

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

WEDNESDAY, FEBRUARY 20, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Rocky Shrable, Sonrise Church of God

PROCLAMATION

***PROCLAMATION DECLARING FEBRUARY 25, 2002 AS "BILL FANNING DAY" IN THE CITY OF GRAND JUNCTION

CITIZEN COMMENTS

* * * CONSENT CALENDAR * * *

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

Action: Approve the Summary of the February 4, 2002 Workshop, the Minutes of the February 6, 2002 Special Meeting and the Minutes of the February 6, 2002 Regular Meeting

2. **Setting a Hearing on the Vacation of Right-of-Way, Eagle Subdivision, Cheyenne Drive and Vernon Lane** [File #VR-2002-009] [Attach 2](#)

The request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane.

Proposed Ordinance Vacating the Portion of the Right-of-Way on the South Side of Cheyenne Drive between 27 3/8 Road and Mountain View Street and the Right-of-Way for Vernon Lane

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

Staff presentation: Pat Cecil, Development Services Supervisor

3. **Urban Trails Master Plan Revisions** [File #PLN-2001-191] [Attach 3](#)

Resolution adopting the 2001 Urban Trails Master Plan for those areas located within the City limits and including those areas that will be annexed in the future.

Resolution No. 13-02 – A Resolution Adopting Amendments to the Urban Trails Master Plan

Action: Adopt Resolution No. 13-02

Staff presentation: David Thornton, Principal Planner

4. **Award of Construction Contract for 25 & G Road Intersection and Storm Drainage Improvements** [Attach 4](#)

Bids were received and opened on February 7, 2002 for 25 and G Road Intersection and Storm Drainage Improvements. The low bid was submitted by MA Concrete Construction, Inc. in the amount of \$391,178.38. This project consists of the replacement of the existing bridge at 25 Road with twin 84” pipes and the construction of a roundabout at 25 & G Road.

Work is scheduled to begin on or about March 18 and continue for 12 weeks with an anticipated completion date of June 8, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
MA Concrete Construction, Inc.	Grand Junction	\$391,178.38
Skyline Contracting, Inc.	Grand Junction	\$447,208.85
Mays Concrete, Inc.	Grand Junction	\$457,168.00
United Companies of Mesa County	Grand Junction	\$512,058.00
Engineer’s Estimate		\$422,983.00

Action: Authorize the City Manager to Execute a Contract for the 25 & G Road Intersection and Storm Drainage Improvements to M. A. Concrete in the Amount of \$391,178.38

Staff presentation: Tim Moore, Public Works Manager

5. **Setting a Hearing on the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System** [Attach 5](#)

City Council has determined that in the best interest of the City and its citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000 includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Proposed Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying Prior Determinations of the Council; and Prescribing Other Details in Connection Therewith.

Action: Adopt Proposed Ordinance on First Reading, Set a Hearing for March 6, 2002 and Authorize Publication in Pamphlet Form

Staff presentation: Ron Lappi, Administrative Services Director
Dan Wilson, City Attorney

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

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

6. **Public Hearing – Approval of a Growth Plan Consistency Review and Rezoning Ordinance for Riverside Market Located at 215 Chuluota Avenue** [File#RZ-2001-226] (Continued from January 16, 2002) [Attach 6](#)

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. 14-02 – 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. 3399 – 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. 14-02 and Ordinance No. 3399 on Second Reading

Staff presentation: Lisa Gerstenberger, Senior Planner

7. **Public Hearing - Appeal of the Planning Commission's Recommendation of Denial for the Rezoning Request for Midwest Commercial Subdivision, Located at 2295 Highway 6&50** [File #RZ-2001-227] [Attach 7](#)

The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. The Planning Commission at their December 11, 2001 hearing recommended denial of the rezoning request to the City Council.

Ordinance No. 3400 - An Ordinance Zoning the Midwest Commercial Subdivision, 35.8 Acres of Land Located at 2295 Highway 6 & 50

**Action:* Conduct the Public Hearing for the Second Reading of the Ordinance and the Petitioner's Appeal of the Planning Commission Recommendation

Staff presentation: Pat Cecil, Development Services Supervisor

8. **Public Hearing - Zoning for Webb Crane Annexation from County PC & AFT to City PD (Planned Development) Located at 761 23 ½ Road** [File #ANX-2000-158] [Attach 8](#)

Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT (Agricultural Forestry Transitional) to City PD (Planned Development) zone district. The site was annexed on February 16, 2000.

Ordinance No. 3401 - An Ordinance Zoning the Webb Crane Annexation
Approximately 20 Acres of Land Located at 761 23 ½ Road

**Action: Adopt Ordinance No. 3401 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

9. **Public Hearing – Setting the City Manager’s Salary** [Attach 9](#)

Article VII, Section 57 of the Charter states the City Manager’s salary is to be fixed by the Council by ordinance. Based on the market survey comparing similar communities, the City Council has determined the 2002 salary for the Grand Junction City Manager.

Ordinance No. 3402 – An Ordinance Amending Ordinance 3387, Section 3, Setting the Salary of the City Manager

**Action: Adopt Ordinance No. 3402 on Second Reading*

Presentation: City Council

10.*** **Authorization of Final Expenditures for Cornerstones of Law and Liberty**

The Cornerstones of Law and Liberty Plaza has been complete and all final charges have been submitted for payment.

Action: Authorize the Final Cost of the “Cornerstones of Law and Liberty” at \$57,716, up from the \$50,000 limit that was set by the Council in June of 2001

Staff presentation: Dan Wilson, City Attorney

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

12. **OTHER BUSINESS**

13.*** **EXECUTIVE SESSIONS** [Attach 10](#)

- a. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. Section 24-6-402(4)(e) and to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)

- b. To discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal or other Property Interest under C.R.S. Section 24-6-402(4)(a) on two separate properties
- c. To receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Water Issues (City of Golden case)
- d. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. Section 24-6-402(4)(e) and to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) in regards to the relationship with DDA

14. **ADJOURNMENT**

Attach 1

Minutes February 4 and 6, 2002

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

February 4, 2002

The City Council of the City of Grand Junction, Colorado, met on Monday, February 4, 2002 at 7:04 p.m. in the City Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Reford Theobold and President of the Council Pro Tem Janet Terry. President of the Council Cindy Enos-Martinez. And Councilmember Jim Spehar were absent.

Summaries and action on the following topics:

1. **WESTERN COLORADO BUSINESS DEVELOPMENT CORPORATION:** Representatives of WCBDC, Thea Chase and Karen Moore, Board president, updated Council on their activities first by showing a video on the Incubator, the revolving loan fund and the Small Business Development Center and then outlining some of the other accomplishments.

Action summary: The Council was appreciative of the presentation and of the work being done by the WCBDC.

2. **POLICY FOR FUNDING OUTSIDE GROUPS:** Council discussed options for a policy for financial contributions to outside organizations. Assistant City Manager Varley introduced the memo prepared that included some of the questions to be addressed.

Action summary: City Council reviewed the questions to assist in developing a policy. The group directed Staff to develop a policy that would include: 1) the request be a part of the budget process annually, 2) that any award be limited to one year, 3) they can apply every year, 4) capital projects are preferred and 5) Grand Junction applications are preferred. Council then discussed the application. Staff was directed use the form through 3. C. and to use the remainder of the form for the applicant to formulate their project detail. It was suggested that they be called guidelines rather than policy.

3. **DISCUSSION OF HILLTOP SENIOR CENTER PROPOSAL:** Council discussed the Hilltop funding request. Janell Bauer - Morris, Hilltop, stated she was present to answer questions. Multi-year funding posed a dilemma as well as the timing but it was seen as a unique opportunity

Action summary: Council directed Staff to place an item on the February 6th agenda under individual consideration that offers \$100,000 per year for 2002-2003 and request that future requests come to Council under the new guidelines being proposed. The funds would be held until construction begins. Future discussion will work out the details including benefits being extended to City residents.

ADJOURNED at 9:29 p.m.

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

FEBRUARY 6, 2002

The City Council of the City of Grand Junction convened into regular session the 6th day of February 2002, at 7:32 p.m. in the City Auditorium. Those present were Harry Butler, Reford Theobold, Dennis Kirtland, Bill McCurry, Jim Spehar, and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry 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 Councilmember Reford Theobold led in the pledge of allegiance. The audience remained standing for the Invocation by Rev. Jim Hale, Spirit of Life Christian Fellowship.

APPOINTMENTS

TO PUBLIC FINANCE CORPORATION

Councilmember Kirtland moved to reappoint Bob Cron to the Public Finance Corporation. Councilmember Spehar seconded. Motion carried.

TO PLANNING COMMISSION BOARD OF APPEALS

Councilmember Theobold moved to appoint John Paulson to the Planning Commission Board of Appeals and as 2nd alternate to the Planning Commission. Councilmember McCurry seconded. Motion carried.

TO VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

Councilmember Bill McCurry moved to reappoint Alan Friedman and Peggy Page, and to appoint Jill Eckhard for a 3 year term, and to appoint Michael Somma to fill a 2 ½ year unexpired term to serve on the Visitor and Convention Bureau Board of Directors. Councilmember Harry Butler seconded. Motion carried.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

TO PLANNING COMMISSION BOARD OF APPEALS AND 1ST ALTERNATE TO THE PLANNING COMMISSION

Bill Pitts was present and received his certificate of appointment.

TO THE RIVERVIEW TECHNOLOGY CORPORATION NEW DIRECTORS

Bonnie Pehl-Peterson and Walid Bou-Matar were present and received their certificates.

CITIZEN COMMENTS

Dean Schoenewald, Commissioner for the United Women's Football League, Inc., addressed the City Council regarding the attendance charge of a \$1 per child and the 15% charge on any merchandise sold. He asked City Council to waive these two charges since the league does not charge children under 13 to attend. Council was not inclined to consider their request.

CONSENT CALENDAR

Councilmember Spehar asked that item #14 be removed for individual consideration.

It was moved by Councilmember Theobald, seconded by Councilmember McCurry and carried to approve the Consent Calendar items #1 through 17, with item #14 being removed to Items Needing Individual Consideration.

1. Minutes of Previous Meetings

Action: Approve the Summary of the January 14, 2002 Workshop, January 14, 2002 Special Meeting, the Minutes of the January 16, 2002 Regular Meeting and the Minutes from January 28, 2002 and January 30, 2002 Special Meetings

2. Setting a Hearing on the Appeal of the Planning Commission's Recommendation of Denial for the Rezoning Request for Midwest Commercial Subdivision, Located at 2295 Highway 6&50 [File #RZ-2001-227]

The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. The Planning Commission at their December 11, 2001 hearing recommended denial of the rezoning request to the City Council. The appeal will be heard at second reading of the ordinance.

Proposed Ordinance Zoning 35.8 Acres of Land Located at 2295 Highway 6 & 50

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 20, 2002

3. Setting a Hearing on the Zoning for Webb Crane Annexation from County PC & AFT to City PD (Planned Development) Located at 761 23 ½ Road [File #ANX-2000-158]

Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT (Agricultural Forestry Transitional) to

City PD (Planned Development) zone district. The site was annexed on February 16, 2000.

Proposed Ordinance Zoning the Webb Crane Annexation Approximately 20 Acres of Land Located at 761 23 ½ Road

Action: Proposed Ordinance on First Reading and Set a Hearing for February 20, 2002

4. **Setting a Hearing on the Gunn Annexations #1 & #2 located at 2981 Gunnison Avenue** [File #ANX-2002-014]

Resolution for Referral of Petition to Annex/First reading of the Annexation ordinance/Exercising land use jurisdiction immediately for the Gunn Annexations located at 2981 Gunnison Avenue. The 0.688-acre Gunn Annexation consists of a serial annexation of one parcel of land.

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

Resolution No. 06-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control

Action: Adopt Resolution No. 06-02

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Gunn Annexation #1 approximately 0.344-acres located at 2981 Gunnison Avenue

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Gunn Annexation #2 approximately .344-acres located at 2981 Gunnison Avenue

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for March 20, 2002

5. **Renaming Lakeridge Drive to Mariposa Drive** [File #MSC-2002-022]

Request for approval of a resolution to rename the street Lakeridge Drive to Mariposa Drive.

Resolution No. 08-02 – A Resolution Renaming Lakeridge Drive, located in Ridges Filing Three, to Mariposa Drive

Action Adopt Resolution No. 08-02

6. **Award of Construction Contract for Bookcliff Avenue Reconstruction Storm Drain and Irrigation Project**

Bids were received and opened on January 15, 2002 for the Bookcliff Avenue Utilities Project. United Companies submitted the low bid in the amount of \$160,034.00. The Bookcliff Avenue Utilities construction project is the first phase in a two-phase project that will reconstruct Bookcliff Avenue between 9th Street and 12th Street. The first phase of the project will consist of the installation of approximately 1,100 feet of 12” PVC irrigation pipe and 900 feet of 24” storm sewer pipe.

The following bids were received for this project:

Contractor	From	Bid Amount
Neil’s Excavation Inc.	Ignacio, CO	\$231,706.30
Utilicon, Inc.	Carbondale, CO	\$299,497.60 *
Skyline Contracting, Inc.	Grand Jct., CO	\$187,546.70
RW Jones	Grand Jct., CO	\$234,404.30
MA Concrete Construction	Grand Jct., CO	\$229,649.80
United Companies	Grand Jct., CO	\$160,034.00
Engineers Estimate		\$185,825.00

* Corrected total bid based on unit prices.

Action: Authorize the City Manager to Execute a Contract for the Bookcliff Avenue Reconstruction Storm Drain and Irrigation Project to United Companies in the Amount of \$160,034

7. **Exchange of Water Line Easements to Accommodate the Kannah Creek Flowline Replacement Project**

Elam Construction owns a large tract of vacant land adjacent to the City’s water treatment plant. The existing Kannah Creek Flowline (installed in 1911) and the Purdy Mesa Flowline (installed in 1955) both cross the Elam property.

The new Kannah Creek Flowline will be parallel with and closer in proximity to the Purdy Mesa Flowline. Elam has granted an easement, without compensation, that will provide adequate access for maintaining both Flowlines. In exchange for the newly dedicated easement, staff is proposing that the City release the existing water line easements by Quit Claim deed.

Resolution No. 09-02 – A Resolution Authorizing the Exchange of Waterline Easements with Elam Construction, Inc., to accommodate the Kannah Creek Flowline Replacement Project

Action Adopt Resolution No. 09-02

8. **Award of Construction Contract for Kannah Creek Flowline Project**

Bids were received and opened on January 24, 2002, for Kannah Creek Flowline. The low bid was submitted by Claw Construction, Inc. in the amount of \$694,080.00. This project consists of the installation of 30,000 feet (5.7 miles) of 24" pipeline across Orchard Mesa from near the CDOT parking lot on Whitewater Hill to the water treatment plant. The line will replace the 20" cast iron line constructed in 1947. At that time, there were very few homes in Orchard Mesa. Since that time, many homes have been built in the immediate vicinity of the flow line. The line needs to be replaced once again in another location away from homes and other structures, which are jeopardized, every time the line breaks.

This contract is for the installation of the pipe only. Materials will be purchased separately by the City. Work is scheduled to begin on or about February 19. The contract documents allow 7 months for the construction, but Claw Construction anticipates completing the work in under 3 months.

The following bids were received for this project:

<u>Contractor</u>	From	Bid Amount
Claw Construction	Wales, Utah	\$694,080.00
Downey Excavating	Montrose	\$716,358.50
Mendez, Inc.	Grand Junction	\$753,046.00
R.W. Jones Construction	Fruita	\$868,495.00
High Country Pipeline	Penrose, CO	\$924,223.00
M.A. Concrete Construction	Grand Junction	\$1,043,810.00
Skyline Contracting	Grand Junction	\$1,088,140.20
Precision Excavating	Hayden	\$1,108,771.00
United Companies	Grand Junction	\$1,163,888.50
Gould Construction	Glenwood Spr.	\$1,875,779.00

Engineer's Estimate

\$1,061,715.00

Action: Authorize the City Manager to Execute a Contract for the Kannah Creek Flowline Project to Claw Construction in the Amount of \$694,080

9. **Award of Materials Contract for Kannah Creek Project**

Bids were received and opened on January 29, 2002, for Kannah Creek Flowline Materials Contract. The materials were divided into two bid groups. The first bid group consisted of materials listed in Schedules 1 (Pipe), and 2 (Valves and Fittings). The second group consisted of materials in Schedule 3 (Concrete Vaults). Waterworks Sales/Hughes Supply Company was the responsive low bidder for both groups. This project consists of supplying materials for the replacement of the Kannah Creek Flow Line. The project entails supplying 30,000 feet (5.7 miles) of 24" pipe and other appurtenances.

This contract is for the supply of materials only. Labor to install the materials was bid out on January 24 and is proposed for award on February 6, 2002 to Claw Construction of Wales, Utah.

The following bids were received for Schedule 1 and 2:

<u>Contractor</u>	<u>From</u>	Bid Amount
Waterworks Sales	Grand Jct., CO	\$ 1,015,132.88
Grand Junction Pipe and Supply	Grand Jct., CO	\$1,027,037.48
Engineer's Estimate		\$1,225,000.00

The following bids were received for Schedule 3:

<u>Contractor</u>	<u>From</u>	Bid Amount
Waterworks Sales	Grand Jct., CO	\$16,820.96
Grand Junction Pipe and Supply	Grand Jct., CO	\$24,529.49
Engineer's Estimate		\$25,000.00

Action: Authorizing the City Manager to Execute a Materials Supply Construction Contract for the Kannah Creek Flowline with Waterworks Sales/Hughes Supply Company for Both Bid Groups for Schedules 1,2 and 3, Total Bid Price of \$1,031,953.84

10. **Lease/Purchase Agreement for 635 White Avenue**

The proposed Action will authorize the lease and purchase of property located at 635 West White Avenue. The subject property is located immediately north of the Highway 340 Railroad Viaduct. Preliminary designs prepared for the Riverside Bypass indicate this property will eventually be required for right-of-way

purposes. Although funding to acquire right-of-way for the Bypass is not programmed until 2003, the property is listed for sale and the owners have agreed to a lease/purchase arrangement that ensures the property will be available for future right-of-way uses. This is a good opportunity to acquire the property from willing sellers and thus avoid an eminent domain acquisition from new owners who could avail themselves to costly relocation benefits.

Resolution No. 10-02 – Authorizing the Lease and Purchase by the City of Certain Real Property owned by Robert W. Kemp and Asenath I. Kemp located at 635 West White Avenue.

Action: Adopt Resolution No. 10-02

11. **Combined Sewer Elimination/Water Line Replacement Project Design Services**

This work will develop final plans for the \$8.3 million Combined Sewer Elimination Project as well as \$3.5 million Water Line Replacements. Sear-Brown will be hired to develop detailed plans for the Combined Sewer Elimination Project as well as the \$3.5 million Water Line Replacements. Sear-Brown’s team also includes Rolland Engineering and local geotechnical firm and construction management. Local firms will be responsible for approximately 40% of the work product.

Action: Authorize the City Manager to Execute a Contract for the Combined Sewer Elimination/Water Line Replacement Project for Design Services to Sear-Brown of Golden, Colorado in the Amount of \$1,397,689

12. **Award of Contract for the Steam Plant Demolition Project**

Four bids for the project were received and opened January 22, 2002, with the low submitted by Palisade Constructors, Inc. Bids were submitted for two options: Option 1 was for removal of the structure(s) to a maximum of 2’ above the basement floor level, and Option 2 was for complete removal of the structure and basement except for the north and south basement walls. The project will provide for demolition of the combined structure of the old Steam Plant and Ice Plant at the southeast corner of 5th St. and South Ave. The bid amount includes removal of all asbestos containing materials.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Option 1</u>	<u>Option 2</u>
Palisade Constructors, Inc.	Palisade, Co	\$213,445	\$277,419
M.A. Concrete Construction	Grand Jct., Co.	\$226,800	\$289,580

R.W. Jones Construction, Inc. Fruita, Co.	\$312,300	\$442,700
Skyline Contracting, Inc. Grand Jct., Co.	587,685	\$715,170

Action: Authorize the City Manager to Execute a Contract for the Demolition of the Steam Plant to Palisade Contractors, Inc. in the Amount of \$277,419

13. **Colorado Department of Transportation (CDOT) Maintenance Contract**

The current maintenance contract with CDOT has been in effect since 1991. This contract updates the costs and adds additional lane miles and responsibilities to the existing contract. This contract is one of two that will be brought before City Council. The last contract negotiated with CDOT was signed in July, 1991. The City of Grand Junction has contracted with CDOT for decades for maintenance of state highways within the city limits. Since 1991, city limits have changed due to annexations and this has added miles of state highways within those limits. Activities covered under this contract include removal of snow and plowing, application of deicing products, minor pot hole patching and repair and replacement of signs and sign posts.

Resolution No. 11-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation for the City to Perform Maintenance Services on State Highways

Action: Adopt Resolution No. 11-02

14. **Line Officer Grant – Colorado Regional Community Policing Institute**

The Police Department is seeking approval to submit for two line-officer grants in the amount of \$2,000 each. These grants are federal dollars as administered by the Colorado Regional Community Policing Institute (CRCPI).

The first grant would provide funding to hire a professional mediator who would work in concert with the Police Department to develop a community mediation process. This process will solicit trained mediators to assist the police department in settling on going neighborhood disputes between residents.

The second grant is for a pilot project where the City would purchase an additional hand-held radar unit. Volunteers from the Seniors and Law Enforcement Together (SALT) group will be trained to take the radar into areas of speeding complaints to monitor traffic and to record license plate numbers from speeding motorists. The registered owner of the vehicle will then be contacted by mail and advised of the violation and asked to adhere more closely to the traffic laws.

REMOVED FOR INDIVIDUAL CONSIDERATION

15. **Purchase of Toro Groundsmaster 455 D Replacement Mowers**

This purchase is being made to replace unit #1367 Wide Area Mower and add one additional unit to the Parks fleet.

Action: Authorize the City Purchasing Manager to Purchase two Toro Wide Area Mowers from L.L. Johnson Distributing Company for the amount of \$71,780, less \$1500 trade in for one used unit. total net cost F.O.B. Grand Junction, Colorado of \$70,280

16. **Purchase of Five Yard Dump Truck**

This purchase is to replace two single axle, 5-yard dump units #1270 and #1082 1990 GMC Dump Trucks.

Action: Authorize the City Purchasing Manager to Purchase one 2002 Mack Tandem Axle Dump Truck for the Net Bid Amount of \$67,872.00, F.O.B. Grand Junction, Colorado.

17. **Purchase of 2002 E450 Life Line Superliner Ambulance**

This purchase is to replace unit #2038, 1993 Ford Rescue Unit.

Action: Authorize the City Purchasing Manager to Purchase One 2002 Lifeline Superliner Ambulance on Ford F-450 chassis for the bid amount of \$95,947.00 F.O.B. Grand Junction, Colorado.

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

Line Officer Grant – Colorado Regional Community Policing Institute

The Police Department is seeking approval to submit for two line-officer grants in the amount of \$2,000 each. These grants are federal dollars as administered by the Colorado Regional Community Policing Institute (CRCPI).

The first grant would provide funding to hire a professional mediator who would work in concert with the Police Department to develop a community mediation process. This process will solicit trained mediators to assist the police department in settling on going neighborhood disputes between residents.

The second grant is for a pilot project where the City would purchase an additional hand-held radar unit. Volunteers from the Seniors and Law Enforcement Together (SALT) group will be trained to take the radar into areas to monitor traffic and to record license plate numbers of speeding motorists. The registered owner of the vehicle will then be contacted by mail and advised of the violation and asked to adhere more closely to the traffic laws.

Police Chief Morrison reviewed this item, noting that Councilmember Spehar was referring to the second grant request by removing this item from consent. Chief Morrison explained that volunteers could respond to complaints in low traffic areas when complaints arise. The volunteers would record the vehicle speed, license plate number, and time of day.

Councilmember Spehar inquired about training of volunteers and expressed concern about the effectiveness that letters done by volunteers would have on the offenders. He felt it would be an inadequate response to a complaint. Chief Morrison explained that volunteers would receive basic training on the use of the radar gun.

Councilmember Spehar was concerned that the City would be giving an illusion of response, and that staff time would be used to do letters that eventually would have no affect. He questioned if it would not be better if actual tickets were issued instead of letters, which would have no real affect on speeders.

Chief Morrison disagreed, stating that letters may give parents an opportunity to discuss the matter with teens who are violating the speed limit laws. Also, the volunteers would be drafting the letters and no officer time would be used. The program would also encourage residents to volunteer and solve neighborhood problems.

Upon motion by Councilmember Kirtland, seconded by Councilmember Butler, and carried by a roll call vote, with Councilmember Spehar voting NO, it was moved to approve the police department to submit applications for two line-officer grants, for \$2,000 each, to the Colorado Regional Community Policing Institute.

Setting a Hearing on the Ordinance Setting the Salary of the City Manager

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the council by ordinance. Based on the market survey comparing similar communities, the City Council has determined the 2002 salary for the Grand Junction City Manager.

An Ordinance Amending Ordinance No. 3387, Section 3, Setting the Salary of the City Manager.

Councilmember Spehar and Councilmember Kirtland explained the reason for the increase, and how and why the City Manager's salary is set.

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry and carried by a roll call vote, the proposed ordinance Amending Ordinance 3387, Section 3, Setting the Salary of the City Manager, was adopted on First Reading and a hearing was set for February 20, 2002.

Public Hearing – The Pines Subdivision [File #RZP-2001-225]

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.

The public hearing was opened at 8:06 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item.

There were no public comments.

The public hearing was closed at 8:09 p.m.

Ordinance No. 3397 – An Ordinance Zoning the Pine Subdivision, 5.07 acres of Land Located at 2645 F ½ Road.

Upon motion made by Councilmember Butler, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3397 was adopted on Second Reading and ordered published.

Public Hearing – Amending the Zoning and Development Code, Adding Sections 4.1.1.2.c and 4.3.D, Salvage Yards, Recyclers and Impound Lots [File# TAC-2001-203]

On December 19th the City Council approved Ordinance No. 3390, the Revised Zoning and Development Code, and asked that section 4.3.D and 4.1.1.2.c pertaining to new and existing salvage yards, recyclers and impound lots be brought back for further discussion.

The public hearing was opened at 8:09 p.m.

Planning Manager Kathy Portner reviewed this item. She outlined the history of this proposed regulation, starting with the direction to Staff from City Council to inventory all outdoor storage areas to see what the possible impact of such regulations might be. She referred to a table that compared the earlier proposal and the current proposal. Staff recommends approval of the current proposal.

Dick Ennis, whose son owns Double D Services, stated that the regulations the salvage yard and recyclers put together previously are less ambiguous. The new proposal includes all storage lots. He then detailed the history of appliance disposal as well as the illegal dumping of appliances just outside his son's lot.

Dave Murphy, 244 Sherman Drive, Orchard Mesa, Any Auto Wrecking, 549 Nolan Avenue, addressed Council regarding the possibility of his property being condemned due to the bypass. His business subsequently will have to relocate and he will be required to meet the new code. He questioned Council if the City will pay his moving costs to relocate.

Butch Jarvis, American Auto Salvage, supported Mr. Murphy's comments about the cost of relocating a salvage yard. He then reminded Council of the 14-pages the group had put together. Now the new proposal has been reduced to only 2-pages. Mr. Murphy and he both felt that their proposal was simpler. He also felt that end recyclers could not operate under the new proposal; they should not be included in these regulations.

Dean Van Gundy, who operates Van Gundy's, which has been in business at the current location for over 72 years, explained the very repressed business climate. He is afraid the new regulations are the best way to put his type of operation out of business. He stated there is no way for his business to meet the proposed regulations. He asked for clarification on what constitutes an existing versus a new business.

Ms. Portner said the new regulations include a requirement for screening/fencing along street frontages, and fifty feet back along the sides, if the adjacent property is not zoned heavy commercial or industrial. Existing end recyclers can exceed height requirements. New and expanded businesses would have to meet the new standards; the expanded business threshold is 35% increase in land area. A new business would be required to erect a 6 foot or 8 foot fence or wall, have street frontage landscaping, comply with height restrictions for type of operations with the exception of approved shelving and/or integral unit of machinery, and noise minimizers. Ms. Portner added that under the previous code a Conditional Use Permit was also required.

Norma Ennis, whose son owns Double D Service, asked if Dan Wilson could speak on behalf of the salvage owners to shed some light on what was discussed at their meetings with him in regards to the proposed amendment to the ordinance. Councilmember Theobald stated that would put Mr. Wilson in an awkward position and the request was declined.

Dean Van Gundy, Van Gundy's, again requested a clear and distinct definition between new yards and existing yards. He asked for further clarification in case he would have to relocate.

Councilmember Spehar referred and repeated Ms. Portner's earlier comments and explanations. His relocated business would be subject to the new code.

John Bier, 2930 Highway 50, pointed out that Mr. Van Gundy's concern is that if he is compelled to move, rather than choosing to move, will he have to comply.

Councilmember Spehar said Mr. Van Gundy would have to comply under the current proposal even if it was a compelled move.

The public hearing was closed at 8:52 p.m.

Councilmember Theobold read Section 6 under 4.1.1.2.c of the ordinance and wanted to verify with Ms. Portner, that if the City gives no notice, there is no violation of the ordinance if an appliance is left outside the fence. Ms. Portner confirmed that no violation exists for the first 5 days. Councilmember Theobold reiterated if there is no notice from the City there is no violation. If there is a notice, there are 5 more days to comply. He also commented that the wording is confusing. Ms. Portner agreed that the wording is confusing, but the intent is to establish a grace period.

Councilmember Theobold asked if the new code is specific to salvage yards mentioned and does not apply to other outdoor storage.

Ms. Portner replied that outdoor storage is already covered in the Code, going back to the early 80's, and they do not proactively look for violations.

Councilmember Theobold inquired as to what other significant changes are included in the amended ordinance besides the requirement for screening walls or fences.

Ms. Portner replied that the amended ordinance is actually more lenient for salvage yards. Recyclers can exceed height restrictions in some cases, and that tire storage is already in the code. This amendment is more specific to wrapping of tires.

Councilmember Spehar voiced his concern to Mr. Wilson and asked about the standard operating procedure when a business is being forced to move.

Mr. Wilson explained that if federal funds are involved, then relocation costs are plugged in; there are some concessions in the state law, but not much. If the City appraises the land for purchase, relocation costs are not contemplated.

Councilmember Kirtland commented that whatever happens in the future, or if a business has to relocate, and he does not foresee any business moving for a while, it will be addressed at that time. He asked if there have been any tickets written for

dropped off appliances. (After noticing shaking heads: yes, he suggested the need to work together and to move on.)

Councilmember Spehar agreed and repeated that it is time to move on and that he does not want to continue this any more. Council will address the situation of a business moving when it actually happens.

Councilmember Theobold acknowledged that the community, regardless of appearance, needs these services and it is not the intent of the City Council to run anyone out of business. He doesn't believe by passing this ordinance anyone will be losing his or her business.

Ordinance No. 3398 – An Ordinance Amending the Zoning and Development Code, Adding Sections 4.1.1.2.c and 4.3.D, Salvage Yards, Recyclers and Impound Lots

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and carried by a roll call vote, with Councilmember Butler voting NO, Ordinance No. 3398 Adding Sections 4.1.1.2.c and 4.3.D, Salvage Yards, Recyclers and Impound Lots was adopted with exception of Section 4.1.1.2.c. Sub-Section 6 to read: "A recycler shall have a 5 working day grace period to remove items placed outside the perimeter fence. If the City gives notice after the 5th working day, the recycler shall remove such items within 5 working days.", as amended on Second Reading and ordered published.

Councilmember Janet Terry entered the meeting at 9:11 p.m.

Mesa County Public Library District, Central Library Master Plan, Located at 530 Grand Avenue [File #PLN-2001-243]

Mesa County Public Library District has proposed a new master plan for the Central Library, which allows for the replacement and expansion of the existing Library facility. The new Library will be approximately 70,000 square feet. An additional 30,000 square feet will be allotted for expansion by the years 2025 to 2030. The architects will attempt to design the new library to allow it to remain in the existing building during construction, but this is only a secondary objective. The Library District does not want to sacrifice neither the plan nor the aesthetics of the new building just to avoid relocation. If approved, an application to vacate Ouray Avenue in the 500 block, a Conditional Use Permit, and a Simple Subdivision for consolidation of the lot should be forthcoming.

Lori Bowers, Associate Planner, reviewed this item. She pointed out what buildings are proposed to be torn down, the street that is to be vacated and the placement of parking lots and access points.

Daniel Gardner of Chamberlin Architects added some details. He explained why there is only one entrance/exit, besides emergency exits. The parking tries to be sympathetic

to the adjacent residential neighborhoods. The entrance may be relocated to the northwest corner of the building.

Councilmember Theobold wanted to know where the transformers and dumpsters would be located.

Mr. Gardner replied that they would be placed on the southeast side of the building. They are also providing more parking spaces than required by code in order to accommodate the Grey Gourmet and the Senior Recreation Center.

Councilmember Theobold asked Mr. Gardner if the library is counting any spaces on land it does not own. Mr. Gardner replied no.

Councilmember Kirtland raised the question about underground parking. Mr. Gardner replied there have been some discussions on using the existing basement, but underground parking costs are seven times more expensive than surface parking.

Councilmember Spehar voiced his concern about parking being so far away from the building.

Mr. Gardner acknowledged Councilmember Spehar's concern as valid. He mentioned the abundance of available parking, and suggested that point may be still addressed at a later date.

Councilmember Theobold pointed out that the Master Plan clearly requires the vacation of Ouray and asked Ms. Bowers if Council adopts the Master Plan, are they required to vacate it. Ms. Bowers replied if Council approves this Master Plan they are saying that they are not opposed to vacating Ouray.

Councilmember Spehar wanted to verify that the library is an allowed use in a residential area with a Conditional Use Permit. Ms. Bowers answered yes.

Councilmember Theobold requested some legal clarification prior to approval of the Master Plan and request for vacation.

Mr. Wilson stated the vacation of Ouray would have to be an independent decision and will not amend the Master Plan.

Councilmember Theobold requested confirmation that the vacation of Ouray is not a pre-decision. Mr. Wilson responded that Council has all the discretion on that night of consideration of the vacation. However, certainly the adoption of the resolution says that this Council tonight looks favorably on that issue.

Resolution No. 12-02 – A Resolution Approving the Master Plan for Mesa County Public Library, District Central Library, Located at 530 Grand Avenue

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 12-02 was adopted.

Approving I-70B Access Management Study Contract

This contract is for a total of \$96,000. Of this amount, two developers along I-70B (Grand Mesa and Rim Rock) have already contributed \$10,000 each. The City will provide \$35,000 to fund this work. CDOT will pay \$41,000. This study will recommend means and methods of controlling access along this corridor to optimize traffic capacity in that area.

Mark Relph, Public Works Director, reviewed this item. The contract is a partnership between the City and CDOT for a study of traffic signals, crossovers from access roads, and he detailed the funding sources. The City is managing the project for CDOT.

Councilmember Kirtland moved to approve the City Manager to Execute a Contract for the I-70B Access Management Study. Councilmember McCurry seconded. Motion carried.

Funding for Hilltop's Senior Enrichment Center

Last year Hilltop Community Resources, Inc. submitted a letter to the City Council requesting that the City help fund the Senior Enrichment Center they plan to build. They requested a commitment from the City to contribute \$250,000 per year for ten years.

Kelly Arnold, City Manager, reviewed this item. The item was a result of direction made by Council at the Monday workshop.

Councilmember Spehar stated he prefers that Council not do multi-year commitments, but supports this project, and reminded everyone that funds are limited.

Councilmember Terry said she knows this is a concern, but Council is trying to balance this request, as it was made 6 months ago. She felt the City has to compromise this time but not do it in the future.

Councilmember Kirtland agreed with the merits of the project, but beyond that, it should be done on an annual basis.

Councilmember Theobold replied the allocation was set aside and is not an expenditure. Benefits to city residents have not been worked out yet. Hilltop Community Resources, Inc. will present additional requests at a later date.

Councilmember Terry added that Council would be holding the funds until they are actually needed and Hilltop requests funds.

Mayor Enos-Martinez informed Council that her niece works in the accounting department at Hilltop but she does not think this creates a conflict of interest.

Councilmember Butler informed Council that he has a brother enrolled in a program at Hilltop but he does not think this creates a conflict of interest.

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, it was moved to approve an allocation of \$100,000 from the City's 2002 budget and \$100,000 from its 2003 budget for the benefit of the Senior Enrichment Center to be built by Hilltop Community Resources, Inc. and that the City work with Hilltop to explore benefits that can be offered to Grand Junction residents.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

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 relative to amending existing contracts, under C.R.S. section 24-6-402(4)(e).

It was moved by Councilmember Spehar, seconded by Councilmember Kirtland 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 relative to amending existing contracts, under C.R.S. section 24-6-402(4)(e). Motion carried.

ADJOURNMENT

The City Council adjourned into executive session in the Administration Conference Room at 10:00 p.m.

Stephanie Tuin, CMC
City Clerk

Attach 2

Eagle Subdivision Vacation of Right-of-Way

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Vacation of Right-of-Way, Eagle Subdivision, VR-2002-009		
Meeting Date:	February 20, 2002		
Date Prepared:	February 13, 2002		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development services Supervisor	
	Workshop	X	Formal Agenda

Subject: First reading of the ordinance to vacate a portion of the right-of-way for Cheyenne Drive and Vernon Lane.

Summary: the request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane.

Background Information: The Planning Commission reviewed the vacation request on February 12, 2002, and recommends that the City Council approve the vacation request.

Budget: There are no budget impacts from the vacation.

Action Requested/Recommendation: Scheduling the ordinance for public hearing and adoption on second reading.

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

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

MEETING DATE: FEBRUARY 20, 2002
STAFF PRESENTATION: Pat Cecil

AGENDA TOPIC: Vacation of Right-of-Way, Eagle Subdivision VR-2002-009.

SUMMARY: The Petitioner is requesting approval to vacate excess right-of-way on Cheyenne Drive and Vernon Lane.

ACTION REQUESTED: Approval of the vacation of right-of-way.

BACKGROUND INFORMATION					
Location:		2757 Cheyenne Drive			
Applicants:		Ernest Martin – Owner Northwest Plateau Development Inc. – Steve Hejl – Petitioner Rolland Engineering – Trevor Brown – Representative			
Existing Land Use:		A barn and shed exist on the site			
Proposed Land Use:		Residential subdivision			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		Residential Multiple Family-5 dwelling units per acre (RMF-5)			
Proposed Zoning:		Same			
Surrounding Zoning:	North	RMF-5			
	South	RMF-8			
	East	RMF-5			
	West	RMF-8			
Growth Plan Designation:		Residential Medium 4-8 dwelling units per acre			
Zoning within density range?		X	Yes		No

Project Analysis:

Right-of-Way Vacation: The petitioner is requesting approval of a right-of-way vacation that comprises of 4-feet of the southern side of Cheyenne Drive, and all of Vernon Lane which is an unimproved right-of-way located on the project site. The total square footage of the proposed vacated area is 8260 square feet.

There exist adequate right-of-way for Cheyenne Drive meeting TEDS (Traffic Engineering Design Standards) requirements after the vacation. The right-of-way for Vernon Lane is unnecessary sine a road in this location would be in violation of TEDS requirements and the petitioner is proposing to create a new right-of-way to the west of the existing right-of-way at a location that complies with TEDS spacing requirements.

In order for a vacation to occur the following criteria required by Section 2.11 of the Zoning and Development Code must be addressed:

The Growth Plan, major street plan and other adopted plans and policies of the City;

Petitioners Response: Vacating the rights-of-way as described meets the City of Grand Junction plans for street designations and right-of-way widths.

No parcel shall be landlocked as a result of the vacation;

Petitioners Response: No parcel of land will be landlocked because of the vacation of these rights-of-way.

Access to any parcel shall not be restricted to the point where access is

unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation:

Petitioners Response: Access to parcels will not be affected. The right-of-way vacations occur along the frontage of this development only.

There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);

Petitioners Response: There will not be any adverse impacts on health, safety, or welfare of the community. This development will loop water lines for better fire protection safety. It will also continue half-road improvements along Cheyenne Drive, which will provide pedestrian sidewalks and improved surface drainage control.

The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and

Petitioners Response: Public facilities and services will not be inhibited by any part of the vacation of right-of-way.

The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, ect.

Petitioners Response: The City will have less maintenance of right-of-way because of the reduced width. The creation of Laguna Circle that will connect to Laguna Drive will improve inter-neighborhood circulation.

Staff feels that the petitioner has satisfied the criteria necessary for the vacation of right-of-way to be approved.

Drainage: On-site drainage will be piped and transported across Cheyenne Drive to Mountain Shadow Court where it will be connected to an existing storm drain system which discharges to the Colorado River.

Findings and Conclusions:

The right-of-way vacation is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

RECOMMENDATION: The Planning Commission recommends that the City Council find the vacation of right-of-way consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code and approved the vacation.

Attachments: Ordinance
General location map
Vacation Exhibit
Preliminary Plat map
General Project Report

**CITY OF GRAND JUNCTION
Ordinance No.**

**VACATING THE PORTION OF THE RIGHT-OF-WAY ON THE SOUTH SIDE OF
CHEYENNE DRIVE BETWEEN 27 3/8 ROAD AND MOUNTAIN VIEW STREET AND
THE RIGHT-OF-WAY FOR VERNON LANE**

RECITALS:

A vacation of a portion of the dedicated right-of-way for the south side of Cheyenne Drive located between 27 3/8 Road and Mountain View Street, and the dedicated right-of-way for Vernon Lane has been requested by the adjoining property owners. The existing dedicated right-of-way is presently undeveloped.

The City Council finds that the request is consistent with the Growth Plan, the adopted Major Street Plan and Section 2.11 of the Zoning and Development Code.

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

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

The following described dedicated right-of-way is hereby vacated as shown on "Exhibit A" as part of this vacation of right-of-way description;

Dedicated right-of-way to be vacated:

That part of Cheyenne Drive and Vernon Lane, which are public road rights-of-way as platted and dedicated by Kelley Subdivision, recorded in Plat Book 9 at Page 137 of the Mesa County real property records, the perimeter of which is described as follows:

Commencing at a Mesa County survey marker for the northwest corner of the SW1/4 SE1/4 of Section 24, Township One South, Range One West of the Ute Meridian, from whence a Mesa County survey marker for the South 1/4 of said Section 24 bears S00°03'20"W 1318.36 feet; thence S00°03'20"W 30.00 feet to the beginning; thence S89°53'30"E on the southerly right-of-way line of Cheyenne Drive, for a distance of 336.24 feet to the westerly right-of-way line of Vernon Lane; thence 39.24 feet on the arc of a 25 foot radius curve to the right (the central angle of which is 89°56'30" and the chord of which bears S44°55'15"E 35.34 feet); thence S00°03'00"W for a distance of 102.75 feet; thence N70°46'00"E for a distance of 52.97 feet to the easterly right-of-way line of Vernon Lane; thence N00°03'00"E for a distance of 85.15 feet; thence 39.30 feet

on the arc of a 25 foot radius curve to the right (the central angle of which is 90°03'30" and the chord of which bears N45°04'45"E 35.37 feet); thence, on the southerly right-of-way line of Cheyenne Drive, S89°53'30"E for a distance of 74.97 feet; thence N00°03'00"E for a distance of 4.00 feet; thence N89°53'30"W, parallel with said southerly right-of-way line, for a distance of 511.21 feet; thence S00°03'20"W 4.00 feet to the beginning.

Introduced for first reading on this 20th day of February, 2002

PASSED and ADOPTED this day of , 2001.

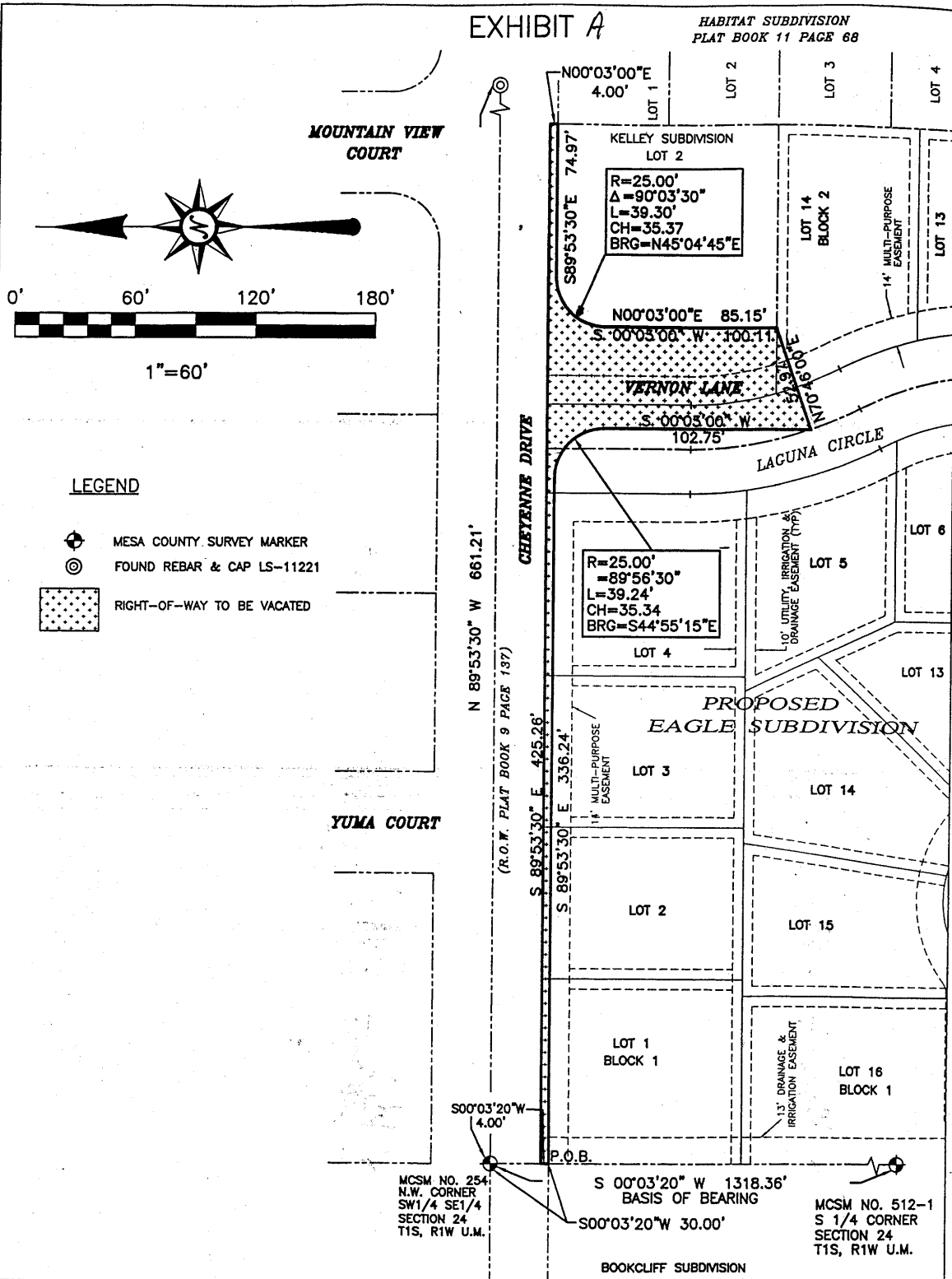
ATTEST:

City Clerk

President of Council

EXHIBIT A

HABITAT SUBDIVISION
PLAT BOOK 11 PAGE 68





GENERAL PROJECT REPORT
FOR

**EAGLE
SUBDIVISION**

Prepared for:

Northwest Plateau Development, Inc.

Mr. Steve Hejl
667 24-1/2 Road
Grand Junction, CO 81505

Prepared by:

ROLLAND Engineering
405 Ridges Blvd.
Grand Junction, CO 81503

December 26, 2001

Project Description

The proposed EAGLE SUBDIVISION is a thirty (30) lot subdivision on approximately 7.17 acres. The proposed subdivision is located near Eagle Rim Park at approximately 2757 Cheyenne Drive. The existing parcel is zoned RMF-5 (4 to 8 residential units per acre) in the City of Grand Junction. The proposed subdivision is approximately 4.18 units per acre. The proposal is for 30 single family residential lots.

Project Benefit

The Project will not impact the infrastructure of the community. The infrastructure of the surrounding residential community will be improved by the looping of the water lines, improved storm drainage control, connection of a street between neighborhoods, and continuation of half-road improvements along Cheyenne Drive. The new subdivision will create 30 new single-family residential lots in an in-fill area surrounded by single family residences on all sides. The Property is zoned RMF-5 in the City of Grand Junction. The Project meets the existing zoning code in the City of Grand Junction and the future land use designation of 4-8 units per acre.

Project Compliance, Compatibility, and Impact

We believe the Project complies with all existing plans and policies for this area. As stated above, the property is within the City with a zoning of RMF-5.

We are requesting a vacation of right-of-way at this time for two street areas. A legal description and exhibit have been provided with this subdivision submittal. The original Kelley Subdivision created a 50 foot wide right-of-way for approximately 100 feet into the parcel that is being subdivided into the Eagle Subdivision. We are requesting the vacation of this 50 foot right-of-way and it will be replaced with a 44 foot wide right-of-way for Laguna Circle. 44 feet is the present City of Grand Junction local street cross-section. The second area of right-of-way vacation is Cheyenne Drive. Cheyenne Drive is presently a 60 foot wide right-of-way. Cheyenne Drive is listed as a local street in the City Street Plan, which means its right-of-way should be 44 feet wide. We are continuing the curb, gutter, and sidewalk along Cheyenne to match the alignment of the curb, gutter, and sidewalk that ends to the west on Cheyenne Drive. We talked with the City Development Engineer regarding the Cheyenne Drive right-of-way. The consensus is that the right-of-way should be left at no less than 52 feet in width. A 52 foot wide right-of-way allows 4 feet of the Cheyenne Drive right-of-way to be vacated along the south side of Cheyenne Drive.

- Vacating the rights-of-way as described meets the City of Grand Junction plans for street designations and right-of-way widths.
- No parcel of land will be landlocked because of the vacation of these rights-of-way.
- Access to parcels will not be affected. The right-of-way vacations occur along the frontage of this development only.
- There will not be any adverse impacts on health, safety, or welfare of the community.

This development will loop water lines for better fire protection safety. It will also continue half-road improvements along Cheyenne Drive, which will provide pedestrian sidewalks and improved surface drainage control.

- Public facilities and services will not be inhibited by any part of the vacation of right-of-way.
- The City will have less maintenance of right-of-way because of the reduced width. The creation of Laguna Circle that will connect to Laguna Drive will improve inter-neighborhood circulation.

The surrounding properties are zoned RMF-5. Cheyenne Drive runs along the north property boundary. The east property boundary abuts the Kelly Subdivision and The Habitat Subdivision. The west and south boundary are immediately adjacent to an Orchard Mesa Irrigation Canal. The Bookcliff Subdivision is to the west with single family homes to the south of the irrigation canal.

The proposed lots conform to the City regulations for RMF-5 zoning.

Access to the lots will be from a new road through the subdivision, Laguna Circle, which will be constructed to the City of Grand Junction local street standard (44' wide right-of-way). Laguna Circle will access Cheyenne Drive to the north and will connect to the existing Laguna Drive to the west. All new roads will be constructed to the City standards with curb, gutter, and sidewalk. Cheyenne Drive will be improved to include all half-street improvements to bring the road up to a local street cross-section. Three of the lots are proposed to access directly to Cheyenne Drive.

All utilities are available to the site. Utility providers are as follows:

Fire -	City of Grand Junction Fire Department
Water (Domestic) -	City of Grand Junction
Sewer -	City of Grand Junction
Gas & Electric -	Public Service Company
Phone -	Qwest
Cable -	AT&T Communications
Irrigation -	Orchard Mesa Irrigation District
Drainage-	Orchard Mesa Irrigation District

The three lots that front Cheyenne will require water and sewer service laterals to be attached to the existing water and sewer lines in Cheyenne Drive. A sewer main runs in Cheyenne Drive. The new sewer main in Laguna Circle can service the balance of all lots within the subdivision. The water line will be an 8" water line that will be looped from Cheyenne Drive to Laguna Drive.

A Preliminary Drainage Report has been conducted for this subdivision. The report is part of this submittal. TRACT "A" has been created as a detention pond for control of stormwater discharge from the site. The site, at this time, will over-detain stormwater discharge.

There are no geologic hazards on the site. A geologic Report has been submitted with this narrative.

A 14 foot wide multi-purpose easement will be created along the frontage off all new lots. Drainage and irrigation easements will go between all lots. In addition, Tract "A" has been created for drainage detention purposes.

A 16 foot wide pedestrian Tract, Tract "B", has been created at the south edge of the property. A 10 foot wide concrete pedestrian path will be constructed that will go from this subdivision to Cherry Lane to the south. It will require a small pedestrian bridge over the irrigation canal.

Development Schedule

Construction of this subdivision is proposed to begin in the Spring of 2002.

Attach 3
Urban Trails Master Plan

CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	Urban Trails Master Plan Revisions		
Meeting Date:	February 20, 2002		
Date Prepared:	February 13, 2002		
Author:	David Thornton	Principal Planner	
Presenter Name:	David Thornton	Principal Planner	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda

Subject: Revisions to the 1997/1999 Urban Trails Master Plan, amending the Multi-modal Transportation Study, #PLN-2001-191

Summary: Resolution adopting the 2001 Urban Trails Master Plan for those areas located within the City limits and including those areas that will be annexed in the future.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Planning Commission recommended that City Council approve the Revisions to the Urban Trails Master Plan for those areas within the City limits.

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

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

PROJECT: PLN-2001-191 AMENDMENT TO THE MULTI-MODAL TRANSPORTATION STUDY

Proposed by: Urban Trails Committee and Grand Junction Planning Commission

Consideration of adoption of an amendment to the Multi-Modal Transportation Study to revise the Urban Trails Map of bicycle and pedestrian routes in the Study for the Grand Junction /Mesa County Metropolitan Planning Area (the urban area).

STAFF ANALYSIS/COMMENTS:

In 1993, Mesa County and the City of Grand Junction, jointly adopted the Multi-Modal Transportation Study as a planning guide for bicycle, pedestrian and intermodal transportation network improvements in the Mesa County/Grand Junction Metropolitan Planning Area. The study was prepared to effectively respond to the new mandates of federal transportation legislation (1991 Intermodal Surface Transportation Efficiency Act, a.k.a. ISTEA) and the State of Colorado Statewide Transportation Planning Process. The plan emphasizes all types of transportation including bicycle, pedestrian, rail, bus and air, rather than relying primarily on the automobile.

In 1997 Mesa County and the City of Grand Junction adopted the Urban Trails Master Plan as an updated plan of all pedestrian and bicycle routes in the Multi-Modal Transportation Study. Each route depicted on the Urban Trails Master Plan represents a concept of getting from one point to another, rather than the exact position of each route. As development occurs, or as public projects are built, the exact position of the route is established prior to the time of construction.

The Multi-Modal Study as amended recognizes development or promotion of trails along canal and drainage ditch banks as follows:

“formal transportation corridors can only happen through consent, cooperation, collaboration, and the accommodation of the concerns and needs of irrigation users and operators, the drainage facility owners and operators and adjacent users and land owners.”

These issues were explored in the Grand Junction Canal Roadways Use Study commissioned in joint effort by the City of Grand Junction and 5 irrigation companies in July 1999.

In 1999 the Urban Trails Master Plan Map was amended jointly by Mesa County and the City of Grand Junction Planning Commissions to add an off-road trail connection between E Road south to the Riverfront Trail (north of the Colorado River) along Lewis Wash (parallel to 31 Road).

The Urban Trails Committee recognized a need to amend the Urban Trails Master Plan to meet the changing physical environment of the urbanizing area of Mesa County. In this staff report there is a map showing revisions from the previously adopted

(1997/1999) Urban Trails Master Plan and a list of additional changes not shown on the map, recommended by the Grand Junction Planning Commission and both planning staffs from the City and County. These changes depicted on the map and list are the result of 9 months of Urban Trails Committee work, public input, an open house for the general public, meetings with the two planning staffs and a public hearing at a joint City and County Planning Commission meeting. Recommended revisions to the Urban Trails Master Plan include changes to designations, additions to the system and deletions to the system.

Urban Trails Master Plan Map designations are:

- Off Street Trail
- Sidewalk
- Canal Path
- On Street Bike Lane (Signed and Striped)
- Bike Route (not striped)

The following notes on the adopted Urban Trails Master Plan are not proposed for revision:

Routes shown represent a concept of getting from one point to another, rather than the exact position of each route.

The Urban Trails Master Plan is a planning document intended to depict trail needs. It is not intended to be a map indicating existing trails open for public use.

Canal Note: Canal banks are generally private property and users of canal banks are trespassing. Any designation of a portion of a canal bank as a trail location will be determined with the written consent and coordination of land owners and canal companies. An inventory of existing trails is on file with the Grand Junction Community Development Department.

Recommended Revisions by Planning Commission and Staff in addition to those shown on map.

A. Additions:

- On Street Bike Lane
- 12th Street Patterson Road South to Main Street
- 29 Road from Colorado River Bridge to Business I-70 Overpass
- c. 24 ½ Rd. North from I-70B to I-70, Canyon View East Entrance
- d. 25 Road South of I-70B to Independent.
- Redlands Mesa Trail network (on and off street)
- Bicycle/Ped Tunnel designations:
 - Broadway at Ridges Blvd
 - West Main St. at Railroad
- Bicycle/Ped Underpass designations:
 - a. 29 Road bridge north side of Colorado River

b. Grand Avenue bridge east side of Colorado River

c. 5th Street bridge north side of Colorado River

Bicycle/Ped Bridge designation:

a. Monument Road at Redlands Power Canal

Offstreet Trail:

North and south side of Business I-70 in front of Mesa Mall, east from McDonalds intersection to 24 ½ Road

Independent Avenue southeast from 24 ¾ Road, to West Gunnison and Grand Avenue location to be determined as Rimrock Marketplace is constructed.

Bike Route:

Business I-70 frontage road from 24 ½ Rd to 25 Road both side of road.

Drainage Ditch Path:

a. Beckwith Ditch from I-70B to GVIC canal (29 ½ Rd vicinity)

B. Revised Designations:

1. On Street Bike Lane

a. 12th Street from Patterson Road to H Road.

Off-Street Bike Lane:

a. Along F ½ Rd Parkway between 24 and 25 Roads

Bike Route:

Canal Path:

Retain the following areas on original Urban Trails Map:

Bike Route:

27 ¼ Road from H Road to I Road

D. Delete:

1. Off-Street Bike Lane

12th Street - Patterson Rd. to Horizon Drive (Change to On Street Bike Lane and sidewalk)

PLANNING COMMISSION RECOMMENDATION

Approval of the amendment and a resolution adopting the 2001 Urban Trails Plan, a part of the *Multi-Modal Transportation Study* with the following additions to the system, deletions and changes to the designations for that part of the Plan that is currently within the City limits and that part that will subsequently be in the City limits upon annexation:

Mesa County Planning Commission ACTION: (11/15/01) Tabled for further workshop discussion.

Grand Junction Planning Commission ACTION: (11/15/01) recommended approval of revisions within City limits.

ATTACHMENTS

October 2001 letter from Urban Trails Committee
Resolution

Map showing only proposed changes

Proposed 2001 Urban Trails Master Plan Map (Map shows combination of 1997/1999
map with proposed changes map. Additional list of changes is not included.)

Minutes from Joint Mesa County and City Planning Commissions meeting

Review Comments from outside agencies (Grand Valley Irrigation Company, Redlands
Water and Power Company, Grand Junction Drainage District)

**Urban Trails Master Plan Proposed Revisions
Submitted by the Urban Trails Committee
October 2001**

The Urban Trails Committee, UTC, a sub-committee of the Riverfront Commission, was created in 1994 to facilitate the development of the non-motorized trails to connect the urbanizing area of Mesa County between 19 and 32 roads to the Riverfront Trails. The UTC was also founded to facilitate trail connections between neighborhoods in this same area to schools, other neighborhoods and commercial areas. Our committee members are community volunteers and are appointed by the Grand Junction City Council.

In 1997 The Urban Trails Master Plan was adopted by the City of Grand Junction and Mesa County Planning Commissions and adopted and accepted by Grand Junction City Council and the Mesa County Commissioners respectively. The plan is part of the Multi-Modal Transportation Plan.

The Goal of the Urban Trails Master Plan is to provide non-motorized connectivity for all ages between three areas of the Urbanizing area of Mesa County:

1. Neighborhoods to The Riverfront Trail
2. Neighborhoods to schools and other neighborhoods
3. Neighborhoods to commercial areas where people work and conduct business.

The Urban Trails Master Plan has been used to guide the construction of portions of the trail system during the past 4 years. The sections are completed by one of two ways. First as existing roadways are rebuilt, realigned, or paved the facilities on the Urban Trails Master Plan are incorporated in the new changes. The second method of construction is completed by the developers of new projects who may build the improvements or escrow funds to the City of County for future construction.

The Urban Trails Committee recognizes a need to amend the plan to meet the changing physical environment of the urbanizing area of Mesa County, and we felt it was time to update the Urban Trails Master Plan. The attached map and list of changes recommended by the planning staffs of Grand Junction Community Development and Mesa County Planning Department are the result of 9 months of UTC work, public input, an open house for the general public and meetings with the two planning staffs. This document is a reflection of routes we believe meet the goals stated above, but it is not perfect and may need to be revised again in the future.

Jamie Lummis
Vice President
Moody Valley Insurance
(970) 243-3421

**RESOLUTION NO.
ADOPTING AMENDMENTS TO THE URBAN TRAILS MASTER PLAN**

RECITALS:

The City of Grand Junction Urban Trails Committee and the City and County Planning Staffs have diligently worked jointly and cooperatively in a process updating the Urban Trails Master Plan.

The Urban Trails Committee spent nine months reviewing comprehensively the 1997 Urban Trails Master Plan to determine the appropriateness of identified routes.

One public open house was conducted to obtain public input on the amendments and received comment on the proposed amendments.

City Staff has reviewed and recommends approval of the amendments to the Urban Trails Master Plan.

The City Planning Commission heard public testimony on the amendments to the Urban Trails Master Plan on 15 November 2001.

The City Council of the City of Grand Junction has authority to adopt master plans for the City of Grand Junction.

The City Council finds it necessary and important to plan for the future of the community and its multi-modal transportation system within the City limits and finds this Urban Trails Master Plan an important element of the City Comprehensive Plan.

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

That the updated amendments of the "Urban Trails Master Plan" adopted by the Grand Junction Planning Commission on 15 November 2001 is hereby adopted as the 2001 Urban Trails Master Plan, a part of the Multi-Modal Transportation Study of the City of Grand Junction effective within the City limits of Grand Junction as well as for all areas annexed into the City in the future.

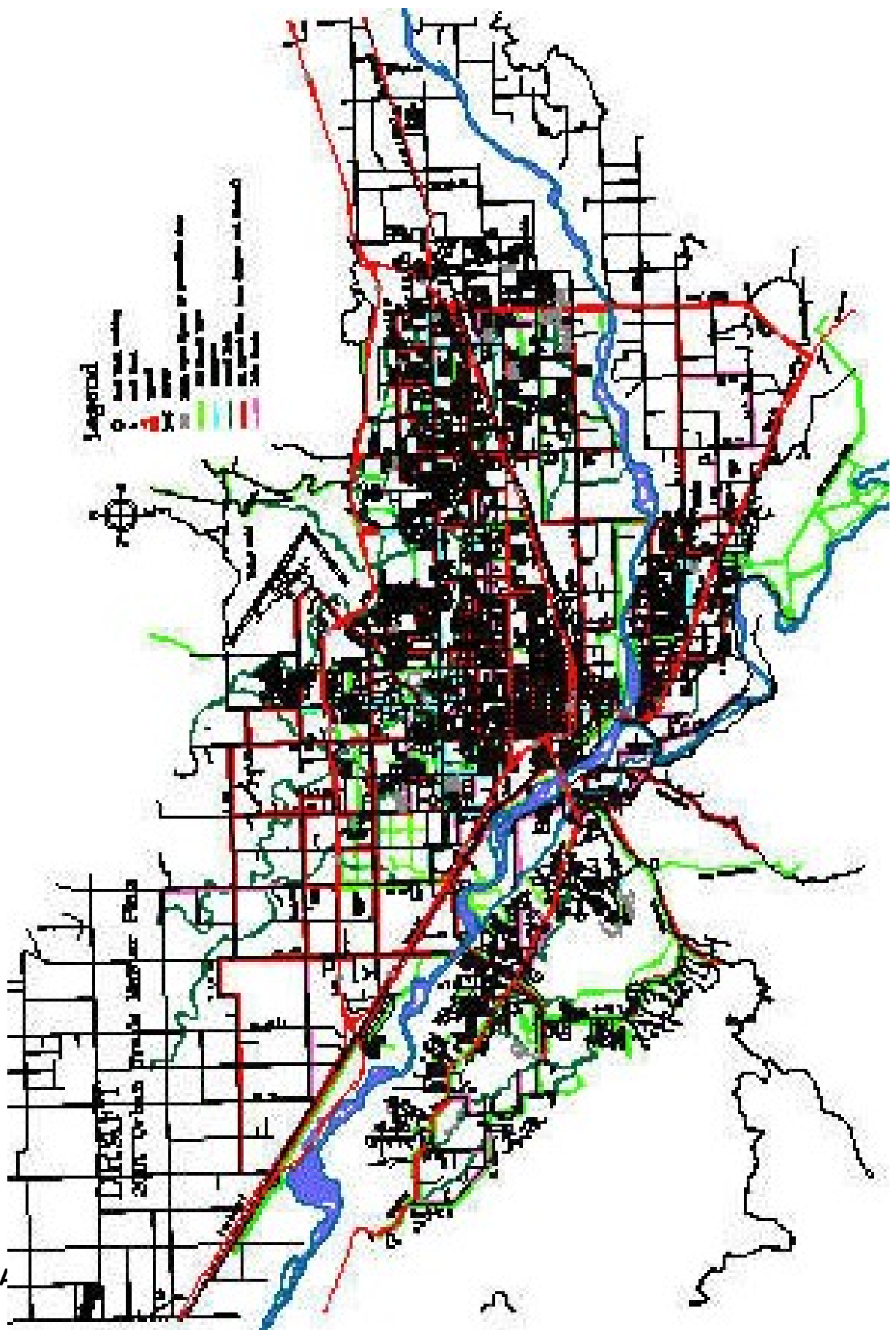
Passed and adopted this 20th day of February, 2002

President of the Council

ATTEST:

City Clerk

M/



MINUTES
MESA COUNTY PLANNING COMMISSION/
GRAND JUNCTION PLANNING COMMISSION
JOINT HEARING
November 15, 2001
City Hall Auditorium

Mesa County Planning Commission Chairman Charlie Nystrom called a scheduled public hearing to order at 7:05 p.m. Chairman John Elmer of the City of Grand Junction Planning Commission also called the hearing to order.

In attendance, representing the Mesa County Planning Commission were: Mark Bonella, David Caldwell, Tom Foster, Mary Fuller, Bruce Kresin, Craig Meis (alternate), Jean Moores, and Charlie Nystrom.

In attendance, representing the City of Grand Junction Planning Commission were: Terri Binder, John Elmer, John Evans, and Bill Putnam.

In attendance, representing the Mesa County Planning and Development Department were: Kurt Larsen, Linda Dannenberger, Keith Fife, and Dahna Raugh.

In attendance, representing the City of Grand Junction Community Development Department were: Robert Blanchard, David Thornton and Kathy Portner.

Kristy Pauley, Mesa County Planning and Development Department, was present to record the minutes.

There were approximately 56 citizens present throughout the course of the hearing.

HEARING ITEM(S):

2000-219 and P2001-191 AMENDMENT TO THE MULTI-MODAL TRANSPORTATION STUDY

Petitioner: Urban Trails Committee

Consideration of adoption of an amendment to the Multi-Modal Transportation Study to revise the Urban Trails Map of bicycle and pedestrian routes in the Study for the Grand Junction/Mesa County Metropolitan Planning Area (the urban area).

Petitioner(s) Presentation: Jamie Lummis, 385 W. Valley Circle, Grand Junction. Co-chair, Urban Trails Committee, Sub-committee of the Riverfront Commission. This is an all volunteer board, appointed by the Grand Junction City Council. The Committee was established in 1994 to help facilitate development of non-

motorized trails in the urbanizing areas of Mesa County, specifically from 19 to 32 Roads. In 1997, the Urban Trails Master Plan was adopted by the Mesa County Planning Commission and the City of Grand Junction and the Grand Junction City Council and accepted by the Mesa County Commissioners. The plan is to help facilitate development of trails; connect urbanizing areas to the riverfront trail, to connect neighborhoods to schools and other neighborhoods, and also for recreational opportunities and to connect businesses to the trails.

They discovered several things while working on trying to implement the Urban Trails Master Plan and that was there are a couple of routes that either are not on the original master plan or there are alignments on the plan that don't make sense, i.e., a trail through someone's house. They saw a need to update the plan. Ken Scissors led their committee, and they spent 9 months reviewing the original 1997 map to make sure things made sense, and whether they needed to change them, make better routes, etc. They invited planning staffs of Mesa County and the City of Grand Junction to give input on how the trails were done. In May, there was an open house on Main Street to show different changes they were recommending. The last five days they met with City Planning and County Planning to discuss what changes should occur.

A couple of things are not changing in this plan. Items on the map from 1997 that are not changing are three-fold. Routes shown represent the concept of getting from one point to another, rather than the exact position of each route. And 2, the Urban Trails Master Plan is a planning document intended to depict trail needs. It is not intended to be a map indicating existing trails open for public use. The third item not being changed is when they appeared before the Mesa County Planning Commission in 1997, irrigation companies wanted specific language regarding canal banks. This language reads as follows, "canal banks are generally private property, and users of canal banks are trespassing. Any designation of a portion of a canal bank as a trail location would require written consent of canal companies and landowners." This is not being changed from the original plan.

One item that is going to change will be the map legend. There are a number of different types of facilities that can be considered an urban trail, i.e., canal paths, and on- and off-street bike paths. They recognize only a couple of facilities are used. They recommend either a bike route sign on a telephone pole. On-street facilities do exist. 25 Road from Patterson to I-70 B was constructed with bike paths. An off-street bike path is between 7th and 12th on Horizon Drive and was completed this last summer. Mr. Lummis referred to two maps in the Commissioner's packets. One map is just the items being changed to the original plan. This is better routes to get non-motorized traffic away from bike traffic. The second map is what he wants the Commission to approve tonight. This map has the additions or omissions from the first map indicated.

Commissioner Evans asked for clarification on the map regarding the 5th Street bridge, indicating a sidewalk and street trail. Mr. Lummis indicated the path is now a

pedestrian path, not a bike path. The bike lane would be on the road and not the sidewalk. Commissioner Kresin asked about the Redlands Mesa Trail Network. It appears open ended. Mr. Lummis indicated this has been omitted on the working maps. The final map will show trails approved by the City Council for the Redlands Mesa Development Trails network. It includes off-street sidewalk and trails and a number of other facilities. Mr. Lummis indicated that map is not available tonight. Commissioner Bonella asked about the two sides of the map. Have trails been deleted on one side and they are going to the map on the other side? Mr. Lummis indicated one side is just recommended revisions from the 1997 map and the other side is the resulting new master plan map with the changes from the other side of the map. Commissioner Bonella also asked about acceptable bike routes. What forces bikes to stay on these routes? Bikes don't stay on routes, why stripe them? Mr. Lummis said they are not saying these are the only places people can ride. They are trying to make safe connections within the growing urbanized area of Grand Junction for people to ride. They are not saying these are the only places they can ride. They are proposing better routes to get from A to B and trying to create a network of trails throughout Grand Junction. Commissioner Bonella asked where the enforcement is? He has never seen a bicyclist on these striped lanes. Mr. Lummis feels it is important to put improvements and have a plan in place because in a growing community like Grand Junction, there is more and more non-motorized traffic. He cannot guarantee the use of these lanes, but he feels it will come. He does not dispute there are not a lot of people on them now. Commissioner Bonella thinks some of our roads are not wide enough to add bike lanes. They are narrow as it is. "I" Road is a good example.

Commissioner Caldwell asked about South Camp Road showing on-street bike lanes and off-street as well. Is this for the future when and if the road is widened? Mr. Lummis indicated the plans would be for both on- and off-street and in the future that road will be widened. It is already part of the transportation and capital improvement plan. It is a matter of when these improvements take place that the bike lanes will be added. Mr. Lummis said there are some on-street and some off- street lanes for different types of riders. He knows there are many children along South Camp as well as an elementary school. An off-street path exists now in certain sections.

Staff Presentation: Keith Fife, Division Director, Mesa County Long Range Planning, entered into the record the project review, the Mesa County Land Development Code, the Mesa County Master Plan and the Grand Junction Zoning and Building Code. He planned to touch on the review criteria and staff recommendations, which included revisions, additions and deletions to the maps discussed by Mr. Lummis. Staff met with Jamie Lummis and Ken Scissors and were in concurrence with a vast majority of their recommendations. Master Plan Approval Criteria are found in section 3.2.8 of Mesa County Land Development Code and section 2.5.C of the Grand Junction Zoning and Development Code. Pursuant to these sections of the respective Codes, an application for a Master Plan amendment may be approved only if:

1. both the City of Grand Junction and Mesa County Planning Commissions find the amendment is consistent with the overall purpose and intent of the Plan,
2. both planning commissions agree on the approval of the proposed amendment for areas outside city limits but within the Urban Growth Boundary,
3. the Mesa County Planning Commission determines that the proposed amendment is consistent with any intergovernmental agreements then in effect between the County and any other unit of government, and
4. after consideration of each of the following criteria:
 - A. there was an error in the original Master Plan such that then-existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
 - B. events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;
 - C. the character and/or condition of the area has changed enough that the amendment is acceptable;
 - D. the change is consistent with the goals and policies of the Master Plan, including applicable special area, neighborhood, and corridor plans;
 - E. public and community facilities are adequate to serve the type and scope of land use proposed;
 - F. 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
 - G. the community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Staff findings/recommendations:

1. The proposed amendments are consistent with the overall purpose and intent of the Mesa County Master Plan;
2. The request is consistent with the Persigo Agreement and the memorandum of understanding for the Grand Junction/Mesa County Metropolitan Planning Organization, and
3. Approval Criteria:
 - a. Some errors in the original map are being corrected.
 - b. Events subsequent to the original plan “have not invalidated original premises or findings.
 - c. Change in character/condition of the area is not related to the proposed revision
 - d. Proposed changes are consistent with the adopted Master Plan’s goals and policies to keep plans up-to-date over time

- e. There is a continuing and growing need for bicycle and pedestrian routes through the community as it grows.
- f. An up-to-date plan will benefit the community in identifying multi-modal routes to be built and/or designated as the area grows.

Staff Recommendation: Staff recommends approval of the amendment and a resolution adopting and certifying the amendment to the Multi-Modal Transportation Study with the following: (Mr. Fife pointed out all these routes on the overhead map).

A. Additions:

1. On Street Bike Lane
 - a. 12th Street Patterson Road South to Main Street – UTC does not recommend due to the heavy vehicle traffic in 12th Street and existing facilities on 10th and 15th streets
 - b. 29 Road Colorado River Bridge and Business I-70 Overpass
 - c. 24 ½ Road North from I-70B to I-70, Canyon View Park East Entrance
 - d. 25 Road South of I-70B to Independent
2. Redlands Mesa Trail network (on- and off-street)
3. Bicycle/Pedestrian Tunnel designations:
 - a. Broadway at Ridges Blvd.
 - b. West Main Street at Railroad
4. Bicycle/Pedestrian Underpass designations:
 - a. 29 Road bridge north side of Colorado River
 - b. 32 Road bridge north side of Colorado River
 - c. Grand Avenue bridge east side of Colorado River
 - d. 5th Street bridge north side of Colorado River
5. Bicycle/Pedestrian Bridge designation:
 - a. Monument Road at Redlands Power Canal
6. Offstreet Trail:
 - a. North and south side of I-70B in front of Mesa Mall, east from McDonald's intersection to 24 ½ Road
 - b. Independent Avenue southeast from 24 ¾ to West Gunnison and Grand Avenue location to be determined as Rimrock Marketplace is constructed.
7. Bike Route:
 - a. I-70B frontage road from 24 ½ Road to 25 Road, both sides of road.
 - b. B ½ Road from 32 Road to 32 ½ Road.
 - c. 32 ½ Road from B ½ Road to C Road
 - d. C Road from 32 ½ Road east to route across E. Orchard Mesa to Palisade
 - e. 33 ½ Road from D ½ Road to E ¼ Road
 - f. E ¼ Road from 33 ½ Road to 33 ¾ Road.
 - g. 33 ¾ Road from E ¼ Road to F Road.
 - h. D ½ Road East from 32 Road to 33 ½ Road.

Commissioner Bonella asked why they would recommend putting anything on the I-70 business loop? Can they just ride through the mall? Mr. Fife indicated that is the only route they could find that connected to the other routes.

8. Drainage Ditch Path:
 - a. Beckwitch (?) Ditch Business I-70 south to GVIC canal. Colorado River (near 29 ½ Road)

- B. **Revised Designations:**
 1. On Street Bike Lane
 - a. 12th Street – Patterson Road to H Road.
 2. Off-Street Bike Lane:
 - a. Along F ½ Road Parkway between 24 and 25 Roads

- C. **Retain the following areas on original Urban Trails Map:**
 1. All areas east of 32 Road
 2. Bike Route:
 - a. 27 ¼ Road H Road to I Road

- D. **Delete:**
 1. Off-Street Bike Lane
 - a. 12th Street – Patterson Road to Horizon Drive (change to on-street bike lane and sidewalk)
 - b. Bing Lane to 32 Road

Review agency comments were received from Grand Valley Irrigation Company, Grand Junction Drainage District, Redlands Water & Power Company, and Ute Water. There was no public comment received on this project. This concluded the staff presentation.

Chairman Nystrom asked for any public comments.

Public Comment: Fred Aldrich, Attorney, representing Grand Valley Irrigation Company. He wanted to clarify on the canal paths, whether they were planning to add designations east of 32 Road. Mr. Fife said no canal paths are being added east of 32 Road that is not on the existing plan. Grand Valley Irrigation Company is privately held and operates about 100 miles of canals between Palisade and Loma. The service to the community is absolutely essential to the quality of life in this valley. Canal paths designations are a concern and have been from the outset. There are a number of very significant unresolved issues. #1 is the issue of public safety. They are not safe to walk around and recreate on; there are false overhangs and fast running water. Just recently in the Daily Sentinel, there was a story about a lady who jumped in after her dog and was drowning and another person jumped in to save her and a third person had to save them both. These incidences do happen. They sometimes involve children. The use of the canal for public uses is not consistent with operations. They cannot figure out how to conduct their operations and allow public uses. There are also

property owner's rights. He understands about obtaining consent but none has ever been obtained from Grand Valley Irrigation Company. There is an issue of law enforcement. There continues to be vandalism along the canals. If there are trespassers on the canals, Grand Valley Irrigation Company cannot be liable, but they can still get sued. He knows of no canal companies that allow public use. Grand Valley Irrigation Company was not invited to the recent discussion and review of the Urban Trails plan. He understands these are aspirational goals, but it is not just theoretical. Regarding the public easement issue, if you develop property adjoining the canal you are required to dedicate a public easement on top of the Grand Valley Irrigation Company right-of-way. Ironically, when Grand Valley Irrigation Company recently went to the city to obtain compliance with their own instructions, as a condition, the city wanted them to grant a public easement across the right-of-way. They have seen staff recommendations that require developers to include improvements on these private access roads. Equipment cannot operate on these roads with concrete trails along them. Unique to Colorado law, irrigation companies can use whatever they need for their easements. The ditch companies say what they need and the city determines what they consider to be adequate easements. The city should not tell the Irrigation Company what their uses should be. They object but the city does it anyway. There is a problem with canal banks being designated as public trails. The Commission is in a position to oppose the section of the proposal for canal bank use. Grand Valley Irrigation Company feels most of the proposal is a good idea but using canal banks is a bad idea.

Commissioner Putnam asked if the canal banks aren't safe, how is it safe for the ditch riders? Mr. Aldrich indicated the ditch riders are trained for this type of activity. They are not paid extra for hazardous duty. The employees recognize the hazards. He doesn't think school children would be familiar with the hazards along a ditch bank.

Commissioner Binder asked about the easements that homeowners have to the canals. Mr. Aldrich indicated the deeds describing land ownership to the canals varies depending on the property. Sometimes they are to the center of canal, sometimes to the right-of-way to the canal. Usually there is some ambiguity of where the canal stops and land ownership begins. Commissioner Binder asked if the homeowner owned to the middle of the ditch or the edge of the ditch? Who is responsible to maintain that area? Mr. Aldrich indicated Grand Valley Irrigation Company maintains the canal, not the property owner. Property owners on major irrigation canals are not required to maintain them. Grand Valley Irrigation Company does not want homeowners going on the canals to maintain them.

Chairman Nystrom assumed that there are places where Grand Valley Irrigation Company has easements where it bisects a property with a homeowner. Is it an easement or right-of-way? The property owner could lock both sides of the canal. Mr. Aldrich said that is correct as long as it does not interfere with the business of the Irrigation Company. Commissioner Elmer said he has a friend in metro-Denver whose

property adjoins a well-traveled bike path along the Highline Canal. It is one of the most traveled paths in the city. Commissioner Putnam said it's the same in Phoenix. Mr. Aldrich said these issues have not been addressed. Mr. Aldrich explained Grand Valley Irrigation Company's concerns to the city and the Urban Trails Commission, but they have no answers for them. Commissioner Binder asked if they have discussed this with other cities and canal companies and how they have accomplished paths along canals? Mr. Aldrich said it has been asked of the City how this works in other places. He is not aware of any information on how this has been resolved. If you can improve the canal and resolve maintenance issues, it may be ok. In some areas, it might be piped, but that involves money. Commissioner Foster asked if he sees, in the future, a trial attempt on limited sections and any flexibility on a use such as this to prove whether their fears are legitimate? Mr. Aldrich is aware of one proposed pilot program with Redlands Water and Power Company but they are waiting to see how this will develop.

John Justman, 1954 K Road, Fruita. He realizes there are trails shown coming off 19 Road. The maps indicate the urban area between 32 Road and 19 Road. He doesn't think 19 Road is urban. Why would he want people down his canal bank in a farming area? What about spraying issues and people biking by? Do people want bikers riding on their canal banks? Why don't bicyclers have to pay a fee to help promote bicycling? When you see bikers in the country, about 70-80% don't even stop at stop signs. As a landowner, he agreed with the ditch company and everything Mr. Aldrich said.

Bill Manel, 1455 P Road. In regards to the Highline Canal in Denver, it is owned by a municipality and is much slower running. Canals in Phoenix do have some recreation on them, but there are many more that have 25-foot high chainlink fences on both sides.

Rob Reece, 1102 Gunnison Avenue, Grand Junction. President, Mesa County Striders, and a native of Grand Junction. He has seen a lot of changes in this town. He has run and raced on many trail banks and can see how things can work. He has seen how the projects work well in other communities. There is a way of doing this. There will be people against it and for it, but one of the big issues is safety. Personally, we are much safer off the road than on the road. There are more fatalities on the road than on dirt trails. If we want to keep people safe, pedestrians and non-motorized traffic need to stay off the streets. He has seen too many accidents and would prefer to be off the road than competing with vehicles. He would like to express that it can be done and it has been done. It will take time, but he does see it happening.

Wayne Waters, 1602 19 Road. He has two miles of canal road through his property. He takes machinery down these roads. It will never work. The only way to do it is to take away all their rights.

George Skiff, 969 19 Road. Everyone has been discussing safety issues. Trails are designated for non-motorized use only. When you mix non-motorized and motorized travel, then it is not safe for either one. What about routes through the valley that prohibit bicycles and non-motorized vehicles?

Bob Cron, 310 Dakota Drive, Grand Junction. The past urban trails committee did make a good faith attempt to work with the canal people. This valley has a canal trail, in existence since 1985-86, and is owned by Redlands Water and Power Company. It is a fast-moving canal. It has been successfully used with minimal problems.

Steve Samuelson, 339 Dakota Circle, Grand Junction. He had a question about a trail that bisects his property. Basically, he has owned the property since 1998 and was told there were no easements on the property. The title company said there was a trail running through the property prior to closing. He found out it was to be an unimproved pedestrian trail to be used during daylight hours. What is unimproved and what is a pedestrian trail? Shortly after the purchase, a trail appeared on this easement, which was not there before. Who maintains these trails? Should someone be required to consult the landowner when they do work on the trail or create a trail? He has a concern with rocks knocked off the trail onto his private property. He also had fence posts knocked down by rocks. He has overhanging rocks above his house. He presented five photographs of the very large rocks/boulders above his home. He is concerned with erosion and it is possible that these rocks may dislodge. He is concerned with putting a trail on these rocks that they could potentially come down. Whose responsibility is it if the rocks fall? What if someone falls off the trail onto his property? Who is responsible? Are leash laws required? Are animals allowed?

Chairman Nystrom said he doesn't think this Board can answer these questions for him. Mr. Samuelson said he has never received any concrete answers from anyone on his questions. Mr. Lummis indicated he would talk with him at a later time.

Bill Manel, 1455 P Road. He doesn't think the Board should make decisions until they can answer these questions. They are affecting other people's lives.

Petitioner(s) Rebuttal: Mr. Lummis said the Urban Trails committee does not have a plan to approve open trails. They are not suggesting changing comments about canal banks being private property and how they are used. Greg Hoskin, a partner of Mr. Aldrich, in 1997 was hired by the canal companies to shepherd the process through. The 5 irrigation companies thought it was critical to approve the original 1997 master plan with the canal bank notes. These comments will not be omitted in the proposed revision tonight. The Urban Trails Committee is not asking the commission to approve or open any canal banks at this time. As shown in the packets, Redlands Water and Power, has a policy for approval of canal trails with 13 criteria. The first criterion is there has to be landowner approval of any trail. No one is asking the Commission to

approve canal usage. There is a canal company (Redlands) that says it can work under these criteria. In the proposed revisions tonight, there is a net loss of proposed canal trails, because they have deleted a route which is heavily developed, through Independence Ranch subdivision, as well as other corridors. At the insistence of Greg Hoskin, they (the irrigation companies) requested a canal bank use study in 1999. They interviewed land owners and users with questionnaires. That document is in the Planning Department's files and available for the Commissioners to review. It addresses liability issues, time of use of trails and many other issues. It identifies canal banks used throughout Colorado in 40 different communities and how they are used. Redlands Water and Power came to the table and gave them the statement of policy and their direction. Redlands' policy is in the packets tonight. They are not talking about farms and agriculture, just urbanized areas. They are not asking to open up canal routes. It is a net loss of canal banks.

Commissioner Bonella asked if Mr. Lummis is not asking the Commission to approve anything, then why have Grand Valley Irrigation canals on the maps? He thinks it is approving the legend and all that is shown on the map. Why is it on the map? Mr. Lummis said these are possible or appropriate uses for non-motorized use. Commissioner Bonella said this is private property, so why are these lines on the map? Mr. Lummis said they have it there because under certain circumstances when you address the landowners and water companies, it is appropriate to say it could be a possible trail. Commissioner Kresin asked about the statement of designation on the map of a portion of the canal bank determined with the written consent and coordination of landowners and canal companies. The determination had to be made with the written coordination and consents of the landowners and canal companies. He referred to the statement printed on the map. If this is correct, then the only canal banks shown on the map should be ones with written consent. Mr. Lummis said this is a network of possible trails. This is a master plan. If it were to be an open trail, they would have to have written consent. Everything on this plan does not have to have written consent to appear on the map. Commissioner Elmer said the markings on the map are schematic and not depicting exact locations. These markings could be 20 feet off the right-of-way. Commissioner Kresin said as to the portions as designated canal trails on the maps, they shouldn't be there if there isn't consent. Commissioner Fuller said there is nothing on this map that says that. Most people would look at the map first and think it is a trail. Mr. Lummis said this map is not being circulated to the public as a trails route map. This is a planning document. It was approved in 1997 under the scenarios that addressed a canal corridor *could* be a trail. Commissioner Kresin suspected there was a mistake made in 1997 regarding putting these canals on the map. Mr. Lummis indicated it wasn't a mistake that they were approved to be put on a map. He agrees the wording is ambiguous. Commissioner Kresin doesn't think it is ambiguous. He feels it is very concise.

Commissioner Caldwell is concerned that Mr. Samuelson's concerns are not being addressed but maybe his questions can't be addressed. They don't have the right to

put these trails on the map if they can't answer his questions. Who had a hand in cutting the trail Mr. Samuelson referred to? Mr. Lummis thinks when the subdivision was approved it was approved for a trail. Commissioner Caldwell thinks it's an inappropriate place to put a trail. When you put a trail on a map, people will just use it. Mr. Lummis thought perhaps the developer thought it was in the best interest to put it there at the time, he wasn't sure, but there were trails there used long before the property was developed. Mr. Lummis said the trail that Mr. Samuelson referred to is on his map. Commissioner Moores said this trail came before the Planning Board a long time ago as a connection to another trail. It was part of a condition of the development. Mr. Lummis said this document could be used as parcels are developed and the land use is changing. This plan has been used over the past four years for land being developed. If that property has a trail designation on it, then it is incorporated in that new development. What has happened in some instances, i.e., South Camp Road, Monument Valley Filing 6, was a bike path was put in as a condition of approval. Commissioner Foster asked about the red and green on the map. How far into the future does Mr. Lummis see this plan reaching? Can he put a time on it when they would have to reach for more or revise the plan? This is a new concept. Are we not lengthening the forecast for two years or more or will they be back in a year? Mr. Lummis indicated this is a 4-year map and the realities of the map change all the time. Even though this is an adopted regulation, sometimes the opportunity is not taken advantage of and the trail put in. Even though there is a master plan on board, it doesn't always get implemented. The F ½ bypass north of Mesa Mall only came into existence 6 months ago. There are opportunities that this map does not address now. There will most certainly be future revisions. If this is all infill between 19 and 32 Roads and the development moves farther east than west, then it would be appropriate for more trails. He doesn't know when and if it might happen. This document needs to be looked at constantly. There may be opportunities that are not on this map. This is a living, changing document.

Commissioner Foster asked about the canal use being further down the road than they think it is, or it may never happen. The gentlemen who runs and rides a bike said he would rather use off- street trails than on-street trails, but should the Commission not spend more time on the safety factors with on-street than off-street trails that may never occur? Couldn't some of these trails be moved to a less busy street and come up with safer routes for the bikes themselves? Mr. Lummis said his committee looks at this issue all the time. They disagree with staff to designate on the master plan an on-street bike lane on 12th Street, from Main to Patterson. They try to constantly address the issue of better ways to get from one route to another. They may not have addressed the most perfect routes. They know crossing some routes is very difficult. Traffic patterns in Grand Junction don't allow for a lot of crossings across North Avenue, for example. They are constantly trying to find safer ways.

Chairman Nystrom would like to move this item along, due to another item on the agenda. He closed the public portion of the hearing and brought the issue before the two Boards.

Discussion: Commissioner Binder sees the map as a plan, not a concrete item. Some things on it could happen, but may or may not. If they don't have a map of somewhere they might want to go someday, then nothing will happen. It doesn't have to happen. Without a plan, you will never accomplish anything. Commissioner Elmer said if you don't put in a plan, then you lose the opportunity if it wasn't proposed. Sometimes things don't make sense at the time, but eventually, as the community develops, it does become useful. Commissioner Putnam said there ought to be an urban trails plan and a "really" urban trails plan. There are different areas, densities and populations that need to be recognized when considering this plan. Commissioner Elmer said this is not a wish list to go out and do everything on it, but a plan. It is trying to protect the pedestrians and the bicycle riders and he agreed that it is just a plan.

Commissioner Kresin thought if they are going to designate a plan then parts of it may happen. Commissioner Moores agreed, as long as it remains no trails along canals or only with permission from the canal company. Chairman Nystrom would like to see the language on the map itself, and you would have to have permission from the landowner and the canal company. Commissioner Bonella is uneasy with off-street designations. These canal paths and off-street trails are going through private property. We don't have the right or shouldn't have to tell anyone that we want to be able to put an off-street path there. Another issue is 12th Street and Patterson because it's so busy, but near McDonald's on 24 ½ Road is way too busy. Bicyclers have no business in that area. He really doesn't believe with all these pathways, we don't need enforcement. If all these paths are going to be there, then we should force the bicyclists to go on these paths. Frankly, the bicyclists don't follow these paths. They always have excuses for not using the paths. There is nothing that forces them to use them. Commissioner Evans said it relates to another public issue of the notion of building a downtown bypass roughly through the Riverside area. The public is allowed to think about it even though it goes over private property, even though it will have to be obtained by some method. This is only a wish list until something more concrete happens. It doesn't mean we shouldn't approve the wish list. Commissioner Bonella said testimony tonight also says developers have to put it through. That isn't a wish list. Commissioner Foster agreed that there needs to be a plan or you fail to plan. It is not one of the most critical elements of people's life. Many people ride bicycles for many reasons. Most of it is recreational and we should concentrate on open trails and off-street trails. Their emphasis should be taking them off the street and putting the trails in the open space that comes along with development. The problem with this map and all the red and green marks, when a developer moves into the vicinity of one of these areas, and this map exists, it becomes a mandate that he puts his money into developing a trail that may not be used much. It becomes an intrusion into the normal flow of commerce relative to the development and construction of residences and commercial properties.

Chairman Elmer said they have to remember the urban trails master plan has already been approved and they have been asked to approve amendments to the existing document. Chairman Nystrom said they can, however, amend it with some changes. He has always been concerned with the inclusions of the canal banks within this plan. Even though it is used as a document to plan for the future, if people see this, they take it as gospel and try to trespass across these properties. It creates a lot of tension with landowners, pedestrians, bicyclists, etc. If the proper entities want to work this out as they have in other parts of the country, then that is the time they are included in the master plan. Commissioner Putnam asked if he thinks it's appropriate to remove all mention of canal banks? Chairman Nystrom said, for example, if Walker Field saw the line for the off-street path they would probably protest. It is probably in their critical zone and is supposed to be secure. Airports don't want people walking or riding in secure areas. Commissioner Putnam said even though they have been passed on, shouldn't they be cautious enough to consider recommendations from staff? Chairman Elmer said if we don't have valuable input and they see errors they should recommend staff look into those for the next time these arise.

Commissioner Foster said when you compare the two maps from the original plan and the new proposed plan, there is a tremendous leap from where we were to where we want to go. There probably needs to be some "tweaking" before we approve this. Mr. Lummis should understand these concerns. Commissioner Fuller said she cannot approve it as long as the canal banks are on the plan. Commissioner Meis agreed it is a plan and you have to have a plan to move forward and that is needed to plan appropriately. Commissioner Moores wished they had the original map that was started from. It would have been helpful. Commissioner Nystrom thinks from the County side they should spend a little more time on this. Commissioner Evans asked if the biggest concern is the canal reference? Commissioner Nystrom felt until all the entities come to an agreement on the canal banks, which they probably won't, it shouldn't be on the map. Commissioner Kresin felt the language invalidates the present map and it is a serious issue.

Chairman Elmer said maybe the language should be changed to read, "any use of a portion of the canal bank as a trail shall be determined with the written consent". Commissioner Kresin said use of it means you would have to get consent from the water companies. He felt it needs to be continued and taken into a workshop. Commissioner Binder asked Mr. Lummis if the previous master plan adopted in 1997 had the wording on the map from the companies that they agreed to this. Mr. Lummis said Greg Hoskin, petitioned Mesa County. It was approved by the Grand Junction Planning Commission without the wording. The City then added the canal language and also then approved it. The canal companies also approved this wording, five canal companies. The canal companies provided the wording and would not approve the 1997 plan unless the wording was on it. Commissioner Binder asked if the canal companies approved it in 1997 and all coordinated together then, then what has

changed? Why are they discussing it now if it was approved in 1997? Commissioner Fuller said the review sheet from Grand Valley Irrigation Company states a different review. Commissioner Bonella said Grand Valley Irrigation Company's attorney said tonight that they are not willing to let anyone ride on the canal banks. Chairman Nystrom said the map with the changes has some that say removal. Possibly the canals should be removed too. Chairman Elmer said the map doesn't have to be whether a trail will go parallel to a canal. We don't need permission for that, as long as it is not on the canal property. We have had representation from people outside this area, and there is no intent to include these areas in this plan at this time. Chairman Nystrom said in certain instances, it works, but not always. Most people who have canals that run through their property would disagree. Chairman Elmer said the system works in the urbanized areas. People use it. He understands conflicts with agriculture. Chairman Nystrom said from the Mesa County end of things we should either withdraw some of these items or continuing this for future study.

MOTION: (Mesa County) Commissioner Foster moved that Project 2000-219 and P2001-191 Amendment to the Multi-Modal Transportation Study, be approved with the resolution adopting the following: comments made by staff from A.1. through 8 on pages 3 and 4 of the project review dated 11/15/01. The balance of those comments go to 8 on page 4 and with revised designations and the removal of indications of possible trails of any sort along canals where there exists private property either to the edge of the canal or to the center of the canal. Commissioner Moores seconded the motion.

Commissioner Foster said a dilemma is that the canal companies have operated for almost a century without owning the property. It is an easement through the private property rights of adjacent landowners. Nevertheless, there is private property that is encumbered by an easement for the sole purpose of the canal. The property owner still has a right to do certain things on that easement. He can even fence the property. As long as there is private property ownership to the edge, center or across the canal, we are dreaming to believe that we will ever get 5 miles of trail cleared down a canal bank.

Chairman Elmer asked if Commissioner Foster is requiring staff to make the determination and delete the green canal lines on the map. Commissioner Nystrom said they should just delete all canal easements from this plan. If a property owner has dedicated a part of their property for a canal or bike path, then staff would have that dedication. Therefore, if there is a canal there and they dedicate an adjoining 20 feet, then the County would have that dedication.

At this point, Commissioner Foster withdrew his motion and asked for another motion that succinctly stated the clarification. Commissioner Foster said he will stay with his motion if no one objects. Chairman Elmer said he feels staff should address this. Mr. Fife said one thing to keep in mind is that county planning only has jurisdiction outside the city limits. For amendments within the joint urban planning area, but outside City

Limits, the Commissions have to agree. Outside the urban area is the county's sole area for unilateral decisions. Most of the areas proposed for revision tonight include the urban growth area. Chairman Nystrom said this map before them takes in the urban growth area, but there are not many areas outside this area. Chairman Elmer said use the term either "outside urban growth area" or "outside city limits". Commissioner Bonella said the county could make a motion outside the city and the city could make a motion within the city. Commissioner Foster said his original motion included everything on the map. He indicated they could exclude the removal from this map for those parcels within the urban area of the city.

Mr. Larsen said a note of caution is to ensure that the only thing before them is to amend these amendments. The only thing open for discussion is those items recommended for amendment.

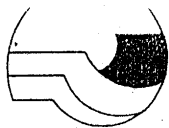
Commissioner Foster said his motion included staff recommendations on page 3, A through D, and excluded from his motion the portion of the map within the city limits and that portion within the urban growth area. Commissioner Bonella suggested they table this and send it to a workshop. No one seems to feel comfortable with a motion at this point. Chairman Nystrom asked Mr. Larsen if his concern was for removing the canals from this plan. He indicated he wanted this to be clear whether or not there is a motion. Commissioner Foster's original motion was withdrawn.

MOTION: (Mesa County) Commissioner Bonella moved that item 2000-219 and P2001-191, be tabled and recommends that it go to a workshop to iron out problems. Commissioner Fuller seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

Chairman Elmer asked City staff what area they should be approving. Bob Blanchard, City of Grand Junction Community Development Department, said their code reads it is within the city limits for their approval. The City Planning Commission is the sole decision-maker within the city limits. Chairman Elmer said he can see approving it. The only issue is the canal banks. Commissioner Putnam sees no reason not to approve it as it is.

MOTION: (City of Grand Junction) Commissioner Evans moved that item Project 2000-219 and P2001-191 be approved as written and as amended in the staff report within the city limits. Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

Chairman Nystrom thanked the Urban Trails Committee for all the work they have done and doesn't want them to go away thinking it is not appreciated. The Commission just felt there is some more work to be done.



MESA COUNTY REVIEW SHEET

The attached development application has been sent to your office for your review and comment.

THE MESA COUNTY PLANNING COMMISSION & THE GRAND JUNCTION PLANNING COMMISSION JOINT HEARING: NOVEMBER 15, 2001

- 2001219 REVISIONS TO THE URBAN TRAILS MASTER PLAN- A PART OF THE MULTI-MODAL TRANSPORTATION STUDY (AMENDMENTS TO THE MESA COUNTY MASTER PLAN)
- PLN-2001-191 AMENDMENT TO THE URBAN TRAILS MASTER PLAN- A PART OF THE MULTI-MODAL TRANSPORTATION STUDY

Proposed by: Urban Trails Committee

Consideration of adoption of an amendment to the **URBAN TRAILS MASTER PLAN** to revise the Urban Trails Map of bicycle and pedestrian routes for the Grand Junction /Mesa County Metropolitan Planning Area (the urban area). The proposed map revisions will be available for review by the public by November 1, 2001 at the Mesa County Planning and Development Department, 750 Main Street, Grand Junction, CO and the Grand Junction Community Development Department, 250 North 5th Street.

Please direct questions or concerns to:

Keith Fife, County Long Range Planning Director, 244-1650 e-mail: mclrange@co.mesa.co.us or

Ken Simms, Regional Transportation Planner, 244-1830 email: ksimms@co.mesa.co.us or

✓ Kathy Portner, Grand Junction Planning Manager, 244-1446 e-mail: kathyp@ci.grandjct.co.us

Review Comments (please type):

MANDATORY REQUIREMENTS:

The Grand Valley Irrigation Company opposes the designation of any portion of its canal access roads or rights-of-way as part of the Urban Trails Master Plan. The public's use of the canal access roads and rights-of-way jeopardizes the public's safety, poses potential increased risks to the canal company's and the property owner's liability, increases the costs of maintenance and repair, interferes with the normal operation of the canals, and trespasses against the rights of the canal companies and the property owners. GVIC demands that the Urban Trails Master Plan be amended to remove all canal trail designations affecting GVIC's canals and the canal right-of-way.

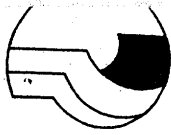
Review Office: GRAND VALLEY IRRIGATION COMPANY

Reviewed By: PHIL BERTRAND

Date: 11/08/01

Failure to object or comment by _ shall constitute approval by your office.

Please return to: Mesa County Planning and Development,
P.O. Box 20000, Grand Junction, CO 81502-5022



MESA COUNTY REVIEW SHEET

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THE MESA COUNTY PLANNING COMMISSION & THE GRAND JUNCTION PLANNING COMMISSION JOINT HEARING: NOVEMBER 15, 2001

2001219

REVISIONS TO THE URBAN TRAILS MASTER PLAN- A PART OF THE
MULTI-MODAL TRANSPORTATION STUDY
(AMENDMENTS TO THE MESA COUNTY MASTER PLAN)

PLN-2001-191

AMENDMENT TO THE URBAN TRAILS MASTER PLAN- A PART OF
THE MULTI-MODAL TRANSPORTATION STUDY

Proposed by: Urban Trails Committee

Consideration of adoption of an amendment to the **URBAN TRAILS MASTER PLAN** to revise the Urban Trails Map of bicycle and pedestrian routes for the Grand Junction /Mesa County Metropolitan Planning Area (the urban area). The proposed map revisions will be available for review by the public by November 1, 2001 at the Mesa County Planning and Development Department, 750 Main Street, Grand Junction, CO and the Grand Junction Community Development Department, 250 North 5th Street.

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Kathy Portner, Grand Junction Planning Manager, 244-1446 e-mail: kathyp@ci.grandjct.co.us

Review Comments (please type):

Redlands Water & Power Company has a "TRAILS POLICY" adopted by Redlands Board of Directors on December 8, 1999 currently in place and effective as of the date of adoption. All conditions within the policy must be met prior to any trail on Redlands canal roads.

A Copy of the Trails Policy is enclosed for your convenience and review.

RECEIVED

OCT 30 2001

Review Office: Redlands Water & Power Company

MESA COUNTY
PLANNING DEPARTMENT

Reviewed By: Gregg Strong, Superintendent

Date: October 26, 2001

Failure to object or comment by _____ shall constitute approval by your office.
Please return to: Mesa County Planning and Development,
P.O. Box 20000, Grand Junction, CO 81502-5022



OCT 30 2001

MESA COUNTY REVIEW SHEET

The attached development application has been sent to your office for your review and comment.

MESA COUNTY
PLANNING DEPARTMENT

THE MESA COUNTY PLANNING COMMISSION & THE GRAND JUNCTION PLANNING COMMISSION JOINT HEARING: NOVEMBER 15, 2001

2001219

REVISIONS TO THE URBAN TRAILS MASTER PLAN- A PART OF THE
MULTI-MODAL TRANSPORTATION STUDY
(AMENDMENTS TO THE MESA COUNTY MASTER PLAN)

PLN-2001-191

AMENDMENT TO THE URBAN TRAILS MASTER PLAN- A PART OF
THE MULTI-MODAL TRANSPORTATION STUDY

Proposed by: Urban Trails Committee

Consideration of adoption of an amendment to the **URBAN TRAILS MASTER PLAN** to revise the Urban Trails Map of bicycle and pedestrian routes for the Grand Junction /Mesa County Metropolitan Planning Area (the urban area). The proposed map revisions will be available for review by the public by November 1, 2001 at the Mesa County Planning and Development Department, 750 Main Street, Grand Junction, CO and the Grand Junction Community Development Department, 250 North 5th Street.

Please direct questions or concerns to:

Keith Fife, County Long Range Planning Director, 244-1650 e-mail: mclrange@co.mesa.co.us or
Ken Simms, Regional Transportation Planner, 244-1830 email: ksimms@co.mesa.co.us or
Kathy Portner, Grand Junction Planning Manager, 244-1446 e-mail: kathyp@ci.grandjct.co.us

Review Comments (please type):

✓ The Grand Junction Drainage District maintains a system of ditches and embankments as necessary to provide proper drainage of the lands within the boundaries of the District. Grand Junction Drainage District open drain ditch banks and maintenance roadways are primarily located on private property. The District's policy is that the District **CAN NOT** expand the limited easement rights without jeopardizing those rights by trying to grant permission to any third party a right to use any existing drainage facility easement. Each individual property owner must grant permission for use of any part of his property.

Any designation of any portion of an existing drainage ditch easement as trail system must be determined with the specific written consent of the property owner and coordination with the District with due consideration of the District's senior easement and ongoing operation and maintenance of the drainage system.

Review Office: Grand Junction Drainage Dist
Reviewed By: [Signature] Date: 10/27/01

Failure to object or comment by _____ shall constitute approval by your office.
Please return to: Mesa County Planning and Development,
P.O. Box 20000, Grand Junction, CO 81502-5022

Attach 4

25 & G Road Intersection Construction Contract

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>				
Subject:	Award of Construction Contract for 25 and G Road Intersection and Storm Drainage Improvements			
Meeting Date:	February 20, 2002			
Date Prepared:	February 7, 2002			
Author:	Jim Shanks	Project Engineer		
Presenter Name:	Tim Moore	Public Works Manager		
Meeting Type:		Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **25 and G Road Intersection and Storm Drainage Improvements to MA Concrete Construction, Inc.** in the amount of **\$391,178.38.**

Summary: Bids were received and opened on February 7, 2002 for 25 and G Road Intersection and Storm Drainage Improvements. The low bid was submitted by MA Concrete Construction, Inc. in the amount of \$391,178.38.

Background Information: This project consists of the replacement of the existing bridge at 25 Road with twin 84" pipes and the construction of a roundabout at 25 & G Road.

Work is scheduled to begin on or about March 18 and continue for 12 weeks with an anticipated completion date of June 8, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	Bid Amount
MA Concrete Construction, Inc.	Grand Junction	\$391,178.38
Skyline Contracting, Inc.	Grand Junction	\$447,208.85
Mays Concrete, Inc.	Grand Junction	\$457,168.00
United Companies of Mesa County	Grand Junction	\$512,058.00
Engineer's Estimate		\$422,983.00

Budget: \$430,000

<u>Project Costs:</u>	
Construction	\$391,178

Street lighting, water tap, electric service Design (2002)	\$13,825 \$4,997
City Inspection and Administration (Estimate)	<u>\$20,000</u>
Total Project Costs	\$430,000
<u>Funding:</u>	
2011 Fund – 2002 budget	<u>\$430,000</u>
<u>Amount under budget:</u>	<u>\$0</u>

Rights-of-way and easements: Rights-of-way and easements were acquired in 2001 with funds budgeted in that year at a total cost of \$34,913.

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **25 & G Road Intersection and Storm Drainage Improvements** with **MA Concrete Construction, Inc.** in the amount of **\$391,178.38**.

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

Attach 5

Colorado Water Resources & Power Development Loan
CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>		
Subject:	An Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying Prior Determinations of the Council; and Prescribing Other Details in Connection Therewith.	
Meeting Date:	February 20, 2002 / March 6, 2002	
Date Prepared:	February 13, 2002	
Author:	Ron Lappi	Title: Director of Admin Svcs
Presenter Name:	Ron Lappi Dan Wilson	Title: Director of Admin Svcs Title: City Attorney
Workshop	X	Formal Agenda

Subject: An Ordinance approving a loan from the Colorado Water Resources and Power Development Authority to finance improvements to the City's water system; authorizing the form and execution of the loan agreement and a governmental agency bond to evidence such loan; ratifying prior determinations of the Council; and prescribing other details in connection therewith.

Summary: City Council has determined that in the best interest of the City and it's citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000, includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Background Information: Based on previous City Council approval, the City will be entering into a loan agreement with the CWRPDA for much needed improvements to the City's water system. The \$3.5 million dollar loan has qualified for the lowest possible interest rate based on the health related nature of the project. The City's repayment obligations under the loan agreement will be evidenced by a governmental agency bond to be issued by the City to CWRPDA. The City Water Fund loan will be part of a larger Authority Bond issue expected to be closed on April 17, 2002.

Budget: \$3,500,000 will be drawn down from the Authority as needed over the three years beginning in 2002, with a repayment over 20 years. The estimated true interest cost of this loan is approximately 4% annually.

Action Requested/Recommendation: Approval of the ordinance on first reading on February 20, 2002 with a public hearing and final passage on March 6, 2002.

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

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

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; RATIFYING PRIOR DETERMINATIONS OF THE COUNCIL; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule City duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council has determined and does hereby determine that the City's water system (the "System") is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and Section 37-45.1-103, C.R.S.; and

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity demand and require improvements to the System, at a cost of approximately \$3,500,000, including design, engineering, legal, financing and administrative costs relating thereto, and any other costs incidental thereto (the "Project"); and

WHEREAS, the Council has determined that in order to finance a portion of the cost of the Project, it is necessary and advisable and in the best interests of the City to enter into a loan agreement (the "Loan Agreement") with the Colorado Water Resources and Power Development Authority ("CWRPDA"), a body corporate and political subdivision of the State of Colorado, pursuant to which CWRPDA shall loan the City an amount of not to exceed \$3,500,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the "Bond") to be issued by the City to CWRPDA; and

WHEREAS, pursuant to Article XII, Section 96 of the Charter, the City Council may, pursuant to an ordinance and without an election, borrow money and issue revenue bonds payable from the net revenue of the System; and

WHEREAS, such Loan and Bond shall be a revenue obligation of the City, payable from the Pledged Property (as defined in the Loan Agreement); and

WHEREAS, the Council hereby determines to use the proceeds of the Loan to finance the Project; and

WHEREAS, there have been presented to the Council the forms of the Loan Agreement and the Bond (collectively, the "Financing Documents"); and

WHEREAS, the Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

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

Section 1. Approvals, Authorizations, and Amendments. The forms of the Financing Documents presented at this meeting are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith. The President of Council and City Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting, with such changes as are hereafter approved by the City Manager or the Finance Director.

The execution of any instrument or certificate or other document in connection with the matters referred to herein by the President of Council and City Clerk or by other appropriate officers of the City, shall be conclusive evidence of the approval by the City of such instrument.

Section 2. Election to Apply the Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, C.R.S. (the

"Supplemental Act") provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Council hereby elects to apply all of the Supplemental Act to this ordinance and the Financing Documents.

Section 3. Loan Details. The Loan shall be in the principal amount of not to exceed \$3,500,000, shall bear interest at a net effective interest rate not to exceed ____% per annum, and shall mature and bear annual interest over a term not to exceed ____ years, and shall be payable in the time and manner, and shall be subject to prepayment, as set forth in the Financing Documents. The City Council, pursuant to Article I, Section 2(f) and the Supplemental Act, delegates to the City Manager or the Finance Director the power to determine the principal amount, interest rate, maximum maturity, and amortization schedule, subject to the provisions of this ordinance. The City shall execute and deliver to CWRPDA the Bond pursuant to the Loan Agreement as evidence of the City's obligation to make Loan Repayments (as defined in the Loan Agreement).

Section 4. Limited Obligation; Special Obligation. The obligations of the City set forth in the Financing Documents are payable solely from the Pledged Revenues and the Financing Documents do not constitute a debt of the City within the meaning of any constitutional or statutory limitation or provision.

Section 5. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The amounts pledged to the payment of the Bond shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Section 6. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the issuance of the Bond.

Section 7. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bond. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bond and as a part of the consideration of its sale or purchase, CWRPDA specifically waives any such recourse.

Section 8. Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and reimbursement to the City for capital expenditures heretofore incurred and paid from City funds in anticipation of the incurrence of financing therefor, and all other costs and expenses incident thereto, including without limitation the costs of obtaining the Loan. Neither CWRPDA nor any subsequent owner(s) of the Loan Agreement shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Section 9. City Representative. Pursuant to Exhibit B of the Loan Agreement,

_____ is hereby designated as the Authorized Officer (as defined in the Loan

Agreement) for the purpose of performing any act or executing any document relating to the Loan, the City, the Bond or the Loan Agreement.

A copy of this Ordinance shall be furnished to CWRPDA as evidence of such designation.

Section 10. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than the maximum maturity of the Loan set forth in Section 3 hereof.

Section 11. Direction to Take Authorizing Action. The appropriate officers of the City and members of the Council are hereby authorized and directed

to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to such certificates and affidavits as may reasonably be required by CWRPDA.

Section 12. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

Section 13. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 14. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 15. Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the City and CWRPDA, and shall be and remain irrepealable until the Bond and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution or other measure enacted after the issuance of the Bond shall in any manner be construed as impairing the obligations of the City to keep and perform the covenants contained in this Ordinance.

Section 16. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the Council and City Clerk, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM, WITH NOTICE OF PUBLIC HEARING, this 20th day of February, 2002.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 6th day of March, 2002

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

(SEAL)

STATE OF COLORADO)

)

COUNTY OF MESA) SS.

)

CITY OF GRAND JUNCTION)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado (the "City") do hereby certify:

1. The foregoing pages are a true, correct and complete copy of an ordinance (the "Ordinance") which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on February 20, 2002, and was duly adopted and ordered published in full by the City Council at a regular meeting thereof held on March 6, 2002, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of February 20, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed, after a public hearing, at the meeting of March 6, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

4. The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of February 20, 2002, and March 6, 2002, in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on February __, 2002 and on March __, 2002 as required by the City Charter. Notice of a public hearing was published once in The Daily Sentinel, a daily newspaper of general circulation in the City, on February __, 2002. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said

City this _____ day of _____, 2002.

(SEAL)

City Clerk

EXHIBIT A
(Attach Notice of Meeting)

EXHIBIT B
(Attach Affidavits of Publication)

Attach 6

**Riverside Market Growth Plan Consistency & Rezone
CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Riverside Market		
Meeting Date:	February 20, 2002		
Date Prepared:	February 12, 2002		
Author:	Lisa Gerstenberger	Senior Planner	
Presenter Name:	Lisa Gerstenberger	Senior Planner	
	Workshop	X	Formal Agenda

CONTINUED FROM THE JANUARY 16, 2002 CITY COUNCIL MEETING

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

CONTINUED FROM THE JANUARY 16, 2002 CITY COUNCIL MEETING

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



STATE HIGHWAY 340

2945-154-21-951

RIVER RD
HOESCH ST
W. WHITE AVE
RICE ST
SOUTHERN PACIFIC RAILROAD
W. MAIN ST
W. RIVER RD
CHULUOTA AVE
COLORADO AVE
UTE AVE
LAWRENCE AVE
FAIRVIEW AVE
RIVER-SIDE PARK DR
PARK AVE
CHULUOTA AVE
ROCKAWAY AVE
CRAWFORD AVE
LAWRENCE AVE
HALE AVE



Development Concepts, Inc.

Planning and Development Services

2764 Compass Drive
Suite 201
Grand Junction, CO 81506

Office - 970 - 255-1131
Fax - 970 - 255-1159
e-mail - yobubba@gjct.net

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 futrer 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 about 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 a 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 "Rezoning 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 February, 2002.

Attest:

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 February, 2002.

Mayor

ATTEST:

City Clerk

Attach 7

Midwest Commercial Rezone

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Rezoning, Midwest Commercial Subdivision RZ-2001-227		
Meeting Date:	February 20, 2002		
Date Prepared:	February 13, 2002		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop	X	Formal Agenda

Subject: **Public hearing and second reading of the ordinance.**

Summary: The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. The Planning Commission at their December 11, 2001 hearing recommended denial of the rezoning request to the City Council.

Background Information: **See Attached**

Budget: **N/A**

Action Requested/Recommendation: **Conduct the public hearing for the second reading of the ordinance and the petitioner's appeal of the Planning Commission recommendation. The Planning Commission and staff both recommend denial of the rezoning request.**

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Jeff Williams - Representative				
Purpose:	Powerpoint presentation				

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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AGENDA TOPIC: Rezoning Application 2001-227, Midwest Commercial Park

SUMMARY: The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district, and is appealing the Planning Commission’s recommendation for denial.

ACTION REQUESTED: Approval of the rezoning.

BACKGROUND INFORMATION			
Location:		2295 Highway 6 & 50	
Applicants:		Prime Investments, LTD – Jack Terhar USHOV, LLC – Jeff Over Jeff Williams – Representative	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Retail shopping center	
Surrounding Land Use:	North	Industrial uses	
	South	Highway 6 & 50 and industrial uses	
	East	Light industrial and commercial uses	
	West	General commercial and light industrial uses	
Existing Zoning:		General Industrial (I-2)	
Proposed Zoning:		Light Industrial (I-1)	
Surrounding Zoning:	North	I-2	
	South	C-2	
	East	I-1	
	West	C-2	
Growth Plan Designation:		Industrial	
Zoning within density range? N/A		<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes
		<input type="checkbox"/>	<input checked="" type="checkbox"/> No

Background: The Planning Commission at the December 11, 2001 hearing, recommended that the City Council deny the requested rezoning, finding the

project to be inconsistent with the goals and policies of the Growth Plan and Section 2.6 of the Zoning and Development Code.

On January 15, 2002, the Planning Commission denied a request from the petitioner that the Commission rehear the project.

Rezoning: The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots, from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. This requested rezoning is the precursor of a request for approval of a subsequent Conditional Use Permit to allow for the construction of a “large scale retail development” (see the General Project Report attached to the staff report) on the site. The I-2 zone district does not permit many of the common retail and restaurant type uses that commercial zone districts permit, and is designed to accommodate the heavy industrial and manufacturing orientated uses.

The Future Land Use Map of the Growth Plan designates the site as “Industrial” rather than the “Commercial” designation that would be more conducive to retail commercial activity. The I-2 zone district implements the Industrial designation of the Growth Plan.

There is currently 399.74 acres of land zoned I-2 within the City limits. This is 1.93% of the total acreage of the City. There is 1143.54 acres in the immediate area of the rezoning request that is zoned to permit commercial development with or without a Conditional Use Permit.

Although the requested I-1 zone district is consistent with the Industrial Growth Plan designation, staff cannot support the project due to the petitioner’s stated intent in the General Project Report that they want to develop retail shopping center on the site. Due to this stated intent, policies of the Growth Plan dealing with commercial development have been included in the staff responses to the zoning consistency review.

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:

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

Petitioner response: “This submittal for the Zoning of I-1 on “Midwest Commercial Subdivision” is to bring this property into compatibility with the area use of Highway 6 & 50. The current zoning of I-2 was an incorrect zoning to place on such a high profile property, with Highway 6 & 50 frontage at the time of adoption. The property is bordered by commercial uses on both the east and west.”

Staff response: The site is identified on the Future Land Use Map of the Growth Plan as Industrial, not Commercial or Commercial/Industrial. The I-2 zone district implements the Industrial designation of the Growth Plan. There was no error made when the site was zoned to the I-2 zone district. The I-2 zone district implements the Industrial land use designation of the Growth Plan.

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.;

Petitioner response: “The petitioners request a downgrade from the Heavy Industrial zoning to allow for retail use of the property. Heavy Industrial use on Highway 6 & 50 is *not* the highest and best use of the property. The character of Highway 6 & 50 is predominately Commercial with “Mesa Mall”, “Valley Plaza”, and the new Grand Mesa Center”. The growth trends for large retail development have been in the west end of Grand Junction for the past decade.”

Staff response: There does not appear to be a change in the character of the area. The growth in the area that is occurring is consistent with, and as anticipated by the Growth Plan.

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;

Petitioner response: “This proposed rezone is compatible with all neighboring properties, and the petitioner plans to submit for a Conditional Use Permit upon acceptance of this rezone. The subsequent submittal will allow for thorough input from the Community Development Department. This proposal will not create adverse impacts to the area such as noise, parking, air pollution or other nuisances.”

Staff response: The immediate area surrounding the proposed rezone area is currently developed with a mixture of heavy commercial and industrial uses. A retail shopping center would not be consistent with those uses. The plan to develop the site with retail uses would add to the existing traffic congestion on Highway 6 & 50 that is a product of the retail developments to the east. It would also add to existing air quality impacts since the development of a retail center at this location would result in additional road miles being driven by consumers. There may be additional nuisance factors with commercial development of the site, such as the mixing of consumer traffic with heavy commercial and industrial traffic from adjacent uses.

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;

Petitioner response: “This proposal in combination with the subsequent Conditional Use Permit, will conform to the goals and policies of the “Growth Plan” and other city requirements and regulations. The subsequent Conditional Use Permit will adhere to all Site Plan review standards for the District and Use-Specific standards. The development will also adhere to compatibility issues with adjoining properties, and will have compatible design and integration in all elements of the design.”

Staff response: The Growth Plan Future Land Use Map designates the site for Industrial development not Commercial or Commercial/Industrial development.

The description of Industrial (Page V.10 of the Growth Plan) indicates that: “Heavy commercial and industrial operations are predominant in industrial areas. Batch plants and manufacturing uses with outdoor operations are appropriate if developed consistently with zoning regulations. Residential uses are not appropriate in industrial areas.” It could be argued that by adding retail commercial consumer traffic to this area, a residential use component (family vehicles) is being added to the traffic mix.

Growth Plan Policy 1.9 (Page V.18 of the Growth Plan) states: “The City and County will direct the location of heavy commercial and industrial uses with outdoor storage and operations in parts of the community that are screened from view from arterial streets. Where these uses are adjacent to arterial streets, they should be designed to minimize views of outdoor storage loading and operations areas.” Since the site is currently undeveloped, the opportunity exists for industrial development of the site to occur consistent with the Growth Plan policy.

Growth Plan Policy 12.2 (Page V.38 of the Growth Plan) states: “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*” (emphasis added). This site is not designated on the Future Land Use Map as Commercial or Commercial/Industrial. The proposed use of the site would be in conflict with this policy.

Growth Plan Policy 17.1 (Page V.45 of the Growth Plan) states: “The City and County will support efforts to attract and retain moderate-sized, clean and stable industries that provide appropriate and diverse employment opportunities for community residents.”

In order to attract the types of uses envisioned in this policy, an adequate land supply of properly designed lands must be maintained. Heavy commercial and industrial uses have historically provided higher salaries than retail development.

Growth Plan Policy 17.2 (Page V.45 of the Growth Plan) states: The City and County may consider incentives to attract prospective industrial employers and encourage expansions of existing industries that are consistent with the goals and policies of the Urban Area Plan.” In order for this policy to be implemented there must be an adequate supply of appropriately designated industrial land maintained.

Growth Plan Policy 18.1 (Page V.45 of the Growth Plan) states: “The City and County will coordinate with appropriate entities to monitor the supply of land zoned for commercial and *industrial development and retain an adequate supply of land* (emphasis added) to support projected commercial and industrial employment.”

There already exists a surplus of unused or underdeveloped land within the City that is properly zoned for the type of commercial activity desired by the petitioner. Preservation of designated industrial lands must occur to be consistent with this policy.

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

Petitioner response: “The area of 23 Road and Highway 6 & 50 have ample availability of all utilities; 15 inch Ute water, Interceptor sewer line, power and telephone. The property also has an active access permit with the Colorado Department of Transportation. The developers have agreed to provide ½ road improvements on 23 Road and G Road.”

Staff response: There are adequate utilities available to the site. Road and drainage improvements would be required to be constructed whether the site is developed as a retail center or for industrial uses.

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

Petitioner response: “There is not an adequate supply of existing property, with infrastructure in place for development. The subject property has all infrastructure available, as well as all engineering, drainage studies, and platting for immediate development. The property does not require additional planning department approval or outlying development plans for development.”

Staff response: There is more than enough vacant or underdeveloped commercially designated and zoned land in the area with adequate facilities.

In the area between 25 Road (on the east) and the junction of Highway 6 & 50 and Interstate 70 (on the west), and on the north side of Highway 6 & 50 and south of Interstate 70, there is approximately 1143.4 acres that are zoned to permit various

types of commercial uses either by right or with a Conditional Use Permit. In this same area, there is approximately 234.4 acres that are zoned for General Industrial (I-2) uses. There is only a total of 399.74 acres of I-2 zoned property in the entire City. A large portion of the land that would allow for commercial activity in this area is currently undeveloped or underdeveloped.

The entire 24 Road area has been designated for and improvements made to encourage new commercial development within the adopted corridor plan area.

The location of the project site provides for better access to Interstate 70 than other industrially zoned areas of the City, making it more desirable for the transporting of goods and services without having to contend with non-commercial/industrial type traffic.

The community or neighborhood will benefit from the proposed zone.

Petitioner response: The Community will benefit from this proposal from a very pleasing aesthetic development on Highway 6 & 50. An important “Gateway to Grand Junction” for Fruita, Loma and Mack. The area will also benefit from additional National Retailers proposed for this site.

Staff response: The community will receive greater benefits from the site being retained as I-2 and developed with those uses consistent with the I-2 zone district. Traditionally, heavy commercial and industrial uses pay higher salaries with benefit packages rather than the minimum wage scale with no benefits typical of retail development.

Conclusions/Findings:

The project as presented is not consistent with the findings required of Section 2.6 of the Zoning and Development Code. Specifically items 1, 2, 3, 4, 6 and 7. The project as proposed is in conflict with Policies 1.9, 12.2, 17.1, 17.2, and 18.1 of the Growth Plan.

PLANNING COMMISSION RECOMMENDATION: That the City Council deny the rezoning request, finding the rezoning to the Light Industrial (I-1) zone district to be inconsistent with the goals and policies of the Growth Plan and Section 2.6 of the Zoning and Development Code.

Attachments:

Ordinance

Future Land Use Map of the immediate area

Zone Map of immediate area with zoning acreage breakdown

Aerial view of site
General project report
Review comments and responses
Planning Commission minutes
Petitioner's letter requesting the rehearing
Petitioner's letter appealing the Planning Commission's recommendation

CITY OF GRAND JUNCTION, COLORADO
Ordinance No. _____
ZONING 35.8 ACRES OF LAND LOCATED
AT 2295 HIGHWAY 6 & 50
MIDWEST COMMERCIAL

Recitals.

A rezone from the General Industrial (I-2) district to the Light Industrial (I-1) district has been requested for the properties located at 2295 Highway 6 & 50 for purposes of developing a retail shopping center. 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.

The Grand Junction Planning Commission, at its December 11, 2001 hearing, recommended denial of the rezone request from the General Industrial district to the Light Industrial 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 Light Industrial (I-1) DISTRICT:

Lots 1 - 8, inclusive, Blk 1; and lots 1-17, Blk 2; Midwest Commercial Subd, Mesa Co., CO.

INTRODUCED for FIRST READING and PUBLICATION this 6th day of February, 2002.

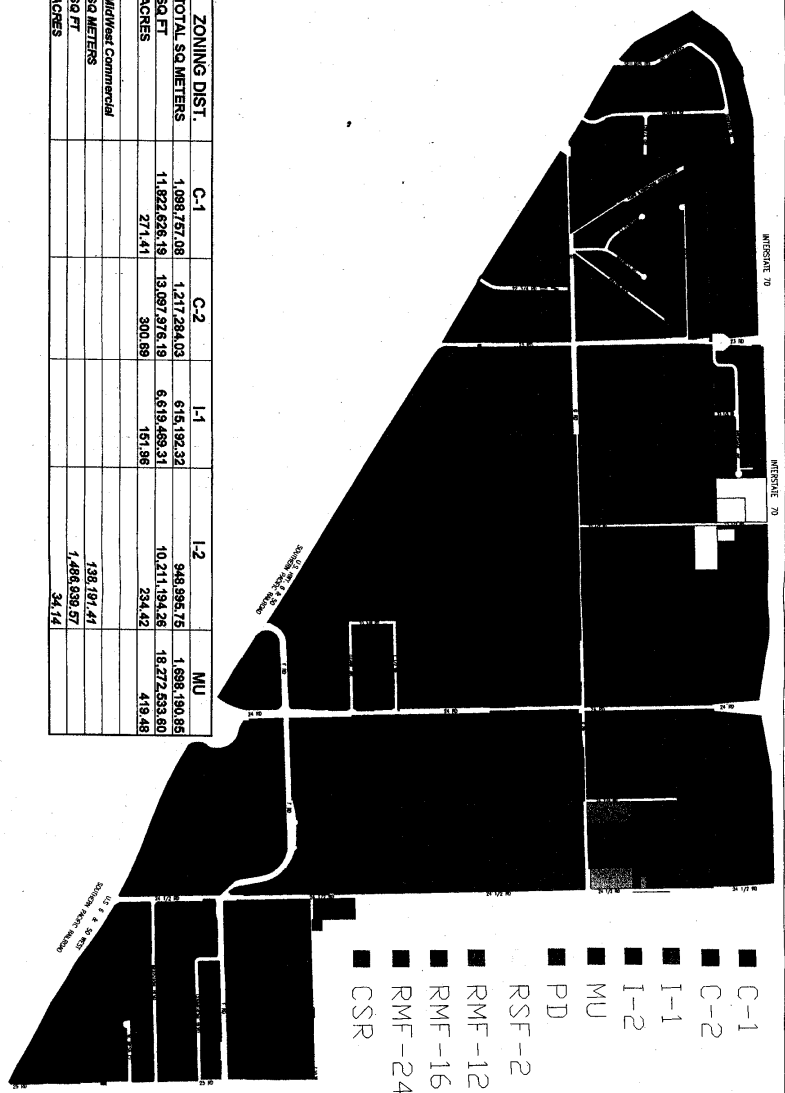
PASSED on SECOND READING this _____ day of _____, 2002.

ATTEST:

City Clerk

President of Council

Midwest Commercial Rezone - Adjacent Commercial/Industrial Acreage Breakdown



COMMUNITY DEVELOPMENT DEPARTMENT

USHOV, LLC
Midwest Commercial Subdivision
670 23 Road
Grand Junction, CO. 81505

Telephone/Fax: 970-263-0900
Web-Site: www.mwcommercial.com

October 31, 2001

Community Development Department
City of Grand Junction
250 N 5th Street
Grand Junction, CO. 81501

REZONE MIDWEST COMMERCIAL SUBDIVISION
Current Zoning = I-2 / Rezone = I-1 / Subsequent Conditional Use Permit
Midwest Commercial Subdivision
26 Commercial Lots - West of 23 Road (37.81 Acres)
Tax Schedule # 2945-061-00-006
2945-061-12-(001/008) / 2945-061-13-(001/017)

We respectfully submit this information for Planning Staff review. The subject property is located north of highway 6&50 and west of 23 road. It is surrounded by heavy Industrial use to the north, "Arrow West Industrial Park", and additional (I-1) industrial use to the east; "Western Slope Iron & Supply", and M.A. Concrete. Additional Industrial properties are located in "Rail Park", and a new development on the northeast corner of 23 & G road "Grand Park Plaza", and the new filing of "Interstate Commercial Park". Commercial use "Western Slope Auto Company" to the west, and additional auto sales adjacent to the east.

The subject property is suited for light industrial/conditional use/retail in many ways. Traffic on highway 6&50 is a major attraction to national tenants, as well as the proximity to I-70 interchanges. The property has ample utilities available; 15" Ute Water line, Persigo Interceptor line in the property, and an active CDOT access to highway 6&50 with accel and decel lanes in place. If we analyze the areas, for this type of large scale retail development; the large tracts of land west of town are the only locations. There are several other important issues to analyze for the Retail use of this property. Outside of Mesa Mall, platted and developed property for this type of development is very limited. The 365 acres owned by Pavalkis Realty has been zoned C-2 through the Growth Plan amendment, however this property would require an extensive outlying development plan, and engineering to cohesively develop this entire property, as well as infrastructure installation.

Industrial use has long been centered North & South of I-70, with Interstate Park, and Filing 2 by Folkstad Construction. Bookcliff Business park north of I-70 is also going to see buildings constructed in the near future. These properties are ideal for Industrial use. They have low traffic arterials and are away from high visibility areas.

This development would also benefit the Community by added safety features to the 23 road access to Highway 6 & 50. The developers have met with Mike Smith of the *Colorado Department of Transportation*. The current approach to the highway bears a visibility hazard to oncoming traffic east bound on highway 6 & 50, due to an improper approach to the Stop sign. It is of importance to CDOT to improve this intersection, which is impacted from the continued industrial growth south of I-70. During peak hours traffic is backed up for entry onto hwy 6&50. The current proposal offers an opportunity to allow for this improved access to Hwy 6 & 50. The current developer owns the adjacent Property "Western Slope Iron and Supply". The proper alignment of this intersection requires the need for additional right-of-way from the Orchard Grove Commercial Lot, and the re-alignment of property lines on the Western Slope Iron property. This development offers an opportunity to work with the same property owner on both sides of 23 road to correct this *hazardous condition* on the 23 road 6&50 intersection.

An additional problem with this property for Industrial use is the single access point, of 60 feet, onto Highway 6 & 50. CDOT has concerns to additional access being granted to the Orchard Grove lot, and a detailed analysis will be required for this property to have separate access to highway 6 & 50. It also has limited access to 23 road, due to the proximity of the intersection. The single access point of the Midwest Commercial Subdivision makes the entry very questionable for access for heavy truck use. The retail use of the Orchard Grove lot will block or limit visibility for ingress and egress from Midwest for heavy trucks for Industrial purposes. The *solution* to the development of this property, is to combine the development of Orchard Grove & Midwest for the use of this access to highway 6&50. The subdivision was originally platted as a commercial subdivision and Orchard Grove is slated for commercial use under the Growth plan. It would be the developers intention to submit for a Conditional Use permit to allow for the correction of these access issues on 6&50 as well as 23 road. The Conditional Use Permit would also address the replat to accommodate the reconfiguration of interior parcels. In determining the Industrial zoning for this property through the "Growth Plan" these issues were difficult to foresee.

Our submittal, for review by the Planning Staff is a proposed use of the subject property as I-1 with a conditional Use permit for retail stores. The entire site is under investigation for this high traffic use. The properties use by national retailers would be a consistent use for the Highway 6 & 50 corridor. Although this would be a down grade zoning from Heavy Industrial, there would be high traffic and truck deliveries. Additional accesses are available off G Road, and 23 road.

There are many advantages to allow the conditional use of this property. Planning staff would have input for site plan preparation, and increased esthetics for this high traffic, high visibility area of highway 6&50. It also provides the opportunity to further beautify an existing entrance into the City of Grand junction. The most important factor for consideration is the high public use of this property as a retail location. Many local residents travel some distance to visit these types of facilities. This would be a very large attraction to Grand Junction. There would not be a need for additional infrastructure or road improvements necessary for this use. The public benefits in several ways, additional retailers for western slope, aesthetically pleasing visible property along the highway 6&50 corridor, and development away from the congested area of Mesa Mall. This area from 22 road through 26 road, along the Highway 6 & 50 corridor is the area for commercial development, We should strive to allow for the highest and best use of our highway 6&50 frontage on this corridor. Enclosed are aerial photos depicting the subject, and surrounding properties. We look forward to any comments or suggestions of the Community Development Department.

October 31, 2001

Community Development Department
City of Grand Junction
250 N 5th Street
Grand Junction, CO. 81501

REZONE MIDWEST COMMERCIAL SUBDIVISION
Current Zoning = I-2 / Rezone = I-1 / Subsequent Conditional Use Permit
Midwest Commercial Subdivision
26 Commercial Lots - West of 23 Road (37.81 Acres)
Tax Schedule # 2945-061-00-006
2945-061-12-(001/008) / 2945-061-13-(001/017)

Rezone Criteria
2.6.A General Criteria

- 1.) This submittal for the Zoning of I-1 on "Midwest Commercial Subdivision" is to bring this property into compatibility with area use of highway 6&50. The current zoning of I-2 was an incorrect zoning to place on such a high profile property, with Highway 6&50 frontage at the time of adoption. The property is bordered by commercial uses on both the east and west.
- 2.) The petitioners request a downgrade from the Heavy Industrial zoning to allow for retail use of the property. Heavy Industrial use on highway 6&50 is *not* the highest and best use of this property. The character of highway 6&50 is predominately Commercial with "Mesa mall", "Valley Plaza", and the new "Grand Mesa Center". The growth trends for large retail development have been in the west end of Grand Junction for the past decade.
- 3.) This proposed rezone is compatible with all neighboring properties, and the petitioner plans to submit for a Conditional Use Permit upon acceptance of this rezone. The subsequent submittal will allow for thorough input from the Community Development Department. This proposal will not create adverse impacts to the area such as noise, parking, air pollution or other nuisances.

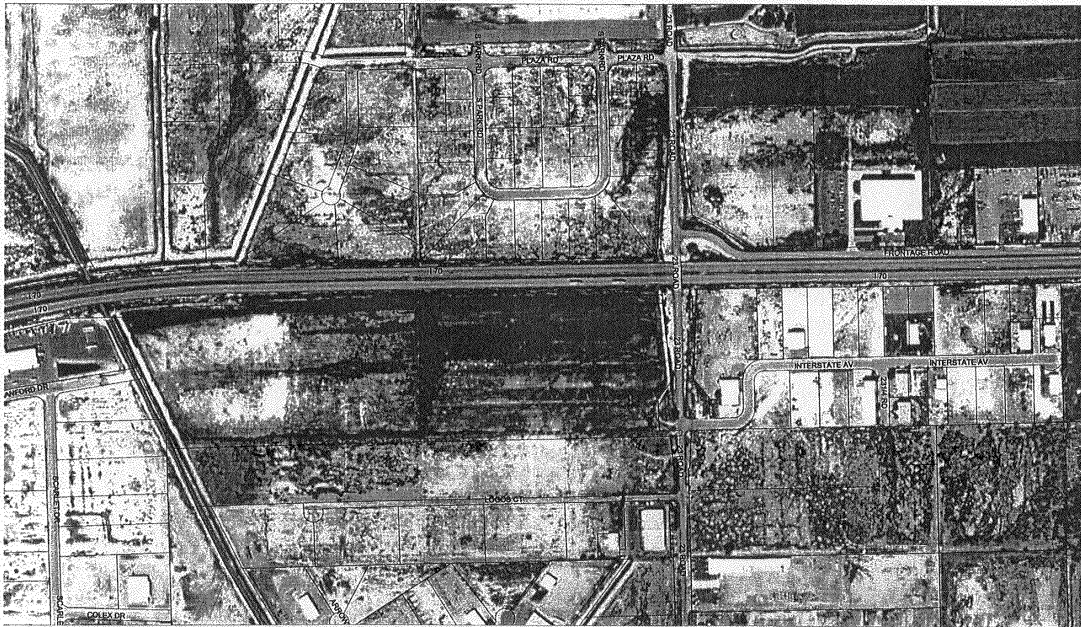
4.) This proposal in combination with the subsequent Conditional Use permit, will conform to the goals and policies of the "Growth Plan" and other city requirements and regulations. The subsequent Conditional Use Permit will adhere to all Site Plan review standards for District and Use-Specific standards. The development will also adhere to compatibility issues with adjoining properties, and will have compatible design and integration in all elements of the design.

5.) The area of 23 road and highway 6&50 have ample availability of all utilities; 15" Ute water, Interceptor sewer line, power and telephone. The property also has an active access permit with Colorado Department of Transportation. The developers have agreed to provide for ½ road improvements on 23 road and G road.

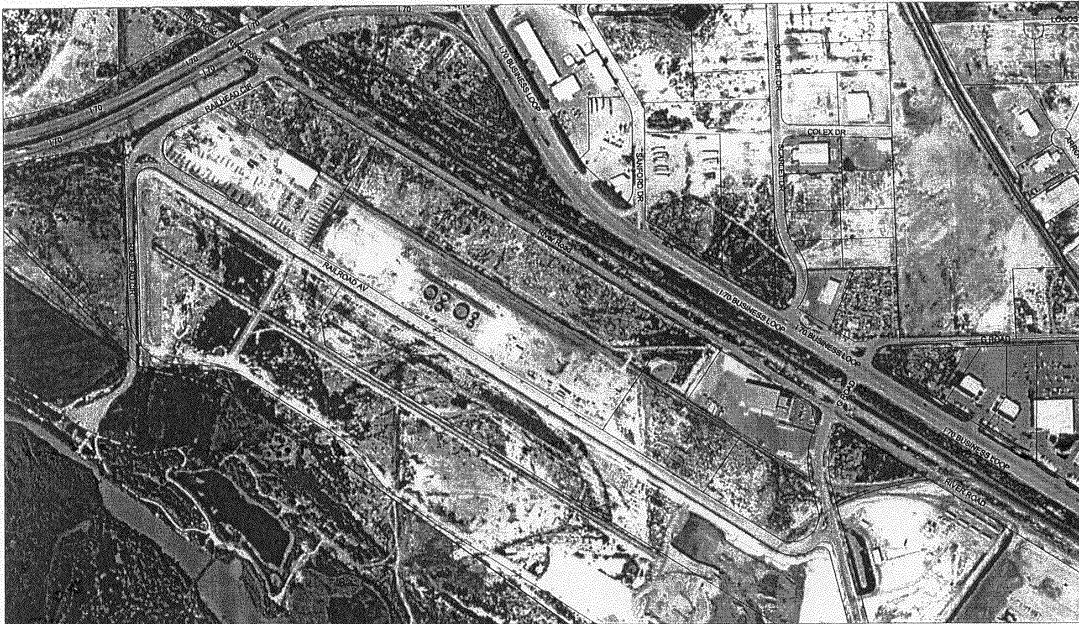
6.) There is not an adequate supply of existing property, with infrastructure in place for development. The subject property has all infrastructure available, as well as all engineering, drainage studies, and platting for immediate development. The property does not require additional planning department approval or outlying development plans for development.

7.) The Community will benefit from this proposal from a very pleasing aesthetic development on highway 6 & 50. An important "Gateway to Grand Junction" for Fruita, Loma and Mack. The area will also benefit from additional National Retailers proposed for this site.

23 Road Park Plaza



Underdeveloped Railhead Park



REVIEW COMMENTS

Page 1 of 2

FILE # RZ-2001-227

TITLE HEADING: Midwest Commercial
Subdivision

LOCATION: 2295 Hwy 6 & 50

PETITIONER: Prime Investments, LTD – Jack Terhar

PETITIONER'S ADDRESS/TELEPHONE: 1371 Aspen St
Broomfield, CO 80020
(760) 321-6319

PETITIONER'S REPRESENTATIVE: Jeffrey Williams
263-0900

STAFF REPRESENTATIVE: Pat Cecil

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT & LABEL A RESPONSE TO COMMENT FOR EACH AGENCY OR INDIVIDUAL WHO HAS REQUESTED ADDITIONAL INFORMATION OR REVISED PLANS, & A COPY FOR THE CITY, ON OR BEFORE 5:00 P.M., NOVEMBER 29, 2001.

CITY COMMUNITY DEVELOPMENT

11-20-01

Pat Cecil

244-1439

1. In reviewing the amount of acreage available in the project area for heavy industrial uses versus the amount of acreage available for retail uses by right and allowed by use permit, it has been determined that if the project proceeds to hearing, the Department recommendation will be for denial. This is based on there being only approximately 234 acres in the area available for heavy industrial uses and approximately 1141 acres of land that are currently zoned to permit various commercial uses outright and with approval of a conditional use permit. Much of the acreage available for commercial development is either undeveloped or underdeveloped.

CITY DEVELOPMENT ENGINEER

11-19-01

David Donohue

256-4155

Development Engineering has no comments regarding the rezone of the subject property. However, it should be noted that at the time upon which development is undertaken, numerous yet-to-be-identified engineering issues will need to be addressed. These would include street improvements, utilities, drainage, site access and circulation, etc.

CITY UTILITY ENGINEER

11-14-01

Trent Prall

244-1590

No sewer related objections to the proposed rezone.

REVIEW COMMENTS / FILE #RZ-2001-227/ PAGE 2 OF 2

CITY FIRE DEPARTMENT

11-20-01

Norm Noble

244-1473

No objections to the rezone

CITY ATTORNEY

11-14-01

Stephanie Rubinstein

244-1501

Please submit updated title commitment (no more than 90 days old).

**REVIEW AGENCY COMMENTS
RESPONSE**

FILE # RZ-2001-227

LOCATION: 2295 Hwy 6 & 50

PETITIONER: Prime Investments, LTD - Jack Terhar

**PETITIONER'S ADDRESS/TELEPHONES: 1371 Aspen Sreet
Broomfield, CO. 80020
(760) 321-6319**

**PETITIONER'S REPRESENTATIVE: Jeffrey K. Williams
201-2200**

STAFF REPRESENTATIVE: Pat Cecil

**CITY COMMUNITY DEVELOPMENT
Pat Cecil**

Our submittal for the zoning of I-2 was in response to numerous inquiries into the retail use of this property. The property is under economic pressure for development, due to its location, size and access. There has been no inquiries as to the heavy Industrial use of this property. The analogy of 5-1 acreage of commercial -vs.- Industrial is not accurate. Retail development requires a 5-1 ratio for development, ie, parking, access, and visibility. This submittal however has more impact than the land ratio. There are other factors for the City Counsel consideration (1) Hwy 6 & 50 from 22 road to Sam's Club has developed into the Valley's main Retail area. (2) It is also a heavily traveled arterial between Fruita and Grand Junction. The development on the Hwy 6 & 50 frontage should be aesthetically pleasing for residents and visitors to the Grand Valley. (3) This project also offers some increased Safety features to be implemented with a re-configuration of the existing lots, which includes combining access of the 5.33 acre commercial lot, and the improved approach of 23 road to hwy 6 & 50. A high priority with the Colorado Department of Transportation.

This submittal should be focused on the Hwy 6 & 50 corridor. Commercial acreage on the east end of town is not applicable in determining the use of this property. The Industrial zoned property in this area is mostly undeveloped or underdeveloped. This includes Interstate Park, River road, and properties west of I-70 on Hwy 6 & 50. The current zoning maps do not include Railhead Park which is an extremely attractive Industrial Subdivision with Rail Spurs. This subdivision is still open and available for Industrial use. The 25 lots located within "Midwest

Commercial Subdivision” are not needed for Industrial use, and can be replaced with the 30 lots located on the NW corner of I-70 & 23 road; “23 Road Park Plaza” which is also excluded from current zoning maps. The only property that is comparable to the intended use of “Midwest” is the Pavlakis property of approximately 80 acres zoned C-2 with Hwy 6 & 50 frontage. This property however, would require extensive investment and outlying development plans to properly develop. It will also require the cooperation of several property owners. The economic factors used by developers points to “Midwest Commercial Subdivision” for immediate development. The influencing factors are current CDOT access, approved platted subdivision, sewer and utilities on site, and multiple access points without the need for major outlying development plans.

Our main goal should be the proper development of this property as an aesthetically pleasing city entry on the highway corridor, and to keep our Industrial property uses in less traveled areas. This submittal allows for a conditional use permit, which will allow the Grand Junction Community Development Department full input on development issues. It will also allow for the re-alignment of the access to I-70 from 23 road, which is currently under heavy traffic at peak hours. This submittal allows for four distinct advantages to the community (1) beautification of the Hwy 6 & 50 corridor, (2) Increased highway safety, (3) additional retail outlets for area residents, (4) development away from the heavy use of Mesa Mall.

CITY DEVELOPMENT ENGINEER

David Donohue

No comment concerning the Re-Zone of the property however it should be noted that this is a fully platted , and recorded subdivision with all approvals in place for development. The petitioners do intend to submit for a conditional use permit, should the Re-zone meet with approval. This submittal will require replatting several lots and the submittal will adhere to all review agency comments.

CITY UTILITY ENGINEER

Trent Prall
No objection

CITY FIRE DEPARTMENT

Norm Noble
No objection

CITY ATTORNEY

Stephanie Rubinstein
Enclosed is an updated title commitment from Abstract and Title Company of Mesa County.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONERS' REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

Commissioner Blosser said that he'd driven by the site and while the lack of parking was still a concern he agreed that the market would be an asset to the neighborhood. Commissioner Putnam concurred.

Commissioner Binder said that it appeared "everyone had done their homework" on this project. She also felt that a neighborhood grocery store would be good for Riverside residents. During her visit to the site, she saw very little traffic in the area and didn't think the lack of off-site parking would be an issue. If vehicular traffic to the site later proved problematic, there was always the possibility of using some of the church's parking.

Commissioner Evans agreed with previous comments, adding that the market would be an especially valuable resource for both children and the elderly.

Vice-Chairman Dibble remarked that the rezone to PD was consistent with the Growth Plan's intent, and he too expressed support.

MOTION: (Commissioner Binder) "Mr. Chairman, on item RZ-2001-226, request for approval of a Growth Plan Consistency Review, I move that we forward the request to the City Council with a recommendation to approve with the findings that the request is consistent with the goals and policies of the Growth Plan."

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Blosser) "Mr. Chairman, on item RZ-2001-226, request to rezone from Residential Multi-Family 8 (RMF-8) to Planned Development (PD) with a B-1 underlying default zone, for a neighborhood grocery market, I move that we approve subject to staff conditions 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."

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

RZ-2001-227 REZONE—MIDWEST COMMERCIAL SUBDIVISION

A request to rezone the Midwest Commercial Subdivision from I-2 (Heavy Industrial) to I-1 (Light Industrial) and/or appropriate zone district.

**Petitioner: Prime Investments, Ltd.—Jack Terhar
Location: 2295 Highway 6 & 50
Representative: Jeffrey K. Williams**

PETITIONER'S PRESENTATION

Jeff Williams, representing the petitioner, said that the rezoning of the property to I-1 would bring the property into compliance with neighboring properties. He said that the downzone to I-1 would allow for retail sales, if approved in conjunction with a Conditional Use Permit (not yet submitted). No adverse impacts were expected, and significant improvements to the 23 Road alignment/intersection were planned. Half-street improvements would also be constructed along G Road, even though this had not been a staff requirement. The

December 18, 2001

Community Development Department
City of Grand Junction
250 N 5th Street
Grand Junction, CO. 81501

NOTICE OF APPEAL
REZONE MIDWEST COMMERCIAL SUBDIVISION
RZ-2001-227

CITY OF GRAND JUNCTION
PLANNING COMMISSION

This is formal notice of Prime Investments, Ltd. Appeal of the denial of the proposed Re-Zone of the Midwest Commercial Subdivision to I-1. The decision of the Commission was determined by the advice of the Assistant City Attorney. The applicant showed evidence of all Rezone General Criteria 2.6.A:

- 1.) The Re-zone is compatible.
- 2.) The Re-Zone does not create adverse impacts to surrounding properties.
- 3.) The proposal conforms to the goals & policies of the "Growth Plan".
- 4.) The Community will benefit from this proposal.

The main factor in this Appeal, is the disregard for the error in the current zoning. The I-2 Zoning is an island on the highway 6 & 50 frontage surrounded by C-2 zoning. The Planning Commission also disregarded the factors of access, collaborated by the Colorado Department of Transportation.

Respectfully,



Jeffrey K. Williams
Representative

John A. Terhar , Prime Investments, Ltd.

Jeff Over (developer)

RECEIVED
DEC 18 2001
COMMUNITY DEVELOPMENT
DEPT.

Jeffrey K. Williams
P.O. Box 2404
Grand Junction, CO. 81502

Telephone: 970-263-0900
Cellular: 970-201-2200
e-mail: Airstar@acsol.net

January 22, 2002

City of Grand Junction
Community Development Department
Attention: Pat Cecil
250 N 5th Street
Grand Junction, CO. 81501

APPEAL TO THE CITY COUNCIL

FILE # RZ-2001-227

LOCATION: 2295 Hwy 6 & 50

PETITIONER: Prime Investments, Ltd. - Jack Terhar

**PETITIONER'S ADDRESS/TELEPHONE: 1371 Aspen Street
Broomfield, CO. 80020
(760) 321-6319**

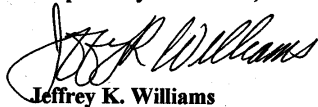
**PETITIONER'S REPRESENTATIVE: Jeffrey K. Williams
201-2200**

STAFF REPRESENTATIVE: Pat Cecil

We respectfully submit our re-zone request, for an appeal to the City Council of Grand Junction. We believe that all criteria was adequately addressed in the petitioner's presentation to the Planning Commission.

Petitioner also believes that the evidence of land use compatibility, and public safety warrant a review by the City Council.

Respectfully Submitted,



Jeffrey K. Williams
Petitioner's Representative

property. Mr. Cecil said that a C-2 rezone request would require approval of a Growth Plan amendment. An I-1 zone would allow a commercial component through approval of a CUP while still preserving the intent of the Growth Plan. Bob Blanchard added that there was no specific policy statement in the Code regarding I-2 zoned lands, with the possible exception of the Future Land Use Map. He noted that the City had just begun to engage in its 5-year review of the Growth Plan. He expected a number of amendments to be brought forward as a result of this review.

Vice-Chairman Dibble commented that the 5.33-acre triangular parcel may not be developable because any proposed development would incur significant infrastructure costs. Given that, it made more sense to him to include that parcel in with the current request so that the entire area could be redeveloped at the same time. Mr. Cecil said that even if that parcel were included in the current request and a zone of I-1 was approved, that did not guarantee approval of a Conditional Use Permit that would soon follow. Mr. Blanchard reminded planning commissioners that the only issue under current consideration was the rezone; the CUP request had not been submitted in conjunction with the rezone and could not be considered. Mr. Shaver concurred and cautioned planning commissioners against approving what would in essence be a "conditional zone." To do so, he said, would establish an expectation. Planning commissioners, he advised, should focus on deciding whether the rezone criteria had been met. Mr. Cecil added that the subject area had not been designated by the Growth Plan as a commercial node.

Commissioner Putnam remarked that the Planning Commission could not consider the economics of a development proposal when making a determination. It appeared to him that more rezone criteria had not been met than had been satisfied.

Commissioner Binder agreed that the area was prime for commercial development; however, the Growth Plan attempted to limit retail to specific areas. Extending retail out so far beyond the Mesa Mall area would result in a long drive for the consumer, effectively representing "commercial sprawl." It sounded like street improvements would be required anyway, regardless of what kind of development was put on the site. She concurred with staff that not enough of the criteria had been met to support the rezone.

Commissioner Blosser said that because commercially-zoned properties already existed in this area, it was likely that commercial would eventually extend to the subject area. He agreed with the petitioner that heavy industrial uses along a major corridor would not add to the corridor's aesthetics. For these reasons, he tended to support the request.

Commissioner Evans said that industrial uses typically paid higher wages to its employees than did retail uses. Given the access concerns and the property's suitability for heavy industrial uses, he felt that the site's current I-2 zoning should be retained.

Vice-Chairman Dibble agreed that the request failed to meet a number of rezoning criteria, regardless of what may or may not be located on the site in the future.

MOTION: (Commissioner Binder) "Mr. Chairman, on Zone Amendment RZ-2001-227 (Midwest Commercial Park), I move that we forward a recommendation of approval of the Zone Amendment to the City Council with the findings that the proposed rezoning is consistent with the goals and policies of the Growth Plan and section 2.6 of the Zoning and Development Code."

Commissioner Putnam seconded the motion. A vote was called and the motion failed by a vote of 1-4, with Commissioner Blosser supporting the motion.

With no further business to discuss, the meeting was adjourned at 9:38 P.M.

deintensification of use would be an asset to the community and have more aesthetic appeal along the Highway 6 & 50 corridor. Mr. Williams presented overheads of an assessor's map showing property configurations, an aerial photo of the area, a section of the Future Land Use Map, photos of the Highway 6 & 50 corridor, aerial photo of the "underdeveloped" Railhead Industrial Park, and an aerial photo of the area south of I-70 and west of 23 Road.

Mr. Williams said that the owner of Western Slope Iron wanted to expand his business but the high cost of property along Highway 6 & 50's frontage precluded this along the frontage. Mr. Williams briefly expounded on the safety benefits to the community with the realignment of 23 Road. Copies of a letter from Mike Smith, CDOT representative (222 S. 6th Street, Room, 100, Grand Junction) commenting on the realignment proposal were distributed to planning commissioners and staff.

QUESTIONS

Commissioner Binder asked if Western Slope Iron intended to move? Mr. Williams clarified that the petitioner wanted only to expand the business.

Vice-Chairman Dibble noted a triangular piece of C-2 zoned property to the west of 23 Road. He asked does the petitioner own this parcel as well? Ms. Williams replied affirmatively, but said that particular parcel hadn't been included as part of the current request; however, the petitioner intended to use the referenced parcel in conjunction with, but independent of, the current request to accommodate the 23 Road street realignment.

Commissioner Putnam asked for and Mr. Williams provided clarification on available access into the subdivision's properties.

When Commissioner Blosser asked for clarification on how many of the parcels in the subject area (area defined on overhead) were owned by the petitioner, Mr. Williams explained that the only one not owned by the petitioner within the area was parcel 2945-061-00-004; however, the petitioner had first rights to purchase that one and probably would end up doing so.

STAFF'S PRESENTATION

Pat Cecil offered a PowerPoint presentation. Presented on various overheads were an aerial photo of the site; historical summary of the property; verification that all lots had access to Highway 6 & 50; a portion of the Future Land Use Map; a zoning map which depicted the areas along the Highway 6 & 50 corridor designated for industrial uses; zoning map of the area north of Highway 6 & 50; breakdown of acreages in C-1, C-2, I-1, I-2 and MU zones along the highway's corridor; and findings of consistency with rezone criteria.

He said that 234 acres of I-2 zoned property was available for heavy industrial uses. Heavy industrial uses required specific elements such as highway/interstate access and usually rail availability. Staff felt that the limited amount of I-2 zoned property should be retained and preserved for heavy industrial uses. Extending commercial uses further west past Mesa Mall, he said, added trip miles and drive time and would likely result in added traffic impacts. Mr. Cecil said that while the I-1 zone would be consistent with the intent of the Growth Plan, the Plan encouraged industrial, not retail, uses to locate in the area. He outlined five sections in the Growth Plan which supported that commercial should be located elsewhere. In addition Mr. Cecil stated that there is sufficient number of commercial properties available elsewhere within the city limits suitable for the commercial uses contemplated.

Mr. Cecil reminded the Planning Commission not to associate 23 Road realignment with this request. He said that street improvements would be required in conjunction with *any* development submittal. Staff did not feel that the request was supported by either the Growth Plan recommendations or Code criteria and therefore recommended denial.

QUESTIONS

Commissioner Binder asked if the required infrastructure was in place along 24 Road and Highway 6 & 50? Mr. Cecil responded affirmatively.

Vice-Chairman Dibble wondered why the previously referenced triangle of C-2 zoned property had been retained as C-2, because it existed within such an industrially-zoned area. Mr. Cecil said that as C-2 property, both light industrial or commercial uses could be situated on it. He conjectured that any development of the property would probably include a 23 Road redesign, with 23 Road bisecting a portion of it. A significant amount of internal infrastructure construction would be required to make it work. When asked about the average sizes of lots within the Midwest Subdivision, Mr. Cecil answered that lots typically averaged about 1 ½ acres in size.

Vice-Chairman Dibble asked if the subject property lay within a floodplain. RickDorris came forward and said that he couldn't respond with certainty without further investigation, a task typically undertaken during site plan review.

Commissioner Binder asked staff if anyone knew the total number of I-2 zoned acres available within the city limits. Mr. Cecil guessed that there were approximately 1,000 acres available. He reiterated that only a limited number of those parcels had the kind of highway access available to the subject property.

When Commissioner Blosser questioned how heavy truck traffic could be negatively impacted by the rezone, Commissioner Binder remarked that many of the I-2 zoned properties did not have the benefit of direct highway/interstate access. Trucks traveling to and from those properties were instead routed along other corridors such as Patterson Road and through downtown neighborhoods.

PUBLIC COMMENTS

FOR:

Jeff Over (1760 10.5 Road, Mack), owner of Western Slope Iron, said that during annexation meetings, city staff had wanted to zone his existing site commercial, which he'd felt didn't make sense. He wasn't sure why the City wanted heavy industrial uses located along highway frontages, because those uses are typically unsightly and ill-kempt and not usually screened from public view. He drew a comparison with the junkyards near the 5th Street bridge downtown. Mr. Over expected that within the next ten years, in the City's push to clean up its major entrances, the City wouldn't want heavy industrial uses such as his along major corridors. Mr. Over said that he was ready to expand his business. He'd already purchased another parcel in the Railhead Industrial Park. Other I-2 zoned parcels were available within the industrial park that weren't being used.

Mike Ferris (634 Carlsbad Drive, Grand Junction), owner of Western Slope Ford, agreed that retail sales should be allowed on the subject property, and he supported the petitioner's request for rezone. He disagreed with staff's position that heavy industrial lands should be retained, because only a small portion of what was available throughout the city was actually being used.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

Mr. Williams reiterated that the downzoning of the subject property would help preserve the aesthetics along the Highway 6 & 50 corridor. Economic viability of the expansion, he said, is an important factor.

DISCUSSION

Vice-Chairman Dibble asked staff for the rationale behind preserving I-2 zoned lands. He also wondered why an I-1 zone was being requested when the petitioner's ultimate goal was to locate a commercial use on the

CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	ANX-2000-158, Webb Crane		
Meeting Date:	February 20, 2002		
Date Prepared:	February 12, 2002		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop	X	Formal Agenda

Subject: Public hearing for the adoption of the ordinance for a zone of annexation.

Summary: Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT(Agricultural Forestry Transitional) to City PD (Planned Development) zone district. The site was annexed on February 16, 2000.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Public hearing and second reading of the ordinance.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Mike Joyce – Development Concepts, Representative				
Purpose:	Presentation				

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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AGENDA TOPIC: Zone of Annexation, ANX-2000-158, Webb Crane

SUMMARY: Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT(Agricultural Forestry Transitional) to City PD (Planned Development) zone district.

ACTION REQUESTED: Adoption of the ordinance.

BACKGROUND INFORMATION			
Location:		761 23 ½ Road	
Applicants:		Webb Crane, Inc. – Kevin Williams Representative- Development Concepts, Mike Joyce	
Existing Land Use:		Existing crane business with an existing residential use.	
Proposed Land Use:		Same with the addition of two more residences.	
Surrounding Land Use:	North	Agricultural land with a residence.	
	South	I-70 with commercial/industrial land south of the highway.	
	East	Commercial/industrial uses and rural residential uses.	
	West	Commercial/industrial uses and rural residential uses.	
Existing Zoning:		There is no City zoning currently designated for the site.	
Proposed Zoning:		Planned Development	
Surrounding Zoning:	North	RSF-R (County)	
	South	Light Industrial & Mixed Use (City) and C-2 (County).	
	East	Planned Commercial (County) and RSF-R (County).	
	West	Planned Commercial (County) and RSF-R (County).	
Growth Plan Designation:		Commercial/Industrial	
Zoning within density range?		<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

N/A				
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Background: On February 16, 2000, the subject site was annexed into the City and a Growth Plan Amendment approved changing the land use designation from Residential Estate and Commercial to the Commercial/Industrial designation. No City zoning was established at the time of annexation due to the petitioner expressing a desire to apply for a Planned Development (PD) zoning. The County zoning prior to annexation was Planned Commercial (PC) and AFT (Agricultural Forestry Transitional).

The petitioner has subsequently applied for a Planned Development zone district and has been working with City staff to resolve several issues associated with the site.

The purpose of the Planned Development zoning is to permit a mixture of uses on the project site. In addition to the existing commercial crane business, the petitioner is requested approval to add two dwelling units (there is one existing) to the project site. This request is being made in fulfillment of a commitment made at the time of the Growth Plan amendment hearing. At that time, the petitioner stated that he would place two additional dwelling units adjacent to the 23 ½ Road frontage to act as a buffer between the crane operation and residentially zoned properties located on the east side of 23 ½ Road.

Standards have been incorporated into the PD ordinance which have been designed to reduce impacts to adjacent properties, be consistent with the preliminary plan and the Zoning and Development Code.

Issues: Two letters have been received after the Planning Commission review of the zoning. The letters express concern regarding the timing of the construction of the proposed berms, the height of the berms, the length of the berms and the type of residential dwellings (modular vs stick built) being supplied and the timing of the completion of the construction of those units.

Since the first reading, six additional letters have been received regarding the project. The new letters express concern regarding Webb Crane abiding by an verbal agreement that they apparently made with the neighbors at the time of the Growth Plan Amendment hearings, impacts to property values that could occur if sufficient screening is not supplied, visual impacts and possible drainage problems. In addition, a copy of the Mesa County Resolution 98-101 granting a Conditional Use Permit for limited expansion of the Webb Crane operation in 1998 has been submitted for the Council's review.

At the Planning Commission meeting of January 18, 2000, regarding the Growth Plan Amendment, the petitioner's representative stated when asked about buffering along the north property line that "Berミング and trees would be

constructed, with "lay down" equipment stored more along this boundary." In addition, At the February 16, 2000 City Council meeting on the Annexation and Growth Plan Amendment, the petitioner's representative stated to the Council that "They are going to put some residential units on 23 ½ Road and provide a berm and buffering to protect the integrity of the area". Copies of the applicable minutes are attached to the staff report.

The Planning Commission at the January 15, 2002 public hearing, limited the height (minimum of three feet) and length of berm construction to that as shown on Exhibit "A-1". The Commission also gave the petitioner 18 months to complete the construction of the berms and proposed residences to be measured from final Council action of the zoning. The Commission did discuss the issue of stick built housing vs manufactured or modular housing. According to the Zoning and Development Code and State law, a modular or manufactured residence on a permanent foundation is equivalent to a "stick built" residence.

On January 28, 2002, staff met with the petitioner, his representative and the Pennington's (adjacent property owners, see letter attached to staff report) to discuss issues associated with the timing of improvements. Since that time, it has been indicated by Webb Crane's representative and the Pennington's, that no solutions to the issues can be agreed upon by the petitioner and adjacent property owners.

Rezoning: 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:

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

The City has not adopted zoning for site at this point. Previous County zoning showed the southeast corner of the site in a Planned Commercial zone with Agricultural Forestry transition for the remainder. At the time of annexation, the city Council amended the Future Land Use Map for the site to place it all in a Commercial/Industrial designation.

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 been a change due to the change in the Future Land Use Map designation to Commercial/Industrial as part of the annexation.

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 zoning is consistent with adjacent County zoning.

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

The proposal conforms to the Future Land Use Map designation for the site.

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 serving the project site.

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

The Future Land Use Map was amended at the time of annexation to accommodate the proposed rezoning. The City Council at that time felt that adequate land zone properly was not available for the use.

The community or neighborhood will benefit from the proposed zone.

The Community and the neighborhood will benefit from the use since the site will be brought up to current standards for buffering, screening and landscaping.

The petitioners responses to the criteria are contained in the General Project Report (15 pages) attached to the staff report. It appears that there is adequate justification for the proposed PD zoning for the property according to the requirements of the Zoning and Development Code.

Access/Streets: The project site has access from 23 ½ Road and from the Interstate 70 frontage road.

PLANNING COMMISSION RECOMMENDATION: That the City Council approve of the requested zoning, finding the zoning to the Planned Development (PD) zone district to be consistent with the Growth Plan and Sections 2.6 and 2.12 of the Zoning and Development Code.

Attachments:

PD Ordinance
Location Map
Preliminary Plan
Portion of Exhibit "A-1"
General Project Report

Minute excerpt PC 1/18/00

Minute excerpt CC 2/16/00

Letter of concern with attached hearing information from 2000.

Letter of concern, date stamped January 22, 2002

Mesa County Resolution 98-101 for Webb Crane expansion (4 pages)

Six new letters of concern, date stamped February 12, 2002

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING APPROXIMATELY 20 ACRES OF LAND LOCATED AT 761 23 ½ ROAD, THE WEBB CRANE ANNEXATION

Recitals.

A rezone from the County Planned Commercial (PC) and the Agricultural Forestry Transitional (AFT) districts to the Planned Development (PD) district has been requested for the properties located 761 23 ½ Road for purposes of developing a project consisting of commercial and residential components. 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.

The Grand Junction Planning Commission, at its January 15, 2002 hearing, recommended approval of the rezone request from the County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) zone districts to the Planned Development (PD) zone 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 PLANNED DEVELOPMENT (PD) ZONE DISTRICT:

Parcel #1:

That part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 1 North, Range 1 West of the Ute Meridian lying North of the right-of-way for Highway I-70,

Except Beginning at the Northeast Corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32 which is South 00°02'00" East 1981.39 feet from the North Quarter Corner of said Section 32, thence South 00°02'00" East 349.71 feet along the East line of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the North right of way of Interstate 70; thence along said North right of way North 89°45'32" West 20.00 feet, thence South 45° 06' 14" West 70.54 feet, thence North 89°45'30" West 390.85 feet, thence North 00°02'00" West 396.97 feet to a point on the North line of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North 89° 54'04" East 460.85 feet along the North line of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning,

ALSO EXCEPT the West 5 acres of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 1 West, Ute Meridian lying North of the Interstate Highway 70 right of way line, and being more specifically described as follows:

Beginning at a point which bears South 00°02' East 1981.39 feet and South 89°54'04" West 766.45 feet from the N $\frac{1}{4}$ corner of Section 32, Township 1 North, Range 1 West, Ute Meridian, and considering the East line of the NW $\frac{1}{4}$ of said Section 32 to bear South 00°02' East with other bearings contained relative thereto, thence South 00°02'42" East 395.16 feet to a point on the North right of way line of Interstate Highway 70, thence along said right of way line North 89°45' 30" West 553.49 feet to a point on the West line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, thence along said West line North 00°02'42" West 391.86 feet to a point on the North line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, thence along said North line North 89°54'04" East 553.48 feet to the point of beginning, Mesa County, Colorado AP 2701-322-00-084.

Parcel #2:

Lot 1 in Williamsen Subdivision, Mesa County, Colorado AP 2701-322-05-001

Parcel #3:

The South 441.75 feet of the N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 32, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado AP 2701-322-00-069

Uses Permitted:

On the portion of the project area designated for the commercial activity on the Final Plan, the following uses are permitted:

Office, vehicle maintenance, indoor and outdoor storage and assembly uses associated with the operation of a crane business operation.

The northerly 50 feet of the area designated on the Final Plan as "Restrictive storage" shall contain no outdoor storage that exceeds 25 feet in height.

On the portion of the project area designated for Single Family Residential on the Final Plan, the following uses are permitted:

An existing single family residence.

Two additional single family residences to be constructed within 18 months of the approval of the final plan for the PD zone district.

Bulk Standards:

On the portion of the project area designated for the commercial activity on the Final Plan, the Dimensional Standards of the Light Industrial (I-1) zone district apply.

On the portion of the project area designated for Single Family Residential on the Final Plan, the Dimensional Standards of the Residential Single Family-2 (RSF-2) zone district apply.

General Development Standards:

A 14 foot multi-purpose easement shall be dedicated to the City of Grand Junction along the public road frontages at the time of approval of the Final Plan. An off-site easement for the 8 inch PVC connection from the proposed detention pond to the existing manhole to the south shall be procured prior to approval of the Final Plan.

Specific Development Standards:

On the portion of the project area designated for the commercial activity on the Final Plan, the following improvements shall shown on the Final Plan and be constructed either at the time of Final Plan approval or within the designated time frames:

A landscaped and irrigated earth berm, a minimum of three feet in height per Exhibit "A-1" shall be constructed within 18 months of Council action on the zone amendment.

Landscaping and irrigation along the Interstate 70 Frontage Road and along 23 ½ Road that complies with the standards of Section 6.5 of the Zoning and Development Code. Landscaping shall include all unused portions of the road right-of-ways within 180 days of approval of the Final Plan.

Parking lot improvements for the office and vehicle maintenance use shall comply with Section 6.6 Of the Zoning and Development Code and the provisions of the TEDS Manual within 180 days of approval of the Final Plan. All internal driveways shall be surfaced with compacted heavy base rock (not gravel) and maintained in dust free condition within 180 days of approval of the Final Plan.

Driveway encroachment for the storage area shall be swept periodically to keep base rock from being tracked onto the road right-of-way.

All existing and future outdoor lighting shall be shielded to prevent fugitive light from encroaching on adjacent properties or the public right-of-ways.

At time of Final Plan, the final drainage report must detail the outlet design.

Such design must account for the head of water that will be present in the storm drain system accepting the site runoff during the 100-year event. It may be necessary to generate a HGL profile of the downstream system.

The final drainage report states that "any (pond) configuration is satisfactory, as long as the total volume available equals or exceeds the required storage volume." This is not accurate. The depth of the pond and the resulting head of water must be used to design the outlet structure. Therefore, it is important that the dimensions of the pond be specifically designated. This shall be addressed at time of Final Plan.

A screening fence shall be supplied along the property perimeter where the storage area use abuts residentially used properties and along the Interstate Highway 70 Frontage Road portion of the storage area.

INTRODUCED for FIRST READING and PUBLICATION this 6th day of February, 2002.

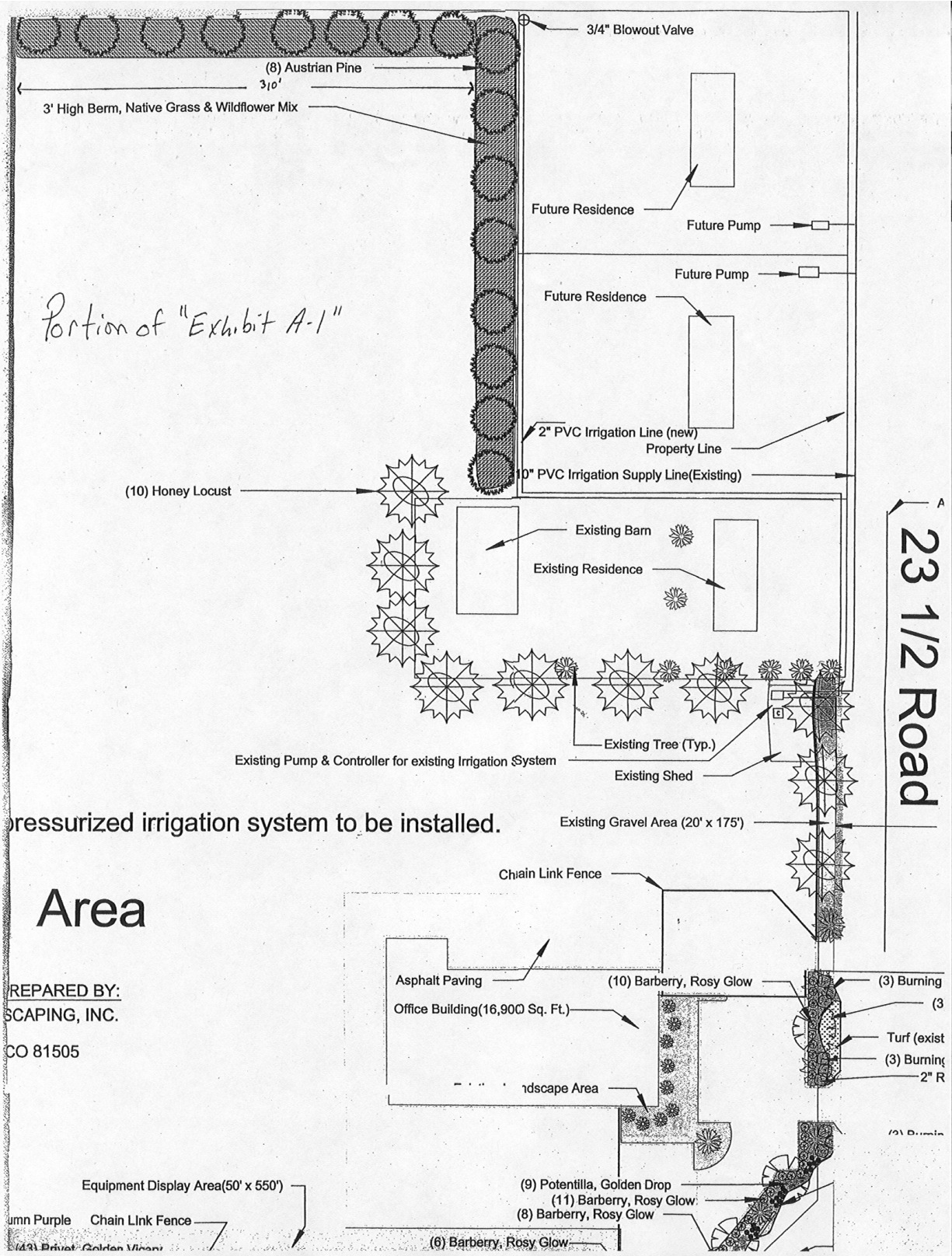
PASSED on SECOND READING this day of , 2002.

ATTEST:

City Clerk

President of Council





Portion of "Exhibit A-1"

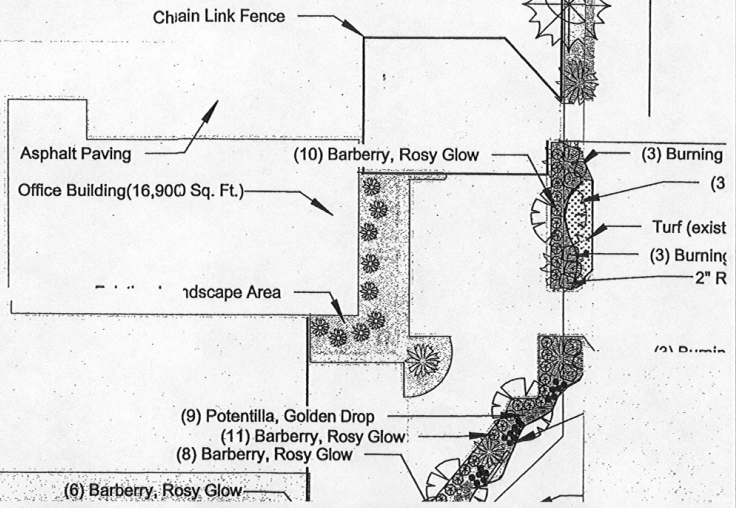
pressurized irrigation system to be installed.

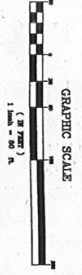
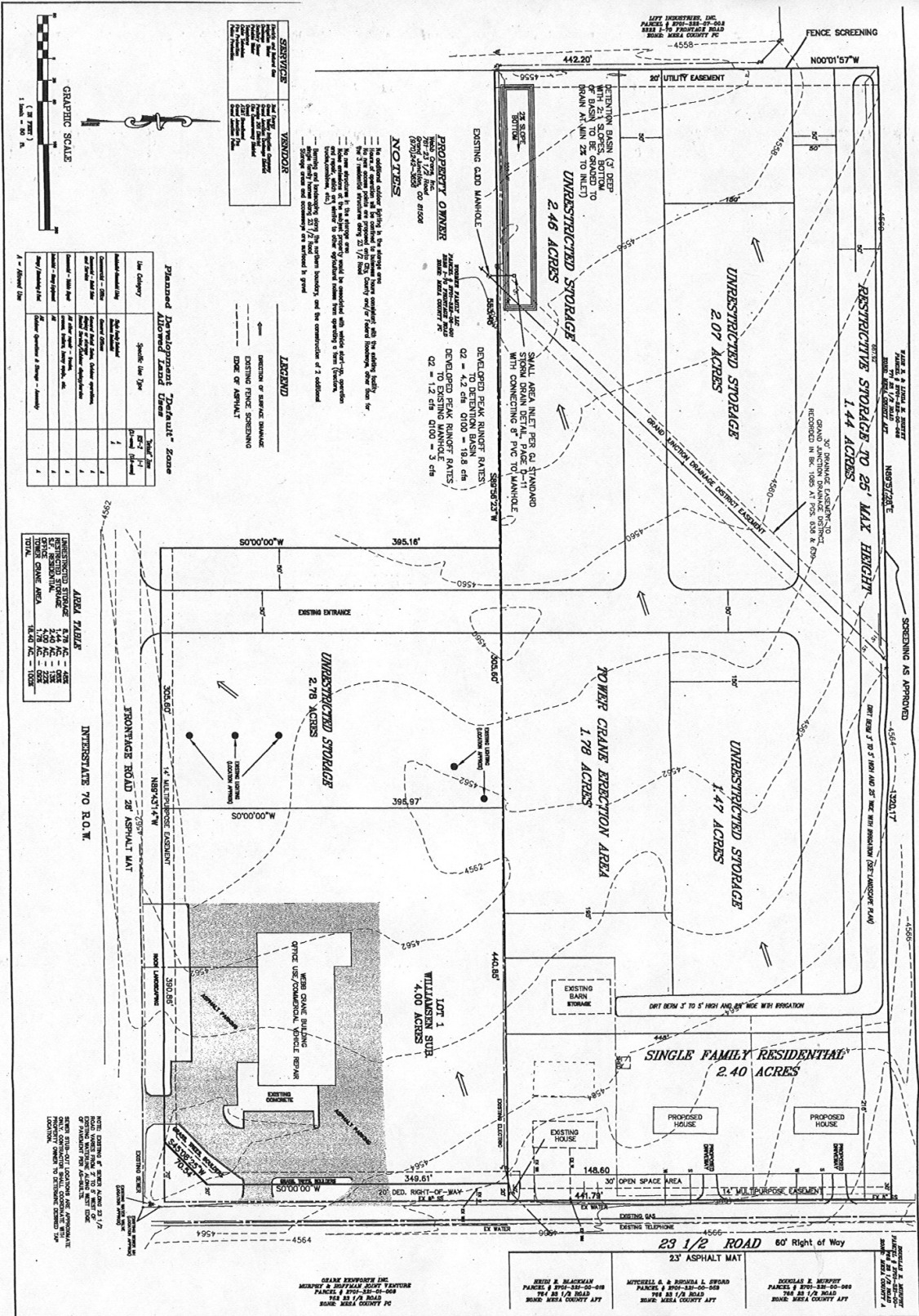
Area

PREPARED BY:
SCAPING, INC.
CO 81505

Equipment Display Area (50' x 550')

Chain Link Fence





Planned Development "Threats" Zone

Use Category	Specific Use Type	Threat Level
Industrial/Manufacturing	Light Industrial	High
Commercial	Office	Medium
Residential	Single-Family Detached	Low
Public/Community	Park	Low
Other	Other	Low

AREA TABLE

Area Type	Area (Acres)
UNRESTRICTED STORAGE	8.78
POWER CRANE ERECTION AREA	1.78
LOT 1	4.00
SINGLE FAMILY RESIDENTIAL	2.40
WAREHOUSE	1.78
OFFICE	0.25
CRANE BARN	0.25
TOTAL CRANE AREA	10.00

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK
1	6/18/01	1" = 50'		
2	2006.02			
3				

RHINO ENGINEERING, INC.
 1334 UTE AVENUE
 GRAND JUNCTION, CO 81501
 970.241.6027 fax 970.255.7992

PRELIMINARY PLAN
WEBB CRANE
 761 23 1/2 ROAD
 GRAND JUNCTION, COLORADO

CLIENTS

DEAN BROWNE INC MURPHY & BUFFMAN SCOTT VENTURE PARCELS & 870-33-00-008 761 23 1/2 ROAD BOX 888 GRAND JUNCTION CO	BRUN & BLACKMAN PARCELS & 870-33-00-008 761 23 1/2 ROAD BOX 888 GRAND JUNCTION CO	MITCHELL & BROSIGLIA I SPANO PARCELS & 870-33-00-008 761 23 1/2 ROAD BOX 888 GRAND JUNCTION CO	DOUGLAS & MURPHY PARCELS & 870-33-00-008 761 23 1/2 ROAD BOX 888 GRAND JUNCTION CO
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Deve

Development Concepts, Inc.

Planning and Development Services

2764 Compass Drive
Suite 217-1
Grand Junction, CO 81506

Office - 970 - 255-1131
Fax - 970 - 255-1159
e-mail - yobubba@gjct.net

Webb Crane Service, Inc.

**General Project Report
Zone of Annexation to Planned Development (PD)
&
Preliminary Development Plan (PDP)**

Parcels # 2701-322-00-069 & 2701-322-05-002
Petitioner: Webb Crane Service, Inc.

Submittal Date:
August 30, 2000

Project Description

This application proposes the Zone of Annexation to the Planned Development (PD) and Preliminary Development Plan (PDP) for a 20-acre parcel annexed by the City of Grand Junction on February 16, 2000 (Attachment 1 - Assessor's Map). The current use of property is for Webb Crane Service's offices, shop, and parking and storage of specialized lifting equipment. Typical equipment stored on the subject property includes multiple axle cranes, crane boom extensions and support vehicles, forklifts, flatbeds and tractors. The proposed PD zone will allow the existing land-uses to continue and also add the use of Residential along the 23½ Road frontage of Webb Cranes' property.

The subject property is located in the urbanizing area of the *Mesa Countywide Land Use Plan* (a.k.a.- *Growth Plan*). A *Growth Plan* and the *North Central Valley Plan* amendment to Commercial/Industrial was also approved by the City Council on February 16, 2000. The western property boundary is developed by Lift Industries; the I-70 Frontage Road and I-70 abut the southern property boundary; and, 23½ Road and Kenworth Truck Services are developed to the east.

Surrounding Land Use/Zoning

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

- ❖ North - Unsubdivided parcels used for single family homes with accessory agricultural uses
- ❖ South - I-70 and, planned heavy commercial and light industrial uses
- ❖ East - 23½ Road and the Kenworth Trucking Facility
- ❖ West - Triune Mining Supply

Development Concepts - Where Concepts Become Real

ZONING - The subject property was zoned Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) by Mesa County. Zoning in the surrounding area is comprised of Mesa County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) zoning along the north side of the Frontage Road and City of Grand Junction Planned Commercial lands on the south side of Interstate 70. Within a ½ mile radius of the subject property, properties are zoned by Mesa County and the City of Grand Junction as:

- ❖ North - AFT
- ❖ South - AFT, PUD
- ❖ East - PC, PUD
- ❖ West - AFT, PC

Planned Commercial, Industrial and Commercial/Industrial zoning and land use dominates this area of unincorporated Mesa County, and recently annexed City of Grand Junction lands, filling in the area bounded roughly by 23 Road to the west, 24 Road to the east, Interstate 70 to the south and the G½ Road line north. The general area's zoning and land use in place takes advantage of a location removed from populated areas, but within the realm of excellent state and federal transportation opportunities and facilities.

Growth Plan Land-Use Designation

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* and the *North Central Valley Plan* area, adopted (Resolution 38-98) by the City of Grand Junction on June 3, 1998. Table 1 indicates the Land-use, Intensity and Typical Uses approved with the *Growth Plan* and the *North Central Valley Plan* amendment.

**Table 1
Growth Plan Future Land-use Category
Approved for Webb Crane Services**

Land Use		Intensity	Typical Uses
Urban	Commercial/ Industrial	Urban – intensity based on location/ services	Heavy Commercial, offices and light industrial uses with outdoor storage, but no outdoor operations other than sales (e.g., office/warehouse uses, auto sales, auto repair shops, limber yards, light manufacturing). Some yard operations may be permitted through the planned development process where adequate screening and buffering can be provided to ensure compatibility with existing and planned development in the vicinity of proposed uses. Residential uses are not appropriate.

Source: City of Grand Junction *Growth Plan* (1996)

Zone of Annexation to Planned Development (PD)

If the property has no approved PDP, rezoning of the property to planned development must occur simultaneously with preliminary development plan review. 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?”

In designing the PDP, the *Code* allows the applicant the option of proposing either a Site Development Plan or a Subdivision Plan as provided in Chapter Five. The applicant has chosen to present a Site Development Plan with this application (Attachment 2 - Preliminary Development Plan [PDP]).

Zone of Annexation to Planned Development and Preliminary Development Plan (PDP) Review Criteria

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

The ODP review criteria in Section 2.12.B;

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

A Growth Plan and the North Central Valley Plan amendment to Commercial/Industrial was approved by the City Council on February 16, 2000. The approved Growth

Plan amendment was also shown to **MEET** 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 4.74 - 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 Growth Plan Amendment was found to be compatible with the surrounding area with adequate landscaping and buffering.*

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 Growth Plan amendment was approved due to increased demand for Webb Crane's services. The PD zoning will allow the implementation of the Growth Plan amendment. The location of the Webb Crane facility allows their business to have excellent access to main transportation corridors. The location also causes concerns for the expansion of such uses. Due to the abutting western property being developed; the 1-70 frontage road to the south; and, 23½ Road to the east, the only option available is to expand Webb Crane to the north. Webb Crane has provided buffering/screening in the past and will provide additional buffering/screening for the expanded site. Limiting truck/crane traffic to the frontage road further limits impacts to residential uses along 23½ Road. In this manner, neighborhood compatibility and stability will continue to occur.*

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 ...

Goal 15 - Housing - To achieve a mix of compatible housing types and densities dispersed throughout the community.

Policy 15.1 - The city and the county will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

*The development pattern of the area is more commercial/industrial than agricultural or residential in its impacts to the surrounding area. By providing homes along 23½ Road as a buffer to the existing homes in the neighborhood, the Zone of Annexation and PDP **MEETS** Goals 11 and 15 of the Growth Plan.*

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

*Webb Crane, as well as the other similar land-uses along the frontage road, must have controlled access points to mitigate possible transportation impacts. With its direct access to I-70, from 24 Road, and the only frontage road available from 23 to 24 Road, the continued development and expansion of this area is apparent. Webb Crane will continue only to use the I-70 Frontage Road, not the 23½ Road access, for the movement of heavy equipment. The only access required along 23½ Road will be for the 3 residential homes to be developed on the Webb Crane property. Due to the amount of heavy equipment traffic, from not only Webb Crane, but Kenworth, Honnon Equipment, and Lift Industries, the continued commercial/industrial nature of the frontage road **MEETS** Goal 24 by providing a street system which effectively moves traffic.*

Overall, the Zone of Annexation to Planned Development (PD) and the PDP **MEET** the numerous goals, and the Land-Use Plan map of the *Growth Plan*.

North Central Valley Plan

The proposed subdivision meets various goals and policies of the *North Central Valley Plan*, which are as follows:

LAND USE/GROWTH MANAGEMENT GOALS

Encourage the conservation of agricultural and range lands capable of productive use.
Encourage future growth to locate in and around existing urban and rural communities.

Ensure that future development occurs in an orderly fashion, avoiding and minimizing noncontiguous, scattered development throughout the county.

AGRICULTURE POLICIES

New development should locate on land least suitable for productive agricultural use.

COMMUNITY IMAGE/CHARACTER GOALS

Promote stable neighborhoods and land use compatibility throughout the community.

Preserve agricultural lands.

Protect the citizens of Mesa County from the effects of manmade or natural hazards (geologic, avalanches, earthquakes, soils, flood plains, air pollution, odor, noise, wildfire).

Many of the goals and policies found in the *North Central Valley Plan* are found in the *Growth Plan*. The proposed Zone of Annexation to Planned Development (PD) **MEETS** the spirit and intent of the *North Central Valley Plan*.

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

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

There may have been a mistake in the zoning by Mesa County of the existing Webb Crane facility, as it carries a dual zoning of Agricultural Forestry Transitional (AFT) and Planned Commercial (PC). The proposed expansion area was zoned AFT, with an approved Conditional Use Permit (CUP) for the storage of heavy equipment. The requested zone of annexation for the Webb Crane facility is Planned Development (PD) and PDP, with Commercial/Industrial/Residential land-uses.

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 development of the Fellowship Church, the development of Honnan Equipment, and other proposed uses in the 24 Road corridor, and the I-70/24 Road exchange. The Fellowship Church is zoned Residential Single Family - Rural (RSF-5), which allows 1 dwelling unit per 5-acres. The *Growth Plan* and the *North Central Valley Plan* indicates the land-use for the church property as "Rural" and "Estate" residential. Although the land-use and zoning are designated as residential, the development of the church has had the impact of a commercial/industrial development to the surrounding area. The general area around the Webb Crane site is designated as Commercial, Commercial/Industrial and Rural development (*Growth Plan*); and, Non-residential and Estate development (*North Central Valley Plan*). No anticipated area for business growth of the existing commercial/industrial land-uses was accounted for in these Plans, until the Webb Crane *Growth Plan* amendment to Commercial/Industrial was approved by the City Council.

West of 23 Road is a platted subdivision, 23 Road Commercial Park. This subdivision was platted in the 1980s, with curb/gutter, waterlines and dry line sanitary sewer installed. This subdivision's *Growth Plan* Land Uses category is "Commercial/Industrial." West of 24 Road is the Fellowship Church. The property at the northeast corner of 24 Road and I-70 has been designated in the *North Central Valley Plan* as an area which:

"Allow highway service oriented commercial development at this major entrance to the Grand Junction area (e.g., hotel, automobile service station, restaurant, etc.). The City should adopt strict design guidelines to maintain the aesthetic appeal of this important interchange."

Both plans also designate several parcels for either rural and/or estate development along the I-70 frontage Road from 23 to 24 Road. The designation of these residential land use categories within a commercial and/or industrial area existing prior to the adoption of these Plans seems to be in error. Due to frontage road only being available between 23 and 24

Road, the approval of the *Growth Plan* amendment to Commercial/Industrial indicated the continued development of the area has more potential for commercial/industrial land-uses than residential due to land cost.

The character and/or condition of the area has changed that the proposed Zone of Annexation and PDP **MEETS** this review criterion.

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 Webb Crane facility and the neighboring Kenworth and Appleton West facilities, this application **MEETS** the compatibility aspect of this criterion.

Measures to further mitigate the potential negative aspects of the installation have been proposed with this application, they include:

- ❖ No additional outdoor lighting in the storage area
- ❖ Hours of operation will be confined to business hours consistent with the existing facility
- ❖ No new access points are proposed onto City, County and/or Federal Roadways, other than for the 3 residential structures along 23½ Road
- ❖ No new structures in the storage area
- ❖ Noise emissions at the subject property would be associated with vehicle start-up, operation and repair, which are similar to other agricultural noises from operating a farm (tractors, trucks, combines, etc.)
- ❖ The construction of 2 additional single family homes along 23½ to act as a buffer for the existing residential structures along 23½ Road; Berming and landscaping behind the 3 homes on the Webb property; and, berming, fencing and/or landscaping, whichever is appropriate, along the northern boundary.

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 see Review Criterion 1 for compliance determination of this criterion.

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

All public services are available to the subject property. This application proposes limited, if any, additional impacts on public services. Sanitary sewer is already available. Webb Crane is currently tapped into the Persigo 201 wastewater treatment system. Two additional sewer taps and water taps will be needed along 23½ Road for the 2 new residential structures. The proposed expanded storage area is considered a “dry area” since the storage area will not require additional sewer taps. The equipment storage is an extension of the existing Webb Crane Service facility, and as such, will be accessed internally from that operation. This application **MEETS** this criterion.

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

Since the western property boundary is developed; the I-70 Frontage Road and I-70 are the southern property boundary; and, 23½ Road and Kenworth are developed to the east, the only option available to Webb Crane is to expand to the north. Webb Crane has been operating this facility at this location for many years.

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and construction growth trends. In an October 27, 1999, “Preliminary Market Findings” for the 24 Road Corridor Area Plan, by Leland Consulting Group, indicates that the Grand Junction and unincorporated Mesa County areas will continue with strong economic and construction growth trends in all sectors – retail, office, industrial and residential.

The general area around the Webb Crane site is designated as Commercial, Commercial/ Industrial and Rural development (*Growth Plan*); and, Non-residential and Estate development (*North Central Valley Plan*). No anticipated area for business growth of the existing commercial/industrial land-uses was accounted for in these Plans, until the City Council approved Webb Crane’s *Growth Plan* amendment to Commercial/Industrial. Webb Crane, as well as the other commercial/industrial land-uses,

have made substantial investment in their properties. For many of the existing businesses, to not be allowed the opportunity to expand and/or enhance their existing development is a wasteful use of the City's, County's and Company's existing infrastructure.

As currently zoned, an adequate supply of suitably designated land does not exist in the I-70 Frontage Road area, between 23 and 24 Roads. Community wide, an adequate supply of suitably designated land probably exists, but the moving of this facility to other properly designated property is not economically feasible. By the City Council approving Webb Crane's *Growth Plan* Amendment, the continuation of the historic commercial/industrial land-uses located along the frontage road of the I-70 corridor was preserved. The Zone of Annexation and PDP implements the *Growth Plan* amendment and allows this application to **MEETS** this review criterion.

The community or neighborhood will benefit from the proposed zone.

Since the *Growth Plan* was completed in 1996, and the *North Central Valley Plan* in 1998, the valley has continued with strong economic and construction growth trends. In an October 27, 1999, "Preliminary Market Findings" for the 24 Road Corridor Area Plan, by Leland Consulting Group, indicates that the Grand Junction and unincorporated Mesa County areas will continue the current growth in all sectors – retail, office, industrial and residential. The Market Context states the "Supply Conditions" state:

- ✓ 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

Mesa County's population growth is taking place increasingly in the urbanizing areas, which surrounds Grand Junction. In 1980, 70 percent of the county's population lived in the city and surrounding urbanizing area. By 1990, this same area had captured 77 percent of the population.

Since the oil shale bust of the 1980s, Mesa County officials have diversified the economy away from an energy base economy (i.e. uranium and/or oil shale). The Mesa County Economic Development Council (MCEDC) has been successful in the recruitment of many new businesses and industries (i.e. Reynold's Polymer, Star Tech, 3D Enterprises, Johns-Mansville Insulation, etc.), which pay a living wage.

The "Preliminary Market Findings" for the *24 Road Corridor Area Plan*, determined that an increased demand for construction services 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 be derived, not only from the sales and rental of Webb Crane's product line, but also from the construction of new residential and non-residential structures. The approval of Webb Crane's *Growth Plan* Amendment enhances and increases the use of the City's, County's and federal investment in the utility infrastructure and transportation facilities.

The Zone of Annexation and PDP implements the *Growth Plan* amendment and allows this application to **MEETS** this review criterion.

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

The proposed Zone of Annexation for the property is Planned Development (PD). Section 5.1.A, Purpose of the Planned Development, of the 2000 *Zoning and Development Code* states that

"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. "

Section 5.3.A, Uses Allowed, 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 within a PD. The

type and density of allowed uses should generally be limited to uses allowed in the default zoning.”

The *Growth Plan* was amended to Commercial/Industrial land-uses. The proposed default standards for this PD is a mix of Commercial/ Industrial/ Residential land uses, which falls under the jurisdiction of Sub-Section 2 of Section 5.4.D, Mixed Use Intensity.

Also see Review Criterion 2.12.B.2.i. for additional compliance determination of the PD zone’s mix of land-uses and “Default”zone bulk requirements as required in Chapter 5 of the *Code*.

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;

All urban services are available to the site, and have sufficient capacity for the urban density allowed by the proposed Planned Development (PD) zone. 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

Webb Crane recently was served by the Persigo 201 sewer system and eliminated their septic system. This application proposes no addition of public services, as the heavy equipment storage area will be a "dry facility" with no new services required. New utility service taps will be needed for the 2 additional homes to be built on the property. The designated area for equipment storage is an extension of the existing Webb Crane Service facility, and as such will be accessed internally from that operation. The only access proposed to occur from 23½ Road is to the 3 residential

structures, with no access to the storage area. This application **MEETS** this criterion.

2.12.B.2.f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

Webb Crane, as well as the other similar land-uses along the frontage road, must have controlled access points to mitigate possible transportation impacts. With its direct access to I-70, from 24 Road, and the only frontage road available from 23 to 24 Road, the continued development and expansion of this area is apparent. Webb Crane will continue only to use the

I-70 Frontage Road, not the 23½ Road access, for the movement of heavy equipment. The only access required along 23½ Road will be for the 3 residential homes. Due to the amount of heavy equipment traffic, from not only Webb Crane, but Kenworth, Honnon Equipment, and Lift Industries, the continued commercial/industrial nature of the frontage road provides adequate circulation and access to serve all development pods/areas to be developed in the PD zone.

2.12.B.2.g. Appropriate screening and buffering of adjacent property and uses shall be provided;

Measures to further mitigate the potential negative aspects of the installation have been proposed with this application, and are shown on the PDP. They include:

- ❖ No additional outdoor lighting in the storage area
- ❖ Hours of operation will be confined to business hours consistent with the existing facility
- ❖ No new access points are proposed onto City, County and/or Federal Roadways, other than for the 3 residential structures along 23½ Road
- ❖ No new structures in the storage area
- ❖ Noise emissions at the subject property would be associated with vehicle start-up, operation and repair, which are similar to other agricultural noises from operating a farm (tractors, trucks, combines, etc.)
- ❖ The construction of 2 additional single family homes along 23½ to act as a buffer for the existing residential structures along 23½ Road; Berming and landscaping behind the 3 homes on the Webb property; and, berming, fencing and/or landscaping, whichever is appropriate, along the northern boundary. The type of berming, fencing and/or landscaping is to be determined if Webb Crane is successful in acquiring the property abutting their property to the north. If an agreement is reached with the City, this property could possibly be used as a regional detention basin. If this was to occur, then the need for more intensive buffering to the north would not be needed.

2.12.B.2.h. An appropriate range of density for the entire property or for each development pod/area to be developed;

See review of Criterion 2.12.B.2.i. for review of this 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;

Section 5.3.A, Uses Allowed, 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 within a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning.”

The *Growth Plan* was amended to Commercial/Industrial land-uses. The proposed default standards for this PD is a mix of Commercial/ Industrial/Residential land uses. According to Section 5.4.D, Mixed Use Intensity, the proposed development falls under the jurisdiction of Sub-Section 2, which states

“The maximum residential densities within mixed use developments designated for non-residential development in the *Growth Plan* shall not exceed twenty-four (24) dwelling units per acre, minus one (1) dwelling unit per 2,000 square feet of non-residential development or portion thereof. In such developments, residential uses shall not constitute more than seventy-five percent (75%) of total floor area.”

A majority of the subject property, 17.9-acres of the 20-acres, is proposed for a “Default” Zone of Light Industrial (I-1). For the remainder of the property, or the residential area or pod of the PD zone, the “Default” zone is proposed to be Residential Single Family 2 dwelling units to the acre (RSF-2). The amount of residential land-use proposed to be included in the PD zone is approximately 2.1-acres or 10.5% of the 20-acre subject property. This meets the requirements found in Section 5.4.D., which is the basis for an appropriate range of density for each development pod/area to be developed as required by Criterion 9.

The PD “Default” zone bulk requirements proposed for each land use is found in Table 2. The PD “Default” zone allowed uses proposed for PD zone is found in Table 3 and the location of the area or “pods” is shown on the PDP.

Table 2
Planned Development “Default” Zone

Bulk Zoning 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)			
RSF-2	17,000	100	50 30 on cul-de-sac	20/25	15/3	30/5	30	0.40 for non-residential uses	35
I-1	1-Acre	100	N/A	15/25	5/5	10/10	N/A	2.00	40

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

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

A majority of the site is already developed. It is anticipated that the construction of the 2 additional single family homes, berms/screening and expansion of the storage of the cranes will be completed in 18-months after approval of the Zone of Annexation and PDP and any other site planning requirement of the City of Grand Junction.

**Table 3
Planned Development "Default" Zone
Allowed Land Uses**

Use Category	Specific Use Type	"Default" Zone	
		RSF-2 (2.1-acres)	I-1 (17.9-acres)
Residential - Household Living	Single Family Detached Business Residential	A A	
Commercial - Office	General Offices		A
Commercial - Retail Sales and Service	General Retail Sales, Outdoor operations, display or storage Rental Service, Outdoor display/service		A A
Commercial - Vehicle Repair	All other repair - trucks, cranes, trailers, heavy equip., etc.		A
Industrial - Heavy Equipment Storage/ Manufacturing & Prod.	All Outdoor Operations & Storage - Assembly		A A

A = Allowed Use

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

2.12.B.2.k. The property is at least twenty (20) acres in size.

The subject property contains 20-acres.

The applicable preliminary plat criteria in Section 2.8.B;

The Growth Plan, major street plan, Urban Trails Plan and other adopted plans;

The purposes of this Section 2.8.B;

The Subdivision standards (Section 6.7);

The Zoning standards (Chapter Three)

- 1) Other standards and requirements of this Code and other City policies and regulations;
- 2) Adequate public facilities and services will be available concurrent with the subdivision;
- 3) The project will have little or no adverse or negative impacts upon the natural or social environment;
- 4) Compatibility with existing and proposed development on adjacent properties;

Adjacent agricultural property and land uses will not be harmed;

Is not piecemeal development nor premature development of agricultural land or other unique areas;

There is adequate land to dedicate for provision of public services; and

This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

The proposed Zone of Annexation to PD and the PDP **MEET** the requirements of this review criterion.

2. 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:**

1 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.

2 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.

- 3 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 Zone of Annexation to PD and the PDP **MEET** the requirements of this review criterion.

3. The approved ODP, if applicable;

This criterion is **NOT APPLICABLE**, since an ODP has not been adopted.

4. The approved PD rezoning ordinance, if adopted with an ODP;

This criterion is **NOT APPLICABLE**, since an ODP has not been adopted.

5. An appropriate, specific density for all areas included in the preliminary plan approval; and,

See review of Criterion 2.12.B.2.i. for review of this criterion.

6. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The subject property contains 20-acres.

Conclusion

This application for a 20-acre parcel proposes the Zone of Annexation to Planned Development (PD), and Preliminary Development Plan (PDP) to implement the Growth Plan amendment to Commercial/Industrial. The current use of property is for Webb Crane Service's offices, shop, and parking and storage of specialized lifting equipment. Typical equipment stored on the subject property includes multiple axle cranes, crane boom extensions and support vehicles, forklifts, flatbeds and tractors. The proposed PD zone and PDP also include the development of 2 additional single family homes, with the 1 existing home along the 23½ Road frontage. The proposed PD zone and PDP **MEET** the applicable sections of the *City of Grand Junction Zoning and Development Code* (2000). This application also meets numerous goals

and policies and the revised Land-use Maps of the *City of Grand Junction Growth Plan* and the *North Central Valley Plan*. We respectfully request your approval of the Zone of Annexation to Planned Development (PD), and the Preliminary Development Plan (PDP) for Webb Crane Services.

1/18/00 Grand Junction Planning Commission Hearing

Mr. Joyce said that the perception of AFT/RSF-R zoning was that those areas were suitable for agricultural uses; however, agricultural uses were often high impact and usually included dust, noise, odors and pesticides. He said that Webb Crane, by comparison, is very low impact. He felt that the request met Growth Plan amendment criteria, and he felt that the Growth Plan had underestimated the area's growth. As well, many facts had not been taken into account in development of the North Central Valley Plan. Other nearby parcels had also been designated commercial, which further evidenced the changing character of the area. He asked that consideration be given to allowing employee housing on site without restricting it to minimum 2-5 acre parcel sizes.

*Chairman Elmer asked for elaboration on the type of buffering proposed along the northern property line. Mr. Joyce said that berming and trees would be constructed, with "lay down" equipment stored more along this boundary.

Commissioner Nall asked how many units would be proposed for employee housing.

Mr. Joyce said that one house existed now and two more would be added.

Commissioner Dibble asked staff to explain the difference between what had been allowed under the CUP and what would be allowed in a Planned Commercial zone. Ms. Portner and Mr. Shaver explained. Kevin Williams added that the current CUP only affected the northern 4.5 acres; a Planned Commercial zone would affect the entire property.

Commissioner Grout asked if any consideration had been given by the County Planning Commission to include the remaining property with the CUP request. Chairman Elmer said the County determined that the CUP for the 4 ½-acre parcel was only acceptable if there was a large buffer available. He referred to the CUP in the file.

When asked by Commissioner Dibble if there were additional CUP conditions the petitioner could live with to satisfy neighbor concerns, Kevin Williams said that no lighting of the site would be proposed. He reiterated that the only use requested for the property was storage.

STAFF'S PRESENTATION

Kathy Portner presented a background and history of the property and use. RSF-R does not allow the same range of uses that an AFT zone allows. Ms. Portner noted that the petitioner was requesting a delay on the zoning pending outcome of the Growth Plan Amendment. A straight commercial zone would not allow for the storage of heavy equipment, which had been the petitioner's main pursuit. Planning Commissioners needed to consider impacts along 23 ½; Road. A number of alternatives had been discussed with the petitioner, which would not require approval of a Growth Plan Amendment. She agreed that the character of the Fellowship Church was more commercial, but churches of any size were allowed uses within residential zones. Staff did not support extending industrial uses to the north along the 23 ½ Road corridor; however, application of an estate designation for the eastern portion of the property was a possibility. Letters of opposition had been received by Wade and Linda Bretey (771 – 23 ½ Road, Grand Junction), Paul and Janice Early (776 – 23 ½ Road, Grand Junction), Marilyn Scott and Alan Pennington (782 – 23 7/10 Road, Grand Junction),

Norma Pennington (780 – 23 7/10 Road, Grand Junction), Harold and Marjorie Widegren (778 23 ½ Road, Grand Junction) and Douglas Murphy (no address given). Staff did not feel that amendment criteria had been met and recommended denial of the Growth Plan Amendment request.

That motion was not considered in the Appleton Plan or the North Central Valley Plan which were developed later. The only way Webb Crane can continue is to expand their business. Webb Crane has been meeting with the neighborhood and talking about the impacts. He rescinded the application for the rezone to I-1. *They were going to put some residential units on 23 ½ Road and provide a berm and buffering to protect the integrity of the area. The neighborhood was in agreement. They found they can't put residential next to I-1 under the current Code. It is allowed in the new Code. The petitioner wants to withdraw and rethink the application. They have 90 days to zone. He said they will probably request a Planned Zone to insure buffers for the neighborhood. It will also allow Webb Crane to plan where certain pieces of equipment can be stored on the property.

Mr. Joyce then went through the Growth Plan Amendment criteria.

- (a) An error in the original plan such that the then facts, projects or trends that were reasonably foreseeable were not accounted for – There is no contemplation of additional residential. There may have been a mistake by not taking into account past decisions made by the County Commissioners when earlier plans were drafted. There is a need for a provision that existing businesses should be allowed to grow. Mr. Joyce felt it is time for an update of the Growth Plan which is now approximately five years old, as many changes have taken place over time.
- (b) Events subsequent to the adoption of the plan have invalidated the original premises and findings – There have been some significant changes in the area, a church has been constructed generating a traffic impact.
- (c) Character has changed enough to justify amendment – There is some expansion on other corners that make this more logical now than in that past.

Mr. Joyce asked Kevin Williams to talk about the physical plant and the cost to relocate. Kevin Williams, Webb Crane Service, 761 23 ½ Road, said they have considered the option of relocating their facility to another area within the community, but it is more convenient being close to I-70 and having the frontage road configuration. A relocation would also be quite costly. The appraisal of the value of their Grand Junction property (including their 13 acres) was approximately \$1 million in 1999. They have a 40-acre parcel in Gypsum where they're trying to build another facility. The new facility will cost approximately \$3 million minus the utilities that must be installed. Webb Crane employs approximately 60 people in the Grand Junction area with an average salary between \$13.75 and \$15.25. They house approximately \$10 to \$12 million dollars of equipment in Grand Junction. Mr. Williams felt they are a good neighbor by maintaining the character of the neighborhood with employee housing.

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- (c) Events subsequent to the adoption of the plan have invalidated the original premises and findings – There have been some significant changes in the area, a church has been constructed generating a traffic impact.
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Kevin Williams, Webb Crane Service, 761 23 ½ Road, said they have considered the option of relocating their facility to another area within the community, but it is more convenient being close to I-70 and having the frontage road configuration. A relocation would also be quite costly. The appraisal of the value of their Grand Junction property (including their 13 acres) was approximately \$1 million in 1999. They have a 40-acre parcel in Gypsum where they're trying to build another facility. The new facility will cost approximately \$3 million minus the utilities that must be installed. Webb Crane employs approximately 60 people in the Grand Junction area with an average salary between \$13.75 and \$15.25. They house approximately \$10 to \$12 million dollars of equipment in Grand Junction. Mr. Williams felt they are a good neighbor by maintaining the character of the neighborhood with employee housing.

JANUARY 18, 2002

DEAR CITY COUNCIL MEMBERS:

THIS LETTER IS IN REGARDS TO WEBB CRANE PROJECT PROPOSAL #ANX-2000-158.

WE OWN RENTAL HOUSES ACROSS THE STREET FROM THIS WEBB CRANE PROPERTY.

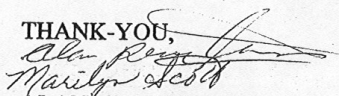
AS PER PUBLIC HEARING, FEBURARY 16, 2000, FILE # ANX-1999-277 FOR WEBB CRANE, AN AGREEMENT WAS MADE BY MR. JOYCE, REPRESENTING WEBB CRANE, THAT WEBB CRANE HAD AGREED WITH THE NEIGHBORS TO CONSTRUCT THE HOUSES ON 23 1/2 ROAD AND PLACE THE BERMS PRIOR TO STORING ANY ADDITIONAL EQUIPMENT ON BACK PORTION OF PROPERTY. SEE ATTACHED MINUTES OF THIS MEETING WITH THIS AGREEMENT.

IF THE HOUSES AND BERMS ARE NOT DONE, IT WOULD CAUSE A PROBLEM RENTING OUR HOUSES AND WE FEEL IT WOULD ALSO HURT OUR PROPERTY VALUE.

THIS AGREEMENT WEBB CRANE MADE WITH THE NEIGHBORS MUST BE ENTERED INTO THEIR DEVELOPEMENT PERMIT, AND A TIME FRAME OF COMPLETION SHOULD BE 18 MONTHS.

IF THE AGREEMENT MADE BY WEBB CRANE CANNOT BE MET, THEN WE ARE AGAINST THEIR PLAN.

THANK-YOU,


ALAN PENNINGTON
MARILYN SCOTT
782-23 7/10 ROAD
GRAND JCT., CO 81505

RECEIVED

JAN 18 2002

COMMUNITY DEVELOPMENT
DEPT.

February 16, 2000

Staff presentation: Kathy Portner, Planning Manager

16. Public Hearing - Growth Plan Amendment for Webb Crane Annexation, Located at 761 23 1/2 Road [File #ANX-1999-277] Attach 16

The owners of the 24.75-acre Webb Crane Annexation are requesting to amend the Growth Plan for the northern portion of their property from Residential Estate (2 to 5 acres per unit) to Commercial/Industrial.

Resolution No. 22-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Webb Crane Annexation to Commercial/Industrial)

**Action: Adopt Resolution No. 22-00*

Staff presentation: Kathy Portner, Planning Manager

17. NON-SCHEDULED CITIZENS & VISITORS
18. OTHER BUSINESS
19. ADJOURNMENT

(df)

=====

PUBLIC HEARING - WEBB CRANE ANNEXATION, LOCATED AT 761 23 1/2 ROAD

[FILE #ANX-1999-277]

The 24.75-acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment for a portion of this property.

The public hearing was opened at 9:20 p.m.

Kathy Portner, Planning Manager, reviewed this item.

Cindy Enos-Martinez stated for the record she is a partner in Development Concepts, the developer for Webb Crane.

Kathy Portner reviewed this item. She stated the eligibility of the annexation of the Webb Crane property. Staff finds the application meets State requirements for annexation and recommends approval of the annexation. She noted the Webb Crane Annexation does create an enclave. She pointed out four properties to the south of I-70 that are not within the City limits. In annexing this property, those properties become enclaved and subject to the provisions of the Persigo Agreement that they be annexed within five years.

Councilmember Theobald noted that Council does not inadvertently create enclaves but due to the configuration of this parcel, an enclave is created.

Councilmember Terry urged that those in the enclave be notified. She suggested such notification come from the Council and Mayor, as well as copies to the Mesa County Commissioners.

There were no other comments. The hearing was closed at 9:26 p.m.

a. Resolution Accepting Petition

Resolution No. 21 00 A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Webb Crane Annexation, Including a Portion of the 23 1/2 Road and I-70 Right-of-Way, is Eligible for Annexation, Located at 761 23 1/2 Road.

b. Annexation Ordinance

Ordinance No. 3237 An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Annexation, Approximately 24.75 Acres, Including a Portion of the 23 1/2 Road and I-70 Right-of-Way, Located at 761 23 1/2 Road

City Attorney Wilson noted the name of Councilmember Enos-Martinez will not be called when voting on this item.

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 21-00 was adopted and Ordinance No. 3237 was adopted on second reading and ordered published.

PUBLIC HEARING - GROWTH PLAN AMENDMENT FOR WEBB CRANE ANNEXATION, LOCATED AT 761 23 1/2 ROAD [FILE #ANX-1999-277]

The owners of the 24.75-acre Webb Crane Annexation are requesting to amend the Growth Plan for the northern portion of their property from Residential Estate (2 to 5 acres per unit) to Commercial/Industrial.

The public hearing opened at 9:27 p.m.

Mike Joyce, Development Concepts, 2764 Compass Drive, represented the petitioner and reviewed the history of this property. He also read the motion that rezoned this property by Mesa County back in the 80's. The motion stated that they recommend approval of the rezone to the Planning Commissioners subject to the review sheet comments subject to the following reasons:

The corridor between 23 and 24 Roads represents the only opportunity for the trucking industry to have an access on and off of I-70.

The planned commercial zone will provide the opportunity for the Planning Commission and Planning Department to mitigate any impacts on neighborhood uses.

The density of this area was established by placing of this interchange at that location long before the Colorado Kenworth application.

The proposal does not violate sound planning principles.

That motion was not considered in the Appleton Plan or the North Central Valley Plan which were developed later. The only way Webb Crane can continue is to expand their business. Webb Crane has been meeting with the neighborhood and talking about the impacts. He rescinded the application for the rezone to I-1. They were going to put some residential units on 23 1/2 Road and provide a berm and buffering to protect the integrity of the area. The neighborhood was in agreement. They found they can't put residential next to I-1 under the current Code. It is allowed in the new Code. The petitioner wants to withdraw and rethink the application. They have 90 days to zone. He said they will probably request a Planned Zone to insure buffers for the neighborhood. It will also allow Webb Crane to plan where certain pieces of equipment can be stored on the property.

Mr. Joyce then went through the Growth Plan Amendment criteria.

(a) An error in the original plan such that the then facts, projects or trends that were reasonably foreseeable were not accounted for. There is no contemplation of additional residential. There may have been a mistake by not taking into account past decisions made by the County Commissioners when earlier plans were drafted. There is a need for a provision that existing businesses should be allowed to grow. Mr. Joyce felt it is time for an update of the Growth Plan which is now approximately five years old, as many changes have taken place over time.

Events subsequent to the adoption of the plan have invalidated the original premises and findings. There have been some significant changes in the area, a church has been constructed generating a traffic impact.

(c) Character has changed enough to justify amendment. There is some expansion on other corners that make this more logical now than in that past.

Mr. Joyce asked Kevin Williams to talk about the physical plant and the cost to relocate.

Kevin Williams, Webb Crane Service, 761 23 1/2 Road, said they have considered the option of relocating their facility to another area within the community, but it is more convenient being close to I-70 and having the frontage road configuration. A relocation would also be quite costly. The appraisal of the value of their Grand Junction property (including their 13 acres) was approximately \$1 million in 1999. They have a 40-acre parcel in Gypsum where they're trying to build another facility. The new facility will cost approximately \$3 million minus the utilities that must be installed. Webb Crane employs approximately 60 people in the Grand Junction area with an average salary between \$13.75 and \$15.25. They have approximately \$10 to \$12 million dollars of equipment in Grand Junction. Mr. Williams felt they are a good neighbor by maintaining the character of the neighborhood with employee housing.

Mr. Joyce met with the neighbors and came to a verbal agreement. Webb Crane has agreed to construct the houses on 23 1/2 Road and place the berms prior to storing any additional equipment on the back portion of the property. Staff has brought up the issue that this property is an Estate area requiring two acre minimum lot sizes. They are planning on one acre sites, and they are not planning to plat separately. He feels they have mitigated the neighbor concerns.

WE NEED TO ADD
THIS IN
DEVELOPMENT
PERMIT.

Councilmember Theobald asked for clarification on the withdrawal of the zone request. Mr. Joyce said they are wanting to withdraw the zone of annexation only. During the 90-day period, they want to work with the City and the neighborhood so they can do what they want to do. They are requesting only the Growth Plan Amendment tonight. A zone of annexation will come back to Council at a later date.

Councilmember Terry asked if Council approves the Growth Plan Amendment that takes the property to the commercial/industrial designation, will that give them the flexibility to do a planned zone in the future. Ms.

Portner said yes.

Kathy Portner, Planning Manager, reviewed the options. She noted the red (Parcel #1) is designated as commercial. The green area (Parcel #2) is designated as estate (2-5 acres/unit). They have approval on a Conditional Use Permit on Parcel #2 for 4 1/2 acres of the property. The south portion does not extend to 23 1/2 Road. The approval of the CUP was for the storage of their equipment and required screening of that equipment. The County AFT zone allows a much broader range of uses than the City's equivalent zone of RSF-R. The City's RSF-R zone would make them non-conforming, although they would be allowed to continue to operate under the provisions of the County-approved CUP. If Webb Crane is annexed and given similar zones to what it has in the County, they could continue to operate, but would not be allowed to expand. She recommended a Growth Plan Amendment to a commercial/industrial designation. Staff does not support the designation for the northern Parcel #2. Staff has concerns with the compatibility of expanding further to the north with the surrounding area. Staff agrees the depth of the commercial designation to the west might warrant some of Parcel #2 being given that designation. The major concern is the 23 1/2 Road frontage. If Council considers amending the Growth Plan for any of Parcel #2, enough land should be left on 23 1/2 Road as residential estate to meet the two-acre minimum lot size. The Planning Commission recommends approval of the proposed Growth Plan Amendment for Parcel #2, but gave specific direction to the applicant on what is expected with a zone of annexation. The Planning Commission wanted to see residential uses along 23 1/2 Road and some good screening and buffering between those uses and the Webb Crane operation to the west. The Planning Commission was willing to entertain that under a Planned Zone district where it is a part of the plan and would not necessarily hold them to the estate designation of the two-acre lots.

Councilmember Theobald asked what Ms. Portner would envision for the depth back from 23 1/2 Road if the Growth Plan designation were to be amended to come short of 23 1/2 Road. Kathy Portner said the applicant has considered that and they would remain with approximately eight acres of Parcel #2 for future expansion. It won't give them the area they desire.

Councilmember Spehar said if the frontage is left as Estate, then Council is causing a conflict with the three units and screening. Ms. Portner concurred. They would need to come back with a plan that met the density of the Estate zoning, meaning two acres per parcel.

Councilmember Theobald asked if density is the primary factor, or the buffering for the neighborhood. Kathy Portner said both are key issues. She thought that once they have residential uses along 23 1/2 Road on one acre lots, eventually they will want to sell those lots off. At that time, the estate designation would be reevaluated for a much larger area than just the lots on the 23 1/2 Road frontage.

Councilmember Payne asked if the petitioner had said they would sign a statement saying that could not happen. Kathy Portner said they agreed they would come back with a planned zone where the homes would actually be under their ownership. It would have to come through the public hearing process. The Planning Commission was comfortable with the Growth Plan Amendment for the entire parcel knowing at the time the petitioner comes back with the zoning request, Planning Commission can consider the criteria for rezoning and determine the appropriateness of the proposal at that time. An option would be to not go ahead with the Growth Plan Amendment and suggest it come back with the request for zoning because then the plan is known.

City Attorney Wilson said creating lots has an advantage because the neighborhood knows what they have. Staff could not address internal circulation because it's one property. There is an advantage to subdividing. Kathy Portner did not see a great advantage. The homes on 23 1/2 Road will have driveways to 23 1/2 Road no matter what the ownership is. They are not proposing to have the business access onto 23 1/2 Road. There will be no internal circulation.

Councilmember Terry asked if the issues stated in the other neighborhood letters, other than the Penningtons, were addressed. Mr. Joyce said most of the letters were generated after the Penningtons met with the neighborhood residents. Their main concern is the traffic on 23 1/2 Road and the noise. Colorado Kenworth now generates a lot of noise with outside speakers. Webb Crane doesn't have the outside speakers. Another issue was the buffering to the north end of the property. They are looking at a regional detention basin in this area. Webb Crane has voluntarily restricted access onto 23 1/2 Road to service vehicles. They only want to use 23 1/2 Road for access to the residential structures.

There were no other comments. The hearing was closed at 10:01 p.m.

Resolution No. 22 00 A Resolution Amending the Growth Plan of the City of Grand Junction (Webb Crane Annexation to Commercial/Industrial)

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 22-00 was adopted.

To Whom It May Concern:

Jan. 22, 2002

We are writing to voice our views on the Webb Crane Re-zoning.

We live at 776 23 1/2 Road, across the street and a little North of Webb Crane.

We were under the impression that if the re-zone was approved, Webb agreed to, and would be required to build a 6 foot tall berm along the entire North boundary and behind the two residences that they are proposing. Now with the new plan, Webb wants to berm only around the two residences that they own and the heck with the rest of the area. Granted it's a hay field today

but it's not always going to be, I guarantee you that! If it isn't too late I would like to see Webb be held to the same standards as the rest of the neighborhood and be only ^{allowed} ~~able~~ to build one house, and make sure it is a stick built house and not a modular or trailer type that is moved in.

Also, we would like to see the house (or houses) and the berm be completed before the rest of the area is used. A 6 foot berm of fence (which they originally agreed to) would serve not only as a blind, but also as a noise deflector. You need to remember these guys are construction workers and when they are out there working and conversing they aren't talking about what was said at church last weekend.

Webb's gripe about the cost of the 6 foot berm should not be a factor at all. When you buy land as AFT and re-zone it to commercial or Industrial you have gained a huge amount of money.

Webb is proposing a 3 foot berm which would be of no value what so ever, might as well not build one at all. The 6 footer would serve as a sight, sound and as a set back, as they couldn't park right on the property line. The 6 footer would serve as a true buffer.

We ask that you take our concerns into consideration when you make your decision.

Very Truly Yours,

Paul Early & Janice Early
Paul & Janice Early

RECEIVED

JAN 22 2002

COMMUNITY DEVELOPMENT
DEPT.

RESOLUTION NO. MCM 98-101
Planning Department No. C278-97

1841422 04/14/98 1233PM
MONIKA TODD CLK&REC MESA COUNTY CO

APPROVAL OF A CONDITIONAL USE PERMIT FOR WEBB CRANE SERVICE

WHEREAS, Webb Crane Service sought to have approval of a Conditional Use Permit for the use of 4.5-acres of AFT zoned land as heavy equipment storage in the following location:

(See Attachment A)

WHEREAS, the public hearing before the Board of County Commissioners was held on March 31, 1998.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the project recommendation was contained in a project review dated February 13, 1998;

That the Mesa County Planning Commission made a recommendation for approval of the Conditional Use Permit at the public hearing held on February 26, 1998;

That the Conditional Use Permit application meets Chapter 10 requirements of the Mesa County Land Development Code.

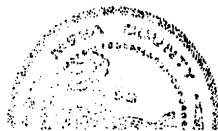
That approval of the Conditional Use Permit is in accordance with the health, safety and welfare of the residents of Mesa County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO:

That the Conditional Use Permit for exterior storage of heavy equipment on 4.5-acres of AFT zoned land is approved subject to the attached conditions:

PASSED AND ADOPTED THIS THE 14th DAY OF APRIL, 1998

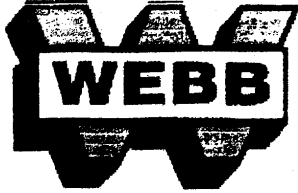
James R. Baughman
James R. Baughman, Chairman of the
Board of Mesa County Commissioners



Records 1212 NO ATTACHMENT N ALL TIME OF RECORDING

CONDITIONS OF APPROVAL
WEBB CRANE SERVICE
C278-97

1. In accordance with Section 10.2.1.A and the petitioner's narrative, the undisturbed 8-acre portion of the site shall remain in agriculture for the duration of the use.
2. No structures or lighting shall be installed/erected within the 4.5-acre storage area portion of the property for the duration of the use.
3. In accordance with the Mesa County Development Engineer, a Drainage Plan and Report is to be submitted for review and approval.
4. The petitioner shall have 1-year from the date of approval of the Conditional Use Permit by the *Mesa County Board of Commissioners* to comply with condition #3. Upon completion of the necessary site preparation, the petitioner shall arrange for an inspection by the *Mesa County Development Engineer* to ensure compliance with the Drainage Plan and Report. Upon verification for compliance by the *Development Engineer*, the *Mesa County Planning Department* shall issue a "Development Permit".
5. The use shall be inspected annually to determine compliance with all conditions of approval.



<http://www.webbcrane.com>

WEBB CRANE SERVICE

PO Box 55366/761 23 ½ Road
Grand Junction CO 81505
970-242-3656 Phone
970-242-7666 Fax

4800 Race Street
Denver CO 80216
303-298-9322 Phone
303-296-8681 Fax

PO Box 116
Edwards CO 81632
970-963-9322 Phone
970-963-9302 Fax

WEBB CRANE SERVICE, CONDITIONAL USE PERMIT APPLICATION, NARRATIVE

Webb Crane Service has purchased the property immediately north of its existing facility. This is a 13-acre parcel with approximately 12 ¼ acres in pasture or grass hay. There is a house and barn on approximately ¾ acre in the south east corner of the property. This property is zoned AFT.

Webb Crane Service is requesting a Conditional Use Permit on approximately 4.5 acres north and adjacent to the existing Webb facility.

The intended use for the 4.5 acres is equipment parking and storage of specialized lifting equipment as is the existing use of the Webb Crane Service yard. This proposed use is compatible with adjacent uses. Webb Crane Service will continue to farm the remaining 7 ¼ acres.

There will be no increased traffic or new access points requested along 23 ½ Road. The new storage area will not be lighted. Neighboring residential properties will remain adjacent to farmed pasture and grass hay.

There will be no additional requirements of public services needed with this conditional use. Grand Valley Power has been contacted to determine the possibility of burying the overhead power line following the property line between the Webb facility and the requested conditional use.

Webb Crane Service needs to expand its existing facility due to the increased need for specialized lifting equipment in the area. Webb is a participant in most of the construction activity in the area. Webb has been involved in and is currently working on schools, parks, hospitals, business, commercial and transportation facilities.

There will be no additional signage requested with this conditional use permit.

Elevations and historical drainage will not change. There are no proposed structures within this conditional use.

Webb Crane Service plans to start using the property as soon as the Conditional Use Permit is approved. It is anticipated, given the economical trends in the area, a two-year time period will be needed to utilize the full 4.5 acres.



DATE February 11, 2002

SUBJECT Webb Crane Project proposal.

REF. NO. #ANX 2006-158 (WHEN REPLYING PLEASE REFER TO THIS SUBJECT AND NUMBER)

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FEB 12 2002

COMMUNITY DEVELOPMENT
DEPT.

MEMO
TO

City Council Members:

I've lived here 768-23 1/2 for over 25 yrs - I do not appreciate looking at cranes or other equipment across the street. I feel the property value of my home and land will go down due to storing cranes or equipment next to 23 1/2 Road.

The front portion of 23 1/2 Road was going to be home built by Webb Crane - that was decided several years ago, at least I thought so.

The bins was to be behind the houses and cranes and equipment behind it folded down. I did not know about a time limit but I think 18 months should be sufficient time to build houses and bins up. If they don't get the bins, houses, landscaping done by then you should turn the property back to R.S.F.R.

If Webb Crane does not want to meet these previous agreement, then I'm strongly against this Webb Crane project plan.

Douglas E. Murphy
768-23 1/2 Road
Grand Junction Co.
81505

Feb. 8, 2002

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FEB 12 2002

COMMUNITY DEVELOPMENT
DEPT.

Dear Sirs,

I am writing you today, for the reason I'm very concerned that "Webb Crane" does not seem to want to meet their previous agreement when the property on 2 3/2 Rd was bought. It seems as they are doing, our property value will be decreasing greatly. I did not move here 20 yrs ago to be looking at large cranes, and other earth moving equipment, I could have stayed back east, and enjoy all of this type of sight — I wish to look out and see our beautiful mountains in all their splendor — I feel as though I'm a widow and disabled, my feelings and regrets do not mean very much to Grand Jct. Colo. It seemed very clear to even a child when this property was bought what the agreement was — I do believe you have a copy of this agreement. I have ..

always though Colo. Kenworth + Webb Crane were very good neighbors, in all the years I have lived here. My feelings of Webb Crane are changing quickly. I feel if Webb Crane would like to buy my property and I'm sure my neighbors feel the same, and relocated us to what we have used to enjoy all these many years. I'm very upset and against what Webb Crane has in mind at this time. If need be I can also have my Dr. Write a letter to you as to the damage + expence this is causing me. I just got out of the Hosp last week, I do not wish to die at such a young age for all the stress these good people (I thought) for a long time, but as you will hear from my neighbor, I am not the only one so upset. I pray you and Webb Crane give this long and serious thought as what will happen to Hood and caring Coloradoians, we love our mountains and our fellow neighbors.

So as to your thought on Weleb Crane's
Project Proposal # ANX-2000-158 - I pray
in your final decision you will not
take away from us as to why we
bought our home's here so very many
years ago. I wonder how you'd feel
if this was happening across the street
from you and your family's. I trust
with long thought on your part, we
need to be gone back to R.S.F.R. Bless
you in making a fair and right decision
for all.

Sincerely,

Herb D. Adams

764 23 1/2 Rd
GT CO 81505

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FEB 1 2 2002

To Whom It May Concern:

COMMUNITY DEVELOPMENT
DEPT.

Jan. 22, 2002

We are writing this letter to voice our views on the Webb Crane Re-zoning.

We live at 776 23 1/2 Road, across the street and a little north of Webb Crane.

We were under the impression that if the re-zone was approved, Webb agreed to, and would be required to build a six foot tall berm along the entire North boundary and behind the two residences that they are proposing. Now with the new plan, Webb wants to berm only around the two residences that they own and the heck with the rest of the area. Granted, it's a hay field today, but it's not always going to be, I guarantee you that! If it isn't too late I would like to see Webb be held to the same standards as the rest of the neighborhood and be only allowed to build one house, and make it a stick built house and not a modular or trailer type that is moved in.

Also, we would like to see the house (or houses) and the berm be completed before the rest of the area is used. A six foot berm or fence (which they originally agreed to) would serve not only as a blind, but also as a noise deflector. You need to remember these guys are construction workers and when they are out there working and conversing they aren't talking about what was said at church last weekend.

Webb's gripe about the cost of the six foot berm should not be a factor at all. When you buy land as AFT and re-zone it to commercial or Industrial you have gained a huge amount of money.

Webb is proposing a three foot berm which would be of no value what so ever, might as well not build one at all. The six foot berm along with trees and other vegetation, spaced fairly close together, would serve as a true buffer.

The value of the Webb property will increase tremendously with this change, but it shouldn't be at the neighbor's expense.

We ask that you take our concerns into consideration when making your decision.

Very Truly Yours,

Paul & Janice Early

Paul Early
Janice Early

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FEB 12 2002

COMMUNITY DEVELOPMENT
DEPT

Webb Crane Project Proposal #ANX-2000-158
Dear City Council Members,

I would like to voice my concerns about this project that will run down the entire south side of property line. Webb Crane has never tried to contact me and discuss any of their plans so I am assuming they are trying to get away with as little as possible and not keep their word on the first proposal.

I read the latest proposal and feel that unless some of the issues are not addressed my property value will diminish greatly.

The berms should be 6ft high and run the entire south boundary with either a screening fence or vegetation on top. No unrestricted storage along the south boundary. Nothing over 20 feet high.

No modular homes to be built on the residential portion and should be built before the rest of the property is used for storage. The houses and berms should be built within an 18-month time limit. If Webb Crane cannot finish the landscaping, berms, and houses then it should be zoned RSFR.

I am also am concerned about the drainage of my field since it now drains across the West End of the property. Do I have to make plans to find an alternative way of draining my field when irrigating? The soil conservation district or something set this up. They also proposed pressurized irrigation for the houses. How are they going to do that since there is a 6ft weir sitting in my front yard.

I am not against them using their property as long as it doesn't harm my quality of life and investment of time and money I have put into this property for the last 8 years.

There is land adjoining their property that fronts the frontage road that is already zoned for commercial use that is for sale.

Please consider my concerns before making a final decision.

Wade & Linda Bretey
771 23.5 Road
Grand Junction, CO. 81505

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FEB 12 2002

COMMUNITY DEVELOPMENT
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Feb 7, 2002

Dear City Council Members:

This letter is in follow up to our letter dated Jan. 18, 2002 regarding Webb Crane's project proposal # ANX-2000-158.

Since Jan 18, 2002 we have met with Webb Crane and Pat Cecil with the City about our concerns with Webb Crane's project proposal and instead of working with the neighbors as they did in the past, Webb Crane's attitude now seems to be "forget" the neighbors.

The berms went from 6 or 8 feet to now 3ft and instead of a lot of trees previously to now just a few trees. We want the high berms, more trees and a privacy fence to block the view such as car salvage yard have to use.

We understood this property was to be used only for "flat" storage of equipment not over 20' high, but now Webb Crane wants unconditional use for the property.

We strongly feel that if Webb Crane does not stick to their original agreement, houses, berms, trees etc., that it will greatly hurt our property value along with 7 or 8 other properties on 23 1/2 Road. Webb Crane ~~agreed~~ acquired this property from Mr. Howe because Mr. Howe had trouble finding another buyer wanting Webb Crane in their back yard.

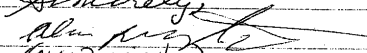
If Webb Crane can not meet their previous agreement, the whole 13 acres, including the 4 1/2 acres of conditional use (we feel Webb Crane has violated the conditional use permit) should be zoned back to RSFR.

(page 1)

Page 1 of

We are very much against this project proposal of Webb Cane's if they do not want to follow through with their previous agreement of Feb. 16, 2000, file # ANX-1999-277.

Thank you for your time.

Sincerely,

(ALAN Pennington)

Marilyn Scott
782-2370 Rd
Grand Jet, Co. 81505



**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Setting the City Manager's Salary		
Meeting Date:	February 20, 2002		
Date Prepared:	January 31, 2002		
Presenter Name:	City Council		
	Workshop	X	Formal Agenda

Subject: An Ordinance Amending Ordinance No. 3387 adopted December 5, 2001, Section 3, Setting the City Manager's Salary

Summary: Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by ordinance. Based on the market survey comparing similar communities, the City Council has determined the 2002 salary for the Grand Junction City Manager. See attached.

Action Requested/Recommendation: Adopt an Ordinance Amending Ordinance No. 3387, Setting the City Manager's Salary

Citizen Presentation:		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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Table 1 City of Grand Junction 2001 Survey

AGENCY	CLASS TITLE	ERI	2001 MONTHLY SALARY			ADJUSTED ACTUAL	AUTO/ MONTH	RETIRE MENT %	# FT EEs SUPV.
			MIN	MAX	ACTUAL				
Arvada	City Manager	111.4			135576	121702	400	10.00	597
Broomfield	City Manager	106.5	7973	10833	127500	119718	375	13.08	463
Englewood	City Manager	110.5			110004	99551	400	16.62	430
Fort Collins	City Manager	106.0			139824	131909	Auto	19.62	1216
Greeley	City Manager	104.9			106980	101983		12.62	642
Longmont	City Manager	107.7			123288	114474	415	11.00	715
Loveland	City Manager	104.6	7055	10919	*		350		595
Mesa Co. School Dist. 51	Superintendent	100.0		10417	130000	130000			
Mesa County	County Administrator	100.0	5361	7505	98457	98457		11.62	800
Pueblo	City Manager	101.6	7550	10475	120000	118110	Auto	10.00	710
State of Colorado	Mesa State College President	100.0			124004	124004			
Thornton	City Manager	111.7			133512	119527	525	27.22	577
Westminster	City Manager	111.7			116208	116208	450	10.30	662
Average								14.21	
Grand Junction	City Manager				10000		400	15.20	538

* vacant

Median Actual Rate
 Median Adjusted Actual Rate
 % GJ above/below
 Median Actual Rate
 % GJ above / below Median Adjusted Rate
 Market Target – Adjusted actual plus 3%

155.5
 168.2
 25.7%
 122.2%
 12.5%

Ordinance No. _____

AN ORDINANCE AMENDING ORDINANCE 3387, SECTION 3, SETTING THE SALARY OF THE CITY MANAGER

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

That commencing January 1, 2002, the annual salary of the City Manager of the City of Grand Junction, Colorado shall be \$110,000.

Introduce on first reading this 6th day of February, 2002.

PASSED AND ADOPTED this _____ day of February, 2002.

Attest:

City Clerk

President of the Council

Attach 10
Executive Session

Confidential Item Provided to City Council