:
rule municipality

Junction,

The City of Grand
a Colorado home

City Clerk
Manager

City

by the Petitioner

Acceptance

January 16, 2002

Gary D. Young, President of Outdoor
Promotions, Inc., a Colorado corporation

AGREEMENT

Outdoor Promotions, Inc., a Colorado corporation, for itself and for his successors and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at its sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2002.

Promotions, Inc.,
corporation

Outdoor
a Colorado

Young, President

Gary D.

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2002, by Gary D. Young as President of Outdoor Promotions, Inc., a Colorado corporation.

My Commission expires: _____

Witness my hand and official seal.

January 16, 2002

Notary Public

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Bank of Grand Junction Growth Plan Amendment		
Meeting Date:	January 16, 2002		
Date Prepared:	January 9, 2002		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
	Workshop	X	Formal Agenda

Subject: Public Hearing to consider the appeal of the Planning Commission's Denial of Bank of Grand Junction Growth Plan Amendment; File #GPA-2001-060.

Summary: The Bank of Grand Junction proposes to amend the Growth Plan Future Land Use Map from residential medium to commercial on two parcels at the northwest corner of F Road and 27 ½ Road. At its hearing of September 18, 2001 the Planning Commission recommended denial of the amendment. Over-turning the Commission's recommendation requires an affirmative vote of five members of the Council in accordance with Section 2.17.E.3.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Decision on appeal. If the decision is overturned staff will forward a resolution to the Council at their February 6, 2002 hearing.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Larry Beckner & Bob Johnson representing Bank of Grand Junction				
Purpose:					

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

January 16, 2002

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

HEARING DATE: January 16, 2002

CITY COUNCIL

STAFF PRESENTATION: Bill Nebeker

BACKGROUND INFORMATION				
Location:		NW Corner F Road & 27 ½ Road		
Applicant:		Bob Johnson for the Bank of Grand Junction		
Existing Land Use:		Single Family Home		
Proposed Land Use:		Drive-Through Bank & Office		
Surrounding Land Use:	North	Single Family home & Future Hilltop Assisted Living Center		
	South	Vacant & Church		
	East	Park & single family homes		
	West	Single family home		
Existing Zoning:		RMF-8		
Proposed Zoning:		Planned Development		
Surrounding Zoning:	North	PD & RMF-8		
	South	RMF-8		
	East	CSR (& RMF-5)		
	West	RMF-8		
Growth Plan Designation:		Residential Medium 4 to 8 units per acre		
Zoning within density range?			Yes – NA	No

ACTION REQUESTED: Decision on appeal.

Background: The Bank of Grand Junction proposes to construct a 2500 square foot bank with drive-through facilities at the northwest corner of 27 ½ and F Roads. This application is the third time the bank has filed a development proposal on this parcel. The first application (RZP-1997-188) was filed in November 1997 and included a request for a rezone to PB (Planned Business) for a bank on the corner and vacant area to the west for future development. This application was denied and no appeal was filed. A second application (RZP-1998-143) was filed in August 1998. This request

included a request for rezoning to PB on the corner for the bank and PR (Planned Residential) on the remainder of the site for attached single family dwellings. This application was withdrawn because the applicant failed to respond to review comments.

Requests: The current request is for an amendment to the Future Land Use Plan to change the designation at this corner and one residential property to the north from Residential Medium Density (4 to 8 dwellings per acre) to Commercial. At the Planning Commission hearing the applicant also requested a rezone from RMF-8 to PD and a preliminary plan for a 2500 square foot bank with 3 drive through lanes and the potential for up to 15,000 square feet of office space on the remaining parcel. The Planning Commission only acted on the Growth Plan Amendment request. If the amendment is approved the proposal should be referred back to the Planning Commission for consideration of the other requests.

GROWTH PLAN AMENDMENT

The Zoning and Development Code provides the option to the applicant to seek a consistency review or amendment to the Growth Plan Future Land Use map. All development proposals are reviewed for consistency with the plan's goals and policies and the map. The applicant has chosen to file a request to amend the Growth Plan Future Land Use map from residential medium density to commercial.

In review of the applicant's request to amend the Plan, the Planning Commission found that the proposed amendment does not meet the criteria as set forth in **Section 2.5.C** of the Zoning and Development Code, as noted below. See section I of the applicant's project report for the applicant's response to these criteria.

1. **There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for:** The applicant has stated that it is *not* their opinion that the Future Land Use map of the Growth Plan is in error in the designation of this parcel for residential. However they believe that future trends were not fully assessed and accounted for because growth and development has occurred in the area. Staff agrees that the plan map was not in error, but also finds that existing facts, projects and trends were accounted for and growth and development has occurred in accordance with the Growth Plan goals, policies and Future Land Use map. The applicant has failed to cite specific facts, projects or trends that were not accounted for in the development of the 1996 Growth Plan text or map.
2. **Subsequent events have invalidated the original premises and findings:** There is only one subsequent event (growth and development) that has occurred in this area over the past 5 years that is contrary to what the Growth Plan Future Land Use map envisioned when adopted. That is the development of the Knolls

Filings 4-7, located along 27 ½ Road about one-half mile to the north, which was granted a Growth Plan amendment to *reduce* the density on the parcel from 2 to 4 dwellings per acre from 4 to 8. Every other development in the area has been constructed per the Growth Plan Future Land Use map land use classifications. If growth and development has occurred in accordance with the Growth Plan then these events cannot be deemed to invalidate the original premises and findings.

3. **The character and/or condition of the area has changed enough that the amendment is acceptable:** The character and condition of the immediate area has changed little since the Growth Plan was adopted. The biggest change, which is only in the initial stages of construction, is the Hilltop Assisted Living center located north and northwest of this site. This Planned Development, which includes assisted living, a senior recreation center and single family living utilized the residential medium high density classification of the Growth Plan Future Land Use map. The only other changes that have occurred in the immediate vicinity are minor (i.e. a boundary line adjustment at the NE Christian Church across the street, parking lot expansion at Grand Villa Retirement Center at 15th & Patterson and a small expansion at Larchwood Inns Retirement Center at 15th & Patterson.) In the larger area there has been growth and development that has further urbanized the F Road and 27 ½ Road corridors. These changes have occurred in accordance with the Growth Plan.

The increase of traffic along 27 ½ Road and F Road due to urbanization of the general area does not in and of itself warrant a change in land use on this site from residential to commercial. The site is in need of redevelopment, that is a given. But redevelopment can occur with a variety of uses allowed in the residential medium density land use classification and the RMF-8 zone district. This is evident by the continued development of residential properties with frontage on 27 ½ Road and F Road to the north and east of this site. These developments include Hilltop Commons, the Knolls, and several churches to the north and Pheasant Ridge townhomes, Springside Townhomes, The Legends and Church of the Nazarene to the east.

4. **The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans:** See pages 3-7 of the applicant's response to comments, which lists several goals and policies that the applicant feels this plan is consistent with.

Policy 1.1 obligates the City and County to follow the Growth Plan, unless amended. An amendment shall only occur if it is consistent with the purpose and

intent of the plan and if all of the criteria found in Section 2.5.C of the Zoning and Development Code is met.

The applicant has cited Policy 1.6, which states that, "...the City may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories," as support for this Growth Plan amendment. However this policy only applies in residential land use categories. The applicant is proposing to change the Growth Plan to show a commercial land use category at this corner. This policy can only be used to support a request for a consistency review of the Growth Plan in a residential land use district, not a change to a commercial land use classification.

The applicant has incorrectly cited **Policy 1.7** as support for this Growth Plan amendment. This policy applies to the use of zoning, not the Growth Plan, to establish appropriate standards for development.

Policy 1.8 refers to the adoption of Special Area Plans, which include the F Road Corridor Guidelines. The applicant has provided an exhaustive review of these guidelines and their applicability to this request (See Section I, pages 4-6). Staff takes exception to the following criteria that the applicant believes they have met:

F Road Corridor - General Guidelines:

3. **“Existing single family housing and neighborhoods should be respected and protected whenever possible.”**

The proposed plan redevelops two parcels with single family homes. Staff agrees that these parcels, especially the larger one on the corner are underutilized and in need of redevelopment. However the plan does not respect or protect the one single family home left that will be remain on 27 ½ Road north of this development. The plan proposes a parking lot and detention pond next to this home with only a 4-foot fence as a buffer. The applicant has stated that “the proposal for a neighborhood bank and professional office business uses has been accepted by adjoining residential property owners.” However, the owner of this home, Leroy Oviatt, was not at the neighborhood meeting and nothing in the file indicates that he has accepted this proposed land use.

4. **New commercial and business development and redevelopment should not adversely affect the existing neighborhoods with traffic, parking, lighting or noise. Good site planning can help mitigate these concerns.**

The proposed plan has not used good site planning to mitigate the impacts on the home to the north. Also the minimum requirements of the code that require buffering are not being met.

Additional Development Guidelines - 15th Street to 30 Road Guidelines:

“The intent of this section of the corridor guideline is to encourage residential development only. Encroachment of new business is discouraged. “

“In keeping with existing residential zoning and uses: New residential development with 10 units per acre is the most compatible and appropriate density. This density will help minimize the need for further commercial development. The existing commercial uses are adequate to serve 10 units per acre without the need for additional commercial development in this section of the corridor.”

Policy 10.2 The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

This policy is important because it requires the City to consider the potential for approval of this development setting a precedent for increased commercialization in this area. A vacant 12-acre parcel on the south side of Patterson Road across the street from this development has the greatest potential for commercial development.

5. Public and community facilities are adequate to serve the type and scope of land use proposed: It appears that public and community facilities at this location are adequate to serve the proposed development.

6. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use: There are vacant commercially zoned properties along F Road that could accommodate the proposed use. Village Park at the northwest corner of 28 ¼ Road and F Road has approximately 3 acres. One of the lots in this mixed use planned development was preliminarily designed for a drive-through bank. In an earlier proposal, a request for 5 acres of commercial development at Village Park with a secondary access to F Road was denied because of its impact on the neighborhood and F Road.

Other vacant commercially zoned properties exist at other locations nearby (SE Corner 12th & F zoned B-1 - City Market site, NW Corner 15th St. & F zoned R-O, north side of Horizon Drive between 12th St. and G Road – zoned C-1, SE corner Horizon & G zoned C-1), although their availability is not known. The applicant has relied on a market survey to determine the most appropriate location to site a branch bank. Staff finds that market surveys are an inappropriate mechanism for public bodies to use to determine appropriate locations for commercial development. They do not take into consideration the adverse impacts on surrounding properties or the collective impact from additional similar uses locating nearby.

7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment: In the applicant's report are listed the benefits realized by the community from the proposed amendments. Some of these benefits would also be realized with any other land use currently allowed in the RMF-8 zone district. The benefits listed by the applicant are underlined. Comment by staff follows the statement.

- a. buffering from adjacent properties – the buffering proposed by the applicant does not meet the minimum requirements of the code. Other land uses require buffering also.

- b. better visual enhancement of F and 27 ½ Road corridors – the applicant is proposing residentially looking commercial buildings and a large commercial parking lot with landscaping. A residential land use at this corner would also provide residential looking structures and landscaping required by code.
- c. No neighborhood conflict from poorly suited housing types required for the property under the existing Growth Plan classification and RMF-8 zoning. The RMF-8 zone district allows for a range of uses that must adhere to applicable requirements of the Zoning and Development Code. The applicant has used an improbable worse case scenario as a reason to approve a complete change in land use.

The applicant is proposing a bank on the corner parcel, but a market analysis for the feasibility of professional offices at this location has not been made. There are no guarantees that the plan with small bungalow type offices would be feasible at this location. There are no guarantees that this site would not also result in a poorly suited commercial development that could cause conflicts with surrounding residential properties.

- d. Increased multi-modal transportation opportunities for the area. The preliminary plan proposes a bus pullout and transit shelter along F Road as a benefit to this area. A bus stop currently exists in Spring Valley Circle on the east side of 27 ½ Road. Although a pullout and shelter at this corner is desirable, it could be acquired through another development proposal. Also transit shelters are installed by separate contract through the RTA rather than by private developers. Rather than drawing customers to this site by modes of transportation other than vehicle, this bank is more of a regional branch bank that draws business from the traffic already on F Road. The bank itself is completely auto oriented with 3 drive through lanes and a drive through ATM machine.
- e. Better air quality due to lessening of VMT along F Road. With the small amount of trips generated from this site, as shown by the traffic study, It is doubtful that the bank will provide a measurable decrease of pollution or auto travel along F Road.
- f. Coordination and expansion of transit services in concert with Grand Valley Transit. This “benefit” appears to be the same as “d” above.

It appears that the only benefit that the proposed amendment would provide is the location of some non-retail type uses in closer proximity to residential uses and as a convenience to vehicles traveling along F Road and the location of a bus stop along F Road.

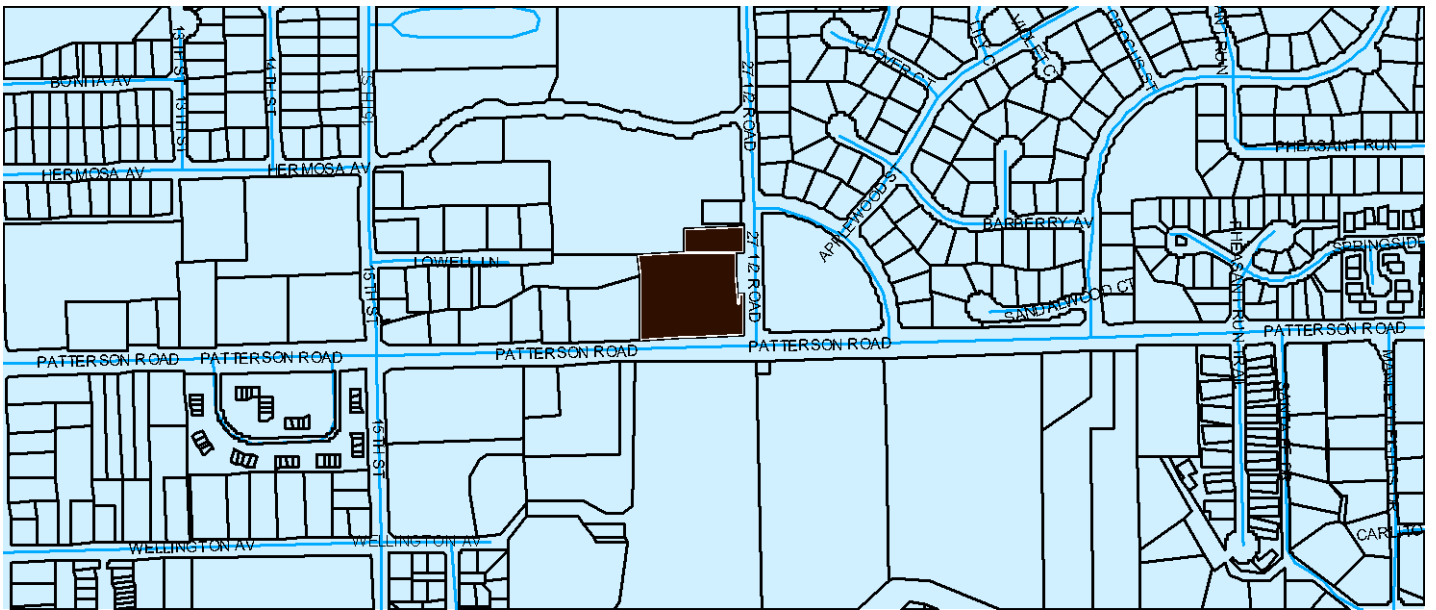
Public Interest: Attached is letters of interest from the public regarding this application. In addition to these letters the applicant has submitted copies of petitions and surveys signed by persons in favor of this proposal. The petitions are signed by 414 persons and the surveys by 175 persons. Due to space considerations these petitions and surveys were not included in the council packet. Examples of the petitions and surveys are attached. The originals are available for viewing upon request.

PLANNING COMMISSION FINDINGS AND RECOMMENDATION:

At its hearing of September 18, 2001 the Planning Commission found that the requested Growth Plan Amendment was not consistent with the Growth Plan and Section 2.5.C of the Zoning and Development code as referenced herein and recommended denial of this request.

Attachments to this report include the following:

1. Growth Plan Future Land Use Map
2. Vicinity Map
3. Aerial Photo
4. Applicant's general project report pertaining to Growth Plan Amendment (11 pgs)
5. Planning Commission minutes from hearing of September 18, 2001 (13 pgs)
6. Letters of interest from public.



Attachment 3: 1994 Aerial Photo



SECTION I

GROWTH PLAN AMENDMENT APPLICATION

INTRODUCTION

The Bank of Grand Junction formally requests that the City of Grand Junction City Council amend the *Growth Plan* and the *Future Land Use Map* that classifies the Bank of Grand Junction property located at 601 27.5 Road from the existing Residential-Medium classification (4-8 units per acre) to the Commercial (Planned Business) classification. Both a formal request to rezone this property and a Site Plan (Preliminary) for the property have been submitted concurrently with this Growth Plan Amendment Application.

PLAN AMENDMENT

The explanatory language contained in the Growth Plan states that "...The Growth Plan is intended to be a dynamic document -- one that responds to changing needs and conditions. Periodic amendments to the future land use plan may be needed. These amendments should not be made lightly. Each proposed amendment should be considered carefully to determine whether or not it is consistent with the plan's goals and policies. The cumulative effect of many minor changes may be a dramatic policy shift, even though the incremental impact may be minor. Therefore, each proposed amendment must be evaluated in terms of its significance to overall community policy." The Applicant agrees completely with this statement.

PLAN AMENDMENT PROCESS

The Growth Plan Amendment (GPA) will be reviewed by the City of Grand Junction according to Chapter 2, Section 2.4-Growth Plan Consistency Review, D-Decision-Maker, Number 2.

This GPA application has been prepared according to the *Zoning and Development Code*, Chapter 2, Section 2.5, Growth Plan Amendment, Review Criteria, Number 1-7. The Code allows for a GPA if it is found that the amendment is consistent with the purpose and intent of the Plan and if:

1. There was an error such that then existing facts, project, or trends (that were reasonably foreseeable) were not reasonably accounted for;
2. Subsequent events have invalidated the original premises and findings;
3. The character and/or condition of the area has changed enough that the amendment is acceptable;
4. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;
5. Public and community facilities are adequate to serve the type and scope of land use proposed;
6. An inadequate supply of suitably designated land is available in the community, as

defined by the presiding body, to accommodate the proposed land use; and

7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Each of these mandatory seven Growth Plan Review Criteria have been addressed by the Applicant below.

ITEM 1. *There was an error such that then existing facts, project, or trends (that were reasonably foreseeable) were not reasonably accounted for.*

It is not our opinion that the adopted Growth Plan is in error in regards to the Growth Plan classification for this parcel. However, we believe that emerging (future) trends were not fully assessed during the 1996 adoption of the Growth Plan and the Future Land Use Map. In addition, the City's adoption of zoning designations has authorized land use densities along G Road and the 27.5 Road corridor that makes the location of a neighborhood, non-retail use both timely and appropriate.

ITEM 2. *Subsequent events have invalidated the original premises and findings.*

The changing character of the 27.5 Road area due to the new development projects (e.g., G and Horizon Road areas, the Knolls expansion and the Hilltop development) and changes along F Road (e.g., Village Park and Safeway at 29 Road) have made the need for additional neighborhood-oriented, area-specific non-retail services a desirable addition. These anticipated services will allow for the placement of convenient neighborhood services (i.e., a neighborhood bank branch) that will assist in lessening the total Vehicle Miles Traveled (VMT) along the east-west F Road Corridor from 32 Road to the east to the Mesa Mall terminus in the west.

ITEM 3. *The character and/or condition of the area has changed enough that the amendment is acceptable.*

Recent development and land use approvals along F Road have altered the residential character along F Road at the intersection of 27.5 Road due to increased vehicular impacts at the 27.5 and F Road intersection. The development of the property according to the existing Growth Plan classification (RMF-8) will not be comparable in appearance and use to the existing residential properties located in the immediate vicinity of the subject property.

The placement of residential housing at this location would, under the best case conditions, require the need for extensive site, traffic and noise impact mitigation. The location of the property does not warrant the development of the type of comparable single family residential dwellings that are located to the northeast of the Spring Valley park property.

The construction of Residential Multiple Family dwellings at the existing RMF-8 density will require extensive mitigation along both F and 27.5 Roads. This mitigation would require perimeter fencing and the creation of a "Chinese Wall" in a portion of the F Road corridor where little or no perimeter fencing has been

placed. This type of perimeter wall development along highly traveled roadways is a disincentive to both pedestrian and bicycle use along the roadway and furthers an increase in VMT by residents due to the discouragement of alternative methods of transportation.

ITEM 4. *The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.*

The request to amend the Growth Plan is consistent with the following goals and policies of the Plan:

1. *Policy 1.6, states that "...the City may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories through planned developments."*

This City Policy recognizes that in certain instances "limited neighborhood service uses" provide a useful and community-enhancing benefit. Without identifying specific situations where these developments may be beneficial to adjacent neighborhoods and the community-at-large the Growth Plan's recognition that neighborhood service uses have the potential to be a positive addition to the quality of community life is noteworthy. No retail commercial activities are planned for the property.

Positive benefits include enhanced visual streetscapes along both F and 27.5 Roads, improved multi-modal public transportation opportunities (i.e., an F Road bus turnout for west bound traffic comparable to the newly constructed turnout at the Mesa County Justice Center Grand Valley Transit stop to link the expanding 27.5 Road corridor with transit service along F Road), a decrease in VMT along roadways, improved ambient air quality associated with decreased vehicular traffic and a beneficial physical separation between existing properties and the heavily traveled roadway.

2. *Policy 1.7, states that "...the City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property."*

The proposed rezone request and development applications that are included with this GPA have both recognized and been prepared to increase the overall compatibility of the development with adjacent properties. Please reference the Rezone Application to a Planned Development zone for additional information regarding compatibility of the proposed use with adjacent properties. Appropriate architectural guidelines and landscaping will be provided to ensure compatibility with the adjacent properties, the surrounding area and the community.

3. ***Policy 1.8, states that "...the City will use zoning and special area policies to describe the preferred types of non-residential development in different parts of the community."***

General Guidelines. The zoning and special area policies applicable to this item are provided for in the F Road Corridor Guidelines. The F Corridor Guideline includes the following general information:

- a. **Intent.** The intent of this corridor guideline is to address the existing and future land uses along F Road. As a primary transportation route transgressing the city, consideration for the existing residential, business and commercial uses in terms of future users is necessary.
- b. **Goal.** The goal is to carry traffic in the most efficient manner possible, minimizing access, traffic hazards and encroachment into established residential neighborhoods.
- c. **Policy.** The policy is to establish guidelines for land use of new development or redevelopment, to help ensure consistent decisions and direction along F Road.

Additional development related guidelines for the F Road Corridor include the following applicable items:

1. ***Development should be done in a planned development (PD) context to help ensure good site planning.***

The GPA, Rezone and Preliminary Plan submittal are based on the development of this property using a Planed Zone with the City's Residential Office (RO) as the underlying zone. Please refer to the attached Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

3. ***Existing single family housing and neighborhoods should be respected and protected whenever possible.***

The proposal for a neighborhood bank and professional office business uses has been accepted by adjoining residential property owners and many residents of the general area. This design has been endorsed by these individuals because the residents believe that the present RMF-8 zoning's development requirements will be create a negative visual and financial impact because of the incompatible and lesser-valued housing types required of this zone.

Please refer to the Preliminary Plan's Project Narrative for additional information on this issue.

4. ***New commercial and business development and redevelopment should not adversely affect the existing neighborhoods with traffic, parking, lighting or noise. Good site planning can help mitigate these concerns.***

The project has been designed to be a net benefit to the adjacent properties, the neighborhood and the Spring Valley area. High quality

architectural styles, site planning tools and design techniques will be used to ensure that this result is achieved. Please refer to the attached Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

- 5. *In cases where parcels have frontage on roads in addition to F Road, those frontages will be considered preferred access points, unless it is shown that such access points would have an undesirable impact on the neighborhood or area.***

The development has been designed to provide primary vehicular access via 27.5 Road. Please refer to the attached Traffic Study, Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

- 6. *Curb cuts and access points on F Road should be limited and consolidated to encourage the concept of shared access for proposed and future development.***

The proposed development has been designed to incorporate this standard. Please refer to the attached Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

- 7. *When development which may create a traffic hazard is proposed near an intersection, turning movements will be controlled to allow for the best traffic flow.***

The proposed development has been designed to manage this possibility. Please refer to the attached Traffic Study, Rezone and Preliminary Plan's Project Narrative for additional information on this issue.

- 8. *Access points must be designed to maintain a clear site distance for vehicular, bike and pedestrian traffic safety.***

The proposed development has been designed to incorporate this standard. Please refer to the attached Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

- 9. *Adequate walkways should be provided to encourage and accommodate pedestrian use along F Road.***

The proposed development has been designed with adequate sidewalks to incorporate this standard. Please refer to the attached Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

- 10. *Development should provide adequate setbacks for structures from the public right of way, to be used in part for landscaping. The intent is to provide attractive surroundings for the tenants, residents, motorists and pedestrians throughout the corridor. Within the setbacks landscaping amenities such as berming, buffering and streetscapes should be included.***

The proposed development has been designed to incorporate adequate setbacks to provide harmonious and pleasing physical space. Please refer to the attached Rezone and the Preliminary Plan's Project Narrative for additional information on this issue.

11. *Drainage considerations to adequately accommodate run-off should be addressed with all new developments or redevelopments.*

The proposed development has been designed to meet this standard. Please refer to the attached the Preliminary Plan's Project Narrative for additional information on this issue.

12. *Neighborhood discussion is encouraged with the petitioner throughout the development process.*

The petitioner has made significant efforts to incorporate adjoining property owners, neighborhood organizations, Homeowners Associations and the community-at-large into the development process for this project. A Mandatory Neighborhood Meeting, conducted according to City Code, was held at a location central to the property on February 12, 2001.

13. *The undergrounding of utilities should occur wherever feasible along this corridor.*

The proposed development has been designed to incorporate this standard. Please refer to the attached Preliminary Plan's Project Narrative for additional information on this issue.

Additional Development Guidelines--15th Street to 30 Road Guidelines.

The intent of this section of the corridor guideline is to encourage residential development only.

This GPA application has been prepared and submitted to confirm that changing neighborhood, area and corridor conditions warrant the amendment of the Growth Plan to the Commercial classification for this property.

4. *Policy 11.1, states that "...the City will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques."*

This GPA takes into account a community-wide perspective on issues related to growth and development. Compatibility between existing adjacent land uses and this proposed development will be accomplished by the judicious integration of buffering, lighting, height and bulk standards and physical separation techniques allowable under the Planned Zone development standards. Please refer to the attached Rezone and the Site Plan (Preliminary) Project Narrative for additional information on this issue.

5. *Policy 11.2, states that "...the City will limit commercial encroachment into stable residential neighborhood. No new commercial development will be allowed in areas designated for residential development unless*

specifically approved as part of a planned development."

The application is consistent with this City policy by developing the property under the planned development zone standards to retain maximum design flexibility and provide the maximum degree of control to ensure community compatibility.

- 6. Policy 12.3, states that "...the City will protect stable residential neighborhoods from encroachment of incompatible residential and non-residential development."***

This GPA application to the Commercial classification, Rezone, Site Plan (Preliminary) and development under the City's planned development zone standards has been selected to avoid incompatible residential development conflicts that would be realized under the existing Growth Plan classification and the existing RMF-8 zone designation.

The proposed Planned Business development is a compatible neighborhood-oriented, non-retail use that will be of benefit and convenience to the adjacent neighbors, the surrounding community area and the F and 27.5 Road corridors.

- 7. Policy 13.1, states that "...the City will establish heightened aesthetic standards and guidelines for the gateway areas and high visibility corridors listed in Exhibit V.9 and mapped in Exhibit V.10."***

The placement of the proposed planned business zone will buffer the adjoining neighborhood from the intrusive and undesirable residential use that the existing RMF-8 zone will generate. Including, the negative visual impact of the construction of visual screening along F Road to shelter dwellings from visual and noise impacts.

- 8. Policy 20.1, states that the City "...will actively participate in air quality enhancement projects and support efforts of appropriate entities to enhance the quality of the community's air."***

The GPA, Rezone and Site Plan (Preliminary) afford a convenient and safe approach to encourage additional use of the Grand Valley Transit infrastructure. In addition, the location of the bank facility will promote increased public transportation use and lower the amount of VMT along the F Road corridor. These demand management tools help to enhance the community's air quality goals.

- 9. Policy 23.9, states that the City "...will coordinate with other community employers to implement cost effective transportation demand management strategies."***

The GPA, Rezone and Site Plan (Preliminary) incorporates proven land use approaches intended to expand the transportation options for the community.

- 10. Policy 23.11, states that the City "...will continue to work towards the development of a feasible mass transit system."***

The GPA, Rezone and Site Plan (Preliminary) incorporate proven land use approaches to expand the use of the Grand Valley Transit System by residents.

ITEM 5. *Public and community facilities are adequate to serve the type and scope of land use proposed.*

Both F and 27.5 Roads contain all required public and community facilities required for the proposed project.

ITEM 6. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use.*

Availability of Commercially Zoned Properties East of 12th Street On F Road

At the Mandatory Neighborhood Meeting, held on February 12th for this project, a neighborhood resident volunteered the observation that there were no other commercially-zoned properties on F Road east of 12th Street to approximately 28.25 Road. Actual examination of the City of Grand Junction's Zoning Map identifies that there are five (5) properties located on the north side of F Road between 12th Street and 27.5 Road zoned commercial. The southeast corner of 12th Street and F Road has an assemblage of fifteen (15) properties zoned commercial. In addition, the Village Park property, located at the northern side of F Road at 28.25 Road, is a mixed-use development with four (4) commercial pad sites.

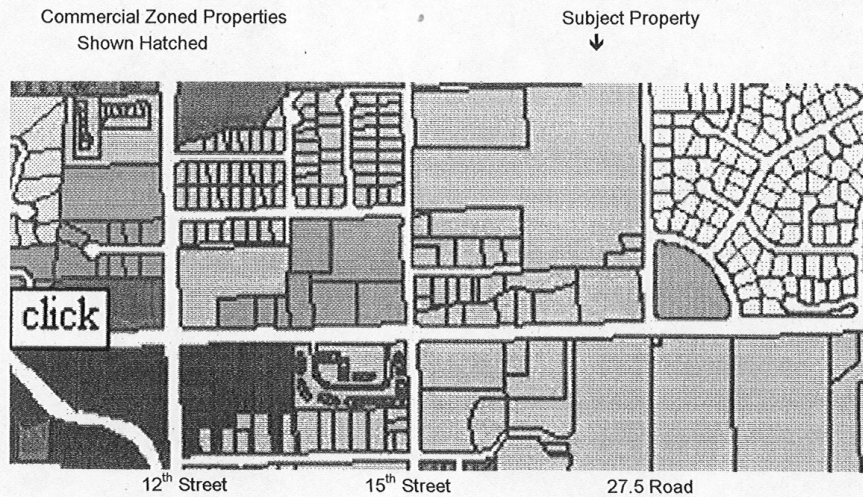
Applicant's Other Site Location Investigations

The one site that may have been suitable for a use of the type proposed by the Applicant—the Larchwood property on F Road and 15th Street was, in fact, placed under contract by the Bank of Grand Junction. However, the owners of the property could not agree to terms among themselves and a sales contract was not completed. That property has since been sold and the owners are preparing to develop an assisted-living care facility.

Prior to the purchase of this property the Bank of Grand Junction commissioned several Site Location analyses that were performed by a separate consultant in 1996, 1997, 1999 and 2001. The results of these analyses concluded that this location warrants placement of a bank facility.

The 2001 analysis examined the feasibility of bank placement at the Village Park site (28.25 and F Roads). The study concluded that that the Village Park site did not provide the comparable location, access and ease of use for a bank as the Applicant's existing property at 27.5 and F Roads. In addition, the Village Park development has not secured the recordation of a Final Plat and it not available for any development activity as of August 28, 2001.

Refer to the City of Grand Junction's F Road corridor's zoning map for additional information on available commercially designated properties in the area.



Additional Traffic Factors

Due to the changing land use conditions along the F Road corridor from 30 Road to the Mesa Mall the use of the subject property for a neighborhood-oriented business use (excluding retail sales activities of any type) is a positive benefit for the area. Recent development additions include a community shopping facility in operation at the intersection of 29 and F Roads. The recently approved Village Park development will provide selected retail commercial and residential uses at the intersection of 28.25 and F Roads.

Neighborhood bank branches are a community benefit. The addition of an additional bank in this location will assist in the lessening of VMT traveled along the corridor. The addition of a neighborhood bank branch will help to lessen cross-valley traffic flows from the eastern portion of the valley to the Mesa Mall. Workers at St. Mary's and the related health care providers will be able to conveniently use the bank at 27.5 Road instead of traveling, via personal automobile to either the downtown or Mesa Mall branches.

The following table of Bank of Grand Junction Customer Account Information was tabulated to determine the projected decrease in cross-valley vehicle trips should a neighbor bank facility be authorized for this property.

The Bank of Grand Junction Customer Account Data Table is provided below.

Bank of Grand Junction-Customer Account Data			
Zip Code	# of Existing Accounts	% of Accounts to Use New Branch	# of Accounts to Use New Branch
81501	642	20%	128
81502	241	20%	48
81503	1600	5%	80
81504	396	75%	297
81505	857	5%	43
81506	421	60%	253
81520	194	95%	184
81521	483	5%	24
81524	98	5%	5
81525	46	5%	2
81526	52	95%	49
TOTALS	5,030		1,114

NOTES:

1. Projected # of Accounts Using New Branch Does Not Include Any Existing Loan Customers.
2. Projected # of Accounts Using New Branch Was Estimated According to Location to Existing Branches.
3. New Bank Location is Estimated to Generate an Additional 10-20% New Accounts.
4. New Bank Will Decrease Traffic Volumes Along Length of F Road by Approximately 50-200 ADT's.

The results of the account information highlights the following:

1. That a significant number of Bank of Grand Junction accounts located in the eastern portion of the valley (Zip Codes 81504, 81520 and 81526) will be able to avoid the lengthy cross-valley trip on F Road by locating a new bank at the F and 27.5 Road intersection.
2. That a significant number of Bank of Grand Junction accounts located in the mid-portion of the valley (Zip Codes 81505 and 81506) located north of F Road between 25-29 Roads would also be able to avoid longer commutes by locating a new bank at F and 27.5 roads.
3. That a significant number of accounts located in the downtown core (Zip Codes 81501 and 81502), the Redlands (Zip Code 81503) and throughout the valley who work in the medical center area between 5th-15th Streets along F Road would be able to use the new bank facility and avoid long, cross-valley commutes to either the downtown branch or the Mesa Mall branch of the Bank of Grand Junction during business hours

4. That the heavily traveled portion of F Road located west of 12th Street to Mesa Mall will experience a decrease in vehicle trips and Vehicle Miles Traveled by the placement of a neighborhood branch placed at the mid-point location at F and 27.5 Road.

ITEM 7. *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

If this GPA, Rezone and Preliminary Plan are approved the area and community will realize benefits in the following ways:

1. Neighborhood-oriented, non-retail use;
2. Buffering from adjacent properties;
3. Better visual enhancement of F and 27.5 Road corridors;
4. No neighborhood conflict from poorly suited housing types required for the property under the existing Growth Plan classification and RMF-8 zoning;
5. Increased multi-modal transportation opportunities for the area;
6. Better air quality due to lessening of VMT along F Road: and
7. Coordination and expansion of transit services in concert with Grand Valley Transit.

CONCLUSIONS

The Bank of Grand Junction believes that the requested Growth Plan Amendment/Rezone/Site Plan (Preliminary) applications are consistent with all of the public goals and objectives set forth in the in the Growth Plan, F Road Corridor Plan, the City's Zoning and Development Code and other related policies and development guideline documents. The Bank of Grand Junction believes that the project will benefit both area residents, the citizens of the City of Grand Junction and the Grand Valley.

January 16, 2002

175 persons signed surveys similar to this one.

After reviewing a copy of the plans for The Bank of Grand Junction's proposed development on the corner of 27 1/2 and Patterson, I would like to voice my support for the project:

Name Raye Molina & Tim Walek

Address 2999 1/2 Pinyon Arc
G.J. CO 81504

Comments: We would definitely use this
location

Mesa Mall • 2415 F Road / Downtown • 326 Main St. / Redlands • 2251 Broadway
MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

January 16, 2002

After reviewing a copy of the plans for The Bank of Grand Junction's proposed development on the corner of 27 1/2 and Patterson, I would like to voice my support for the project:

Signature:	Name (printed):	Address:
<i>[Signature]</i>	Doug Holden	466 Pera st. 81520
<i>[Signature]</i>	MARIC Lorenz	461 31/4 th St 81504
<i>[Signature]</i>	RM Voegely	3096 12 th Rd 6J.CC
<i>[Signature]</i>	Nichole Ryhal	2525 N 15th Street 81501
<i>[Signature]</i>	Anthony Miller	1700 18 Rd.
<i>[Signature]</i>	Steve Sheehy	2325 1/2 S. Rm
<i>[Signature]</i>	JAMES CLARK	271 Village Lane
<i>[Signature]</i>	BARBARA A STARK	1983 So BROADWAY
<i>[Signature]</i>	Larry W. Richmond	381 1/2 Hillview Dr. 81503
<i>[Signature]</i>	Kathy F. Robins	2963 1/2 Bankers Ave.
<i>[Signature]</i>	Jill Cunningham	486 Tracy Dr #3 Clifton 81520
<i>[Signature]</i>	JOSEFINA WARD	739 COPPAL DRIVE 81501
<i>[Signature]</i>	Betty Christensen	608 MEANDER DR.
<i>[Signature]</i>	Randy Christensen	608 MEANDER DR.
<i>[Signature]</i>	Shirley Ecklund	2281 So BROADWAY 81501

414 persons signed petitions similar to this one.

January 16, 2002

Spring Valley Homeowners Association

P.O. Box 9164
Grand Junction, CO 81501

April 11, 2001

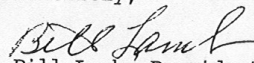
Bob Johnson, President
The Bank of Grand Junction
2415 F Road
Grand Junction, Co. 81505

Dear Mr. Johnson:

We appreciate the consideration you have given us regarding the application for a rezone and development of the property located at 27½ Road and Patterson Road. At the last meeting of the Directors of the Spring Valley Homeowners Association, there was a lengthy discussion of the plan to develop this property. It was the opinion of the Board Members that they could not approve or disapprove of these plans.

There were several reasons for this opinion. One, is the location of some of the Board Members residence who live some distance from the location of the proposed development. They were concerned as to whether they would have the authority to voice an opinion. Also some residents in the immediate vicinity of 27½ Road and Patterson Road may have an objection to a rezoning of this property.

Sincerely,


Bill Lamb, President

Spring Valley Homeowners Association

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 18, 2001 MINUTES
7:02 P.M. to 12:15 A.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Dr. Paul Dibble, John Evans and Terri Binder. William Putnam, Nick Prinster and Richard Blosser were absent. There are two positions currently vacant (resignations from James Nail and Mike Denner).

In attendance, representing the Community Development Department, were Community Development Planning Director, Bob Blanchard, Pat Cecil (Development Services Supervisor), Kristen Ashbeck (Senior Planner), Lisa Gerstle (Senior Planner), Bill Nebeker (Senior Planner), Sema Costello (Associate Planner) and Ronnie Edwards (Associate Planner).

Also present were John Shaver (Asst. City Attorney), Eric Hahn (Development Engineer), and Mike McDill (Public Works Engineer).

Terri Troutner was present to record the minutes.

There were approximately 64 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

No minutes were available for consideration.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda was item VR-2001-159 (Vacation of Right-of-Way—Arrowhead Acres II, Filing #3). No objection or commentary was expressed or given by the audience, planning commissioners, or staff on this item.

MOTION: (Commissioner Binder) "Mr. Chairman, I move that we approve the Consent Agenda as read."

Commissioner Dibble seconded the motion. A vote was called and the motion was approved unanimously by a vote of 4-0.

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

IV. FULL PUBLIC HEARING

CUP-2001-160 CONDITIONAL USE PERMIT-LDS INSTITUTE

A request for a Conditional Use Permit for the LDS Institute Classroom Building.

Petitioner: LDS Church, Jerald Chadwick

Location: 1502 North 12th Street/1205 Texas Avenue

Representative: Vanderwood Associates Architects, Gary Vanderwood

PETITIONER'S PRESENTATION

Gary Vanderwood, representing the petitioner, reviewed the request. He said that in order to meet the City's parking requirements, an adjacent lot had been purchased. The existing structure on this lot would, he said, be demolished and a parking lot constructed in its place. Both the classroom building and the parking lot would be screened by the use of landscaping and by construction of a cinderblock wall. The City had also requested dedication of 2 feet of each property along the side of the alley for future improvements. Because the alley would provide primary access to the secondary parking lot and was currently substandard and in need of repair, Mr. Vanderwood had spoken with an adjacent neighbor, who agreed to also dedicate a portion of her property to the City for needed improvements. It was hoped that with both right-of-way dedications occurring simultaneously, the City would be able to complete alley improvements sooner. Mr. Vanderwood felt the area to be in transition and thus suitable for the proposed use.

QUESTIONS

Chairman Elmer asked if installation of the 6-foot-high cinderblock wall would be in conjunction with construction of the parking lot, to which Mr. Vanderwood replied affirmatively. He added that it should effectively buffer adjacent residential uses. When asked if the church intended to provide access onto Texas Avenue, Mr. Vanderwood replied negatively.

STAFF'S PRESENTATION

Senta Costello said that the project was in compliance with the Code and Growth Plan requirements, and that the petitioner was in agreement with Conditions of Approval. She recommended approval subject to the following conditions:

1. Petitioner must submit for a Simple Subdivision review along with their application for Site Plan review.

2. Landscaping, parking and traffic circulation areas must conform to the Zoning and Development Code and the TEDS manual.
3. Petitioner must submit a completed City fire flow form at time of Site Plan review. If the available fire flow is not adequate, the petitioner must also have his engineer submit proposed water system improvements plan and certify that the improvements will provide the required minimum fire flow.

QUESTIONS

Chairman Elmer asked if the CUP specifically covered the parking lot. Mrs. Costello said that the CUP covered the classroom request; its approval was contingent upon there being adequate available parking.

When asked by Commissioner Dibble how the parking requirement had been determined, Mrs. Costello answered that the calculation was based on a formula in the Code which anticipated both the land use and the allowed occupancy of the structure. Commissioner Dibble observed that the secondary parking lot would be accessible from Elm Avenue, but not from Texas. Mrs. Costello confirmed his observation.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Dennis Rodriguez (1200 Texas Avenue, Grand Junction) expressed opposition to the proposal primarily because of construction of the secondary parking lot. He felt that its presence would damage both the appearance and character of the existing neighborhood and negatively impact property values. He also expected that noise would increase and that the cinderblock wall would only serve to amplify sound. If the majority of the classroom's attendees were those walking over from Mesa College, he said that there should be no need for an additional parking lot. He felt that the church had been deceptive with the neighbors in keeping this expansion from them for the last two years. The church's property, he added, had been ill kept and existing landscaping was either dead or dying.

Jerome VanCleve (1309 Texas Avenue, Grand Junction) agreed with Mr. Rodriguez's comments. He felt it unlikely that the neighbors would be compensated for expected losses in their property's valuation as a result of the parking lot's construction. He felt that the parking lot was inappropriate for the neighborhood; the

property should instead, he said, be retained for another single-family structure.

Cecil Hobbs (1267 Texas Avenue, Grand Junction) felt that the parking lot would be disruptive to the neighborhood. He said he also represented his neighbor, Mrs. Strnad, who opposed construction of a parking lot next door to her home. If approved, she asked that consideration be given to the use of brick in the wall's construction; contending that it would be much more aesthetic than cinderblock.

Earl VonBurg (1317 Texas Avenue, Grand Junction) said that speeding was a problem along Texas Avenue. With the additional traffic to and from the classroom site, this problem would only be exacerbated. He'd also been the victim of vandalism and thought that this, too, would increase.

Merredith VonBurg (1317 Texas Avenue, Grand Junction) expressed similar concerns over increased traffic along Texas Avenue and through the alley.

Chairman Elmer reiterated that no parking lot access was being provided off of Texas Avenue. Ms. VonBurg felt that the alley should be widened to accommodate expected traffic increases. Earl VonBurg added that the alley has insufficient width for two-way traffic.

PETITIONER'S REBUTTAL

Mr. Vanderwood said that the house on the parking lot property is currently vacant. Because this structure is slated for demolition, it didn't seem prudent to maintain existing landscaping. Mr. Vanderwood said that new landscaping has been proposed, which would make both lots aesthetically pleasing and serve as an asset to the neighborhood. The added parking lot had been a City requirement, even though it was not felt that the use would actually require all mandated parking spaces. He noted the existence of a house located directly east of the site, which had become a rental. Students living there were using the entire front yard as a parking lot, yet neighbors didn't seem to object to this parking arrangement.

QUESTIONS

Chairman Elmer asked the petitioner if he'd taken into account actual parking usage when discussing the parking situation with staff. Mr. Vanderwood said that onsite staff would occupy 6 parking spaces and only 3 or 4 students were expected to use the classroom at any given time. Most of them would likely be walking from the college. He reiterated that the additional parking space requirement had come from development staff.

Commissioner Dibble asked how far alley improvements were extending. Mr. Vanderwood said that with the dedication of additional alley right-of-way, the total alley width will be 20 feet; with improvements extending the length of both alley frontages.

Commissioner Dibble asked if the church's parking lots would be generally made available to other college students wishing to park there, to which Mr. Vanderwood responded negatively. The parking lots would be monitored, with parking stickers issued to those authorized to use them.

Commissioner Binder wondered what the petitioner thought of the suggestion to brick, rather than cinderblock, the proposed screening wall. Mr. Vanderwood said that brick had originally been proposed; however, another neighbor had preferred cinderblock. It didn't matter to him, either way. He added that the church would also bear financial responsibility for moving a portion of Mrs. Strnad's sprinkler system, which currently lay outside her western property line and within church-owed property.

Commissioner Binder asked how much bigger the structure would be following the expansion. Mr. Vanderwood answered that the new structure would have about a third more space than what was there now.

QUESTIONS

Commissioner Dibble noticed that CSR zoning existed on either side of the site. He asked are the parking requirements for CSR-zoned properties the same? Ms. Costello answered that parking requirements were not based on zoning; rather, on the use and occupancy of a proposed structure.

When asked by Commissioner Binder if the parking requirements were tied to construction of the new building, Ms. Costello replied affirmatively.

Commissioner Dibble asked for clarification of existing setbacks of the subject and adjacent properties, which was given.

DISCUSSION

Commissioner Dibble noted that since the added parking was required by Code and since the petitioner was only complying with those requirements, there seemed to be insufficient reason to deny the request.

Chairman Elmer expressed concern over the use's encroachment into an established residential neighborhood. While supportive of the classroom expansion, he still had reservations over the parking lot, even though proposed buffering could help to mitigate this concern. He agreed that no one wanted a parking lot constructed next to their home.

Commissioner Binder said that she was torn between the good points made on both sides. The church had purchased the lot in a good faith effort to meet the City Code's parking requirements. It didn't seem right to now punish the petitioner for doing so by denying the request.

Commissioner Dibble concurred. It seemed that the access issue had been dealt with in a reasonable manner since no access into parking areas would be available off Texas Avenue. Alley improvements should facilitate traffic flow. He agreed that landscaping, berming and screening would result in much improved aesthetics. He observed that speeding was not a problem which could be addressed by the Planning Commission; residents were encouraged to direct such problems to the Police Department for resolution.

Commissioner Evans felt that the petitioner had done the best he could, given the requirements imposed upon him. Because traffic was not being routed to Texas Avenue, he felt that the request deserved support.

Commissioner Binder asked if a reduction in the number of parking spaces required could be granted as part of the CUP approval. Mr. Shaver reiterated that the number of spaces required had been tied to the use and expected occupancy of the structure; parking requirements could generally not be considered independent of the use; however, if further staff analysis could substantiate reduced occupancy, some modification of the parking requirement is possible under the Code. Mr. Shaver said that any reduction would be at Mr. Blanchard's discretion.

Commissioner Dibble commented that the project seemed to comply with Code and Growth Plan requirements for the area.

Commissioner Binder remarked that she had yet to see an LDS church facility anywhere that wasn't aesthetically pleasing.

MOTION: (Commissioner Evans) "Mr. Chairman, on Conditional Use Permit CUP-2001-160, I move that we find the project consistent with the Growth Plan, Section 2.13 of the Zoning and Development Code, and that we approve Conditional Use Permit CUP-2001-160 subject to the recommended conditions."

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Chairman Elmer opposing.

GPA-2001-060 GROWTH PLAN AMENDMENT/REZONE/PRELIMINARY PLAN-BANK OF GRAND JUNCTION

A request for approval of: 1) a Growth Plan Amendment from Residential Medium (4-8 units/acre) to Commercial designation, 2) Rezone of the property from RMF-8 (Residential Multi-Family, 8 units/acre) to PD (Planned Development), and 3) a Preliminary Plan to develop a 2,500 square foot bank with drive-through and 12,500 square feet of office space on a 2.4 acre parcel.

Petitioner: Bank of Grand Junction, Bob Johnson

Location: 601 - 27 ½ Road

Representative: LandDesign, Rob Katzenson

Commissioner Dibble disclosed that he'd had conversations with the bank's president over the proposed submission, as such, he thought that he may have a conflict of interest. Mr. Shaver asked the commissioner if he had drawn any conclusions about the request or had any financial and/or other interests with the bank from which he could gain by his participation. Commissioner Dibble responded negatively to all Mr. Shaver's questions. Since no concerns were expressed by any of the other planning commissioners, Commissioner Dibble was permitted to participate in deliberation of this item.

Community Development Director Bob Blanchard suggested that the three portions of the request be heard separately, with the Growth Plan Amendment (GPA) deliberated first. If denied, he said, it would render consideration of the rezone and Preliminary Plan moot. Mr. Shaver concurred with this suggestion.

Larry Beckner, representing the petitioner, said that it is important to the Petitioner not to bifurcate the presentation because of the interrelationship. He said that staff had initially suggested an R.O. zone; only within the last few days had this recommendation been altered to reflect a B-1 zone. He also said that five traffic studies had been undertaken at the subject corner all of which supported the request. He felt that the petitioner had the right to have the presentation heard in its entirety. Planning commissioners agreed and the presentation moved forward.

PETITIONER'S PRESENTATION

Rob Katzenson, representing the petitioner, offered a PowerPoint presentation which separately addressed the three elements of the request. He submitted into evidence a collection of petitions, correspondence and documents which he said supported the request; he asked that they be referenced as Exhibit I.

Growth Plan Amendment (GPA)

Mr. Katzenson provided a land use history of the property; its location and land use/zoning designations were noted.

Referencing an overhead outlining staff's comments, Mr. Katzenson said that all GPA criteria had been met. He believed that the request also addressed the need for more neighborhood-oriented businesses. Mr. Katzenson stated that a lot of traffic and noise were generated at this, 27 ½ and F Road, intersection. As such, the corner was not conducive to residential development. For this reason, he said that modification of the Growth Plan was justified. He believed that current growth along 27 ½ Road was occurring in accordance with an area in transition.

Mr. Katzenson said that a neighborhood meeting had been held and almost all comments had been positive. An overhead of Key Community Goals was referenced. Mr. Katzenson felt that the number of trips per day could be significantly lowered as a result of the bank's siting at the proposed corner. The project, he maintained, would add visually to a property sorely in need of improvement. An overhead outlining Staff Concerns was presented.

Mr. Katzenson said that location studies had been undertaken, the results of which supported siting banking branches within established residential neighborhoods. The proposed site seemed to offer the best option and provide the greatest benefit to both the bank and the community.

Rezone

Mr. Katzenson said that a Planned Development (PD) zone represented the most appropriate zone for the corner. PowerPoint slides with the following titles were shown: Requested Action; Rezone Application/Compatible Underlying Zone; Process Selection of Underlying Zone; Rezone Application/City Staff Report Recommending Underlying R.O. Zone; Site Design; Layout and Operational Considerations and Neighborhood Design Considerations.

When reviewing Neighborhood Design Considerations, Mr. Katzenson presented a number of photos depicting various examples of fencing/walls used for screening. Chairman Elmer voiced objection to their presentation because the examples shown were not in compliance with the Code.

Mr. Katzenson summarized his testimony using a slide that outlined "Rezone Application Completeness."

Preliminary Plan

Mr. Katzenson offered the following entitled slides in support of the Preliminary Plan application: Requested Action; Background Information, Live/Work; Anticipated Site Considerations; Access

and Circulation Drawing; Parking and Pedestrian Movement Drawing and Grand Valley Transit Hub Location.

Mr. Katzenson said that in conversations he has had with Grand Valley Transit (GVT) staff, they were very supportive of moving the bus stop from its current location to the one proposed in conjunction with the Preliminary Plan.

Mr. Katzenson continued with the presentation of slides entitled: Landscaping Plan (detention pond location noted); City Staff Report; TEDS Exemption Application (*Rational Mind Theory* explained); Key Issues Associated with TEDS Exemption; E-Mail from George Miller dated May 7, 2001 (confirming exemption as acceptable situation); Post-It Note Outlining 4 Engineering Conditions; Letter Received from Mike McDill Regarding TEDS Exemption Application; Notes from Conversations with George Miller Allowing Reconfiguration of 27 ½ Road; Written Support (for TEDS Exemption) Received from City Engineering Staff; Sketches of Alternate Building Layouts Received from the Community Development Department; Preliminary Plan Completeness and Requested Actions Summary.

In his testimony Mr. Katzenson drew a parallel between the bank's project at the Redlands Parkway intersection on the Redlands and the current proposal. The Redlands proposal, he said, had originally met with strong staff and neighborhood opposition; however, the facility was now widely recognized as an aesthetic and functional asset to the community and warmly regarded by the neighborhood.

QUESTIONS

Chairman Elmer asked if this proposal includes widening of 27 ½ Road; Mr. Katzenson replied negatively.

STAFF'S PRESENTATION

Bill Nebeker said that staff had told the petitioner at the onset of the review process that the current plan would not be accepted as presented. Staff had received nine letters of support in addition to those submitted by the petitioner, which had been included with planning commissioner packets. Referencing an overhead of the Preliminary Plan drawing, he said that with regard to GPA criteria, the area was developing in accordance with Growth Plan expectations. Mr. Nebeker said that if an exception were made for the current submittal, the same argument could be used for properties at other busy intersections along F Road. Setting precedent was of paramount concern to staff. Mr. Nebeker said in regards to the bank on the Redlands Parkway intersection property, the same precedent concerns had been expressed during that Preliminary Plan review and as it happened,

those concerns had been well founded because there is now a car wash proposed to be located directly across the street on a residentially-zoned piece of property.

Mr. Nebeker said that the Code provided for some retail/commercial development within residential areas without necessitating a change to the Land Use Map; the current submittal was not representative of that option and would, if approved, result in changing the Land Use Map. Staff is also concerned over the 15,000 square feet of office space provided to the rear of the property. Mr. Nebeker said that this use would negatively impact the immediate area around this property, property which had not changed in use since 1996 when the Growth Plan was adopted. Mr. Nebeker noted the residential development along the 27 ½ Road corridor. He said that walls and fencing should be erected in accordance with Code requirements. The petitioner, he noted, is proposing a use that is more appropriate for a commercially-designated zone classification. The proposal failed to offer any impact mitigation for the Oviatt property to the North of the site. A residential use at this corner could still develop under the property's current residential zoning and provide an overall neighborhood benefit. He observed that there was very little interrelationship between the proposed bus stop and the bank building.

With regard to rezone criteria, Mr. Nebeker said that the Code's PD zone classification was used in instances where a long-term community benefit could be derived. He presented an overhead entitled "Substantial and Long-Term Community Benefits in Planned Zones," which, he said, the Code supported in conjunction with planned zones. Initially, an R.O. zone seemed to be the best fit for what the petitioner had proposed since it allowed banking services; however, it soon became apparent that the R.O. zone was unsuitable because the site was not designed to be residential in character. Also, R.O. zones were typically used to transition residential and higher-density commercial uses.

Mr. Nebeker referenced an overhead of the Preliminary Plan and noted the entrance deviations which required a TEDS exception. Deviations in the Sign Code were also being requested. (The petitioner proposed 24-hour illuminated signage.) Staff felt that there was an alternate location of the driveway on 27 ½ Road that avoided the need for a TEDS exception. He noted that the greatest impact would be to the Oviatt property who, Mr. Nebeker said, would end up with parking lots on both sides of their property if the current request were approved. (The second parking lot was in conjunction with the Hilltop project already approved and under construction.) One of the bank's proposed parking spaces would be impossible to utilize. If the current

request were approved, staff would need significant direction on how to approach and address the variety of Code deviations being requested by the petitioner. The Preliminary Plan would require substantial modification prior to Final to meet current regulation standards. Mr. Nebeker reiterated his concern that approval of a commercial use at this corner would create a negative precedent for future requests that were sure to come. Mr. Nebeker said that development alternatives were available for this property which didn't require a GPA. For the reasons stated above, staff urged denial of the GPA, the rezone request and the Preliminary Plan.

QUESTIONS

Chairman Elmer asked for staff's opinion on the potential advantage of moving the bus stop to a location further away from Spring Valley Circle. "Didn't it make more sense to place stops closer to residential areas rather than further away?" Mr. Nebeker said that GVT preferred the petitioner's alternative to keeping the stop on Spring Valley Circle.

Commissioner Dibble asked if there were any appreciable benefits in applying a B-1 zone versus an R.O. zone. Mr. Nebeker said that there would be fewer deviations associated with B-1 zoning.

When asked about the fencing requirements, staff stated that the Code requires 6-foot-high perimeter fencing; the petitioner was requesting 4-foot-high fencing.

Commissioner Binder asked for clarification of the option mentioned by staff whereby the bank could potentially locate within residential neighborhoods, Mr. Nebeker explained.

Commissioner Dibble asked if there were design standards in place which would result in the bank and office buildings reflecting a more residential appearance. Mr. Nebeker said that it was more a question of size compatibility; the size of the proposed commercial buildings would be out of character with the mass or size of surrounding homes.

When asked by Commissioner Dibble if approval of the request could be considered under the "node concept," Mr. Nebeker said that nodes did not require GPA's in order to be approved. Approval of the current request would more closely represent "spot zoning." Mr. Nebeker added that no site detail had been given on the office buildings. It seemed to staff that the office buildings were an afterthought, that the petitioner's primary focus was on getting the bank situated on the site. If the Preliminary Plan were approved, any manner of modification to the plan could occur.

Commissioner Binder referenced the petitioner's slides of the Community Development Department sketches of alternate building configurations. She asked "did staff have a preferred layout?" Mr. Blanchard indicated that the sketches that had been referenced in the Petitioner's presentation are used out of context. He said the sketches were musings of staff, more just to point out to the petitioner "what if's." He felt that submission of those sketches by the petitioner was inappropriate.

Mr. Shaver noted the absence of testimony concerning Code section 5.4.B, Minimum Size of a Planned Zone. In response to Mr. Shaver's comment, Mr. Nebeker noted that the minimum area for planned zones is 5 acres. This project, he said, did not comply with that criterion. In cases of non-compliance, conventional zoning alternatives were recommended. Further, the section also addressed minimum buffering requirements, which again would not be met with the current request. Mitigation of adverse impacts had also not been addressed to the full extent of the Code.

A recess was called at 10:00 P.M. The public hearing reconvened at 10:05 p.m. Due to the lateness of the hour, the remaining item (RAC-2001-175) was continued, to be heard after the Joint Mesa County/City Planning Commission meeting scheduled for September 25.

MOTION: (Commissioner Dibble) "Mr. Chairman, on the Text Amendment (TAC-2001-175) I move that we continue this item to September 25 subsequent to the joint meeting."

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

PUBLIC COMMENTS

FOR:

Tom LaValle (504 - 28 ¼ Road, Grand Junction) noted the number of people who traveled out to the mall to do their banking. He said that if there was a branch more centrally located, this would eliminate some of this mall traffic. The proposed plan seemed very feasible, and the property was not conducive to residential development. The petitioner, he said, had gone to a lot of work on the proposal; it didn't seem fair that the City would burden him with so much restriction and regulation. He expressed his belief that there was community need for additional commercial nodes along F Road.

Byron Boggs (3215 Applewood Drive, Grand Junction) said that he would personally look forward to doing his banking closer to home. The development would be a significant improvement to the site, which had long lain in disrepair. It would benefit the

community and provide the City with additional revenue. He didn't understand why Hilltop could secure approval along 27 ½ Road for its project since it too appeared to be a commercial use.

Jim Echave (612 Starlight Drive, Grand Junction) said that approval of a banking branch in the proposed location would help diminish his drive time. Without the branch, he would be forced to continue driving out to the mall to do his banking.

R.F. Ragsdale (2936 Crocus, Grand Junction) said that Spring Valley was a very nice neighborhood. It was unlikely that so much support for the petitioner could be garnered if the proposal compromised the integrity of the neighborhood. He opposed development of multi-family residential on the site and felt that the site was not conducive to any type of residential development. He also opposed any type of retail development of the site. The current proposal represented a viable and aesthetic development alternative. He felt that the Community Development Department had unfairly "stacked the deck" against the petitioner.

Carl Hochmuth (2814 Grand View Drive, Grand Junction) said that he drove by the subject property daily. As a real estate appraiser, he felt that the proposal would provide the community with a real benefit while at the same time upgrading the property. He, too, felt that staff was being "too picky."

Kimberly Moore (588 Redwing Lane, Grand Junction), an employee of The Bank of Grand Junction, could not see the harm in placing a branch bank at the subject corner. It would, she said, add to the bank's level of customer service.

Leroy Harris (3026 A 1/2 Road) agreed that the proposed location would help reduce his drive time when conducting his banking. It seemed to him that disallowing a commercial use within the Persigo 201 boundary was contrary to the agreement's intent.

Bob Colony (639 West Pagosa, Grand Junction) said that as a Realtor for over 22 years, he could cite a number of examples where sales had fallen through as a result of buyer concerns over noise and traffic. He felt that if the corner were developed as residential, it would represent yet another example. The City, he said, was costing local businesses a lot of money by thwarting development and imposing unrealistic expectations. If the current request were denied, he expected that the unsightly condition of the property would only continue; it was unlikely that any other developer would want it.

Dave Stevenson (716 - 29 ½ Road, Grand Junction) said that bank principals had stood by the community's residents in hard times when other banks refused to do so. He felt that consideration should be given to the request and that it had merit on many levels. It would, he said, significantly reduce his drive time to conduct his banking. He agreed with previous comments about the City's seeming anti-business position. It seemed the City viewed new and local businesses as a "cancer."

Poppy Woody (3406 C ½ Road, Palisade) agreed that the subject site was a bad place to put residential development. She would benefit from the bank's location on the site in terms of reduced drive time.

Randall Capp (684 Crest Court, Grand Junction) said that he'd been a patron of the bank's for over 16 years. He agreed with prior comments about reductions in drive time.

Larry Beckner (1241 Gunnison Avenue, Grand Junction), supported the request on behalf of his disabled mother.

Mike Adcock (2742 Patterson Road, Grand Junction) said that his former concerns with the project had been laid to rest after talking with the petitioner. He expressed concern over what the site might become if the proposal were denied. If approved, he asked only that traffic not be allowed to travel along the property line next to his house.

Lisa Mauser (2060 Pannier Court, Grand Junction), Branch Manager for the Redlands Parkway branch, concurred with previous comments made by Mr. Katzenson regarding how well the Redlands branch was being received by the neighborhood. She felt that the bank's architectural design would provide a pleasing and welcome addition to the neighborhood and community.

Roger Martin (646 Pagosa, Grand Junction) argued that if the corner was such prime residential, it would have been sold and developed as such long before now.

Leon Moore (1102 - 24 Road, Grand Junction) felt that locating a branch on this site would help his elderly mother whom he currently assisted with her errands. He agreed with previous comments regarding residential on the subject property and felt that the petitioner was trying hard to comply with City requirements.

Bob Johnson (no address given), president of the Bank of Grand Junction, noted the large volume of community support for the project. Locating the bank on the proposed site had not been a

random decision. There were no other properly-zoned properties available in the subject area. He noted the hundreds of signatures and letters of support received.

AGAINST:

Kent Hunt (1932 Spring Valley Circle, Grand Junction) concurred with staff's assessment of the submittal and offered his own illustrations of how a residential development might look on the corner. He drew comparisons between the subject site and the Indian Wash site at 29/F Roads (overhead of photos presented). The Indian Wash site, he said, had offered some unique development challenges but was now a very beautiful and successful example of what could be done at this corner as well.

He noted what seemed to be a discrepancy in proposed square footages of the office buildings, referenced in two different places as 12,500 square feet and 15,000 square feet. He was unsure which one was accurate. He suggested that a neighborhood-oriented bank didn't need a drive-up since, in premise, it could be utilized by those living near enough to walk to it. He agreed with staff's conclusion that approval of the request would represent spot zoning and that it would set a precedent for future development requests along the F Road corridor. He, too, was concerned over how the office buildings portion of the Preliminary Plan would develop if no concrete plans had been submitted.

PETITIONER'S REBUTTAL

Mr. Katzenson clarified that the total square footage proposed for the office buildings was 15,000 square feet. He acknowledged that he was not a big believer in the "domino theory"; that approval of this request would result in a chain reaction of similar commercial requests. Residential development of the subject corner, he said, would not be complimentary or consistent with other residential uses in the area. He didn't believe that anyone would be willing to buy a home on such a busy, well-trafficked corner. He noted that staff had recommended pursuit of the GPA; if there were another way to present the request to better assure approval, the petitioner had not been made aware of it. Mr. Katzenson felt that the request met GPA and other regulatory criteria. GVT supported the relocation of its existing bus stop to the subject property. He didn't believe that the project would negatively impact the Oviatt property. The petitioner was willing to provide whatever landscaping, berming, and fencing the City required.

QUESTIONS

Commissioner Binder asked if the hours of illumination for bank signage could be reduced. After consultation with his client, Mr. Katzenson said that the petitioner had agreed to a reduction

in the hours of the sign's illumination, to automatically shut off at 11:00 P.M. Further, the sign's size could be adjusted downward.

Chairman Elmer questioned how one project could result in an overall reduction in cross-town traffic. Mr. Katzenson took the view that overall benefit was derived "one project at a time."

Commissioner Dibble wondered how a TEDS exception should be regarded by planning commissioners. If specific criteria were required to ensure traffic safety, why should that criteria be varied or waived? Mr. Katzenson said that the proposal included more than adequate stacking distance. No exemption would be needed if the northern access could be relocated 42 feet to the south. When asked about the figures used in his analysis, Mr. Katzenson said that figures had been based on the year 2020 projections. He said that the intersection would be designed to allow three-quarter movements with right-in, right-out. No left turns onto 27 ½ Road from the property going North would be permitted.

Commissioner Dibble noted the existence of a "porkchop" access configuration at the Patterson Road entrance into the site. He asked how would that effect eastbound traffic movements and those wanting to turn in to this property? He noted that the present design would make accessing the bank from this direction very difficult. Mr. Katzenson said that it could be done; however, the bank's primary access would be via the left-turn into the property from 27 ½ Road.

Larry Beckner asked that individual consideration be given for each facet of the development proposal.

DISCUSSION

Commissioner Binder acknowledged that this was a lot of information for planning commissioners to consider at one time. When asked for direction, Mr. Nebeker said that it was up to the Planning Commission to decide how they wanted to address what had been presented. While not preferred way to proceed, it was not uncommon for a petitioner to submit a combined proposal. He said that he'd tried helping the petitioner and his representatives the best way he knew. He said that it was unfortunate that they were now using that information out of context against him. He suggested that perhaps in the future the petitioner should just procure a copy of the Code and come up with their own interpretations.

Commissioner Dibble expressed support for the excellent job Mr. Nebeker had always done in serving the public. He said that the

negative comments made by the public and suggestions of incompetence by the petitioner and his representatives were both unfounded and unfair. He pointed out that the public had been invited to participate in development of the Growth Plan and updating of the City's Code. Current regulations and policies had undergone public scrutiny and were a culmination of public input. Staff and planning commissioners were charged only with interpreting and enforcing what the public put in place. Further, he noted that planning commissioners were, themselves, non-paid citizens trying to serve on behalf of the public good.

Chairman Elmer said that GPA's had very clear criteria by which to determine compliance. While acknowledging that a request of this type was often emotional, the Planning Commission was charged with determining compliance based on that established criteria. With regard to the first criterion, even the petitioner acknowledged that no error had been made in the Growth Plan with regard to land use designation. As to the second GPA criterion, there was no evidence to suggest that current growth patterns were occurring outside of Growth Plan expectations. As to the change in the character of the area, only the changes foreseen and expected by the Growth Plan were occurring. Even Hilltop's development nearby constituted an allowed use by Code definition. As to the commercial uses referenced in the petitioner's narrative (15th/Patterson, 28 ¼/Patterson and 29 Road/Patterson), the commercial designations at 28 ¼ and 29 Roads had been in existence for quite some time by virtue of County approval. He said that in his experience that it was very likely that approval of this request would be used as an argument for subsequent GPA and/or rezone requests. And planning commissioners would be hard-pressed to find justification for one exception while disallowing others that followed. With regard to the criteria asking if the GPA change would be consistent with current plans and goals, Chairman Elmer noted the policy reference which specifically stated that, for the section of Patterson between 15th Street and 30 Road, "Encroachment of new businesses is discouraged. Encourage residential development only." With regard to community benefit, while customer-based benefits would be derived, there was no evidence to support a greater, overall benefit to the community by allowing commercial uses to locate on the property. Other, more appropriately-zoned areas were available for siting. Also, any benefit derived by a reduction in trips per day was rendered moot by the bank's proposed drive-through and the fact that people typically waited in drive-through lines for periods of time with their cars idling. For these reasons, he determined that the request failed to meet GPA criteria.

Commissioner Dibble noted that the Growth Plan was soon to be under re-review. The 27 ½ Road corner could potentially qualify for consideration as a "node." While in support of upgrading this corner, he was not supportive of the currently submitted development plan. There were too many outstanding traffic and access concerns. He agreed that the corner was not conducive to high-density residential development, but if the current plan were approved, he requested that the Planning Commission be involved in every facet of the approval process, including Final consideration.

Commissioner Binder remarked that this was definitely an auto-oriented society. Society had moved from more neighborhood-based businesses to centrally-located commercial centers (e.g., malls). With this move came additional miles traveled per household. Lately, the public has been more focused on the return to neighborhood-based businesses. She had been one to vote for the Redlands branch of the bank when proposed. She supported relocation of GVT's current bus stop and agreed that the subject property was currently an eyesore; however, she believed that aesthetic and successful residential development of this site could be achieved, saying that there examples at intersections all along F Road.

With regard to the GPA, she had not heard anything to compel her to think that the Future Land Use Map should be changed. She, too, acknowledged that the Growth Plan would soon be up for review and land use issues could be brought under closer scrutiny at that time. She encouraged attendance by the general public. In the past, it had primarily been special interests who attended public forums. If the general public were interested in guiding the direction of public policy, they should make a point of attending these forums.

Commissioner Evans agreed. He reiterated concerns with regard to traffic and access and the lack of site planning for the proposed office buildings. He, too, felt nothing to compel a change in the Future Land Use Map.

Chairman Elmer noted that uses other than strictly single-family could be located on the property (e.g., assisted living facility).

MOTION: (Commissioner Binder) "Mr. Chairman, on item GPA-2001-060, I move that we approve the request for a Growth Plan Amendment to change the Future Land Use Map from Residential Medium density to Commercial for GPA-2001-060 upon a finding that it is consistent with the Growth Plan and Section 2.5.C of the Zoning and Development Code."

Commissioner Dibble seconded the motion. A vote was called and the motion failed by a vote of 1-3, with Commissioner Dibble in favor and Chairman Elmer, Commissioner Evans and Commissioner Binder opposing.

A brief discussion ensued over whether the remaining two items associated with this request should be voted upon. Citing Code sections 2.5.D.3 and 2.6.A.4, Mr. Shaver said that denial of the GPA effectively rendered consideration of the rezone and Preliminary Plan moot. While the Planning Commission could opt to consider the remaining two elements, there was no legal requirement for doing so.

Chairman Elmer said that given the fact that the rezone request was not in compliance with the Growth Plan, there seemed to be no need for additional discussion or consideration. If the petitioner appealed the denial and Planning Commission's decision was overturned, it would make more sense to consider the merits of the rezone request at that time. Mr. Shaver concurred with this conclusion offering Code citations if the Commission requested.

No further consideration was given to the rezone or Preliminary Plan request.

With no further business

**Attach 16
Lewis Property**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Lewis Growth Plan Amendment Appeal		
Meeting Date:	January 16, 2002		
Date Prepared:	January 9, 2002		
Author:	Lisa Gerstenberger	Senior Planner	
Presenter Name:	Lisa Gerstenberger	Senior Planner	
	Workshop	X	Formal Agenda

Subject: GPA-2001-178, Lewis Growth Plan Amendment Appeal.

Summary: Appeal of Planning Commission recommendation of denial for a Growth Plan Amendment to redesignate a portion of the Lewis property, located at 2258 South Broadway, from Residential Low (1/2 – 2 acres per dwelling unit) to Commercial.

Background Information: At it's November 13, 2001 meeting, the Planning Commission recommended denial for a request of a Growth Plan Amendment to redesignate a portion of the Lewis property, located at 2258 South Broadway, from Residential Low (1/2 – 2 acres per dwelling unit) to Commercial. The applicant has filed an appeal to City Council in an effort to have the Planning Commission recommendation overturned.

Budget: N/A

Action Requested: Consideration of the appeal.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Mike Joyce, Development Concepts, Inc.				
Purpose:	Presentation of request for an appeal of PC recommendation				

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item
* Requires Roll Call Vote

January 16, 2002

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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**CITY OF GRAND JUNCTION
CITY COUNCIL**

DATE: January 9, 2002
STAFF PRESENTATION: Lisa Gerstenberger

AGENDA TOPIC: GPA-2001-178, Lewis Growth Plan Amendment Appeal.

SUMMARY: Appeal of Planning Commission recommendation of denial for a Growth Plan Amendment to redesignate a portion of the Lewis property, located at 2258 South Broadway, from Residential Low (1/2 – 2 acres per dwelling unit) to Commercial.

ACTION REQUESTED: Consideration of the appeal.

BACKGROUND INFORMATION				
Location:		2258 South Broadway		
Applicants:		Roxanne and Mikel Lewis, Owners Mike Joyce, Representative		
Existing Land Use:		Residential/Vacant		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Vacant		
	South	Commercial		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-4 (2-4 units per acre)/CSR		
Proposed Zoning:		C-1, Light Commercial		
Surrounding Zoning:	North	County RSF-4 (R2) and City PD		
	South	City PD (Planned Business)		
	East	County RSF-4 (R2)		
	West	County RSF-4 (R2)		
Growth Plan Designation:		Residential Low, ½ to 2 acres per du		
Zoning within density range?		Yes	X	No

BACKGROUND: The Lewis property is located at 2258 South Broadway and consists of tax parcels 2945-074-09-015 and 018 at the northeast corner of Hwy 340 and Redlands Parkway. The property is bounded by vacant property to the north, Hwy 340 to the south, residential property to the east and the Redlands Parkway to the west.

The applicant would like to develop their property as a carwash in the future, however the current zoning of the property will not permit that type of development. In an effort to rezone the property, the applicant requested a Growth Plan Amendment to redesignate a portion of their property to Commercial so that a subsequent request to rezone could be considered.

At its meeting on November 13, 2001, the Planning Commission considered a request for a Growth Plan Amendment to redesignate a portion of the applicant's property (approximately .94 acres-see attached Concept Plan) as Commercial. After receiving public input and having significant discussion, the Planning Commission determined that the request did not conform to the review criteria of Section 2.5, Growth Plan Amendments, of the Zoning and Development Code. A motion to recommend approval to the City Council failed by a vote of 0-4. A related request to rezone a portion of the property was also requested, however the Planning Commission did not take action on the rezone request.

APPEAL PROCESS: In accordance with Section 2.18.E, Appeal of Action on Non-Administrative Development Permits of the Zoning and Development Code, the applicant has filed an appeal of the Planning Commission's recommendation of denial. Prior to requesting an appeal before City Council, a request for a rehearing was made in accordance with Section 2.18.E of the Code, to the Planning Commission at its December 11, 2001 meeting. The request for a rehearing was denied.

Because the Planning Commission acted only on the request for a Growth Plan Amendment, that is the only item to be considered under the appeal to City Council. If Council determines that the Planning Commission recommendation for denial should be overturned, then the request for a rezone will be considered by the Planning Commission.

GROWTH PLAN AMENDMENT

Relationship to Comprehensive Plan: The Growth Plan Future Land Use Map designates the Lewis property as Residential Low, ½ to 2 acres per dwelling unit.

A request for neighborhood commercial can be considered as either a Growth Plan Consistency Review or a Growth Plan Amendment. A Consistency Review would determine if the proposed project was consistent with the Plan. A Plan Amendment would require a change to the Future Land Use Map to show this property as commercial.

To approve a Growth Plan amendment, findings must be made that the proposed amendment is consistent with the overall purpose and intent of the Plan and that the following criteria in Section 2.5.C of the Zoning and Development Code are met:

1. Was there an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for? The residential land use designation does not appear to have been an error in the original Plan. While the growth experienced in the Redlands area does appear to have surpassed the expectations of the Plan, this growth has, for the most part, been consistent with the original Growth Plan.

2. Have events subsequent to the adoption of the Plan invalidated the original premises and findings? While there has been steady growth in the Redlands area, the increase in growth does not invalidate the original premises and findings of the Plan.

3. Has the character and/or condition of the area changed enough that the amendment is acceptable? A Growth Plan amendment and rezone was granted in 1999 for the property located to the south on the southeast corner of Redlands Parkway and Hwy 340. The Plan amendment redesignated the property from Residential to Commercial and rezoned the property to Planned Development (utilizing B-1 as a base zone). The rezone and development of the property located to the south (Meadowlark Gardens) represents the most significant change in the land use of the area since the adoption of the Growth Plan in 1986. The intersection of the Redlands Parkway and Hwy 340 has also seen an increase in traffic, but this is related to expected growth in the Redlands area. The nature of the overall area has not changed appreciably in recent years except for the development of Meadowlark Gardens. While the need for neighborhood services for a growing residential base is certainly an issue to address, the manner in which the services are allowed to develop should be closely governed to ensure compatibility with existing uses.

4. Is the change consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans? The Mesa County Redlands Policies was adopted in 1986 by Mesa County (but never adopted by the City of Grand Junction) and shows this general area as one of five Village Centers. While there is a revision to the Redlands neighborhood plan (currently known as the Redlands Policies) and a transportation study for the area currently underway, there has been no recent consideration of land uses in this area since the Redlands Policies plan was adopted in 1986 by Mesa County. County staff, in their review of this application, made references to these policies in noting "that the property does appear to be

in better use with a non-residential designation.” Linda Danenbeger of Mesa County further stated that “The Redlands Policies do identify this intersection as a “Village Center” which does not seem quite accurate or appropriate due to the lack of pedestrian accessibility. The carwash may be a suitable commercial use and since that use is the basis of the proposal, a PUD zoning should be applied.”

In reviewing the goals and policies of the Growth Plan, it is apparent that some of the goals and policies could support the proposed amendment, however there are other goals and policies that do not support it.

Examples of goals and policies that support the request are:

Goal 12: To enhance the ability of neighborhood centers to compatibly serve the neighborhoods in which they are located.

Policy 12.1: The City and County will encourage the retention of small-scale neighborhood commercial centers that provide retail and service opportunities in a manner that is compatible with surrounding neighborhoods.

Policy 12.2: The City and County will limit the development of large scale retail and service centers to locations with direct access to arterial roads within commercial nodes shown in the Future Land Use Map.

Examples of goals and policies that do not support the proposed amendment are:

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Policy 11.2: The City and County will limit commercial encroachment into stable residential neighborhoods. No new commercial development will be allowed in areas designated for residential development unless specifically approved as part of a planned development.

5. Are public and community facilities adequate to serve the type and scope of land use proposed? There are existing public facilities (utilities) that are available, or that could be extended to serve the site. The issue of traffic and the ability of the existing road network to accommodate development is not yet resolved. The difficulty of that issue is that the Level of Service (LOS) for some of the existing roads will diminish in the future with or without development of the site.

6. Is there an inadequate supply of suitably designated land available in the community, as defined by the presiding body, to accommodate the proposed land use? There are currently very few sites available in the Redlands area to accommodate commercial and neighborhood businesses. As noted earlier, there have not been any recent studies completed to evaluate the need for additional areas to be zoned for commercial use, however, there is a neighborhood plan update and transportation study currently underway which are examining this issue. The Mesa County Redlands Policies does identify this area as a Village Center indicating that commercial use of this site has been given consideration in the past.

7. Will the community or area, as defined by the presiding body, derive benefits from the proposed amendment? Regardless of whether the Growth Plan is amended or not, development of the property will have to contend with mitigation of an existing wetlands violation. To this extent, there is benefit to the community in the mitigation effort and this would be consistent with the goals and policies of the Growth Plan. Examples of goals and policies that encourage the mitigation work include:

Goal 13: To enhance the aesthetic appeal of the community.

Goal 20: To achieve a high quality of air, water and land resources.

Policy 20.6: The City and County will promote State, Federal and private efforts to clean up contaminated sites in the community.

Policy 20.9: The City and County will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

The applicant's response to the above noted criteria can be found on pages 9-18 of their General Report (see attached).

Staff has received a considerable number of letters, emails and telephone calls from citizens who live in the area of the proposed development both in support and in opposition to this request. Letters and emails received by citizens have been attached to this report.

PLANNING COMMISSION RECOMMENDATION:

A motion was made to recommend approval of the request for a Growth Plan Amendment to redesignate a portion of the Lewis property, located at 2258 South

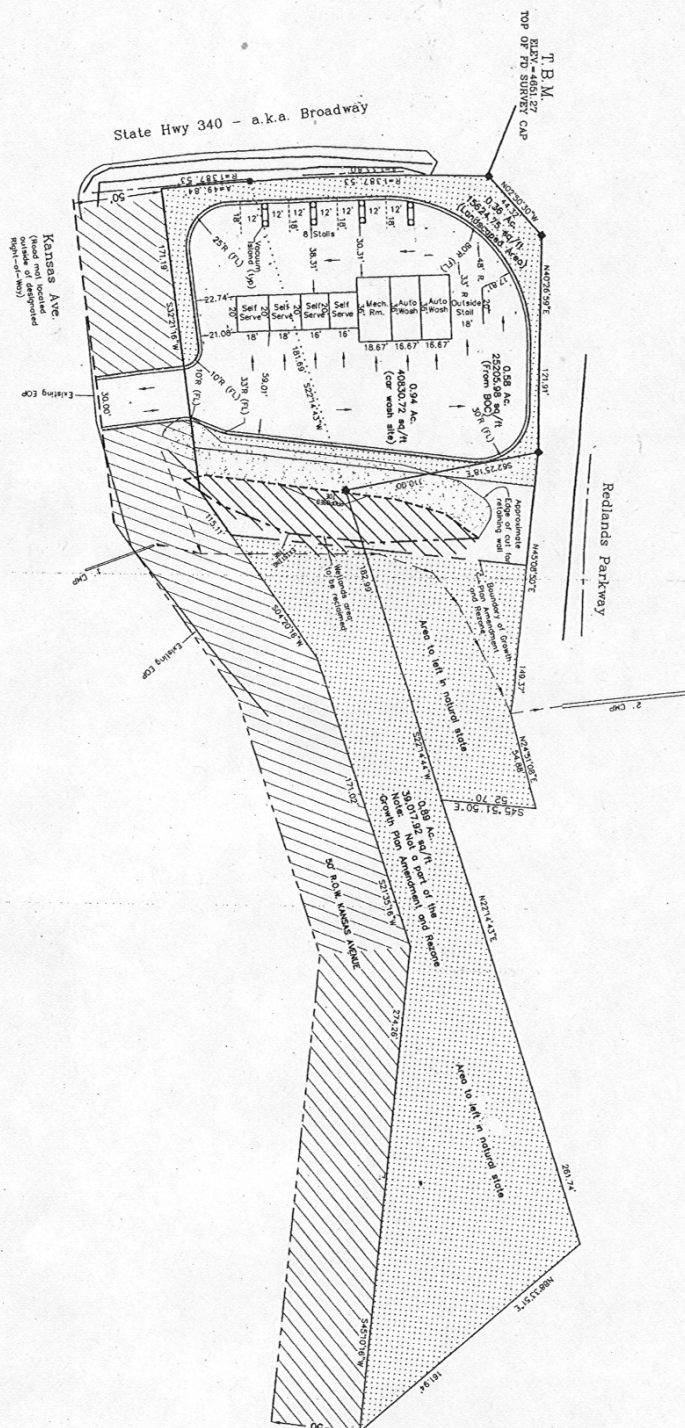
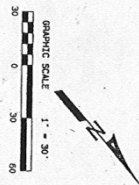
Broadway, from Residential Low (1/2 – 2 acres per dwelling unit) to Commercial, but failed by a vote of 0-4 with the majority voting in opposition.

Attachments:

1. Growth Plan map
2. Site map
3. Concept Plan
4. Applicant's General Report
5. Minutes from 11-13-01 Planning Commission meeting
6. Applicant's Request for an Appeal
7. Citizen letters



January 16, 2002



CONCEPT PLAN

Revision: 2 Scale 1" = 30' Date: 08-29-01 Drawn By: RPK	CONCEPT PLAN EXHIBIT II FOR: CANYON VIEW CAR WASH, LLC. GRAND JUNCTION, CO	DEVELOPMENT CONCEPTS, INC. Planning and Development Services 2764 Compass Drive, Suite 201 Grand Junction, CO 81506 Phone (970) 255-1131 Fax (970) 255-1159 E-mail Address - yobubba @ gjct.net
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Development Concepts, Inc.

Planning and Development Services

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Fax - 970 - 255-1159
e-mail - yobubba@gjct.net

Lewis Growth Plan Amendment
to Commercial from Residential-Low
and
Rezone
to Light Commercial (C-1) from RSF-4 and CSR

General Project Report

Parcel #s: 2945-074-09-015 & 2945-074-09-018
2258 South Broadway

Petitioner: Canyon View Car Wash, LLC c/o Mikel and Roxanne Lewis

Submittal Date: August 29, 2001

Revised: October 25, 2001

Application Description

Mikel and Roxanne Lewis through their company, Canyon View Car Wash, LLC, proposes a *Growth Plan* Amendment to Commercial from Residential - Low; and rezone from the City of Grand Junction zoning of Residential 4 dwelling units per acre (RSF-4) and Community Services and Recreation (CSR) to Light Commercial (C-1) at the northeast corner of Highway 340 (Broadway) and the Redlands Parkway (Exhibit 1 - Assessor's Map). In addition to the subject properties being located in the boundaries of the *Growth Plan*, they also are located in the *Redlands Policies* area (Policy 30) of the *Mesa County Land Use and Development Policies*.

The property the petitioner's own at the intersection of Highway 340 and the Redlands Parkway totals 1.83-acres. The petitioners are requesting the *Growth Plan* Amendment to Commercial from Residential - Low and the rezone to Light Commercial (C-1) for only a 0.94-acre portion of the subject properties (Exhibit 2 - Subject Properties). The remaining 0.89-acre portion of the properties will continue to be designated for Residential - Low development and zoned RSF-4.

A portion of the original Anderson/Jensen home and acreage was condemned during the late 1970s to build the Redlands Parkway for the convenience of the residents of the Redlands. Although the Anderson family was compensated for their property, they were relegated to live at this increasingly busy intersection for 30 years. A portion of the subject properties, 0.5-acre, was owned by Mesa County, but was transferred by deed to the Lewis's for their reclamation of a wetlands area located on the property.

Proposed Land Use of the Subject Property

The subject property is currently developed with a single family rental unit and separate rental storage sheds. The premise of this application is that this parcel should be reclassified through a *Growth Plan* Amendment to Commercial and rezoned to Light Commercial (C-1). The parcel on the southeast corner of Highway 340 (Broadway) and the Redlands Parkway is the location of the commercial Meadowlark Planned Development. This request is made in order to provide services which accentuate the Meadowlark Planned Development, and reaffirm the intersection's importance as a neighborhood commercial center corner for all residents of the Redlands. The Meadowlark Planned Development contains, or will contain, a bank, offices, retail, service, restaurant and garden center/nursery uses.

A six (6) bay car wash, with one of the bays being an outside bay for Recreational Vehicle (RV) washing, is the proposed property land use. The project will consist of an approximately 4,440 square foot structure with seven (7) coin-operated car wash stalls, arranged with four (4) manual stalls on one side and two (2) automatic stalls and one (1) outside manual bay on the other side of an enclosed area for mechanical equipment and storage. A Concept Plan for the subject property is shown in Exhibit 3. Due to the distant location of other car wash facilities in the Redlands, the demand for this type of commercial business is warranted.

Traffic Study & Analysis

TranSystems Corporation completed a Traffic Impact Study for the proposed Lewis Rezone. TranSystems Corporation was also the traffic impact consultant for the Meadowlark Planned Development project located across Highway 340 from the subject property, and is quite familiar with the traffic issues at this location.

In February 2000, TranSystems Corporation completed a Traffic Impact Study for a proposed 6-stall car wash at the northwest corner of Highway 340 and the Redlands Parkway. Although the proposed use of the property is proposed to be a car wash, the Community Development and Public Works staffs requested the car wash traffic study be revised for the "most intensive use" allowed in the C-1 zone which could be built on the 0.9-acre subject parcel. In consultation with the City staffs, the "most intensive use" was determined to be a Convenience Store with 2 pump stations (four [4] fueling stations). Hence, the submitted August 20, 2001 traffic study was completed meeting the Community Development and Public Works staff's requested "most intensive use" in the analysis.

The methodology used in the traffic impact analysis is to determine the traffic impacts associated with the development of the property, and the existing and projected traffic conditions on the adjacent transportation system has been analyzed. As requested by the City Development Engineer, the A.M. and P.M. Peak Hour traffic, and average weekday traffic have been analyzed

with associated lane configurations to determine the peak hour level of service (LOS). TranSystem used the following components in completing the study:

- Analyze the operational characteristics of the proposed access drive;
- Evaluate the associated impacts to the adjacent roadway system including Highway 340, Kansas Avenue and the Highway 340/Kansas Avenue intersection; and
- Determine the need for additional/revised need for roadway and/or intersection improvements.

A Convenience Store with 2 pump stations (four [4] fueling stations) or a car wash is considered to be a destination use, hence a majority of the business's patrons would generally live on the Redlands or the Glade Park area.

Traffic Analysis

The trips generated by the subject property were estimated using trip rates found in the *Institute of Transportation (ITE) Trip Generation, 6th Edition*, using ITE Land Use Code 853, Convenience Store with gas pumps. Based on TranSystems Corporation study, the maximum weekday Average Daily Traffic (ADT) for estimated Site Generated Traffic is 2,170 vehicle trips (1,085 entering and 1,085 exiting). Sixty-eight ADT (34 entering and 34 exiting) the Convenience Store, would occur in the weekday A.M. peak, with eighty ADT (40 entering and 40 exiting) during the weekday P.M. peak.

The analysis was completed using Synchro Software, utilizing the Highway Capacity Manual (2000) methodology. TranSystems indicates that the "key element of the adjacent transportation system most impacted by site generated traffic is the intersection of Highway 340 and Kansas Avenue." Tables 1 and 2 indicate the capacity analysis for existing traffic conditions and with the addition of site traffic. Complete details of the existing traffic impact analysis are contained in the appendix of the August 20, 2001, "Revised Traffic Impact Study for Lewis Rezone."

Table 1
Existing Traffic Conditions for A.M. and P.M. Peak Hour Level of Service (LOS)

Location	Traffic Control	Level of Service (LOS)	
		A.M.	P.M.
Highway 340/Kansas Avenue	Stop controlled on Kansas Avenue	A	A

Source: "Revised Traffic Impact Study for Lewis Rezone," August 20, 2001, TranSystems Corporation

Table 2
Existing Traffic Conditions with Site Traffic for A.M. and P.M. Peak Hour Level of Service (LOS)

Location	Traffic Control	Level of Service (LOS)	
Highway 340/Kansas Avenue	Stop controlled on Kansas Avenue	A.M. A	P.M. A
Highway 340/Kansas Avenue ¾ movement	Stop controlled on Kansas Avenue	A.M. A	P.M. A
Kansas Avenue/East Entrance	Stop controlled on Entrance	A.M. A	P.M. A

Source: "Revised Traffic Impact Study for Lewis Rezone," August 20, 2001, TranSystems Corporation

The analysis in Tables 1 and 2 indicates that all movements at the intersection of Highway 340 and Kansas Avenue operate at an acceptable LOS during the morning and evening peak hours.

The capacity analysis for the future (2020) background traffic (existing traffic with growth rate) was performed to forecast traffic estimates. The future LOS is indicated in Table 3.

Table 3
Future Traffic Conditions for A.M. and P.M. Peak Hour Level of Service (LOS) (2020)

Location	Traffic Control	Level of Service (LOS)	
Highway 340/Kansas Avenue	Stop controlled on Kansas Avenue	A.M. A	P.M. B*

* Northbound/Southbound approaches are at failure (LOS F)

Source: "Revised Traffic Impact Study for Lewis Rezone," August 20, 2001, TranSystems Corporation

The analysis indicates that most of the movements at Highway 340 and Kansas Avenue operate at an acceptable LOS during the morning and evening peak hours. Due to the heavy flow of traffic on Highway 340, the north and south approaches are at failure.

Table 4 indicates that with the addition of traffic generated by the site, that most of the movements at this intersection operate at an acceptable LOS during the morning and evening peak hours.

The failure of the northbound and southbound approaches, as shown in Tables 3 and 4, is

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caused by the heavy flow of traffic on Highway 340. During the morning peak, the southbound rights (Kansas Avenue) are competing against a large number of westbound (Highway 340) through movements, which lowers the LOS.

Table 4
Future Traffic Conditions with Site Traffic for A.M. and P.M. Peak Hour Level of Service (LOS) (2020)

Location	Traffic Control	Level of Service (LOS)	
		A.M.	P.M.
Highway 340/Kansas Avenue	Stop controlled on Kansas Avenue	A A	P.M. A*
Highway 340/Kansas Avenue ¾ movement	Stop controlled on Kansas Avenue	A.M. A	P.M. A*
Kansas Avenue/East Entrance	Stop controlled on Entrance	A.M. A	P.M. A

* Northbound/Southbound approaches are near or at failure (LOS E or LOS F)

Source: "Revised Traffic Impact Study for Lewis Rezone," August 20, 2001, TranSystems Corporation

Conclusions and Recommendations

TranSystems Corporation, based on their analysis of existing traffic conditions and the revised land use from a 6 bay car wash to the most intensive land use of a Convenience Store with 2 pump stations (four [4] fueling stations), have concluded the following:

- The project that is proposed to be built is a car wash, the City asked that a more aggressive potential use of this site be reviewed as part of this study.
- Intersection LOS and queuing analysis indicated that the road system in the immediate vicinity of the project will operate adequately in the year 2020 with or without the proposed project.
- Although the overall intersection LOS is satisfactory, by using the new HCM-2000 analysis, the northbound and southbound approaches will be operating at unacceptable LOS in all the future conditions, with or without the proposed project.
- Changing the intersection configuration of Kansas and Highway 340 from a full movement to a ¾ movement would greatly increase the intersection safety during all traffic conditions and improve the LOS during the afternoon peak hour.
- Installing a signal at the intersection of Highway 340 and Kansas Avenue, tying it into the signal at Redlands Parkway would mitigate the northbound/southbound LOS issues.
- The traffic added from the proposed project will just add to an existing traffic issue.

- Assuming a full access intersection, there will likely be a minor queuing conflict during the PM peak hour for southbound traffic on Kansas Avenue at Highway 340.
- To comply with City/CDOT standards, a westbound right turn deceleration lane should be constructed at the Highway 340/Kansas Avenue intersection, and the length of the westbound left turn pocket at the intersection should be extended to 100-feet from the existing 50-feet.
- The residents of the local neighborhood made many comments and observations during a public meeting to discuss this proposed project. Their letter is included in the appendix and some of their comments are paraphrased below:
 1. Would like a safety study along the Highway 340 corridor.
 2. Can something be done to improve safety at the intersection of Kansas and Highway 340?
 3. Can Kansas Avenue be closed for safety reasons (cul-de-sac)?
 4. Conduct the traffic counts during the peak 1% highest time of year.
- It is recommended that a $\frac{3}{4}$ movement intersection be considered for the Meadowlark development also. During peak time the northbound movements are at failure (based on the new HCS 2000 algorithms.)

The review comments from the City Development Engineer and the Traffic Engineer asked TranSystems Corporation for clarification of their recommendations made in the Traffic Impact Study (TIS). Mr. Gary Johnson, PE of TranSystems Corporation provided the following clarifications:

... I have reviewed the referenced Traffic Impact Study prepared by TranSystems Corporation, specifically the recommendation contained in said study regarding the need for a westbound right turn deceleration lane and the need for extending the westbound left turn pocket (storage length) to 100 feet (rather than the existing 50 foot) at the intersection of State Highway 340 and Kansas Avenue. In addressing these issues I will also address the comments received from the City on the Traffic Study as forwarded to me via e-mail on October 22, 2001 from Development Concepts.

1. Regarding the Quality of Service evaluation: The referenced northbound and southbound approaches (which show an LOS (Level of Service) of F) are on Kansas Avenue at the intersection with SH340. Assuming that Kansas Avenue is a residential, 2-lane collector, the Quality of Service (QOS) of the NB approach is D ($67/650 = 0.103$) and for the SB approach is A/B ($39/650 = 0.060$). The NB approach is not affected (or influenced) by the proposed development. The QOS of A/B for the SB seems appropriate compared to the relationship of its function to that of the main roadway (SH340). As a side note, the LOS F for the SB approach is caused by the anticipated left turn demand. Our suggestion to make this a $\frac{3}{4}$ movement intersection would eliminate this poor LOS however, the QOS of A/B indicates this suggested mitigation may not be necessary.
2. I understand that there will not be a signal at Kansas and SH340. This was offered as a possible mitigation measure to solve the poor LOS on the SB approach on Kansas at SF1340. It is dropped.

3. Using the traffic projections presented in Figure 7, Total Traffic Future with Site, Highway 340 /Kansas Avenue of the Traffic Impact Study, the State Highway Access Code for an NR-A category highway (SH340) and a posted speed of 40 mph (westbound approach starting approximately 150 feet west of Kansas Ave.) and TEDS, as appropriate, the following conclusions can be drawn:

- There is no requirement for a westbound right turn deceleration lane at Kansas Ave. The State Highway Access Code states that a turn lane is required when projected turn volumes exceed 50 vph. The projected volumes are 35 vph and 38 vph for the AM and PM, respectively.
- The existing 50 feet of storage length in the westbound left turn bay is adequate for the projected volume of 60 vph (PM peak). The State Highway Access Code states that a storage length of 50 feet is required for a projected volume of 60 vph. The Code further states that additional length for deceleration is not required.

Therefore, the existing lane geometry on SH340 at the Kansas Avenue Intersection is adequate and no changes are required. A stripping plan would show only what exists and is therefore not considered a submittal requirement.

For comparison purposes, the traffic impact of the proposed land use of a 6 bay car wash is only $\frac{1}{4}$ as intensive as the studied Convenience Store with 2 pump stations (four [4] fueling stations). Based on TranSystems Corporation Traffic Engineer's Canyon View Car Wash study of February 2000, the maximum traffic counts would be 648 ADT at full development of the 6 carwash bays. The submitted study for a Convenience Store with 2 pump stations (four [4] fueling stations) indicates 2,170 ADT. The trips generated by the subject property were estimated using trip rates recommended in the *Institute of Transportation (ITE) Trip Generation, 6th Edition*, Land Use Code 847, Car Wash, with trips based on the number of car wash stalls.

The conclusions and recommendations for the submitted Traffic Impact Analysis indicates that in the future (2020), the failure of the northbound and southbound approaches of Kansas Avenue at the intersection of Highway 340 are caused by the heavy flow of traffic on Highway 340. The failure or near failure is not caused by the development of the property under the existing RSF-4 zone, or the proposed C-1 zone. The Kansas Avenue intersection is only one of many intersections with Highway 340 which will fall under the same failure situation in 2020. This is one of the reasons the City of Grand Junction and Mesa County, through the Metropolitan Planning Organization (MPO), are undertaking a "Redlands Transportation Study." Solutions from this study should provide the basis for funding decisions to alleviate the indicated future conditions and to provide access and safety solutions. The petitioner is in agreement with the recommendations found in the TranSystems Corporation study.

Car Wash Information

The *Auto Laundry News* completes a yearly survey of the self service car wash industry across the United States. According to the "1999 Self Service Survey," from the *Auto Laundry News*, most customers (70%) drive to a SS (Self Service Car Wash) within a three (3) mile radius. The nearest existing car washes are located approximately 3 miles away at Brachs Market on the eastern edge of the Redlands and across from Mesa Mall on Patterson Road.

Table 5, Best Hours of the Day for a Car Wash Facility, indicates time of day car wash usage rates. The time of day the car wash facility is used most is between 12:00 noon to 7:00 P.M. (72%). The peak usage days occur on Saturday (84%) and Sunday (8%). During these two days, 92% of the car wash's business is derived. These statistics indicate that the car wash's traffic impact does not coincide with the weekday A.M. peak traffic and has little impact on the P.M. peak traffic for either Highway 340 (Broadway), Kansas Avenue, or the Redlands Parkway.

Table 5
Best Hours of the Day for a Car Wash Facility

Time of Day	Percentage of Car Wash Usage
8:00 am to 10:00 am	4.8%
10:00 am to 12:00 noon	23.2%
12:00 noon to 3:00 pm	30.4%
3:00 pm to 7:00 pm	41.5%
7:00 pm to 8:00 am	0.1%
TOTAL	100%

Source: 1999 Self Service Survey by Auto Laundry News, May 1999.

The Redlands Parkway is a direct route to the Mall and I-70 and has become a more vital link to the residents of the Redlands and Glade Park. The opening of the I-70 and the proposed improvements to the 24 Road corridor has also placed additional pressure on the existing residential use since it is isolated by a natural vegetation buffer between the two residential parcels directly adjacent and east of this parcel.

Over the years, the subject parcel has transitioned more to a commercial use site rather than the residential home it started as in 1910. Although Mesa County adopted this policy and the City of Grand Junction did not, the commercial viability of this corner was noted in the *Redland Policies* (Policy 30 of the *Mesa County Land-Use and Development Policies*) in 1986. The subject parcel to be used for the car wash is only 0.9-acre in size. Currently, the intersection of Highway 340 (Broadway) and the Redlands Parkway moves 22,000 vehicles through its intersection daily. The

expansion of 24 Road to three lanes, and then to five lanes in the future, creates further cause for concern of the residential viability of this property. Exhibit 4 depicts the site location, study area, and site access plan from the TranSystems Corporation Traffic Impact Study.

One driveway to Kansas Avenue, would provide access for the subject property. The access driveway centerline is approximately 150-feet northeast of the inner edge of the Highway 340/Kansas Avenue intersection. Stop-sign controls on the subject property will provide traffic control at the driveway intersection with Kansas Avenue.

Surrounding Land Use/Zoning

LAND USE - The following Land-uses surround the subject property:

- ❖ North - Undeveloped/Vacant property - used for the Redlands Parkway right-of-way and trail system; and Undeveloped/Vacant property with topological constraints and drainage facilities
- ❖ South - Meadowlark Planned Development - offices, retail, service, restaurants and single family homes on large lots, with one home being used as a "home occupation" for the sales of building supplies
- ❖ East - 2 single family homes on large lots, buffered from the subject property by a large natural vegetation buffer
- ❖ West - Undeveloped/Vacant property with drainage facilities

ZONING - The subject properties are currently zoned Residential (RSF-4) and Community Services and Recreation (CSR) by the City of Grand Junction. Zoning in the surrounding area is comprised of Mesa County Residential (R2) and City of Grand Junction Residential (RSF-4), Community Services and Recreation (CSR) and Planned Development (PD). Within a ½ mile radius of the subject property, properties are zoned by Mesa County and the City of Grand Junction as:

- ❖ North - City CSR and Highway 340 right-of-way (not zoned)
- ❖ South - City PD (Meadowlark Planned Development), City RSF-4
- ❖ East - County R2 (RSF-4)
- ❖ West - City B-3 and City RSF-2

The general area's zoning and land use in place takes advantage of topography and other natural buffers between the zoning classifications of the area. Once again, this application is being requested to take advantage of its location, traffic access, and natural buffering from less intensive residential land-uses.

Growth Plan Amendment

The subject properties are located in the urbanizing area of the *Mesa Countywide Land Use Plan*, also known as the *City of Grand Junction Urban Growth Plan (Growth Plan)*. No new *Growth Plan* defined Activity Centers are proposed to be developed with the development of the subject property. Although not adopted by the City of Grand Junction, the subject property is also located in the *Redlands Policies* area (Policy 30), adopted (Resolution MCM 86-33) by the Mesa County Planning Commission on April 17, 1986. The *Redlands Policies* (page R16) designates the intersection of the Redlands Parkway and Highway 340 (Broadway) as a "Minor Village Center" (Exhibit 4 - *Redlands Policies - Village Centers Map*). The adopted "Redlands Parkway Corridor Policy" of the *Mesa County Land-Use and Development Policies* also notes "the intersection of the Redlands Parkway and Broadway" as a location for limited neighborhood commercial development (Exhibit 5).

The *Growth Plan* proposes Residential-Low Density development at this intersection. Table 6 indicates the Land-use, Intensity and Typical Uses found in Future Land Use Categories of Exhibit V.2 of the *Growth Plan* for the general area of the proposed *Growth Plan* amendment. The Lewis's are requesting a *Growth Plan* amendment of the subject property to Commercial from Residential-Low Density land-uses.

Table 6
Growth Plan Future Land-use Categories
Broadway and Redlands Parkway Area

Land Use		Intensity	Typical Uses
Urban	Residential-Low	Urban - 1.9 du/ac to 1 du/2-ac	Single Family detached residences on lots ranging from 1/2 to 2-acres. These homes are generally served by public water and wastewater system. Clustered homes and attached single family units may be permitted in planned developments.
Urban	Residential-Medium/Low	Urban - 2.0 to 3.9 du/ac	Detached single family residents with typical 2 to 4 dwelling units per acre that receive full urban services. Alternative residential types, including single family attached, townhomes and multi-family units may be permitted in these areas through the planned development process where gross densities do not exceed 4 units per acre and compatibility with adjacent development can be assured.
Urban	Commercial	Urban - intensity based on location/services	Wide range of commercial development - offices, retail, service, lodging, entertainment - with no outside storage or operations. Mixed commercial and residential developments will be encouraged in some areas.

Source: City of Grand Junction Growth Plan (1996)

January 16, 2002

The following criteria from Section 2.5.C, *Growth Plan* Amendment, of the City of Grand Junction *Zoning and Development Code* (2000) is to be used to determine if the *Growth Plan* amendment should be approved:

1. There was an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;

The *Growth Plan* is considered to be a "living" document. The *Growth Plan* effort was developed to provide generalized land-uses in the City of Grand Junction, as was the *Mesa Countywide Land-Use Plan* developed to provide generalized land-uses in unincorporated Mesa County from 1996 to 2010. While no conscious errors were made in drafting the *Growth Plan*, certain facts, projects, trends have occurred since the adoption in 1996 of the *Growth Plan* document. Many of the existing facts, projects and trends that may not have been accounted for in the drafting of the *Plan* were the continued economic and construction growth trends in the Redlands, western Colorado and eastern Utah.

Since the *Redlands' Policies* in 1986, and the *Growth Plan* was completed in 1996, the valley has continued with strong economic and construction growth trends. In 2000, The *24 Road Corridor Plan* was adopted by the City of Grand Junction. As a part of the research completed in preparation of this *Plan* a "Preliminary Market Findings" for the *24 Road Corridor Area Plan*, by Leland Consulting Group, was completed which indicates that the Grand Junction and the unincorporated Mesa County areas will continue the current levels of growth in all sectors – retail, office, industrial and residential. The Market Context of the "Supply Conditions" states:

- ✓ High levels of residential growth and speculative non-residential construction in western Colorado
- ✓ Overall market stability in retail, office and industrial sectors, with falling vacancy rates (10% to 15%), steady absorption and increased rent inflation

This study also reviewed "Demand Factors" of population, number of households, and household size for Mesa County. This information is shown in Tables 7, 8, and 9.

Table 7
Population and Population Projections for City of Grand Junction and Mesa County
1990 - 2010

Year	Grand Junction Population	Annual Percent Change Grand Junction	Mesa County Population	Annual Percent Change Mesa County
1990	32,893	1990-1999 - 3.05%	93,145	1990-1999 - 2.49%
1999	43,100		116,255	
2005	47,100	1999-2005 - 1.49% 2006-2010 - 1.32%	128,201	1999-2005 - 2.79% 2006-2010 - 1.72%
2010	50,300		139,624	

Source: Leland Consulting Group (1999)

Table 8
Households and Household Projections
for the City of Grand Junction and Mesa County – 1990 - 2010

Year	Grand Junction Households	Annual Percent Change Grand Junction	Mesa County Households	Annual Percent Change Mesa County
1990	14,300	1990-1999 - 3.04%	36,250	1990-1999 - 2.79%
1999	18,700		46,437	
2005	20,700	1999-2005 - 1.71%	52,030	1999-2005 - 1.91%
2010	22,200	2006-2010 - 1.41%	57,223	2006-2010 - 1.92%

Source: Leland Consulting Group (1999)

Table 9
Household Size for the
City of Grand Junction and Mesa County – 1990 - 2010

Year	Grand Junction	Mesa County
1990	2.15	2.5
1999	2.08	2.45
2005	2.04	2.42
2010	2.02	2.41

Source: Leland Consulting Group (1999)

The *Growth Plan*, completed in 1996, states in Exhibit III.2 – Population Change, that the average growth for the City of Grand Junction from 1995 to 2010 was projected at 2.0%. According to the Leland study, population growth from 1990 to 1999 actually increased at an annual rate of 3.05%. The annual number of households is increasing at an annual rate of 2.5% to 3.0%. The Leland Consulting Group considers this population and household growth as “very healthy.”

In a May 6, 2001, Grand Junction *Daily Sentinel* article, “Spreading Out,” by Gary Harmon, the 2000 Census indicates that population in the area located around the intersection of Highway 340 and the Redlands Parkway grew between 24% to 34% during the 1990s. This equates to a growth rate of 2.4% to 3.4% per year. This indicates that this area in the Redlands is growing at a rate faster than the average for the City of Grand Junction and/or Mesa County, and the need for more commercial facilities such as a car wash.

The demographics also indicate that Mesa County is keeping pace with the State of Colorado average growth. The average estimated household size in the State of Colorado for 1999 was 2.5. In reviewing another “Demand Factor,” Employment Growth, in Mesa County is indicated in Table 10.

Table 10
Mesa County Employment Growth
1990-2010

Annual Average Change	Mesa County
1995-2000	4.12%
2001-2005	2.98%
2006-2010	2.28%

Source: Leland Consulting Group (1999)

Once again, the Leland Consulting Group indicated that employment growth was "very healthy and is considered significant." What Tables 7-10 indicate is that the City of Grand

Junction and Mesa County are outpacing the projections of the *Growth Plan*, which causes a greater demand for commercial services.

The Leland Consulting Group also calculated the annual Market Demand by Segment. The findings are found in Table 11.

Table 11
Market Demand by Segment
1999-2005

Years	Annual Retail Demand Square Feet Per Year*	Industrial Demand Square Feet Per Year	Office Demand Square Feet Per Year	Multi-Family Units Demand Per Year
1999-2005	70,000 to 110,000	156,974	145,524	205 to 300
2006-2010	70,000 to 110,000	171,939	139,147	205 to 300

* Only Mesa County was considered as the retail trade area by Leland Consulting Group. To fully determine the regional impact, Leland Consulting Group estimates the amount of annual demand should be increased by 30% or an additional 30,000 to 35,000 square feet per year.

Source: Leland Consulting Group (1999)

The "Preliminary Market Findings" for the *24 Road Corridor Area Plan* indicates a continued strong commercial/business/industrial and residential construction market in the City of Grand Junction and Mesa County. This construction demand will also require increased commercial services, not only for the Redlands, but for Mesa County, and the western slope of Colorado and eastern Utah.

The existing facts, projects, or trends used in the development of the *Growth Plan* were understated and/or were not anticipated since the adoption of the *Growth Plan* in 1996. The *Growth Plan* amendment **MEETS** this review criterion.

2. Events subsequent to the adoption of the Plan have invalidated the original premises and findings;

Please review Criterion 1 to determine if a *Growth Plan* amendment should be approved to determine if subsequent events have invalidated the original premise and findings of the *Growth Plan* and the *Redlands' Policies*.

Events subsequent to the adoption of the *Growth Plan* have invalidated the original premises and findings due to the changes taking place in the surrounding area, data provided by the 2000 Census, and the continued economic and construction growth in the City of Grand Junction, Mesa County and other areas. The size and isolation of the subject parcel from other residential properties do not make residential development a viable option for this property. The recommendations of the *Redlands' Policies* for the intersection of Highway 340 (Broadway) and the Redlands Parkway to be developed as a "Village Center" (Exhibit 5) seems the most appropriate for determining the land use. The proposed *Growth Plan* Amendment **MEETS** this review criterion.

3. The character and/or condition of the area has changed enough that the amendment is acceptable;

A portion of the original subject property's acreage was condemned during the late 1970s to build the Redlands Parkway for the convenience of the residents of the Redlands. Although the Anderson family was compensated for their property, they were relegated to live at this increasingly busy intersection for 30 years. The Site is no longer appropriate for use as Residential - Low Density development. Due to increased traffic volume, this intersection is very noisy. Increased traffic, due to increased population, has rendered this property unsuitable for the originally designated Residential - Low Density and RSF-4 zoning. The ambient noise level of the intersection of the two main arterials on the Redlands far exceeds an acceptable noise level for any residential neighborhood according to standards established by the U. S. Department of Housing and Urban Development. As the Redlands area continues to increase in population, the noise at this intersection will continue to increase, as well as the demand for a car wash facility. The parcel size, isolated nature of the property, and natural buffers of the CRS zone and vegetation will mitigate the impact of the proposed Light Commercial land use to the surrounding residential neighborhood (Exhibit 6 - Aerial Photograph). The character and/or condition of the area has changed that the proposed amendment **MEETS** this review criterion.

4. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

The *Redlands' Policies* (Policy 30) of the *Mesa County Land-Use and Development Policies*, adopted by Mesa County in 1986, indicates that the intersection of Broadway (Highway

340) and the Redlands Parkway is designated as a minor "Village Center." The subject property is located on the northeast corner of this intersection. We believe that the relatively small size of these parcels was not taken into account with the development of the *Growth Plan*. The southeast corner of Broadway (Highway 340) and the Redlands Parkway was approved for a *Growth Plan* amendment from Residential to Commercial, due to similar circumstances.

Growth Plan, City of Grand Junction

The proposed *Growth Plan* Amendment is located in the Urban Planning Area of Mesa County. The proposed *Growth Plan* amendment also **MEETS** various goals and policies of the *Plan*, which are as follows:

Goal 4 - To coordinate the timing, location and intensity of growth with the provision of adequate public facilities

Policy 4.4 - The city and county will ensure that water and sanitary sewer systems are designed and constructed with adequate capacity to serve the proposed development. *All utility providers have indicated that adequate capacity is available for water and other utilities.*

Goal 5 - Efficient Use of Investments in Streets, Utilities and other Public Facilities

Policy 5.2 - Encourage development that uses existing facilities and is compatible with surrounding development - *All urban services are available to the property and the proposed Growth Plan Amendment is compatible with the surrounding area due to the isolated nature of the property and the natural vegetation buffers, which is proposed to be placed in a conservation easement after wetlands mitigation. These factors will mitigate the impact of the proposed Light Commercial land use to the surrounding residential neighborhood.*

Goal 9 - To recognize and preserve valued distinctions between different areas within the community.

Policy 9.2 - The city and county will encourage neighborhood designs which promote neighborhood stability and security. *Although a comprehensive land-use study has not been completed for the Redlands since 1986, the 2000 Census indicates that the Redlands is one of the fastest developing residential areas of the community without the corresponding neighborhood business development recommended to serve the needs of the people who live there. Actual population for the Redlands is 17,142 according to the 2000 Census. Though there has been a general feeling that the Redlands should remain rural in character, no specific provision addressing this site was included in the current Growth Plan other than it should be down zoned from RSF-4 to RSF-2. This does not account for the historical significance of this intersection, past assessments of the site as a commercial node, and changes in the patterns of development in the Redlands. The petitioner believes this to be an oversight in the development of the Growth Plan.*

According to the Urban Land Institute, the average need for typical small neighborhood commercial uses is 7 acres per 5000 residents and 30 acres of community commercial for 50,000 residents. Based on these standards the current population would require 24-acres of

neighborhood commercial and 10.3-acres of community commercial for a total of 34.3-acres. This does not include services provided in office space, which the Urban Land Institute estimates is as equal a need in an area as the neighborhood commercial and community

commercial together. This would equate a total commercial and office space need of approximately 68.6 acres.

There are few existing commercial nodes found on the Redlands. A study prepared in 1990 for the MPO projected a population in the Redlands of 14,390 by 2000 (actual population is 17,142 according to the 2000 Census), and an associated need for 50 acres of business zoning to serve that population. The largest existing centers in acres in 1990 were:

Monument Village Safeway	11.0- acres
Tiara Rado	3.70 acres
Redlands Country Corners	3.00-acres
Ridges	2.75-acres

These areas provided a total 20.45-acres of business/commercial zoning in 1990 on the Redlands. If Brach's Market, now Redland's Marketplace, and Dos Hombres'

19.59-acres were considered to be on the Redlands, as was designated in the Redlands Policies, and including the Meadowlark Gardens Planned Development 7.55-acres, this would bring the total business/commercial land use acreage to only **47.79-acres** to serve the 1990 MPO projected population of 14,390. The subject property is 0.9-acre in size. Adding this acreage to the existing 47.79-acres, a total of **48.69-acres** of business/commercial property exists in the Redlands. The actual 2000 developed business/commercial land is 1.31-acres less than the MPO's recommendation of 50-acres of business/property to serve the Redland's 1990 projected population of 14,390.

Using the Redlands actual 2000 Census population of 17,142, the need for business/commercial property becomes even greater. This is the case even if the much more conservative MPO method of business/commercial property need is used over the Urban Land Institutes estimated business/commercial property need of 68.6-acres in the Redlands.

The difference between the actual 2000 Census population of 17,132 and MPO's 2000 projected population of 14,390 is 2,772. Using the 50-acres of business/property needed to serve the Redland's 1990 projected population of 14,390, each person required 0.00347 acres to be adequately served ($50\text{-acres} \div 14,390\text{ persons} = 0.00347\text{ acres per person}$). Multiplying the 0.00347 acres per person need times the 2000 Census actual population of 17,142 indicates the actual 2000 need for **56.6- acres of business/commercial property to serve the Redlands** ($0.00347\text{ acres per person} \times 17,142\text{ persons} = 56.562\text{-acres}$). These calculations indicate the additional need of business/commercial property in 2000 is 9.22-acres ($56.6\text{-acres} - 48.69\text{-acres} = 9.22\text{-acres}$).

Goal 11 - Promote stable neighborhoods and land use compatibility throughout the neighborhood

Policy 11.1 - Promote compatibility between adjacent land uses, addressing traffic, noise, lighting, height/bulk ... A portion of the original subject property's acreage was condemned during the late 1970s to build the Redlands Parkway for the convenience of the residents of the Redlands. Although the Anderson family was compensated for their property, they were relegated to live at this increasingly busy intersection for 30 years. The Site is no longer appropriate for use as Residential - Low Density development. Due to increased traffic volume, this intersection is very noisy. Increased traffic, due to increased population, has rendered this property unsuitable for the originally designated Residential - Low Density and RSF-4 zoning. The ambient noise level of the intersection of the two main arterials on the Redlands far exceeds the acceptable noise level for any residential neighborhood according to standards established by the U.S. Department of Housing and Urban Development. As the Redlands area continues to increase in population, the noise at this intersection will continue to increase, as well as the demand for commercial land-uses such as a car wash facility. The parcel size, isolated nature of the property, and natural buffers of the existing vegetation and wetlands area will mitigate the impact of the proposed Light Commercial land use to the surrounding residential neighborhood.

Goal 22 - To preserve agricultural land

The Growth Plan amendment is taking place in the Urbanizing Area of Mesa County designated for urban development. No prime farm ground outside the urbanizing area is proposed to be taken out of production.

Goal 24 - To develop and maintain a street system which effectively moves traffic throughout the community

The Redlands Parkway is a direct route to the Mall and I-70 and has become a more vital link to the residents of the Redlands and Glade Park. The opening of the I-70 and the completed and proposed 5-lanes improvements to the 24 Road corridor has also placed additional pressure on the existing residential use since it is isolated by a natural vegetation buffer between the two residential parcels directly adjacent and east of this parcel.

Over the years, the subject parcel has transitioned more to a commercial use site rather than the residential home it started as in 1910. This was also noted in the Redland Policies (Policy 30 of the Mesa County Land-use and Development Policies) in 1986. The subject parcel is only 0.94-acre in size, with the designation of the the 0.5-acre excess right-of-way by Mesa County. Currently, the intersection of Highway 340 (Broadway) and the Redlands Parkway moves 22,000 vehicles through its intersection daily. The future planned expansion of 24 Road to three lanes, and then to five lanes creates further cause for concern of the residential viability of this property. The proposed Growth Plan Amendment to Commercial and rezone to C-1 MEETS Goal 24 by providing a street system which effectively moves traffic.

Overall, the Growth Plan amendment and Rezone to Light Commercial (C-1) **MEETS** the numerous goals, but not the Land-Use Plan map of the *Mesa Countywide Land Use Plan/Growth Plan*.

Redlands Policies

Although the City of Grand Junction never adopted the Redlands Policies, the use of these policies in this General Project Report indicates the historical nature of this corner for commercial purposes. The 1986 Mesa County adopted *Redlands Policies* (Policy 30) states on page R12 that "Commercial, Office Uses and Specialized Land Uses" are to be allowed as

" Commercial pockets or 'Village Centers' similar to Redlands Country Corner will be allowed to continue and develop as neighborhood commercial centers at 'Brach's Market,' the Ridges, Tiara Rado, and Monument Shopping Center."

The Redlands Policies designated five "Village Centers.." These are located at

1. Brach's Market
2. Redlands Parkway/Broadway (Highway 340)
3. Ridges
4. Tiara Rado
5. Monument Village Shopping Center

The subject property is located within the designated Redlands Parkway/Broadway "Village Center" (Exhibit 4, Village Center Map from Policy 30).

Many of the goals and policies found in the *Redlands Policies* are found in the *Mesa Countywide Land Use Plan*. The proposed Growth Plan amendment and Rezone to Light Commercial (C-1) **MEETS** the spirit and intent of the *Growth Plan*, and the *Redlands' Policies*.

5. Public and community facilities are adequate to serve the type and scope of land use proposed;

All urban services are available to the site, and have sufficient capacity for the urban density allowed by the proposed Light Commercial (C-1) zone. The subject property is currently served by:

Xcel Energy – Electric and Natural Gas
Redlands' Water and Power – Irrigation Water
Persigo 201 District – Sanitary Sewer
Grand Junction Rural Fire District – Fire Protection

Qwest – Telephone
AT&T Broadband – Cable Television
Ute District – Potable Water
Mesa County Sheriffs Department/Grand Junction Police – Police Protection

This application **MEETS** this criterion by being provided with public and community facilities that are adequate to serve the type and scope of the land use proposed.

6. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and,

According to the Urban Land Institute, the average for typical small neighborhood commercial uses is 7 acres per 5000 residents and 30 acres of community commercial for 50,000 residents (including grocery stores). Based on these standards the current population would require 19.6 acres of neighborhood commercial and 8.4 acres of community commercial for a total of 28 acres.

Although a comprehensive land-use study has not been accomplished by the City or the County in the Redlands, the 1990 MPO Study indicated that 50-acres of business/commercial property is needed to serve the current population of the Redlands. An adequate supply of suitably designated land is **not** available in the Redland's community to accommodate the proposed business/commercial land use. There are few parcels as appropriate for business/commercial use and as unsuitable for residential development in the Redlands. Due to an inadequate supply of suitably designated land being available in the Redlands community, the proposed Growth Plan Amendment **MEETS** this review criterion.

7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

This is an infill / redevelopment project in an area already moderately dense in population, which is growing at a rate greater than the City of Grand Junction and Mesa County according to the 2000 Census. The site location at the intersection of the two principal arterials on the Redlands, makes it convenient as almost everyone who lives on the Redlands must drive past this intersection. The business/commercial land use will benefit the many residents of the Redlands neighborhood by providing convenient access to a car wash facility. This will minimize the need to drive into town to access these services and will provide a convenient location to obtain them while going to and from work. The project is on a site that has historically been designated for a "Village Center," contrary to its designation in the *Growth Plan*.

As shown in the *24 Road Corridor Area Plan*, the increased demand for commercial will continue in the Mesa County area, as well as the western slope of Colorado and eastern Utah. This will allow the City and County to collect additional sales tax and property tax revenue. Sales tax revenue will not only be derived from the car wash and accessories, but also from the construction of car wash structures. The approval of this *Growth Plan* Amendment will also enhance and increase the use of the City's, County's and Federal investment in the utility infrastructure and transportation facilities. The proposed *Growth Plan* Amendment **MEETS** this review criterion.

Rezone Criteria

The following questions/criteria, found in Section 2.6 of the 2000 *Grand Junction Zoning and Development Code (Code)*, must be answered in reviewing rezone and/or zone of annexation applications. The Rezone request is from Residential (RSF-4) and Community Services and

Recreation (CSR) to Light Commercial (C-1). The location of the requested Rezone is found on Exhibit 3 - City of Grand Junction Zoning Map.

In Section 3.4.D, of the 2000 *City of Grand Junction Zoning and Development Code* states that the Light Commercial (C-1) purpose is:

"To provide indoor retail service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials.

The Zoning Dimensional Standards for the C-1 zone from the 2000 *Zoning and Development Code* are found in Table 12.

Any development of the subject property will be required to submit a Site Plan for review by the City of Grand Junction to determine compliance with the C-1 zoning bulk requirements found in the *Zoning and Development Code*.

Table 12
BULK REQUIREMENTS FOR THE C-1 ZONE

Minimum Lot Size	0.5-acre, except where a continuous commercial is subdivided
Minimum Lot Width	50-feet
Maximum Height of Structures	40 feet
Minimum Front Yard Setback	15 feet - Principal Structure 25 feet - Accessory Structure
Side Yard Setback	0 feet 10 feet -- If abutting a residential zone or existing residential use
Rear Yard Setback	10-feet for Principal & Accessory Buildings
Maximum Lot Coverage	80%
Maximum Floor Area Ratio (FAR)	1.00

Source: 2000 City of Grand Junction *Zoning and Development Code*

Section 2.6.A, Approval Criteria, is used in order to maintain internal consistency between the Code and the Zoning Maps, map amendments. The criteria is as follows:

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

Concerning the RSF-4 zoned portion of the subject property, no information exists at the City of Grand Junction, nor Mesa County to indicate that the existing RSF-4 zoning is in error. Concerning the CSR zoned portion of the property, the petitioner contends that the existing CSR zoning is in error. In a letter (Exhibit 7) to City Community Development staff dated April 11, 2001, Stacey Mascarenas, Mesa County Commissioner to Convey Real Estate, states:

"Since 1955, Outlot 2 of the Columbine Subdivision was privately owned until 1982. At that time Outlot 2 and a Public Site in Block 1 of the Bluffs West Estates Filing No. One was conveyed to Mesa County by an unrestricted Quit Claim Deed. Despite the label "public site," these parcels were neither mentioned in their respective subdivision plat dedication language, nor were they dedicated to the "public" in any fashion. Mesa County remains the owner of record for the Public Site in Block 1 of the Bluffs West Estates Filing No. One.

"On February 12, 2001 during their regularly scheduled Public Hearing, the Mesa County Board of County Commissioners honored the Lewis's request to convey Outlot 2 of the Columbine Subdivision and parcel 2945-074-09-938."

With this evidence provided by Mesa County, the property conveyed to the Lewis's was zoned CSR in error.

The timing and demand for Light Commercial (C-1) at this time is the reason this *Growth Plan* amendment and rezone is requested.

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.;

A portion of the original subject property's acreage was condemned during the late 1970s to build the Redlands Parkway for the convenience of the residents of the Redlands. Although the Anderson family was compensated for their property, they were relegated to live at this increasingly busy intersection for 30 years. The Site is no longer appropriate for use as Residential - Low Density development. Due to increased traffic volume, this intersection is very noisy. Increased traffic, due to increased population, has rendered this property unsuitable for the originally designated Residential - Low Density and RSF-4 and CSR zoning. The ambient noise level of the intersection of the two main arterials on the Redlands far exceeds an acceptable noise level for any residential neighborhood according to standards established by the U. S. Department of Housing and Urban Development. As the Redlands area continues to increase in population, the noise at this intersection will continue to increase, as well as the demand for a car wash facility. The parcel size, isolated nature of the property, and natural buffers of vegetation and wetlands area mitigates the

impact of the proposed Light Commercial land use to the surrounding residential neighborhood.

There has been a change of character in the area due to new growth trends, and development transitions, as shown in the review of Criterion C of the Administrative Regulation used to determine if a *Growth Plan* amendment should be approved found in this General Project Report.

The character and/or condition of the area has changed that the proposed amendment **MEETS** this review criterion.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: reduced 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;

Please review Criterion 3 of Section 2.5.C, *Growth Plan* Amendment (page 13), to determine if the rezone to Light Commercial (C-1) is compatible with the surrounding area.

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

Overall, the *Growth Plan* amendment and Rezone to Light Commercial (C-1) **MEETS** the numerous goals, but not with the Land-Use Plan maps of the *Mesa Countywide Land Use Plan*. The information submitted with this application, indicates that the designation of the subject property for Residential-Low development is probably in error. A detailed review of both *Plan*'s are found in Criterion D of Section 2.5, *Growth Plan* Amendment (page 13), to determine if a *Growth Plan* amendment should be approved is found in this General Project Report.

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

All urban services are available to the site, and have sufficient capacity for the urban density allowed by the proposed Light Commercial (C-1) zone. The subject property is currently served by:

Xcel Energy – Electric and Natural Gas
Redlands' Water and Power – Irrigation Water
Persigo 201 District – Sanitary Sewer
Grand Junction Rural Fire District – Fire Protection

Qwest – Telephone
AT&T Broadband – Cable Television
Ute District – Potable Water
Mesa County Sheriffs Department/Grand Junction Police – Police Protection

This application **MEETS** this criterion by being provided with public and community facilities that are adequate to serve the type and scope of the land use proposed.

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

Please review Criterion 6 of Section 2.5.C, *Growth Plan* Amendment (page 17), to determine if a *Growth Plan* amendment should be approved for community need of the proposed Rezone to Light Commercial (C-1).

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

The proposed *Growth Plan* amendment and rezone to C-1 is consistent with many of the goals and policies of the *Growth Plan*. By meeting these goals and policies the implementation of the *Growth Plan* occurs, which benefits the community as a whole. Please review Criterion 7 of Section 2.5.C, *Growth Plan* Amendment (page 18), to determine if a *Growth Plan* amendment should be approved for community benefit of the proposed Rezone to Light Commercial (C-1).

Neighborhood Meeting

As required in Table 2.1 of Section 2.1, Review and Approval Required, of Chapter 2, Procedures, of the City of Grand Junction *Zoning and Development Code* (2000), a Neighborhood Meeting was held. This meeting took place on Wednesday, July 11, 2001, 7:00 p.m. to 9:00 p.m. at the Redlands United Methodist Church, 527 Village Way (Broadway - Highway 340 and Village Way) Grand Junction, CO. Forty-eight (48) notices were mailed out, with 23 neighbors attending the meeting.

The petitioners, representatives of Development Concepts, Inc., and Lisa Gerstenberger of the Community Development Department were present to answer any questions from the neighborhood concerning the proposed subdivision. The meeting's content and conduct were held in accordance with Section 2.3.B.4.f of the *Code*. The following comments and concerns were raised by the neighbors in attendance:

- ❖ Notice. The neighbors were concerned about the amount and type of public notice required on neighborhood meetings. The consultant and then Ms. Gerstenberger explained the Code requirements for notice of this meeting. Copies of correspondence between the petitioners and the City were available, as well as the notification list, itself. Many of the concerned citizens, lived outside the 500 foot notification area, but within the 1,000 foot neighborhood association notification area. These persons were concerned that they did not receive individual notification, or that their current neighborhood association president was not notified. Those present were advised that it was their responsibility to contact the city if their neighborhood association officers changed, to insure their current status.
- ❖ Traffic. The neighbors had traffic concerns about the impact to Kansas Avenue with the development of a car wash facility. Most neighbors were concerned about traffic turning north back into their neighborhoods. Other concerns were turning left on Broadway from Kansas Avenue. It was explained that a Traffic Study is required for the City application,

but was not complete as of the date of the meeting. It was explained to the neighbors that even with a car wash facility being planned as the land use, the City required that the Traffic Study be completed using the most intensive use (convenience store with 2 fuel stations) under the property's proposed C-1 zone. It was also explained that there is far less traffic impact from a car wash than from a convenience store. Lastly, some conversation centered on the possible closure of Kansas Avenue to through traffic to the neighborhoods to the north, and using the existing Kansas Avenue intersection with Broadway for driveway access only for the car wash. Many neighbors thought this possibly was a good solution, with some neighbors disagreeing.

- ❖ Proposed Property Use and Wetland Issues. The proposed use of the car wash on approximately 0.94-acres of the property, and the remaining 0.89-acre of the property being retained as a wetlands and open space tract was discussed with the neighbors. It was explained that the property was illegally filled with dirt into the existing wetlands prior to the Lewis's acquiring the property. The petitioners and their consulting team have met with Randy Snyder of the Corps of Engineers on site to determine the amount of reclamation required. This determination has been made and a Reclamation Plan is being completed. Included in this Plan is the removal of tamarack trees and replacing them with other acceptable tree species such as cotton-wood trees to be used for screening to adjacent neighborhoods. It was also explained that the property is currently zoned RSF-4 and 7 to 8 homes could be built on the property at this time, but due to the fact that 22,000 vehicles per day pass by this location on Broadway and the Redlands Parkway, noise was a major reason why the requested change in allowed land uses is being requested. Many neighbors did not want any changes made from the current situation of 1 house on the property, while others did not object to a car wash use, except for traffic concerns. Most all neighbors appreciated the majority of the property being left as a wetlands and open space area to buffer the adjoining neighborhoods.

During the time period between the Neighborhood Meeting and this submittal, the neighborhood's concerns were used in the preparation of our application. The traffic issues raised by the neighbors were forwarded on to TranSystems Corporation for use in the preparation of the Traffic Impact Study. Attached to this application (Exhibit 8), is a letter from Ken Jacobson of the U.S. Army Corps of Engineers indicating his approval of the area requiring wetlands mitigation. Once the wetlands mitigation is completed, Mesa County will issue a General Warranty Deed for the portion of the subject property the Lewis's acquired from Mesa County.

Conclusion

This application for a 0.94-acre parcel proposes a *Growth Plan* Amendment from Residential-Low to Commercial; and, rezone from RSF-4 and Community Services and Recreation (CSR) to Commercial (C-1). The current use of property is a rental single family dwelling. The proposed use is a 6-bay car wash. The *Growth Plan* Amendment, and Rezone to Light Commercial (C-1) **MEETS** Section 2.5, *Growth Plan* Amendment, and Section 2.6, Rezone found in the 2000 *City of Grand Junction Zoning and Development Code*. This application also meets numerous goals and policies of the *City of Grand Junction Growth Plan* and the *Redlands Policies* (Policy 30) of the *Mesa County Land-Use and Development Policies*. We respectfully request your approval of the *Growth Plan* Amendment to Commercial, and rezone to Light Commercial (C-1).

**GRAND JUNCTION PLANNING COMMISSION
NOVEMBER 13, 2001 MINUTES
7:02 P.M. to 11:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Richard Blosser, John Evans and Terri Binder. Paul Dibble and William Putnam were absent.

In attendance, representing the Community Development Department, were Community Development Planning Director Bob Blanchard, Pat Cecil (Development Services Supervisor), Lisa Gerstenberger (Sr. Planner), Dave Thornton (Principle Planner), and Lori Bowers (Assoc. Planner).

Also present were John Shaver (Asst. City Attorney) and Eric Hahn and Rick Dorris (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 50 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the October 9 and October 16, 2001 Planning Commission public hearings. Also available for consideration were the minutes from the September 25 Joint City/County Planning Commission public hearing.

MOTION: (Commissioner Binder) "Mr. Chairman, I move that we approve the minutes of October 9."

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 3-0, with Chairman Elmer abstaining.

MOTION: (Commissioner Binder) "Mr. Chairman, I move that we approve the minutes of October 16."

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 3-0, with Chairman Elmer abstaining.

MOTION: (Commissioner Evans) "Mr. Chairman, I entertain a motion that we approve the minutes [of the September 25 Joint City/County Planning Commission public hearing]."

Commissioner Blosser seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0, with Commissioner Binder abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items RZ-2001-199 (Rezone & Final Plat/Plan—Chiro Connection Subdivision), ANX-2001-052 (Zoning the Cantrell Annexation) and ANX-2001-214 (Annexation/Rezone—Madaris Annexation). At citizen request, items ANX-2001-052 and ANX-2001-214 were pulled and placed on the agenda for full hearing.

MOTION: (Commissioner Binder) "Mr. Chairman, I move that we approve the Consent Agenda, with the Chiro Connection Subdivision as the only Consent Agenda item."

Commissioner Blosser seconded the motion. A vote was called and the motion was approved unanimously by a vote of 4-0.

IV. FULL PUBLIC HEARING

ANX-2001-052 ZONING THE CANTRELL ANNEXATION

A request for approval of a Zone of Annexation from County C-1 (southern portion) and RMF-8 (northern portion) to City C-1 (Light Commercial) and RMF-8 (Residential Multi-Family, 8 units/acre), respectively, zoning districts.

Petitioner: Emory Cantrell

Location: 2930 North Avenue

Representative: DKO Architecture, PC—Kreg Obergfell

PETITIONER'S PRESENTATION

No petitioner was in attendance to give a presentation.

STAFF'S PRESENTATION

Lori Bowers presented an overhead of a location map. Ms. Bowers said that the property had been annexed into the City for some time. Application of City zoning had been forestalled pending resolution of an access issue. Referencing another overhead of the site's plat, she noted where the access issue had been resolved, preventing Lot 2 from being landlocked. The proposed city zone is consistent with its former county zoning and staff recommends approval.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Keith Boughton (705 – 24 ³/₄ Road, Grand Junction) wondered about the type of structures which would ultimately be placed on the property. Chairman Elmer clarified that the only issue for consideration was the zoning. He encouraged Mr. Boughton to meet with staff outside of the public hearing for further information about the property.

DISCUSSION

Chairman Elmer remarked that the request seemed straightforward and is consistent with county zoning.

Commissioner Binder added that she was pleased the access issue for Lot 2 had been resolved.

MOTION: (Commissioner Blosser) "Mr. Chairman, on item ANX-2001-052, the recommendation for Zone of Annexation for the Cantrell Annexation, located at 2930 North Avenue, to RMF-8 (Residential Multi-Family, not to exceed 8 units per acre) for Lot 2 and the zone of C-1 (Light Commercial) for Lot 1, I move that we find the project consistent with the Growth Plan, the Persigo Agreement, and Sections 2.6 of the Zoning and Development Code."

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

ANX-2001-214 ANNEXATION/REZONE—MADARIS ANNEXATION

A request for approval of a Zone of Annexation from County Commercial to City RSF-4 (Residential Single-Family with a density not to exceed 4 units per acre) zone district.

Petitioner: Rosella Madaris
Location: 539 – 31 ½ Road
Representative: Direct Mortgage Group, Inc., Christopher Bucalo

PETITIONER'S PRESENTATION

Chris Bucalo (2176 Avenal, Grand Junction), representing the petitioner, said that residential zoning would allow the petitioner to live on the property once she purchased it.

STAFF'S PRESENTATION

Dave Thornton presented an overhead of a portion of the Future Land Use Map, which noted the site's location and surrounding zoning/uses. Mr. Thornton said that annexation of this property was currently making its way through City Council. Given surrounding uses, either commercial or residential zoning would be appropriate for the property; thus, staff recommended approval of an RSF-4 zone district.

QUESTIONS

Chairman Elmer asked for clarification of whether either zone district would be acceptable. Mr. Thornton responded.

When asked by Commissioner Blosser, who owns the property, Mr. Thornton replied that it was presently owned by one of the Madaris' who wanted to sell it to another family member. He said that it was his understanding that family members wished to live on the property; a single-family home existed on the property now. While there had been no expressed intention to develop the property further, any such plans would be brought before the Planning Commission for consideration.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Michael Melgares (513 – 31 Road, Grand Junction) noted the existence of a water easement on the subject property. He cautioned against any interruption of water delivery or building over this easement in the event of future development. Chairman Elmer clarified that consideration of such issues would be given if and when a development submittal were received.

PETITIONER'S REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

Commissioner Binder expressed support for the request.

Chairman Elmer noted that it seemed straightforward and met Code criteria.

Commissioner Evans commented that “it fit.”

MOTION: (Commissioner Blosser) “Mr. Chairman, on item ANX-2001-214, consideration of a Zone of Annexation to Residential Single-Family, with a maximum of 4 units per acre (RSF-4) for the Madaris Annexation, I move for approval.”

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

GPA-2001-178 GROWTH PLAN AMENDMENT—LEWIS PROPERTY

A request for 1) approval of a Growth Plan Amendment from Residential Low (1/2 acre to 2 acres per dwelling unit) to Commercial designation, and 2) approval of a rezone from RSF-4 (Residential Single-Family not to exceed 4 units/acre) and CSR (Community Service Recreation) to C-1 (Light Commercial).

Petitioner: Canyon View Car Wash, LLC—Mikel and Roxanne Lewis

Location: 2258 S. Broadway

Representative: Development Concepts, Inc.—Mike Joyce

PETITIONERS' PRESENTATION

Mike Joyce, representing the petitioners, offered a PowerPoint presentation, hard copies of which were passed out to planning commissioners and staff. Recounting the history of the submittal, he said that a planned zone had originally been sought because it would limit the type of uses which could be placed on the property. An alleged error in the new Code's zoning matrix precluded the Growth Plan Consistency Review, the B-1 zone district and Conditional Use Permit (CUP) as options. Mr. Joyce stated that by the time the error was discovered and these options were recommended by staff, the current submittal process was already well underway. The decision had been made to move forward with the current submittal; however, the petitioners were willing to accept a B-1 designation for their property if preferred by the Planning Commission. Because the Code recommends that all Neighborhood Business Centers to be separated by at least .8 mile, the presence of Meadowlark Gardens across the street may prove problematic to a B-1 zone.

Photos of the site and the residence on it were referenced. The home, originally built in 1910, was flanked on two sides by major arterials--Broadway and the Redlands Parkway--the two most traveled roads in the Redlands. Meadowlark Gardens, a Commercial PUD, is located across Broadway opposite the applicants' property. In the

Petitioner's proposal only .94 of an acre was included in the Growth Plan Amendment request. The remaining .89 of an acre would be left in its natural state as open space. The proposal included reclamation of the wetlands area on the property; photos of the wetlands, depicting years of illegal dumping, were presented.

Mr. Joyce pointed out that the property's small developable area restricted the number of allowable C-1 uses which could be placed on the site. The most intensive C-1 use determined by staff had been a convenience store. Although not proposed, the traffic impact study (TIS) had been undertaken using a convenience store with two fuel stations as a "worst case scenario."

Even with the most intensive use, the TIS indicated that traffic to Kansas Avenue would be minimal, with only 20 percent of all trips leaving the site projected to access Kansas Avenue and travel through the residential area. The projected traffic impact of a convenience store with two fuel stations would be 2,170 ADT's; with a 6-bay car wash, this number would be reduced to 648 ADT's. The TIS studied several scenarios to lessen traffic impacts at the intersection of Broadway and Kansas Avenue. These alternatives included cul-de-sacking Kansas Avenue in front of the last home to prevent travel into adjacent neighborhoods or reconfiguring the intersection to allow only a three-quarter movement (eliminating left-hand turning movements onto Broadway). Mr. Joyce said that neighborhood residents objected to the first alternative, because it would prevent them from accessing the Redlands Parkway. Even for the more intensive convenience store use, no change to the lane geometry of Broadway at Kansas Avenue would be required.

The proposed site for the car wash would be isolated from adjacent residential property by distance, vegetation and topography. The property's proximity to two major arterials made it unsuitable for residential development; this fact had also resulted in a reduction in the property's appraised valuation. Mr. Joyce stated that the Redlands was "underdeveloped" for commercial nodes. This meant that Redlands residents were forced to drive longer distances for goods and services. The increase in average daily trips (ADT's) added to traffic impacts and pollution. Mr. Joyce presented car wash information which suggested limited use of the car wash (greatest usage over the weekend and a reduction in overall ADT's to car washes elsewhere).

Mr. Joyce suggested that benefits of the proposal included: redevelopment of the corner to improve visual aesthetics; provision of a valuable service to nearby residents reducing commute time; complement services provided by the Meadowlark Gardens commercial development; restoration of the wetlands area, ultimately returning it to the community as open space (with CSR zoning); provision of an enhanced buffer area between the car wash and residential area; and installation of additional landscaping.

Mr. Joyce felt that the application as submitted met many of the Growth Plan's goals and policies and Code criteria. He reiterated that the proposed use was a far better alternative than leaving the property as residential and in disrepair/neglect.

QUESTIONS

Chairman Elmer said that staff had received a letter from a representative of the Bluff West Subdivision Homeowners Association (HOA). The letter contended that the site designated by the petitioner for commercial use fell within the HOA's authority and thus was subject to its covenants, which precluded any commercial development.

Tom Volkmann, legal counsel representing the petitioners, said that he'd undertaken an exhaustive title research on a very complex title history. He said that plats from three subdivisions seemed to overlap on a portion of the petitioners' property.

Roxanne Lewis, co-petitioner, came forward and explained that she had gone door to door, speaking to residents of both the Redlands Estates and Columbine Subdivision, seeking release of covenants. She had secured notarized releases from residents within those subdivisions; however, the Bluffs West HOA had been unwilling to grant a release. She was unsure whether such release was even necessary because it was still unclear, through title research, that the Bluffs covenants applied to this parcel because it was a "parcel" and not a "lot."

Ms. Lewis further explained that the Bluffs West developer originally planned to give up the tract in question to the County. The County agreed to deed it to Ms. Lewis provided that she reclaim the wetlands area and haul out all of the illegally dumped debris.

Mr. Volkmann presented an overhead of the Bluffs West Subdivision Plat. When asked by Chairman Elmer if the plat included a portion of the subject property, Mr. Volkmann replied affirmatively but added that the portion included was not a recognized lot.

Commissioner Blosser asked if the TIS took into account traffic impacts from the commercial build-out of Meadowlark Gardens, to which Mr. Joyce answered affirmatively. He added that the same traffic engineer used by Meadowlark Gardens had been employed by the petitioners to ensure consistency of approach and review. A variety of access options had been explored and impacts had been based on the most intensive uses allowed for both sites.

Commissioner Blosser asked if circulation patterns included the possibility that some traffic might travel through the Bluffs West Subdivision, using Kansas Avenue as a shortcut to the Redlands Parkway. Mr. Joyce said that given the curvature of the street and topography (natural traffic calming), it was unlikely anyone would reasonably consider this road a shortcut. The TIS indicated that approximately 20 percent of site traffic would travel through the subdivision via Kansas Avenue; this represented only 8

cars/hour and that was based on the highest possible use of the property as a convenience store/gas station. He reminded planning commissioners that the only thing being requested was approval for a car wash, a much less intensive use.

Ms. Lewis said that if the car wash served even 130 cars/day, she would consider the business successful.

Commissioner Evans asked if the Kansas Avenue/Broadway intersection would be reconfigured to prevent left-hand turns, to which Mr. Joyce responded affirmatively.

STAFF'S PRESENTATION

Lisa Gerstenberger presented overheads of an aerial photo of the site and a portion of the assessor's map. Referencing a memo she'd passed out to planning commissioners earlier in the evening (an update to the initial November 8 Staff Report), Ms. Gerstenberger said that the rezone request applied only to the .94 of an acre site designated for the car wash; the rest of the property would remain zoned RSF-4. Reading through the Code's GPA criteria, staff concluded that while consideration of a non-residential use may be appropriate for the site, a GPA was not necessarily the most appropriate way to accomplish that objective. Ms. Gerstenberger noted that the overall character of the neighborhood remained unchanged and continued to be residential in nature.

To ensure that development in the area was both supportive and compatible with existing uses such as those allowed in a Neighborhood Business (B-1) zone district, staff recommended the applicants consider a Growth Plan Consistency Review. If the development were found to be consistent with the Growth Plan, a rezone to B-1 could be requested in conjunction with a Conditional Use Permit. Likewise, analysis of the rezone request concluded that Neighborhood Business (B-1) would represent a more suitable zone district than the Light Commercial (C-1) zone district.

Ms. Gerstenberger presented overheads of a portion of the Future Land Use Map and of the Concept Plan. If either zoning option were approved—the C-1 zone request or the B-1—the applicants would then be required to complete a simple subdivision to designate clearly the parcel affected by the rezone. She noted that approval of the GPA request would change the Future Land Use Map. She noted that portions of Kansas Avenue had not been constructed within the designated right-of-way.

QUESTIONS

Commissioner Blosser observed that projected traffic impacts would remain the same no matter which zoning option was approved. The only real difference in the two seemed to be that the B-1 zone district would further restrict allowable uses. Ms. Gerstenberger said that the lesser zone would address a number of the concerns expressed by surrounding neighbors. Theoretically, a convenience store with gas

station could be located on the site if approved with C-1 zoning. Good planning suggests that consideration be given to what might happen should the car wash fail and the property be designated "commercial."

Commissioner Blosser asked for confirmation that a simple subdivision would be required with the B-1 zone request as well. Ms. Gerstenberger said that the review criteria must still be addressed during the Consistency Review process. Even if the applicants went through the Consistency Review process and a request to rezone to the B-1 zone, there was no guarantee that approval would be granted for either the rezone or the subsequent CUP. When asked how much additional time this would impose upon the petitioners, Ms. Gerstenberger said that if initiated in November, a decision could be rendered by the Planning Commission by January of 2002.

Commissioner Blosser asked for clarification of some of the referenced Growth Plan goals, which was provided.

Commissioner Binder asked why the petitioners hadn't been told about the Consistency Review option at the onset of the submittal process. Ms. Gerstenberger explained that the petitioners had been working on the project over the last two years, a portion of that time was under old Code guidelines. The new Code had been approved after a previous development submittal had been withdrawn. When the current request was submitted, the petitioners seemed very clear about what they wanted. Even when the Consistency Review option was brought to their attention, there had still been sufficient time for them to alter course. They instead chose to proceed as the request had originally been submitted.

Chairman Elmer noted the steep incline of Kansas Avenue as it met Broadway. Given this topographic incline, he wondered whether the stacking distance requirement could be met if the car wash were constructed? Rick Dorris answered that local streets did not have the same stacking distance requirements as streets with higher classifications.

Presenting and referencing an overhead of a Kansas Avenue intersection configuration drawing, Mr. Dorris said that stacking, turning movements, and other access considerations would be reviewed in greater detail once the applicants' plan was submitted. Greater traffic impacts would be recognized if a more intense use were to locate on the site. As it was, traffic was already so intense along Broadway that there could come a point when any left-hand turns from Kansas Avenue would be impossible.

If that should occur, the intersection with Broadway will be it-in/it-out and possibly more traffic would then be routed up Kansas Avenue northward. Mr. Dorris explained that while the Kansas Avenue/Broadway intersection as a whole was perhaps a Level of Service A or B, the individual left-hand turning movement from Kansas onto Broadway was likely to degenerate to a LDS F.

Commissioner Blosser asked if any traffic study, completed or planned, knew what traffic counts along Broadway were over any given weekend. Mr. Dorris said that he knew of no study current or pending which would give staff that information.

At the request of Chairman Elmer, Mr. Dorris explained how "levels of service" are determined and defined.

Commissioner Binder wondered if people would use Kansas Avenue as a shortcut. Mr. Dorris replied negatively; he noted that residents living in the Bluffs West Subdivision used Kansas Avenue to access the Redlands Parkway, but there was no general advantage for people to use the street as a shortcut from Broadway to the Parkway.

Commissioner Binder asked what is the horizon for traffic studies? Mr. Dorris responded that traffic studies projected over a 20-year period.

A brief recess was called at 8:45 P.M. The hearing reconvened at 8:58 P.M.

PUBLIC COMMENTS

FOR:

Christy Duncan (1883 North Deer Park Circle, Grand Junction) felt that the proposal to place a car wash on the site was a good idea. She said that the property is in dire need of cleanup and the business and associated landscaping would add much more visual appeal to the corner. The petitioners, she said, seemed to have thought through the request and she felt the improvement would be comparable to that of Meadowlark Gardens. Redevelopment of the property would increase area property values and be an asset to the community.

Tina Peterson (536 Rim Circle, Grand Junction) said that she didn't currently use Kansas Avenue as a shortcut and didn't think others would either. She felt that any redevelopment of the property would result in an improvement over what was currently there. It didn't make sense, she said, to keep the property residential.

Craig Goodwin (address illegible) presented figures suggesting that use of a car wash over washing a vehicle at home could potentially save upwards of 780 gallons of water per day per wash bay. Car washes had the means of collecting and properly disposing solvents and other toxic substances, keeping them from discharging into stormwater sewers.

Trish Vagneur (2276 Ivory, Grand Junction) agreed that the subject property had deteriorated over the 14 years she'd lived in the area. She said that if that progression weren't stopped, the site would continue to be an eyesore to the many drivers that passed by the corner each day. The applicants' idea for redevelopment of the corner seemed to be a good one and she liked the idea of preserving a portion of the property

in open space. It seemed logical that it would reduce the number of trips into town. She noted that neighborhood fears over Meadowlark Gardens had proven to be unfounded; she felt that this to be a similar situation.

Rick Kenagy (2288 S. Broadway, Grand Junction) said that he'd originally been opposed to Meadowlark Gardens; however, after seeing the aesthetic improvement brought about through that development proposal, he now favored redevelopment of the applicants' property. He didn't feel that the traffic problems feared by Bluffs West residents would materialize.

AGAINST:

Tom Foster (519 Kansas, Grand Junction) felt that construction of a car wash on the subject property would negatively impact surrounding property values and increase traffic impacts. As a member of the Bluffs West HOA, he said that residents of this subdivision were strongly opposed to any commercial development on lots protected by that subdivision's covenants. The residents of the Bluffs Subdivision, he maintained, would be adversely affected by any such commercial development and subsequent use of Kansas Avenue for commercial traffic. The HOA, he said, was prepared to employ all legal means at its disposal to prevent commercial encroachment.

Doug Larson (2278 Windwood, Grand Junction), president of the Bluffs West HOA, reaffirmed the intent of the HOA to fight against any commercial development locating on that portion of the parcel protected by its covenants. Referencing a letter he'd submitted to staff, he expressed concern that further commercial encroachment would negatively impact the surrounding residential area. Commercial development, he said, was also contrary to the direction and intent of the Redlands Neighborhood Plan and Growth Plan goals and policies, which called for keeping the area residential. Those who said that the Redlands was underdeveloped for commercial nodes forgot that Mesa Mall and other shopping opportunities were located only 3 miles away via the Redlands Parkway. The increased traffic along Kansas Avenue would create safety hazards for children out playing or other pedestrians. He noted the absence of sidewalks along Kansas Avenue and other adjoining streets. Mr. Larson read through GPA criteria and felt that in most cases, the criteria had not been met by the applicants. He expressed agreement with staff's recommendation that the current request be denied.

Commissioner Binder asked "if the covenants covered the land in question and were to prevent deterioration, why then is the property in such poor shape?" Mr. Larson explained that the strip of land in question was located much further away from the rest of the subdivision and access was difficult. He reiterated that the subdivision's developers had given the strip to the County; the County in turn gave it to the Lewis' with the caveat that they would be responsible for cleanup.

Paul VonGuerard (2290 Shane Court, Grand Junction) offered another PowerPoint presentation showing photos of the Bluffs West Subdivision, pointing out the lack of sidewalks, the curvature of the street in some areas and its straightness in others. He felt that the applicants' use of traffic data from Meadowlark Gardens going back to 1998 was misleading and didn't reflect today's traffic increases. Mr. VonGuerard presented an overhead map of the area and said that discussions included extension of 23 Road.

If that were to occur, Kansas Avenue would become a through street. Noting the incline on Kansas Avenue at its intersection with Broadway, Mr. VonGuerard said that he opposed the request primarily for safety reasons. Referencing page 4, table 3 of the applicants' TIS, he noted what he felt were discrepancies in data. A parallel between this request and that of Meadowlark Gardens, he said, could not be drawn. Meadowlark Gardens never proposed to route its traffic through a residential subdivision whereas the current request did. With a C-1 zone, he said, there was no guarantee that a more intense use wouldn't be constructed on the site. Commercial development would only exacerbate traffic and safety concerns and reduce neighboring property values. He also noted that the County's gift of the wetlands to the Lewis' mandated completion of the cleanup by the year 2003. He wondered if this development would impact any long-term future development plans for the Parkway. Would it fit in with the revision of the Redlands Neighborhood Plan? Mr. VonGuerard felt that the best use of the site would be to tear down the house and keep the land as open space; he felt that GOCO or other public monies could be used to purchase the property.

Michael Dirsmith (528 Kansas Avenue, Grand Junction) said that as the father of two children his primary concern was over safety. He referenced a letter submitted earlier in the evening from Mr. Harry Easton, principal of Broadway Elementary School, who voiced similar concerns. He also referenced a letter submitted by Palma Wilson, superintendent for the local National Park Service, who cautioned against added traffic and encroachment of commercial development in areas near the Colorado National Monument.

Gary Dohling (2291 Olive Court, Grand Junction) agreed with staff's analysis that GPA criteria had not been met. He felt that since the restoration of the wetlands was as a result of a prior agreement between the County and the Lewis', it should not be referenced as a benefit associated with the current development request. He also expressed concerns about safety and the limited access into the subject property via Kansas Avenue. If access to this site could be routed elsewhere, he said, a number of neighborhood concerns would probably be eliminated.

Darlene Gsell (1930 Star Canyon, Grand Junction) presented an overhead of the local Wildlife Composite Map. It showed large concentrations of wildlife on the Lewis' land and in the immediate area. She asked who would protect this wildlife habitat from

further encroachment? She agreed with previous statements about traffic and safety concerns.

Terry Dixon (423 Wildwood, Grand Junction) noted that all commercial development in the subject area had received a lot of public opposition. Residents as a whole he said are opposed to commercial development encroaching into their residential neighborhoods. The Redlands Parkway intersection is very dangerous. It was not a good idea, he said, to add to that problem by compounding traffic and safety issues.

Bill Bultman (2269 S. Broadway, Grand Junction) felt that the size and scope of the proposed project would be out of character with the rest of the area. He presented an overhead photo of a 6-bay car wash superimposed upon the applicants' property to illustrate this point. The applicants had purchased this property purely for speculation, he said, and they had done nothing thusfar to improve the property. Since the nearest car wash was only 2.78 miles away, there was no need for another one at this location. He agreed that if the site were given a C-1 zone, there was no guarantee that a more intense use wouldn't locate there instead.

PETITIONERS' REBUTTAL

Mr. Joyce reiterated that given its proximity to two major arterials, the subject corner was inappropriate for residential development; staff had agreed with this conclusion. This request represented "node" development, not "strip" development. The appropriate size and scale of the use would be determined during Site Plan review. Fewer neighborhood nodes would result in increased ADT's to other services across town. With regard to safety concerns, sidewalks would be constructed along the site's Broadway frontage in conjunction with the development. He disagreed with the opposition and felt that the burden of proof had been satisfied with regard to GPA and rezone criteria. The applicants would be amenable to a B-1 zone; however, he felt that consideration should still be given to their GPA request, and that the appropriate zone district should be determined at this hearing. The Growth Plan, he maintained, was a "living" document. This area was in transition, and whether a C-1 or B-1 zone district was placed on the property, he felt that a GPA review was still warranted. The Consistency Review option would stall the project another 6 months. Mr. Joyce objected to comments made by the opposition that the land deeded to the Lewis' was a "gift" and not representative of an exchange. Cleanup costs, he said, would be at least \$30K. If residents wanted to purchase the property and leave it as open space, he felt certain that the Lewis' would sell it. He also noted that a TIS represented a "best guess" of what might happen; it was not an exact science. He didn't believe that safety would be a factor since most of the car wash's business would occur on the weekends and not while children were walking to and from school. He noted that even with added traffic to Kansas Avenue, Kansas Avenue was designed to handle more traffic than it was currently receiving. In response to wildlife impact questions, he noted that every

residential development on the Redlands impacted wildlife in some way. This impact was not limited to commercial developments, and to infer thusly was unfair.

Ms. Lewis came forward and said that she had collected 86 signatures of residents who were unopposed to the development and had released she and her husband from subdivision covenants. She had not pursued homeowners from the Bluffs West Subdivision since they were clearly opposed and there remained some question over whether its covenants were applicable to the parcel since it was not a lot contained within the subdivision itself. She reiterated that she expected no more than 120-130 cars/day to visit the car wash. This represented far less impact than the Meadowlark Gardens across the street.

DISCUSSION

Commissioner Binder asked Mr. Shaver if covenants ran with the land and, if so, what did that mean in this particular instance? Mr. Shaver responded that covenants do run with the land, whether or not they were enforced. He noted that covenants, however, represented private rights of enforcement and such enforcement was left up to those charged with that task. While such enforcement could involve litigation, that did not fall within Planning Commission purview. He advised that whether or not the Bluffs West Subdivision covenants actually applied to the parcel in question was another issue, also outside of Planning Commission purview. Mr. Shaver said that the only issue which should currently be under discussion was the land use.

Chairman Elmer offered that if the parcel was technically a part of the Bluffs West Subdivision and its covenants were applicable, then it did affect the land use. Mr. Shaver reiterated that enforcement of covenants was a civil matter which may ultimately require litigation. He cautioned planning commissioners not to make a judgment in this matter but to leave that up to a civil court to determine.

When Chairman Elmer asked Mr. Shaver if he considered the portion of land in question to be a part of the Bluffs Subdivision, Mr. Shaver responded affirmatively but added that the applicability of covenants to that portion of land was a separate consideration. He acknowledged the very long and difficult title history associated with this property.

Commissioner Blosser asked if an alternate zone could be recommended by the Planning Commission. Mr. Shaver said yes, giving a detailed opinion relating to legal advertising requirements. The request for a rezone to C-1, the more intensive zoning had been advertised. Consideration could be given to a less intensive zone district under that advertisement.

Chairman Elmer noted that dealing with land uses around busy intersections was a common problem and neither the Code nor the Growth Plan offered any clear direction

on how best to handle such situations. He never viewed GPA's as a solution to the zoning issues of a single parcel; they were designed, instead, to accommodate much larger areas. Meadowlark Gardens had been approved because it had been a greenhouse for many years prior. Even so, its approval still came with a number of restrictions and specific standards. Approval of that request did not serve as justification for other commercial development requests. He didn't believe that the character of the area had changed; traffic flows along Broadway and the Redlands Parkway had always been significant, yet people still invested a lot of money in their homes located along these busy streets. It seemed to him that only criterion #5 of the GPA came close to having been met. As such, he did not feel he could support the GPA request.

Commissioner Binder said that she could sympathize with residents concerned about traffic and safety; however, she wondered if this was such a big concern, why are schools continually built along busy collectors and arterials? She agreed that rural streets were designed to handle a certain volume of traffic and that traffic along Kansas Avenue was not even close to capacity. If Bluffs West residents were so concerned about safety, they should seriously consider cul-de-sacking the street. Perhaps it would reduce their convenience of accessing the Parkway quicker, but what was more important—convenience or safety? She also agreed that if services weren't localized, people would be forced to travel more miles, resulting in increases in traffic, gas expense, drive time, and pollution. With regard to wildlife, everyone was guilty of impacting wildlife habitat to some degree. She felt that she could support the GPA but not the C-1 zone request.

Commissioner Blosser concurred with Commissioner Binder's comments. He said that he drives by that corner every day and agreed that it was inappropriate for residential development. Traffic along Broadway and the Parkway will continue to be bad regardless of what is eventually constructed on the site. It was unlikely that development of a car wash on the property would impact current levels of traffic very much. He, too, said that he could support the GPA but not the C-1 zone request.

Commissioner Evans also agreed with Commissioner Binder's comments. Safety is a big concern; however, it was unlikely a car wash or the traffic generated as a result of it would significantly impact the neighborhood. Neighbors might consider posting a crossing guard to allay concerns about children crossing the street. He concurred that the corner was not appropriate for residential development. While he could support the GPA request, he did not feel C-1 zoning for the site was appropriate.

MOTION: (Commissioner Blosser) "Mr. Chairman, on item GPA-2001-178, request for a Growth Plan Amendment to redesignate a portion of the Lewis property, the .94 of an acre as represented by the applicants and referenced in the Staff Report, from

Residential Low (1/2 to 2 acres per dwelling unit) to Commercial, I move that we forward this request to City Council with a recommendation to approve.”

Commissioner Evans seconded the motion. A vote was called and the motion failed by a vote of 0-4.

With failure of the GPA request, no motion was made on the rezone request.

With no further business to discuss, the meeting was adjourned at 11:30 P.M.

January 16, 2002

SPIECKER, HANLON, GORMLEY & VOLKMANN, LLP
ATTORNEYS AT LAW

FRANK F. SPIECKER (RETIRED)
CLAY E. HANLON

JOHN P. GORMLEY
THOMAS C. VOLKMANN, P.C.

December 13, 2001

HAND DELIVERY

Mr. Robert Blanchard, Director
COMMUNITY DEVELOPMENT DEPARTMENT
City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

Re: ***LEWIS GROWTH PLAN AMENDMENT AND REZONE
GPA-2001-178
NOTICE OF APPEAL***

Dear Mr. Blanchard:

Pursuant to Section 2.18(D)(3)(h) and Section 2.18(E) of the Zoning and Development Code, 2000, ROXANNE and MIKEL LEWIS ("LEWIS"), through their undersigned counsel and representative, hereby appeal the decision of the Grand Junction City Planning Commission, dated November 13, 2001, recommending to the City Council a denial the Lewis application for a Growth Plan Amendment and Rezone of their property located at 2258 South Broadway, Grand Junction, Colorado. (Although this matter would need to go on to the City Council, in any event, even had the Planning Commission recommended approval of the Plan amendment, it appears that the above subsection of Section 2.18D of the Code requires this Notice of Appeal.)

In support of this Notice of Appeal, Lewis submits the following:

1. The Decision Maker for the requested amendment to the Growth Plan is the City Council under Table 2.1 of the Code. However, it appears that pursuant to Section 2.18(E) of the Code, an appeal may be appropriate to have this matter heard by the City Council, anyway.
2. A Request for Rehearing was submitted to the Planning Director after the denial of the amendment by the Planning Commission, in accordance with the provisions of Section 2.18(D)(3)(h). The Planning Commission effectively denied the request, by failure to produce a motion in support of the rehearing, in its hearing on the evening of December 11, 2001.
3. The basis for the appeal includes, but is not limited to, the following;

Mr. Robert Blanchard, Director
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A. The Planning Commission denied the application for the Growth Plan Amendment in apparent reliance upon staff comments, which were based upon a theory that a Plan Consistency Review could have resulted in a determination that the Lewis project was within the approved uses of the subject property under the Growth Plan, without the necessity of an amendment. However, Section 3.4(B) of the Code provides that the B-1 zone, expressed to be the favored resulting zone for the subject property in both staff comments on the application and during the Commission's discussion of the application at the hearing, implements the "residential high density and commercial future land use classifications of the GROWTH PLAN." The Lewis property was given a Residential/Low Density designation in the Growth Plan, thereby making this implementation tool apparently unavailable to them under the present Growth Plan designation and the current terms and conditions of the Code.

B. The Plan Consistency Review proposed by staff does not, for the reasons set forth above, appear to offer a reasonable likelihood of success. Therefore, the Growth Plan Amendment sought in the application appears to be the best option for development of the subject property. However, there were insufficient findings made relative to the Applicants' compliance with the requirements for a Growth Plan Amendment under the Code. The Commission discussion which immediately preceded the vote suggests, also that the compliance of the application with the requirements of a Growth Plan Amendment were either not considered directly, or were determined to have been met, notwithstanding the denial. The adverse decision appeared to have been made based upon the erroneous belief that the project was appropriate for a Plan Consistency Review. Accordingly, Lewis submits that the Commission misunderstood the pertinent facts regarding the implementation limitations outlined above, and their effect on the likelihood of success of the proposed Plan Consistency Review identified by staff in its report.

4. Lewis, as the Applicant, personally appeared at the November 13, 2001 hearing, along with the undersigned counsel and Mike Joyce, as their representatives, and at the Planning Commission hearing of December 11, 2001, wherein the request for rehearing was on the agenda.

For the above reasons, Lewis hereby appeals to the City Council to address Lewis' level of compliance with the requirements of a Growth Plan Amendment for the subject property. It is our understanding that the hearing before the City Council will include the taking of testimony, as opposed to a mere record review, due to the fact that the City Council is the decision making body on the issue under the Code. Code Section 2.18(E), which suggests merely a record review by the appellate body, confuses the issue when read in conjunction with Table 2.1, which identifies the City Council as the Decision Maker, not the Appeal Body, for this application.

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Please contact me if there is any additional information you need regarding this matter.

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