

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

**WEDNESDAY, JULY 2, 2003, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Pastor Jim Hale, Spirit of Life Christian  
Fellowship

**APPOINTMENTS**

APPOINTMENTS TO THE WALKER FIELD PUBLIC AIRPORT AUTHORITY

APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD

APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY

RATIFICATION OF APPOINTMENT TO RIVERVIEW TECHNOLOGY CORPORATION

APPOINT A CITY COUNCIL REPRESENTATIVE TO THE PARKS AND RECREATION  
ADVISORY BOARD

**SCHEDULED CITIZEN COMMENTS**

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

1. **Minutes of Previous Meetings** [Attach 1](#)  
*Action: Approve the Summary of the June 16, 2003 Workshop and the Minutes of  
the June 16, 2003 Regular Meeting*

2. **Create Sanitary Sewer Improvement District No. SS-45-03** [Attach 2](#)

A majority of property owners in an area on both sides of 26 ½ Road bounded by Dahlia Drive on the north, and F ½ Road on the south have signed a petition requesting an improvement district to provide sanitary sewer service to their neighborhood. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 59-03 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within said City Sanitary Sewer Improvement District No. SS-45-03, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

®Action: *Adopt Resolution No. 59-03*

Staff presentation: Tim Woodmansee, Real Estate Manager

3. **Hazard Elimination Grant for the 24 ½ Road and G Road Intersection Project** [Attach 3](#)

Approve a contract with CDOT for a Federal Hazard Elimination Grant of \$771,241 for the intersection and drainage improvements at 24½ & G Road.

Resolution No. 60-03 – A Resolution Authorizing a Contract with the Colorado Department of Transportation for Hazard Elimination Grant Funding for Intersection Improvements at 24 ½ & G Road

®Action: *Adopt Resolution No. 60-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

4. **Setting a Hearing - Vacating of Right-of-Way and Multipurpose Easements, Rimrock Marketplace 3 Subdivision** [File # PFP-2003-076] [Attach 4](#)

The petitioners are requesting the vacation of portions of the Ligrani Lane right-of-way and portions of the multi-purpose easements located on either side of the right-of-way. The purpose of the vacations is to allow for the reconfiguration of Ligrani Lane to create a cul-de-sac to provide road frontage to the Woolard lot that is located north of the Rimrock Marketplace project, adjacent to Highway 6 & 50. New right-of-way and multi-purpose easements will be dedicated on the recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

Proposed Ordinance Vacating a Portion of Ligrani Lane and Portions of Adjacent Multi-purpose Easements Located between Rimrock Avenue and State Highway 6 & 50

Action: *Introduction of Proposed Ordinance and Set a Hearing for July 16, 2003*

Staff presentation: Pat Cecil, Development Services Supervisor

5. **Setting a Hearing - Zoning the Sunrise Acres Annexations No. 1, 2, 3, & 4 Located at 3068 F Road** [File #ANX-2003-090] [Attach 5](#)

Introduction of the Zoning ordinance to zone the Sunrise Acres Annexation RSF-4, located at 3068 F Road; Residential Single Family, not to exceed 4 dwelling units per acre.

Proposed Ordinance Zoning the Sunrise Acres Annexations to RSF-4, Located at 3068 F Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for July 16, 2003*

Staff presentation: Lori V. Bowers, Senior Planner

6. **Setting a Hearing - Zoning the UnawEEP Heights Annexation Located at 2857 UnawEEP Avenue** [File # ANX-2003-022] [Attach 6](#)

Introduction of the Zoning ordinance to zone the UnawEEP Heights Annexation, RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre), located at 2857 UnawEEP Avenue.

Proposed Ordinance Zoning the UnawEEP Heights Annexation to RSF-4, Located at 2857 UnawEEP Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for July 16, 2003*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

7. **Contract for Combined Sewer Elimination Project Phase I, Basin 8** [Attach 7](#)

This project is the third of six contracts associated with the Combined Sewer Elimination Project and the Waterline Replacement Project. This contract will construct 18,800 feet of storm sewer, a storm water quality facility, storm water pump station, and 900 feet of 6" water line. On June 17, 2003, Mendez, Inc. of Grand Junction submitted a low, qualified, bid of \$4,430,101.65 to complete the work.

*Action: Authorize City Manager to Execute a Construction Contract for the Combined Sewer Elimination Project Phase I – Basin 8 with Mendez Inc., in the Amount of \$4,430,101.65*

Staff presentation: Mark Relph, Director of Public Works and Utilities

8. **Distribution of Forfeited Property** [Attach 8](#)

This resolution is brought to the Council by Chief Morrison and the Mesa County Forfeiture Board. This is actually a resolution to reaffirm Resolution No. 49-92 which approved a Committee on the disposition of forfeited property pursuant to C.R.S. 16-13-702. The Committee on Disposition of Forfeited Property has determined the appropriate distribution for forfeited property since that time. The City Council receives annual reports on the distributions.

Resolution No. 61-03 – A Resolution Affirming Resolution No. 49-92 Relating to the Distribution of Forfeited Property

*®Action: Adopt Resolution No. 61-03*

Staff presentation: Greg Morrison, Police Chief

9. **Public Hearing - O'Connor Annexation Located at 511 31 Road** [File #ANX-2003-068] [Attach 9](#)

Resolution for Acceptance of the Petition to Annex and Consideration of Final Passage of the Annexation Ordinance for the O'Connor Annexation located at 511 31 Road. The Annexation consists of 1.3121 acres on one parcel of land. The petitioner is seeking annexation in conjunction with a future subdivision request, pursuant to the 1998 Persigo Agreement with Mesa County.

**a. Accepting Petition**

Resolution No. 62-03 - A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as O'Connor Annexation, Located at 511 31 Road and Including a Portion of 31 Road and E Road Right-of-Way, is Eligible for Annexation

*®Action: Hold a Public Hearing and Consider Passage of Resolution No. 62-03*

**b. Annexation Ordinance**

Ordinance No. 3535 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, O’Connor Annexation, Approximately 1.3121 Acres Located at 511 31 Road and Including a Portion of E Road and 31 Road Rights-Of-Way

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3535*

Staff presentation: Ronnie Edwards, Associate Planner

10. **Public Hearing – Zoning the O’Connor Annexation, Located at 511 31 Road** [File #ANX-2003-068] [Attach 10](#)

The O’Connor Annexation is comprised on one parcel of land on 1.3121 acres located at 511 31 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its June 10, 2003 meeting.

Ordinance No. 3536 – An Ordinance Zoning the O’Connor Annexation to Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) Located at 511 31 Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3536*

Staff presentation: Ronnie Edwards, Associate Planner

11. **Public Hearing – Rezoning 653 Young Street to RSF-2** [File # RZ-2003-070] [Attach 11](#)

Request to rezone 653 Young Street, comprised of 1.252 acres, from RSF-1 (Residential Single Family with a density not to exceed 1 du/ac) to RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). Planning Commission recommended approval at its June 10, 2003 meeting.

Ordinance No. 3537 – An Ordinance Zoning a Parcel of Land Located at 653 Young Street to RSF-2 (Residential Single Family, with a Density Not to Exceed Two Units per Acre)

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3537*

Staff presentation: Ronnie Edwards, Associate Planner

12. **Public Hearing - Rold Annexation Located at 524 30 Road** [File #ANX-2003-080] [Attach 12](#)

Resolution for Acceptance of Petition to Annex and Consideration of Final Passage of the annexation ordinance. The .7998 acre Rold Annexation consists of one parcel of land. The requested zoning for the property is C-1 (Light Commercial). The physical address for the property is 524 30 Road.

**a. Accepting Petition**

Resolution No. 63-03 - A Resolution Accepting a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings and Determining that Property known as the Rold Annexation, Located at 524 30 Road is Eligible for Annexation

*®Action: Hold a Public Hearing and Consider Passage of Resolution No. 63-03*

**b. Annexation Ordinance**

Ordinance No. 3538 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rold Annexation, Approximately 0.7998 Acres Located at 524 30 Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3538*

Staff presentation: Senta Costello, Associate Planner

13. **Public Hearing – Zoning the Rold Annexation Located at 524 30 Road** [File #ANX-2003-080] [Attach 13](#)

Consideration of Final Passage of the Zoning Ordinance for the Rold Annexation located at 524 30 Road. The .7998-acre Rold consists of one parcel of land. The Planning Commission reviewed the requested zoning on June 10, 2003 and recommended approval.

Ordinance No. 3539 – An Ordinance Zoning the Rold Annexation to C-1 (Light Commercial) Located at 524 30 Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3539*

Staff presentation: Senta Costello, Associate Planner

14. **Smoking in Public Places - Council Consideration Continued from June 16, 2003 Council Meeting** [Attach 14](#)

A proposal to prohibit smoking in public places is to be considered.

Ordinance No. 3540 – An Ordinance Prohibiting Smoking in Workplaces and Public Places in the City of Grand Junction

®Action: *Consider Final Passage and Final Publication of Ordinance No. 3540*

Staff presentation: Dan Wilson, City Attorney

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

16. **OTHER BUSINESS**

17. **ADJOURNMENT**

## **Attach 1**

### **Minutes from June 16, 2003 Workshop and June 16, 2003 Regular Council Meeting**

#### **GRAND JUNCTION CITY COUNCIL WORKSHOP**

**June 16, 2003**

The City Council of the City of Grand Junction, Colorado met on Monday, June 16, 2003 at 6:03 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Absent was Councilmember Bill McCurry.

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

1. **DISCUSSION OF TRANSIENT ISSUE:** Police Chief Greg Morrison prepared a report to Council on the results of the study regarding this issue.

City Manager Kelly Arnold introduced the report. Behavior of some transients is to be discussed. He then turned it over to Police Chief Greg Morrison. Chief Morrison identified the agencies that assist homeless individuals. He listed the concerns the police hear from City residents. He then showed a video of some of the campsites they found on Watson Island. Chief Morrison commented that the Health Dept. did not deem the human waste they found as a health issue, so they did not respond with the police.

Chief Morrison noted how the police have responded to calls for service where a victim, witness or suspect was a transient. In a four-year time frame, there were 2100 police contacts who listed themselves as transients. The calls for service regarding transients are up 137%.

The Chief listed the legal behaviors and the illegal behaviors attributed to transients. Panhandling along the side of the roadway, out of the traffic lanes, is a legal and protected activity under the Constitution. Being drunk is not an illegal activity. Additionally, taking an intoxicated individual into custody is a problem because there is no place in Grand Junction to take them. Colorado West is planning a detox center but there is no such facility now.

Chief Morrison then addressed the number of calls for service in general versus those involving transients and how many hours police officers have spent on these incidents.

The stakeholders in this issue were identified by the Chief and he listed the main issues or "Hot Buttons". He concluded by listing some options. City



Council could enact ordinances prohibiting aggressive panhandling, prohibiting the sale of alcohol to habitual drunkards, prohibiting motorists from impeding traffic to give money to panhandlers, prohibiting large-scale distribution of free food in city parks and public places. The City can work to reduce habitat along the rivers that are used by transients for camping.

Mayor Spehar asked about the impact on police if one or all of those ordinances were enacted. Chief Morrison said it would depend on the priority given to enforcement of those provisions. Councilmember Palmer asked about the impact for three of the suggestions, adjudicating habitual drunkards, prohibiting all drinking in the parks and removing tamarisk (habitat). Chief Morrison said there might be other issues created from these actions, one being the dedication of police hours. Council President Spehar noted that some things like permits for food distribution might not require police time. Although Chief Morrison agreed, it will take time away from some department.

Councilmember Enos-Martinez questioned as to what the problem is with free food in the park. City Manager Arnold responded that there is no monitoring or tracking, noting he is not sure that is the use Council wants to occur in the parks. Councilmember Butler asked if the providing organization is cleaning up the park following the distribution. City Manager Arnold noted that may be the problem that they are not. Councilmember Hill said he witnessed the large food distribution at a park and felt that it showed this to be a caring community. The trash problem is probably a result of not enough receptacles. Regarding the alcohol problem, the alcohol being consumed by these folks is not 3.2 % beer, so the current law is not being enforced. He suggested the City look at ways it can fill in the gaps. Councilmember Butler agreed noting that without that food distribution service other scavenging may occur. Councilmember Palmer asked how the problem individuals can be dealt with without affecting those that are not causing a problem.

Chief Morrison asked Council to consider who should be the leader in this issue and what City resources should go toward this issue as it is more a social issue than a police issue.

Councilmember Kirtland questioned when the matter gets to a point where it is a problem. Chief Morrison noted that this is a nationwide issue and dealing with it is beyond the expertise of just the police. The number of police incidents is a small percentage of the number of overall calls.

Councilmember Palmer asked about a loitering law. City Attorney Wilson said loitering without another activity is not illegal. Mr. Wilson mentioned a law

against gang loitering did withstand judicial review in Chicago but specific activities were identified.

Council President Spehar said he does not want to negatively impact those that are temporarily in need. He suggested the City take the opportunity to work with churches and non-profits to ensure there are provisions made for trash pickup when the food distributions take place and for the City to also look at this issue during Community Development Block Grant (CDBG) consideration and put the City resources towards needs that are not being met in this area.

**Action summary:** City Manager Arnold said he will bring this back to Council in September, meanwhile he will concentrate some coordinating efforts at Whitman Park. Council President Spehar added Emerson Park too and directed Mr. Arnold to look at some other options. Long term he asked Mr. Arnold to look at how much money being spent on other activities as opposed to a holding facility (detox) and perhaps focus those resources to drive a solution to this problem

The Council also thanked the Chief and his staff, and noted the value of the new crime analyst position for the compilation of data for this study.

**ADJOURNED** at 7:15 p.m.

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

**JUNE 16, 2003**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of June 2003, at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Bill McCurry was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

President of the Council Jim Spehar called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Glen Daly, Extended Arms Four Square Church.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

Councilmember Hill asked that Item #8 be moved to Items Needing Individual Consideration following Item #16.

It was moved by Councilmember Hill, seconded by Councilmember Enos-Martinez, and carried, to approve Consent Items #1 through 14 with Item #8 being removed from the Consent Calendar for individual consideration. Councilmember Hill abstained from Item #2 due to a conflict of interest.

**1. Minutes of Previous Meetings**

*Action: Approve the Summary of the June 2, 2003 Workshop and the Minutes of the June 4, 2003 Regular Meeting*

**2. Vacation of Utility Easement – Located between 1710 & 1720 Ptarmigan Ridge Circle [File #VE-2003-054]**

The petitioners wish to vacate a 20' wide Utility Easement located between Lots 12 & 13, Block 2, Ptarmigan Ridge North (14.03' on Lot 12 & 5.97' on Lot 13). In order for the petitioners, Gary and Ann Cox, to sell the property (Lot 12, Block 2) and for the new owners to obtain a clear title, the existing utility easement located along the southwesterly property line needs to be vacated as the existing house is situated over this easement. The only utility within the existing easement was

a sanitary sewer line. A new utility easement was dedicated by separate instrument and filed at the Mesa County Courthouse to show the new easement and rerouted sanitary sewer location which is now located to the northeast of the present home.

Resolution No. 51-03 - A Resolution Vacating a 20' Wide Utility Easement Lying within Lots 12 & 13, Block 2, Ptarmigan Ridge North Known as 1710 and 1720 Ptarmigan Ridge Circle

*\*Action:* Adopt Resolution No. 51-03

3. **Vacation of Easement – Cimarron Mesa Filing One Located at SW Corner of Linden Avenue and B ½ Road** [File #VE-2002-205]

The applicant proposes to vacate a 20' water line easement, which was put in place for a 24" City of Grand Junction water line. The water line location is not in the easement. The Planning Commission recommended approval on June 10, 2003, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 52-03 – A Resolution Vacating a Water Line Easement in Conjunction with Filing One of Cimarron Mesa Located at the SW Corner of Linden Avenue and B 1/2 Road

*\*Action:* Adopt Resolution No. 52-03

4. **Setting a Hearing – Zoning the O'Connor Annexation, Located at 511 31 Road** [File # ANX-2003-068]

The O'Connor Annexation is comprised of one parcel of land on 1.3121 acres located at 511 31 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its June 10, 2003 meeting.

Proposed Ordinance Zoning the O'Connor Annexation to Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) Located at 511 31 Road

*Action:* Adopt Proposed Ordinance on First Reading and Set a Hearing for July 2, 2003

5. **Setting a Hearing – Rezoning 653 Young Street** [File # RZ-2003-070]

Request to rezone 653 Young Street, comprised of 1.252 acres, from RSF-1 (Residential Single Family with a density not to exceed 1 du/ac) to RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). Planning Commission recommended approval of the rezoning at its June 10, 2003 meeting.

Proposed Ordinance Zoning a Parcel of Land Located at 653 Young Street

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 2, 2003*

6. **Setting a Hearing – Zoning Rold Annexation Located at 524 30 Road** [File # ANX-2003-080]

The Rold Annexation consists of one parcel of land on approximately .7998 acres. The requested zoning for the property is C-1 (Light Commercial). The physical address for the property is 524 30 Road. The Planning Commission reviewed the requested zoning on June 10, 2003 and recommended approval.

Proposed Ordinance Zoning the Rold Annexation to C-1 (Light Commercial) Located at 524 30 Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 2, 2003*

7. **Setting a Hearing – Carville Annexation Located at 2675 Highway 50** [File # ANX-2003-116]

Resolution for Referral of Petition to Annex/First Reading of the Annexation ordinance/exercising land use jurisdiction immediately for the Carville Annexation located at 2675 Hwy 50. The 19.93 acre Carville Annexation is an annexation consisting of one parcel of land.

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

Resolution No. 53-03 – 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, Carville Annexation Located at 2675 Hwy 50

\*Action: Adopt Resolution No. 53-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carville Annexation, Approximately 19.93 Acres Located at 2675 Hwy 50

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 6, 2003

**8. Setting a Hearing – Westgate Free Will Baptist Church Annexation No. 1 and 2 Located at 2155 Broadway [File # ANX-2003-114]**

*Item was moved to Items Needing Individual Consideration.*

**9. Setting a Hearing – Marchun Annexations No. 1 and No. 2 Located at 2925 F ½ Road [File #ANX-2003-093]**

The 20.4584 acre Marchun Annexation #1 and #2 is a serial annexation located at 2925 F ½ Road. The applicant is requesting annexation into the City and a zone district of RMF-5, Residential Multi-family not to exceed 5 units per acre.

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

Resolution No. 55-03 – 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, Marchun Annexations No. 1 and No. 2 Located at 2925 F ½ Road and Including a Portion of the F ½ Road Right-of-way

\*Action: Adopt Resolution No. 55-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Marchun Annexation No. 1, Approximately 15.1496 Acres Located at 2925 F ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Marchun Annexation No. 2, Approximately 5.3088 Acres Located at 2925 F ½ Road and Including a Portion of the F ½ Road ROW

*Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for August 6, 2003*

**10. Mesa State College Police Services Contract**

This request is for Council to approve the annual contract with Mesa State College for police services that are provided by the Grand Junction Police Department. The request is essentially a renewal process of the City's annual agreement with Mesa State College.

*Action: Authorize the City Manager to Sign the Contract with Mesa State College for Police Services for 2003-2004.*

**11. Memorandum of Understanding with CDOT for Video Equipment**

Approval and signing of a Memorandum of Understanding between CDOT and the City of Grand Junction for provision of a Panasonic video switcher to the City as part of the State's traveler information system.

*Action: Authorize the Mayor to Sign the Memorandum of Understanding with CDOT*

**12. Asphaltic Road Material (Road Oil or Emulsions)**

The purchase of asphaltic road material, (road oil or emulsions), required for the City chip seal projects for the year 2003. It is estimated that 568 tons of HFMS-2P, 4 tons of AE-P, and 199,374 tons of SS-1 50% dilute road oil or emulsion materials will be required.

*Action: Authorize the Purchase of Asphaltic Road Materials on an As Needed Basis Not to Exceed the Budgeted Amount of \$134,000.00 for the Year 2003 Utilizing the State of Colorado CDOT Contract.*

**13. Work Order/Infrastructure Management System**

The Public Works and Utilities Department is in need of a work order and asset management system. RFPs were recently received and reviewed by the Public Works and Utilities Committee. The Committee's recommendation is to purchase the GBA Master Series, Inc. system for \$313,040.00.

*Action: Authorize the City Manager to Execute a Contract for the Work Order/Infrastructure Management System with GBA Master Series, Inc., in the Amount of \$313,040.00*

**14. Amendment to the Ridges Taxing Areas**

The request is to move the remaining seven parcels from the Ridges Metropolitan District Tax Area #2 to Tax Area #1.

Resolution No. 56-03 - A Resolution Amending the Property Description of the Ridges Metropolitan District Taxing Areas

*Action: Adopt Resolution No. 56-03*

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

**Bid Approval - 25 ½ Road Drainage Improvements Phase I**

Bids were received and opened on June 3, 2003. BT Construction, Inc. submitted the low bid in the amount of \$437,500.00. The project will bore two crossings, each 280 feet in length, across I-70B for the installation of twin 60-inch diameter steel drain pipes. These pipes will connect the outlet at West Lake Pond to twin 66 inch diameter concrete drainpipes that cross Rimrock Market Place.

Mark Relph, Public Works & Utilities Director, reviewed the request for award of bid. He explained what the project is about and how it will occur.

Councilmember Kirtland moved to authorize the City Manager to execute a Construction Contract for the 25 ½ Road Drainage Improvements Phase I, to BT Construction in the amount of \$437,500.00 Councilmember Hill seconded the motion. Motion carried.

**Purchase Property for the Redlands Fire Station**

The City has entered into a contract to purchase the property at 2155 Broadway from the Westgate Free Will Baptist Church. The property will be the location of the new Redlands Fire Station (City Fire Station No. 5).

Mark Relph, Public Works & Utilities Director, reviewed this item. He noted that the church would have use of the property for a period of time during construction. He explained that a defect in the title has been discovered and the church will resolve that issue. He said upon approval, the City would make the formal request to the County for their \$300,000 contribution.

Councilmember Hill asked about the comments received at the neighborhood meeting. Mr. Relph deferred his question to the Fire Chief.



Fire Chief Rick Beaty said those comments will be combined with comments to be taken at the next neighborhood meeting this Thursday, June 19<sup>th</sup>.

Councilmember Hill asked about the process and how the comments are handled.

Bob Blanchard, Community Development Director, said during the development review process a hearing notification will be mailed and people will be encouraged to follow the process.

Councilmember Hill asked the Fire Chief if this property is a good location for the new Fire Station. Fire Chief Beaty said it is and that they had looked at other locations. He said the response times were an issue at each of the locations they had looked at, therefore it has been determined that this is the best location. Councilmember Hill asked what affect the fire station location would have on the school zones. Fire Chief Beaty said the majority of service calls will be received from west of the station, but the school zone will come into play one way or the other.

Councilmember Palmer asked about all the other issues, including access. Fire Chief Beaty said one issue is still being discussed.

Council President Spehar noted that this location seems to be in the center of the service area.

Resolution No. 57-03 – A Resolution Authorizing the Purchase of Real Property Located at 2155 Broadway for use as a City Fire Station

Councilmember Enos-Martinez moved to adopt Resolution No. 57-03. Councilmember Kirtland seconded the motion. Motion carried unanimously by roll call vote.

**Setting a Hearing – Westgate Free Will Baptist Church Annexation No. 1 and 2 Located at 2155 Broadway** [File # ANX-2003-114]

Westgate Free Will Church Annexation, a serial annexation comprised of 4.5373 acres, located at 2155 Broadway, has presented a petition for annexation. This is the proposed future site of the Redlands Fire Station #5. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately and set a public hearing for August 6, 2003.

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

Resolution No. 54-03 – 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, Westgate Free Will Baptist Church Annexation Located at 2155 Broadway

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Westgate Free Will Baptist Church Annexation No. 1 Approximately 0.79078 Acres Located Within a Portion of Broadway (Highway 340) Right-of-way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Westgate Free Will Baptist Church Annexation No. 2 Approximately 3.7466 Acres Located at 2155 Broadway

Bob Blanchard, Community Development Director, reviewed this item and explained why it is a serial annexation.

Councilmember Palmer moved to adopt Resolution No. 54-03, and to adopt proposed Ordinances on First Reading, and set a hearing for August 6, 2003. Councilmember Kirtland seconded the motion. Motion carried.

**Public Hearing – CDBG 2003 Action Plan**

City Council will consider final adoption of the 2003 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of CDBG funds. The Action Plan includes the CDBG projects for the 2003 Program Year City Council approved for funding on May 21, 2003.

The public hearing was opened at 7:51 p.m.

David Thornton, Principal Planner, reviewed this item and explained the purpose of the public hearing.

There were no public comments.

The public hearing was closed at 7:52 p.m.

Resolution No. 58-03 – A Resolution Adopting the 2003 Program Year Action Plan as a Part of the City of Grand Junction’s 2001 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Palmer moved to adopt Resolution No. 58-03. Councilmember Enos-Martinez seconded the motion. Motion carried.

## **Public Hearing – Smoking in Public Places**

A proposal to prohibit smoking in public places is to be considered. Public input will be taken.

The public hearing was opened at 7:53 p.m.

The Mayor explained how the public hearing would be conducted.

Dan Wilson, City Attorney, reviewed this item. He explained the history of how this ordinance came before City Council and how Staff has reacted. He then listed all the options available to Council and the time frames related to each option.

Councilmember Hill wanted clarification and asked if the “do nothing alternative” meant that the existing ordinance would stay in effect. Mr. Wilson affirmed that to be the case.

Mr. Wilson explained that an establishment would be considered a restaurant if more than 50 percent of the earnings are derived from serving food. He said the proposal will not require a separate ventilation system because (according to health organizations) there wouldn't be enough crossover smoke to regulate—nor would doors be required for the separation of the designated areas.

Councilmember Palmer asked for clarification on the amortization clause, and wanted to know if existing restaurants would be affected before January 2009. He felt that was a significant time to come into compliance. Mr. Wilson said shorter time frames could be considered.

Councilmember Enos-Martinez clarified that point for the television audience.

Council President Spehar pointed out that the expansion of the proposed ordinance would only trigger immediate compliance with new construction and those businesses would be required to comply.

Councilmember Hill asked Mr. Wilson to review Section 3, Prohibition of Smoking in Public Places and compare it to the existing ordinance. Mr. Wilson said Section 3(a)(1) through 3(a)(6) are already regulated. He then explained Section 3(a)(3) which reads:

Smoking shall be prohibited in all public places within the City, including, but not limited to busses, taxicabs, and other means of public transit while operating within the City limits, and ticket, boarding, and waiting areas of public transit depots.

Councilmember Hill asked when smoking would be allowed. Mr. Wilson referred to Section 3(a)(7) which is the exception and reads:

- (a) Smoking may be allowed in a portion of a restaurant that is physically separated, or in an attached bar that is physically separated, from enclosed areas of the business in which smoking is prohibited;
- (b) Smoking is allowed in restaurants between the hours of 9:30 p.m. and 2 a.m.;
- (c) Smoking is allowed in outdoor areas of restaurants such as patios and outdoor covered areas that are not enclosed areas.

Councilmember Palmer asked why a physical separation would be required if smoking was only allowed during late night hours. Mr. Wilson said a physical separator would only be required if the non-smokers couldn't access the restrooms, pay and leave the establishment without going through the smoking area. He said smoking would be allowed in outdoor areas. Mr. Wilson continued to go through the list, pointing out that bingo halls would be the exception where non-smokers would have to pass through a smoking area.

Councilmember Palmer noted Section 7 would not allow minors in smoking areas. Mr. Wilson said yes and that overrides all other parts of the ordinance. He said the posting requirement in the Sign Section of the proposed ordinance is nearly identical to that in the existing ordinance.

City Attorney Wilson next addressed the smoke-free workplace and the retaliation sections of the ordinance. He said the definition in the ordinance identifies an employer (workplace) with three or more persons must provide a smoke-free environment if so requested by one person.

Councilmember Hill asked when the current ordinance was adopted. Mr. Wilson said he believed in 1985 or earlier. Next Councilmember Hill asked about the posting of signs. Mr. Wilson replied that a non-smoking facility requires no signs. Councilmember Hill agreed that posting signs allowing smoking was more important.

Council President Spehar informed the audience that Council would now listen to public comments.

Wayne Smith, 2222 South Broadway, President of the Colorado Chapter of the Restaurant Association, said he opposes the adoption of the proposed ordinance since the City already has a non-smoking ordinance on the books. He said any changes to the existing ordinance will give someone an advantage over someone else and a significant number of restaurants are already non-smoking. He said it would cause a decline in tax revenues for the City, and architectural and ventilation changes would be

unfair and harmful to most businesses since there is only a small profit margin. He felt the need for a more level playing field and a need for statewide regulation. He said it would be harmful to businesses operating within City limits. He said support for statewide regulation was growing and would probably be adopted by 2009.

Council President Spehar said there is no evidence that the new ordinance is not detrimental. Mr. Smith said he was sure with the way business is expanding, that some would be harmed.

Councilmember Palmer asked Mr. Smith how many restaurants are currently non-smoking establishments. Mr. Smith thought, statewide, about 50 to 60 percent, with Grand Junction probably having the same ratio.

Councilmember Hill asked if the current ordinance made some restaurants smoke-free. Mr. Smith said the current ordinance is fair because citizens and restaurateurs have been living with it for sometime. He said society didn't become smokers overnight, and now there is a trend toward less smoking, but the change would take time.

Case Bricker, Chef at Adams Mark Hotel, representing two family restaurants (Village Inns) read a letter from Michael Scott. He said both restaurants could close or could be in compliance. He said smoking guests compromise other guests. He felt it was not his place to prohibit children in smoking areas since they are probably exposed to smoke in their home. He said he hopes Council will consider his suggestions.

Ken Smalley, 106 Peter Street, Fruita, read a statement proclaiming his belief that people's freedoms are being eroded and that the City is trying to legislate morality. He wanted to emphasize the choice people have when selecting where to eat or work; and that it is wrong for children to infringe on his freedoms.

Timothy Williams, 3070 I-70 Business Loop, a small business owner, said he agrees with Wayne Smith and wanted to make the same points. He said it is a revolutionary thing and eventually society will see less smoking. Mr. Williams said the best way to make it happen is to let the free market drive this issue. He said no matter what happens it is a no-win situation. He said he used to sit on the Board of the American Cancer Society in Denver, and to his knowledge, no statistics are available regarding deaths due to second-hand smoke by people who were exposed for short periods eating in restaurants. He felt smoking was more of a nuisance than a health hazard. He acknowledged workers are probably more at risk, but they have a choice where to work. He reiterated the belief that the free market will drive this issue and there is no need for government to be more intrusive. He said he lost relatives to cancer but he felt it still should be the owner's option whether to have a smoke-free establishment or not.

Jim Shultz, (only a P.O. Box provided) a private citizen, said it was not as much a health issue as a matter of choice where to eat. He said he dislikes smoke more than anyone, but one teacher and a group of 12-year-olds should not hold city fathers and others hostage. He said people should vote with their wallets instead of taking it to a vote.

Don Pettygrove, 8 Moselle Court, echoed the previous comments. He felt it was a liberty issue and patrons had a choice where to go. He said he felt it was not his place to tell a business owner how to run his business. He gave examples on what could happen if non-smoking was adopted. He said revenues from these places would be down, which would lead to a decline in City revenues and most likely lost jobs. He asked Council to keep the current ordinance but felt the workplace prohibition might need changing. He said he felt minors who are in that environment probably are already around smoking in their homes.

David Soker, 103 Bacon Court, Palisade, thanked Council for the opportunity to speak. He said he's been smoking for 35 years. He said he was encouraged to smoke by the armed services. He said he is also a citizen and this ordinance reminds him of the segregation which was in place in the south. He said employers should take into consideration when hiring that 25 percent of the adult population are smokers. He felt the proposed ordinance was nothing but a power trip and not a health issue. He said he felt Council would do what is reasonable and that decent changes were made in previous drafts. He said only 3,000 people die from second-hand smoke a year.

Councilmember Palmer reminded the audience to keep their comments to three minutes.

Anne Landman, Glade Park resident and American Lung Association representative, displayed a list of states and cities from across the country that have supported and adopted Alternative No. 1. She explained how Alternative No. 1 was developed and that it took more than two decades to do. She asked Council to adopt Alternative No. 1 and asked that each of the students be allowed to speak individually as a group.

Robin Morris, 116 East Alcove Drive, Bookcliff Middle School student, said she supports a level playing field but wanted Grand Junction to be the first to implement the ordinance.

Shelby Erwin, 2910 North Avenue, #45B, Bookcliff Middle School student, said she had a problem with the compromised ordinance. She said the problem with the ordinance allowing late night smoking in restaurants would be having to watch the clock and customers. She said it would be confusing and it sends a message that smoke is less dangerous at a certain time. It would also imply late night workers are of lesser value. She listed areas where late night smoking was challenged and the establishments lost.

Laura Joy, 593 ½ Sycamore Court, Bookcliff Middle School student, displayed on the overhead a Daily Sentinel article regarding the Montrose no-smoking controversy. She said the headline was deceiving and that restaurant income actually increased. She admonished the newspaper for its misleading headline.

Juan Quintero, 2879 Texas Avenue, Bookcliff Middle School student, said the grandfathering clause would delay compliance of existing establishments until 2009. He said he would be graduating before the law would protect him. He said he wanted to remind Council of its mission and the smoking ordinance would fulfill that mission, but asked to eliminate the grandfathering clause.

Mandy Johnson, 624 Fort Uncompaghre Drive, Bookcliff Middle School student, said the proposed ordinance is a rights issue, a right for everyone to breathe clean air.

Annie Aylsworth, 623 Stonegate Drive, Bookcliff Middle School student, encouraged Council to make a change to the existing ordinance and prohibit smoking in any restaurant, but allow smoking in bars. She said Council should act on the ordinance at the meeting to save taxpayers election costs by not placing the ordinance on the ballot. She compared smoking to poor quality water and loud parties.

Clint Fix, 2924 El Torro Road, Central High School student, said he is representing 600 students, all supporting Ordinance Alternative No. 1. He said grandfathering creates an unfair playing field and second-hand smoke harms others. He said the 3,000 people killed each year is like losing the same amount of people who lost their lives on September 11, 2001.

Terri Metz, 379 Rosevale Road, a restaurant owner in Clifton, said she permits smoking in her restaurant, and has a non-smoking area, but that she opposes the proposed ordinance.

Bob Cron, 310 Dakota Drive, said he cannot tolerate second-hand smoke. He said there are problems with the current ordinance and that an ordinance is needed to make non-smoking areas really non-smoking areas, and not allow late night smoking. He said the odor just lingers. He said his wife is a Sweet Adelines and she sometimes works at a bingo hall to raise funds. When she comes home the smell of smoke is so bad she has to wash her hair and clothes before going to bed.

Tom Kelly, 2917 ½ Sandra Drive, said it is a good idea to make separate smoking and non-smoking areas. He suggested people check out Sapp Brothers Truck Stops and see for themselves that it can work. He said he didn't know what all the hollering is about, whether or not one should smoke. He said he's been smoking for 62 years and he "ain't dead yet".

Councilmember Enos-Martinez asked if and what kind of partitions separates the sections. Mr. Kelly replied that a glass wall separates the sections.

Dave Bouley, 915 Prince Ct, said he has irreversible lung damage from smoking and from second-hand smoke. He said sometimes he has to walk through smoking areas to get to the cashier. He said he can't find a non-smoking establishment offering dancing and/or music, but he can choose where to eat.

Sandra Kaski, 382 Bonny Lane, said she is a bingo player and non-smokers still have to pass through a smoking area to get the cards. She said one cannot play without being exposed to smoke and the food is only available in the smoking area. She felt exempting bingo halls in the ordinance was bad since a lot of people are allergic to smoke.

Penny Pauline Heuscher, 330 Mountain View Court, said she represents the Mesa County Medical Society Alliance who endorses Ordinance Alternative No. 1. She asked Council to adopt the ordinance or put it on the ballot. She said she respects the rights of all, but one should not be forced to breathe carcinogens. She wanted to commend the students for their effort and mentioned that 80 percent of the population doesn't smoke. She said fundraisers at bingo halls subject students to heavy pollution. She felt if there had been a FDA in place before the tobacco industry became so big there would have never been smoking areas.

Council called for a five-minute recess at 9:45 p.m.

The meeting was back in session at 9: 51 p.m.

Ray Ward, 515 Cedar Avenue, a physician, said he also supports Ordinance Alternative No. 1 and distributed a list of health effects identifying which organizations did the study and when. He said many patients in his practice tell him they wish to quit, and those who have suffered damage and are affected from smoking should have protection in public spaces.

Councilmember Enos-Martinez asked Dr. Ward why the Health Department was not regulating the smoking issue. Dr. Ward replied that the Health Department can only enforce the laws that are on the books.

Theresa Patty, 661 Highway 50, #50, said she is a victim of second-hand smoke. She said the cigarette smoke came through her apartment walls from her neighbors. She said she supports a smoke free environment and therefore supports Ordinance Alternative No. 1. She said she also is the art director at Champ Camp, a camp for asthma sufferers and she felt to preserve one's health overrides any freedom to smoke. She then listed a number of poisonous chemicals that are in cigarette smoke.



Michel Parmenko, 1821 North 3<sup>rd</sup> Street, a physician and president of the Local Chapter of the Tobacco Education Council, asked if something is a habit, does that become a right? He said there is a need for a good public health policy, and that all studies show that secondhand smoke is harmful. The only studies that say otherwise are those funded or tied to the tobacco industry.

Perry Moyle, 378 East Valley Circle, said he works for the American Lung Association and felt this process is like a runaway train. He urged Council to react rather than enact and to implement an education process. He said if the ordinance goes to the ballot it would project as if Council was trying to wash its hands of the situation. He is afraid then that the big tobacco companies and their money would come in to oppose the ballot issue.

Janice Ferguson, 3115 North Peace Court, explained that smokers have nicotine metabolite in their blood and non-smokers exposed to second-hand smoke have it in their blood. She said studies showed bartenders' pulmonary functions improved after no smoking was implemented.

Teresa Coons, 930 Ouray Avenue, a doctor at the Saccomanno Research Institute, said she studied this, and in an editorial by OHSA addressing this in its 1984 regulations proposed and released some findings. It said non-smokers are at a greater risk, around second-hand smoke as well as older workers, because of less cardiac reserves. She said the smoke also has a negative effect on a fetus, but pregnant women don't always have a choice where they work.

Councilmember Kirtland asked Dr. Coons where the existing ordinance is failing. Dr. Coons responded in bars, bingo halls, and other places of business that have employees who may not have a choice where they work.

Suzanne Schwartz, 2538 Walnut Avenue, said she is the Program Director for the American Cancer Society and supports Ordinance Alternative No. 1. She suggested Council slow down the process and take the time to educate business owners and the community.

Mike Curtis, 2211 North 17<sup>th</sup> Street, said he is a volunteer with the American Lung Association and does not support upgrades to ventilation systems because they do not work. He said he agrees that it will be expensive for business owners to come into compliance so they can allow smoking by their customers. An alternative of course would be to make all establishments smoke-free; then there would be no expense.

Kate Pierce, 650 North 15<sup>th</sup> Street, a Family Physician, said the best way for the City of Grand Junction and Council to show the City is a progressive community is to have

regulations that protect its citizens' health. She said she supports Ordinance Alternative No. 1, which is like the Ordinance implemented by Portland, Oregon.

Kelli Kossell, 3655 G 7/10<sup>th</sup> Road, Palisade, said he is a volunteer and works with kids. He felt the laws would help people to quit smoking and that he wants a healthy community. He pointed out to Council that the persons against the Proposed Ordinance have left. He said the students and others never supported Proposed Ordinances 2a, 2b, or 2d.

Darren Cook, 961 Chipeta Avenue, Bookcliff Middle School teacher, applauded Council for the process and for teaching kids to take responsibility by trying to make this a better community. He said, at the same time, Council has the opportunity to show kids that smoking is bad. He said he had no doubt the group can collect the required signatures for Ordinance Alternative No. 1 to be placed on the ballot.

Zach Heuscher, 330 Mountain View Court, a college student, said smoking is a thing of the past and people should leave their bad habit at the door.

Karen Milbank, 3754 Compass Drive, #240, said she is a nurse and felt the current ordinance is weak and needs to be more stringent. Councilmember Kirtland asked her to give some examples, and asked if she meant the current Ordinance was too lenient in regards to restaurants. Ms. Milbank replied not only in regards to restaurants and bingo parlors, but also in protecting service workers in bowling alleys.

Rick Applegate, 181 Sunlight Drive, a restaurant and motel owner, said restaurants are a matter of choice, and people don't have to patronize an establishment. He felt it was not up to City Council to delegate rules, rather up to him to make a business decision and live with it. He next referred to Article 3(a)(14) Prohibition of Smoking in Public Places, which says:

Smoking shall be prohibited in all public places within the City, including, but not limited to no less than 75 percent of hotel and motel rooms rented to guests and all lobbies, elevators and other common areas available to and customarily used by the general public.

He said 10 percent of his rooms are designated non-smoking and that they are never rented. He asked how this section of the ordinance could be enforced. He told Council

as a non-smoker and a private business owner he should have the right to make the decision on how many rooms to designate for smoking or non-smoking.

Ted Ottinger, 435 32 Road, #602, Clifton, said a partial ban is not enough. He said service workers in town don't have much choice on jobs. He felt the proposed ordinance is a "watered down" ordinance.

Carole Chowen, 2342 Rattlesnake Court, #B, said she works with tourists mainly from the United Kingdom and when she tells them of California's Clean Air Act, they just love it and wished the same was true for England. She said in Arizona it is hard to find non-smoking facilities; and in Nevada it's almost impossible. She said her experience is that tourists don't like any smoking.

Chas Lehnert, 385 East Valley Circle, said he is in favor of the current ordinance and opposes the proposals. He said he doesn't see where there is a problem since smoking is still legal. He felt government has no business to regulate private businesses and/or legislate morality. He said prohibition failed and to leave the current ordinance as is on the books.

The public comment portion of the public hearing was closed at 10:45 p.m.

Councilmember Palmer said so far groups have asked Council to wait, businesses have opposed the proposed ordinances and he knows Council can't please everybody. He said Councilmembers are not trying to stop smoking, they know it is legal to smoke but there are limits, and Council is trying to determine the fairest and most balanced approach.

Councilmember Enos-Martinez said she is for a more stringent ordinance and a level playing field. She said she doesn't like the amortization allowance for existing businesses, nor the section prohibiting children in designated smoking areas and she felt that part of the ordinance would be unenforceable. She suggested Council deal with restaurants, continue to use, or import to the proposed ordinance the articles regarding bars and workplace provisions. She reiterated she is for a stronger ordinance but still struggling with the decision.

Councilmember Hill said the time exemption still confuses him. City Attorney Dan Wilson explained that in this version of the ordinance, no physical barriers are required during late hours. Councilmember Hill said with the current ordinance the workplace provision has not been exercised, but he feared that provision of the ordinance would increase with a new ordinance. He said the current ordinance has caused some restaurant owners to convert their businesses to non-smoking only. He said there are citizens not aware of the workplace provision. He felt this process has brought out education, and to research reasonable alternatives for those in the communities who

choose to smoke. He felt physical barriers would be better but would also be a financial hardship for the business owners. He said the missing element was to make the proposed ordinance countywide, but leave bingo parlors under the current ordinance. He agreed changes are needed.

Councilmember Palmer asked why motel rooms are included in the ordinance. City Attorney Wilson said it codifies existing practices and attempts to make more public places smoke-free.

Councilmember Hill thought the motel issue was more a smell issue rather than a smoke issue.

Councilmember Enos-Martinez asked who would enforce the hotel room smoking issue. City Attorney Wilson said it would be Code Enforcement and violators would be prosecuted by the City Attorney's office.

Councilmember Kirtland suggested Grand Junction should continue with its forward thinking like its support of a teen smoking ordinance, noting it would be an evolutionary process that would take time. He said Council needs support in making a decision. He said small business owners work hard, and to implement a regulation that would have an impact would be one Council needs to consider the effect this action would have. He felt Council should take a step in the process since small businesses need time to comply.

Councilmember Butler said restaurants are public places and a strategic plan is needed to protect the quality of life. He said everyone knows smoke is harmful and that's why he would vote no on Section 3(a)(7) titled Prohibition of Smoking in Public Places. This Section prohibits smoking in restaurants except that:

- (d) Smoking may be allowed in a portion of a restaurant that is physically separated, or in an attached bar that is physically separated, from enclosed areas of the business in which smoking is prohibited;
- (e) Smoking is allowed in restaurants between the hours of 9:30 p.m. and 2 a.m.;
- (f) Smoking is allowed in outdoor areas of restaurants such as patios and outdoor covered areas that are not enclosed areas.

Council President Spehar said the ordinance is legal, and Council regulates a lot of things and that the City is not treading on new ground by regulating smoking. He said it is a balancing act to balance people's rights and reach a reasonable compromise. He said from a practical standpoint it will take a long time to debate all the little nuances in the various proposals and he is not prepared to address the number of complaints. He suggested not compromising and instead enacting Ordinance Alternative No. 1.

Council President Spehar said Council should take the opportunity to be progressive and not refer the ordinance to the ballot. He agreed the ordinance should be implemented countywide and statewide but Council doesn't have the ability to do that.

Councilmember Palmer asked about the difference between Ordinance Alternative No. 1 and the compromise.

City Attorney Dan Wilson compared the ordinances and said in Ordinance Alternative No. 1 all workplaces are smoke-free; there are no exceptions for restaurants, and there is no smoking in bars (free-standing or attached). He said the same regulations apply to motel rooms; there are no exceptions for bingo halls; and employers are not obligated to spend money to provide a smoke-free workplace. He said any private citizen could enforce the law. He said it would require a lot of public education and to engage the City Manager to conduct the continued education. He said the Ordinance would be effective January 1, 2004, and therefore would not include an amortization clause.

Council President Spehar felt the compromised alternative would cost money, if not now, then in five years, and would create a lot more enforcement issues. He said if Council was to consider Ordinance Alternative No. 1, then to bring it back for discussion and to think about it.

Councilmember Palmer said he couldn't support all elements in Ordinance Alternative No. 1. He said he couldn't support no smoking in bars and motel rooms, or no minors in smoking areas. He said he heard what Council President Spehar said about Ordinance Alternative No. 2 but felt it was too convoluted. He agreed not to place the ordinance on the ballot. He said he couldn't vote on Ordinance Alternative No. 1; Alternative No. 2 is convoluted, but he hates to delay this issue.

Council President Spehar suggested Council look at Ordinance Alternative No. 1, yet give business owners the choice to allow smoking in bars since no minors are allowed in bars anyway.

Councilmember Butler said he would endorse Ordinance Alternative No. 1, exempt bars, but to make bingo halls and restaurants smoke-free. He reiterated that smoke was pollution.

Councilmember Enos-Martinez asked about restaurants and food sales and how liquor licenses would be affected.

City Attorney Wilson said the definition of a restaurant is when 50 percent or more of the income is derived from food sales.

He explained the difference among food percentages for taverns (liquor code), versus zoning code, versus the 50 percent rule.

Councilmember Kirtland said he does not support the sections regarding minors in smoking areas nor the late night smoking hours. He said the rest of the proposed ordinance would take some time to comply with. He was afraid customers would frequent outlying areas. He said time would be needed for people to react. He suggested a shorter than five-year amortization period.

City Attorney Wilson replied he could defend a three-year amortization.

Councilmember Hill said he had a tough time supporting Ordinance Alternative No. 1 and he would like to continue work on the template to see movement with or without the ordinance. He said Ordinance Alternative No. 2b does not affect private parties or private clubs.

Councilmember Kirtland inquired if when new buildings were constructed they include separators. Bob Blanchard, Community Development Director, answered the Department does not review interiors, but he could research it through the Building Department.

Council President Spehar suggested scheduling the next meeting for July 2<sup>nd</sup> and at that time review the modified Ordinance Alternative No. 1. He said he hoped Councilmember McCurry would be present then.

City Attorney Wilson verified the modifications as requested by Council as to: a) exempt freestanding bars; b) remove sections regarding motels; c) minors in smoking areas, and d) no exemptions for bingo halls.

Councilmember Hill asked if Council was proposing to hear more public comments.

City Attorney Wilson replied Council could hear all new testimony or none.

Councilmember Palmer asked if smoking outdoors would be allowed.

City Attorney Wilson said outdoor smoking would be allowed. He then asked Council if the "Retaliation Provision" should be left in the ordinance.

Council President Spehar said to leave that section in the proposed ordinance since it already is in the existing ordinance.

City Attorney Wilson wanted to know if he should delete the "Private Attorney" section in Ordinance Alternative No. 1. Council concurred.

Council President Spehar asked if Council should continue this hearing to July 2<sup>nd</sup>, and if so, should Council then hear more public comments.

Councilmember Palmer suggested continuing the hearing to July 2<sup>nd</sup>, and giving feedback and direction to the City Attorney. He said he is in favor of continuing the discussion but not of hearing any more testimony.

Councilmembers Butler and Kirtland agreed with Councilmember Palmer.

Councilmember Hill said he was not against hearing additional public comments.

Councilmember Kirtland asked, since there are substantive changes, would this be considered a First Reading?

City Attorney Wilson said yes.

Councilmember Enos-Martinez felt Council would receive the same comments as presented this evening, besides there already was plenty of written testimony.

City Manager Arnold noted Staff would have comments regarding enforcement of the ordinance.

Ordinance No. 3535 – An Ordinance Prohibiting Smoking in Workplaces and Public Places in the City of Grand Junction

Councilmember Enos-Martinez moved to continue the discussion until July 2<sup>nd</sup>, 2003. Councilmember Palmer seconded the motion.

After a short discussion, City Attorney Wilson said he would post the new alternative ordinance on the Web by the end of the week. He then listed the items to be included.

Council President Spehar verified the motion as being to continue the discussion of Ordinance No. 3535 – An Ordinance Prohibiting Smoking in Workplaces and Public Places in the City of Grand Junction. Motion carried by a vote of 4 to 2 with Councilmembers Butler and Hill voting NO.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

Councilmember Palmer moved to adjourn. Councilmember Enos-Martinez seconded the motion. Motion carried. The meeting adjourned at 11:49 p.m.

Stephanie Tuin, MMC  
City Clerk



**Attach 2  
Sanitary Sewer Improvement District No. SS-45-03**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>	Resolution declaring the intent of the City Council to create Sanitary Sewer Improvement District No. SS-45-03 and giving notice of a hearing.						
<b>Meeting Date</b>	July 2, 2003						
<b>Date Prepared</b>	June 20, 2003				File #		
<b>Author</b>	Rick Marcus			Real Estate Technician			
<b>Presenter Name</b>	Tim Woodmansee			Real Estate Manager			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	No		Yes	When		
<b>Citizen Presentation</b>		Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** A majority of property owners in an area on both sides of 26 ½ Road bounded by Dahlia Drive on the north, and F ½ Road on the south have signed a petition requesting an improvement district to provide sanitary sewer service to their neighborhood. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

**Budget:** Costs to be incurred within the limits of the proposed district boundaries are estimated to be \$105,366. Sufficient funds have been transferred from Fund 902, the sewer system “general fund”, to pay for these costs. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 9 benefiting properties, as follows:

Estimated Project Costs	\$105,366	\$11,707 / lot
-30% Septic System Elimination Contribution by City	(\$31,610)	(\$3,512) / lot
Total Estimated Assessments	\$73,756	\$8,195 / lot

Trunk Line Extension funds were used to get sewer in the vicinity of this district. Therefore, per City Resolution 47-93, the Trunk Line Extension fund will be reimbursed by a Trunk Line Extension Fee to be paid when each property connects to the sewer

system. The Trunk Line Extension Fee varies depending on the size of each property, as follows:

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

**Action Requested/Recommendation:** Pass and adopt proposed resolution declaring the intention of the City Council to create Sanitary Sewer Improvement District No. SS-45-03 and giving notice of a hearing.

**Attachments:** Vicinity map, ownership summary, proposed resolution, and notice of hearing.

**Background Information:** This project is part of the Septic System Elimination Program which was created to provide financial assistance for property owners who wish to participate in improvement districts. This program authorizes the City and Mesa County sewer fund to pay 30% of improvement district costs.

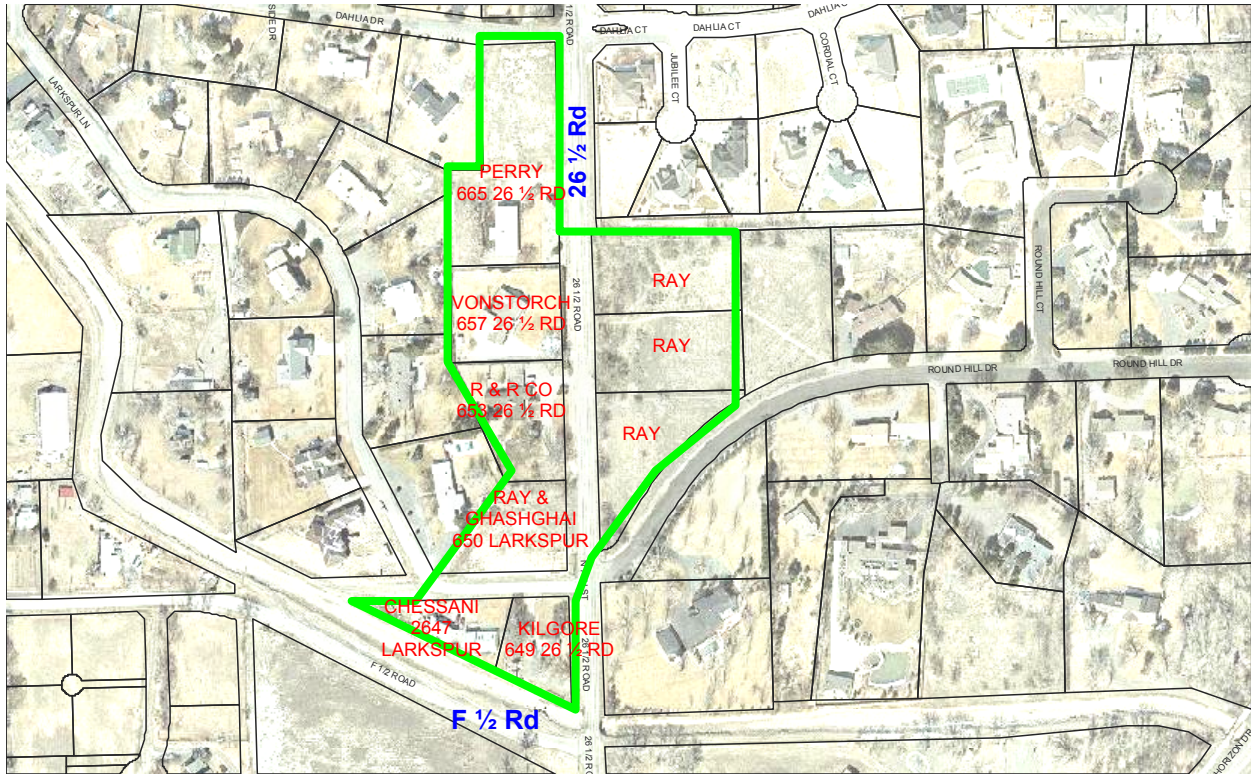
The proposed improvement district consists of 9 single-family properties which are connected to septic systems. Sixty-seven percent of the property owners have signed a petition requesting that this improvement district be created.

Creation of this proposed improvement district will require 7 temporary construction easements across properties included in this district. On August 6, 2003, the City Council will conduct a public hearing and consider a resolution to create this proposed improvement district.

**BOUNDARY OF THE PROPOSED 26 ½ ROAD  
SANITARY SEWER IMPROVEMENT DISTRICT**

*NORTH*





**OWNERSHIP SUMMARY**

**PROPOSED 26 1/2 ROAD  
SANITARY SEWER IMPROVEMENT DISTRICT  
No. SS-45-03**

SCHEDULE	OWNERSHIP	PROPERTY	ESMT
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<b>NO.</b>		<b>ADDRESS</b>	<b>REQ.?</b>
2945-022-00-050	L. Lucille Perry, Trustee	665 26 ½ Road	Temporary
2945-022-00-030	Virginia von Storch, Trustee	657 26 ½ Road	Temporary
2945-022-10-011	The R & R Company	653 26 ½ Road	Temporary
2945-022-10-013	Robert W. & Nancy L. Uhl	650 Larkspur Lane	Temporary
2945-021-06-010	Cecily Ray	Vacant	Temporary
2945-021-06-011	Cecily Ray	Vacant	Temporary
2945-021-06-012	Cecily Ray	Vacant	Temporary
2945-023-12-002	Ben & Cheryl Kilgore	649 26 ½ Road	No
2945-023-12-001	Christopher Chessani	2647 Larkspur Lane	No

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

**A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-45-03,**

**AUTHORIZING THE CITY UTILITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME, AND GIVING NOTICE OF A HEARING**

RECITALS: A majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, that a Sanitary Sewer Improvement District be created for the design, construction and installation of sanitary sewer facilities and appurtenances related thereto for the special benefit of the real property hereinafter described.

The City Council has found and determined, and does hereby find and determine, that the construction and installation of sanitary sewer facilities as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said district.

The City Council deems it necessary and appropriate to take the necessary preliminary proceedings for the creation of a special sanitary sewer improvement district, to be known as Sanitary Sewer Improvement District No. SS-45-03, to include the services and facilities as hereinafter described for the special benefit of the real property as hereinafter described.

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

1. That the real property (also known as the "District Lands") to be assessed with the total actual costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lots 24 through 27, inclusive, Northfield Estates Subdivision; and also

Lots 1, 2, and 3 Round Hill Subdivision; and also,

Beginning 602.3 feet north of the SE corner of the NW ¼ of Section 2, 1S 1W; thence west 240 feet, thence north 181.5 feet, thence east 240 feet, thence south to the point of beginning, and also Lot 13, Northfield Estates Subdivision, except the road as recorded on Book-939, Page-74 Mesa County Records; and also, Beginning 420.8 feet north of the SE corner of the NW ¼ of Section 2, 1S 1W; thence west 240 feet, thence north 181.5 feet, thence east 240 feet, thence south to the point of beginning, except the road as recorded in Book 939, Page 73, Mesa County Records.

All situate in Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado.

2. That the proposed services, labor, materials and improvements (also known as the "District Improvements") necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation and placement of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, compensation or fees required for easements, permits or other permanent or temporary interests in real property which may be required to accommodate the installation, operation, maintenance, repair and replacement of the District Improvements, together with any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon the District Lands shall be based upon the total actual costs of the District Improvements. The City Utility Engineer has estimated the total probable costs of the District Improvements to be \$105,366.00. Based on the aforesaid estimate of the City Utility Engineer, the assessments to be levied against and upon each individual parcel are estimated to be \$11,707.33; provided, however, that pursuant to a Joint Resolution by the City Council and the Board of Commissioners of Mesa County, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Notwithstanding the foregoing estimates, the total costs of the District Improvements, whether greater or less than said estimates, shall be assessed against and upon the District Lands. The assessments to be levied against and upon the District Lands do not include other costs and fees which the owners of the District Lands will be required to pay prior to making connection to the District Improvements, including, but not limited to, costs to extend the service lines from the stub-outs to the building(s) to be served, Plant Investment Fees, Trunk Line Extension Fees, and any other fees which may be required prior to making physical connections to the District Improvements.

4. That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. Failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and

each annual installment shall be paid on or before the same date each year thereafter until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-45-03 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the district depicting the District Lands to be assessed from which the amount of the estimated assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

6. That Notice of Intention to Create said Sanitary Sewer Improvement District No. SS-45-03, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

## **NOTICE**

### **OF INTENTION TO CREATE SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-45-03, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON**

**PUBLIC NOTICE IS HEREBY GIVEN**, pursuant to the request of a majority of the owners of the property to be assessed, to the owners of real estate in the district hereinafter described and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, has declared its intention to create Sanitary Sewer Improvement District No. SS-45-03, in said City, for the purposes of installing sanitary sewer facilities and related appurtenances to serve the property hereinafter described which lands are to be assessed with the total costs of the improvements, to wit:

Lots 24 through 27, inclusive, Northfield Estates Subdivision; and also

Lots 1, 2, and 3 Round Hill Subdivision; and also,  
Beginning 602.3 feet north of the SE corner of the NW  $\frac{1}{4}$  of Section 2, 1S 1W;  
thence west 240 feet, thence north 181.5 feet, thence east 240 feet, thence south  
to the point of beginning, and also Lot 13, Northfield Estates Subdivision, except  
the road as recorded on Book-939, Page-74 Mesa County Records; and also,  
Beginning 420.8 feet north of the SE corner of the NW  $\frac{1}{4}$  of Section 2, 1S 1W;  
thence west 240 feet, thence north 181.5 feet, thence east 240 feet, thence south  
to the point of beginning, except the road as recorded in Book 939, Page 73,  
Mesa County Records.



All situate in Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado.

**Location of Improvements:** Located in an area on both sides of 26 ½ Road bounded by Dahlia Drive on the north and F ½ Road on the south.

**Type of Improvements:** The improvements requested include the installation or construction of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, together with engineering, inspection, administration and any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, hereinafter referred to as the "District Improvements", all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements, which have been estimated by the City Utility Engineer to be \$105,366.00. However, pursuant to a Joint Resolution by the City Council and the Mesa County Board of Commissioners, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Assessments shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final.. Failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-45-03 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

On August 6, 2003, at the hour of 7:30 o'clock P.M. in the City Council Chambers located at 250 N. 5<sup>th</sup> Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the estimated share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2003

**BY ORDER OF THE CITY COUNCIL  
CITY OF GRAND JUNCTION, COLORADO**

**By:** \_\_\_\_\_  
City Clerk

**PASSED and ADOPTED** this \_\_\_\_\_, 2003

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

**Attest:**

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

**Attach 3  
Hazard Elimination Grant**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		<b>Approve Agreement with CDOT for Hazard Elimination Grant for Intersection Improvements at 24½ &amp; G Road</b>					
<b>Meeting Date</b>		July 2, 2003					
<b>Date Prepared</b>		June 24, 2003					
<b>Author</b>		Jim Shanks		Project Engineer			
<b>Presenter Name</b>		Mark Relph		Director of Public Works & Utilities			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:**

Approve a contract with CDOT for a **Federal Hazard Elimination Grant of \$771,241** for the intersection and drainage improvements at 24½ & G Road.

**Budget:** The project budget is as follows:

	<u>2003</u>	<u>2004</u>	
<u>Total</u>			
Federal Share	\$80,000	\$691,241	\$771,241
City Share	\$40,000	\$ 0	\$40,000

**Action Requested/Recommendation:**

Adopt a resolution which authorizes the City Manager to sign the agreement with CDOT to fund intersection improvements at 24 ½ & G Road in the amount of \$771,241.

**Background Information:** The proposed improvements consist of the construction of a roundabout, drainage and irrigation improvements to eliminate the two-way stop intersection. Construction of the improvements is scheduled to begin this winter and be completed by June, 2004.

The City applied for a Hazard Elimination Grant in 2002 for improvements to the intersection of 24 ½ & G Road. This intersection was submitted due to the documented

accident history. A roundabout was proposed due to its ability to reduce speeds and to reduce right angle accidents. The grant application was approved by CDOT in September, 2002.

This agreement includes language that requires compliance with NEPA and expects the City to use the CDOT right-of-way acquisition process. This same language has been in past agreements for state and federal funding of local construction projects. At worst, these extra processes could delay the construction of this improvement for about one year. Without this grant it could be substantially more than one year before resources would be available in the Capital Improvement Plan to perform this work. Since this is a 98% grant, it is not unreasonable to proceed with the project under these federal rules.

**RESOLUTION No. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING A CONTRACT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR HAZARD ELIMINATION GRANT FUNDING FOR INTERSECTION IMPROVEMENTS AT 24 ½ & G ROAD.**

**RECITALS:**

The City Council of the City of Grand Junction, hereby resolves to enter into a contract with the State of Colorado, Department of Transportation (State) for the improvement/re-construction of intersection of 24.5 and G Roads. By Resolution 43-02 the City sought Federal Hazard Elimination funding for intersection improvements at 24.5 & G Road. The City was successful in obtaining grant funding.

The construction cost of the project funded by this grant is as follows:

Federal funding in the amount of \$771,241 has been authorized by the Colorado Department of Transportation,

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

The agreement with the Colorado Department of Transportation to provide Hazard Elimination funding in the amount of \$771,241 is hereby approved and the City Manager is hereby authorized to sign the agreement.

PASSED AND APPROVED this \_\_\_\_ day of July 2003.

\_\_\_\_\_  
the Council

Jim Spehar  
President of

Attest:

---

Stephanie Tuin  
City Clerk

**Attach 4  
Setting a Hearing – Vacating of ROW and Multipurpose Easements Rimrock  
Marketplace 3**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	<b>Vacation of Right-of-Way and Multi-purpose Easements, Rimrock Marketplace 3 Subdivision</b>						
Meeting Date	<b>July 2, 2003</b>						
Date Prepared	<b>June 24, 2003</b>				File # PFP-2003-076		
Author	<b>Pat Cecil</b>			Development Services Supervisor			
Presenter Name	Pat Cecil			Development Services Supervisor			
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When		
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

**Summary:** The petitioners are requesting the vacation of portions of the Ligrani Lane right-of-way and portions of the multi-purpose easements located on either side of the right-of-way. The purpose of the vacations is to allow for the reconfiguration of Ligrani Lane to create a cul-de-sac to provide road frontage to the Woolard lot that is located north of the Rimrock Marketplace project, adjacent to Highway 6 & 50. New right-of-way and multi-purpose easements will be dedicated on the new recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

**Background Information:** The Planning Commission reviewed the vacation request on June 24, 2003, and recommends that the City Council approve the vacation request.

**Budget:** There are no budget impacts from the vacation.

**Action Requested/Recommendation:** Schedule a public hearing for July 16, 2003, and adopt the ordinance on second reading.

Attachments:

1. **Staff report/Background information**
2. **General Location Map**
3. **Aerial Photo**
4. **Growth Plan Map**
5. **Zoning Map**
6. **Vacation Diagram**
7. **Preliminary/Final Plat**
8. **Vacation Ordinance**

Background Information: **See attached Staff Report/Background Information**

BACKGROUND INFORMATION			
Location:		<b><i>2530 &amp; 2546 Rimrock Avenue, 519 Ligrani Lane and 2541 Hwy. 6 &amp; 50</i></b>	
Applicants:		<b>THF Belleville, LP, - Petitioner Elizabeth and Harold Woolard –Petitioner LANDesign - Representative</b>	
Existing Land Use:		<b><i>Commercial uses (existing and under construction) and undeveloped commercial land</i></b>	
Proposed Land Use:		<b><i>Commercial</i></b>	
<b>Surrounding Land Use:</b>	North	<b><i>Commercial uses and Hwy 6 &amp; 50</i></b>	
	South	Commercial use under construction	
	East	Commercial uses	
	West	Undeveloped commercial land	
Existing Zoning:		<b>General Commercial (C-2)</b>	
Proposed Zoning:		<b>Same</b>	
<b>Surrounding Zoning:</b>	North	<b>C-2</b>	
	South	<b>C-2</b>	
	East	<b>C-2</b>	
	West	<b>C-2</b>	
Growth Plan Designation:		<b>Commercial</b>	
Zoning within density range? N/A		<b>Yes</b>	<b>No</b>



**PROJECT DESCRIPTION:** The project involves the vacation of a portion of the dedicated right-of-way for Ligrani Lane and vacation of a portion of the dedicated multi-purpose easements that exist on either side of the right-of-way being vacated to allow for the extension and re-alignment of Ligrani Lane.

**RECOMMENDATION:** The Planning Commission recommends that the City Council approve the vacation of a portion of the right-of-way for Ligrani Lane and portions of the multi-purpose easements adjacent to Ligrani Lane.

**ANALYSIS:**

1. Background:

The Rimrock Marketplace subdivision was recorded in October of 2002. As a component of an agreement regarding an appeal of the administrative approval of the Final Plat, the developer of the Rimrock Marketplace project agreed to provide a cul-de-sac at the north end of Ligrani Lane to provide improved access to the Wollard lot.

As a result of that agreement, a lot line adjustment and vacation of platted right-of-way and associated multi-purpose easements was necessary.

In order to save time and expense, the developer of the Rimrock Marketplace is requesting approval of a Preliminary Plat/Final Plat as part of the line adjustment and vacation, to create a new lot from Lot 1 of Block 2 at this time. New right-of-way and multipurpose easement dedications for the realigned Ligrani Lane will occur with the recording of the new plat.

2. Consistency with the Growth Plan:

The existing and proposed uses on the site will remain commercial, consistent with the Commercial Land Use designation on the Future Land Use Map for the site.

3. Section 2.11.c of the Zoning and Development Code:

Requests for the vacation of any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
- b. No parcel shall be landlocked as a result of the vacation.

- c. 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.**
- d. 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).**
- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.**
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.**

**The proposed vacation of a portion of the right-of-way for Ligrani Lane and the associated multi-purpose easements is consistent with and in compliance with all criteria of Section 2.11.c. of the Zoning and Development Code.**

FINDINGS OF FACT/CONCLUSIONS for the Vacation request:

**After reviewing the Rimrock Marketplace 3, (PFP-2003-076) for the vacation of a portion of public right-of-way and multi-purpose easements, the Planning Commission recommends that the City Council make the following findings of fact and conclusions and approve the vacation request:**

- 1. The requested right-of-way/easement vacation is consistent with the Growth Plan.**
- 2. The review criteria in Section 2.11.C. of the Zoning and Development Code have all been met.**

**PROJECT NARRATIVE**

**Rimrock Marketplace 3 Subdivision**  
And  
**Vacation of Ligrani Lane**

Re-Plat of Blocks 2 &3, Rimrock Marketplace 2 subdivision  
And Tax Parcel 2945-103-00-080

**2530 Rimrock Avenue**

April 18, 2003

Prepared for:

THF Grand Junction Development LLC  
2127 Innerbelt Business Center Drive  
Suite 200  
St. Louis, MO 63114  
314-429-0900

Prepared by:

**LANDesign**  
ENGINEERS • SURVEYORS • PLANNERS

244 N. 7<sup>th</sup> Street  
Grand Junction, CO 81501  
(970) 245-4099

**A. Project Description**

Rimrock Marketplace 3 Subdivision is a replat of Blocks 2 and 3, Rimrock Marketplace 2 Subdivision, and Tax parcel 2945-103-00-080 located north of Blocks 2 and 3, at the Southeast corner of the intersection of Highway 6 and 50 and Rimrock Avenue. The purpose of the Subdivision is to create two lots in the existing Block 3 of Rimrock Marketplace 2 Subdivision, and to reconfigure Ligrani Lane and add a Cul-de-sac at the north end to serve the property to the north and meet the Fire Department request, which requires the replat of Block 2.

Proposed Block 1 will consist of three Lots. Lot 1 is 3.830 acres, Lot 2 is 0.927 acres, and, Lot 3 (existing Woolard property) is 1.038 acres. Proposed Block 2, Lot 1 is 1.663 acres.

The subject property is part of the approved Rimrock Development currently under construction and the Woolard property to the north that presently has a RV and other recreational vehicles resale business on site.

**B. Public Benefit**

Rimrock Marketplace 3 Subdivision is a continuing development of Rimrock Marketplace 2 Subdivision, which allows for the development of the pads. The proposed subdivision is designed in accordance with the City of Grand Junction Standards and the approved plans for Rimrock Development. The pads will be developed as C-2 acceptable uses that will serve the growing needs of the community.

**C. Project Compliance, Compatibility and Impact**

1. Zoning

The subject property is zoned C-2. The property is part of the approved Rimrock Development (File FP 2002-023).

2. Surrounding Land Use

The Land use surrounding the property is Commercial. The property to the West and South is the Rimrock Development, consisting of 5 parcels designated as Commercial. The property to the North is an Auto sales center. The property to the East is the undeveloped 25 ½ Road, with a RV center east of the road.

3. Site Access

The new Block 1, lot 1 will have access off of Rimrock Avenue. Block 2, Lot 2 will have access off of Ligrani Lane. The north end of Ligrani Lane will provide access to the adjoining property to the north. Block 2 will have access off of Ligrani Lane and Rimrock Avenue. The development of this subdivision was incorporated into the traffic study for the Rimrock Marketplace Center. Ligrani Lane has been re-designed, to accommodate the cul-de-sac at the north end of the street, as part of this submittal. The North end of Ligrani Lane is being vacated as part of this process to accommodate the new Cul-de-sac design.

4. Utilities

The site will be served by new utilities constructed in the development of Rimrock Marketplace, presently under construction as approved by the City of Grand Junction.

**D. Right-of-Way and 14 foot Multipurpose easement Vacation**

The vacation of a portion of Ligrani Lane is required for the re-alignment of the north end of Ligrani Lane. A cul-de-sac at the north end of Ligrani Lane is required to provide access to the parcel to the north (Lot 3, Block 1, Rimrock Marketplace 3 Subdivision) and to meet the fire department request for a turnaround.



The original Ligrani Lane, as platted by Rimrock Marketplace 2 Subdivision, is a straight road with no cul-de-sac at the end. The proposed Ligrani Lane is a curve street with a Cul-de-sac at the north end. The new design creates a sliver of dedicated road right-of-way that is not uniform with the new road design. This vacation is required to make the road right-of-way uniform for the new design.

There are no utilities in the existing right-of-way or 14' multi purpose easements to be vacated.

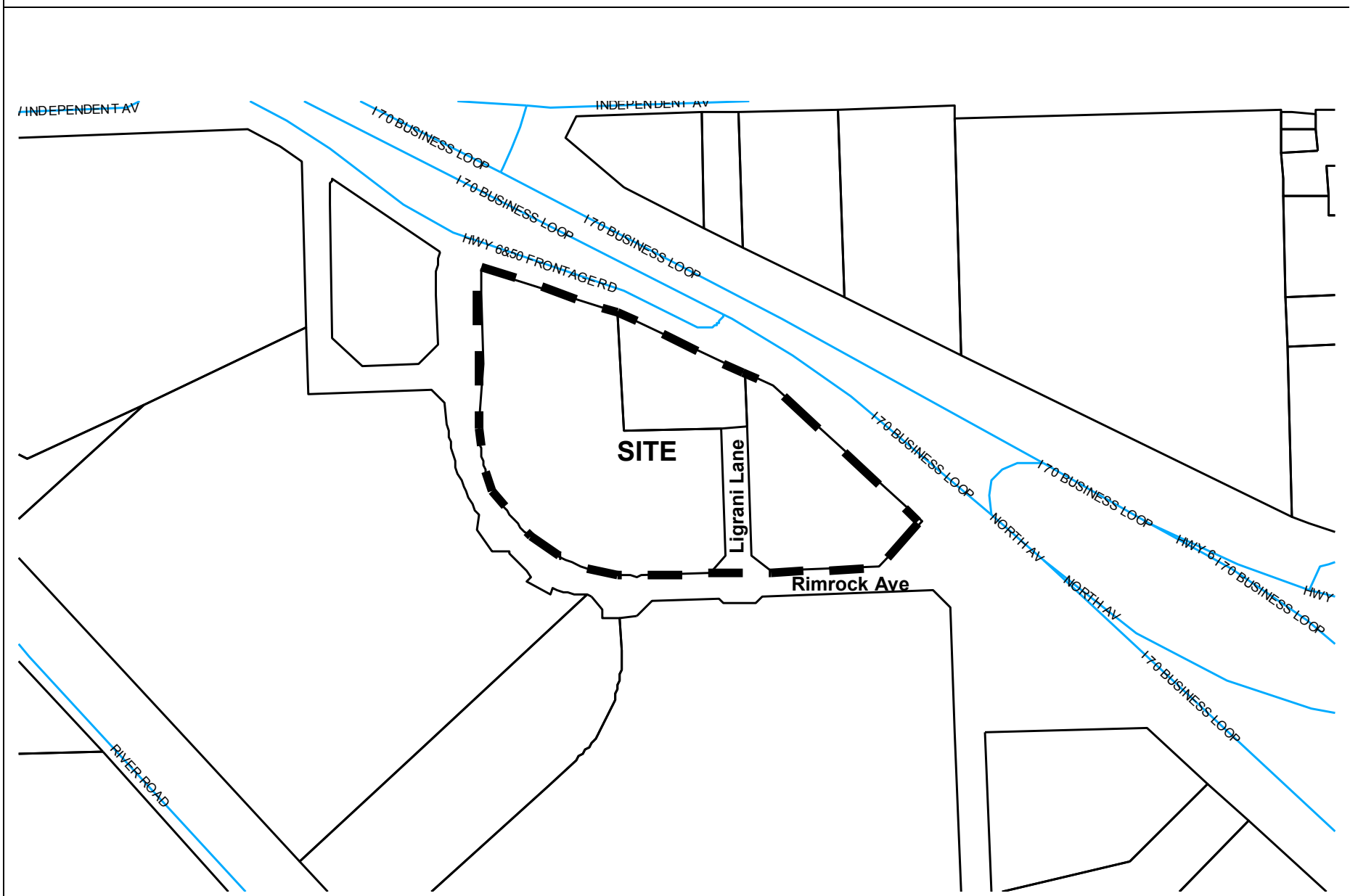
The vacation of the existing right-of-way meets the Approval Criteria in City Code under 2.11

- 1) The vacation of the right-of-way is in conformance with the overall street plan approved by the City, for the Rimrock development, and allows for a uniform right-of-way for the required cul-de-sac.
- 2) The new cul-de-sac at the end of Ligrani Lane, to be created by this plat, assures that there will not be a land locked parcel created by the vacation of a portion of Ligrani Lane.
- 3) The proposed vacation will allow for the access to adjoining parcels with the new road configuration.
- 4) The vacation of part of the existing Ligrani Lane will allow for a cul-de-sac at the end of the road and will not adversely affect the health, safety and welfare of the general community.
- 5) Adequate public facilities and services will not be inhibited by this vacation.
- 6) The vacation will allow for the new road design thereby reducing maintenance to a uniform configuration and improve circulation by the creation of a cul-de-sac.

The vacation of part of Ligrani Lane is required to accommodate the City requirement for a cul-de-sac at the end of Ligrani Lane. At this time Ligrani Lane is not a developed street. Therefore, there will not be any adverse impact in the vacation of a part of the Street right-of-way to accommodate the new configuration, proposed by the plat of Rimrock Marketplace 3 Subdivision.

# Site Location Map

Figure 1





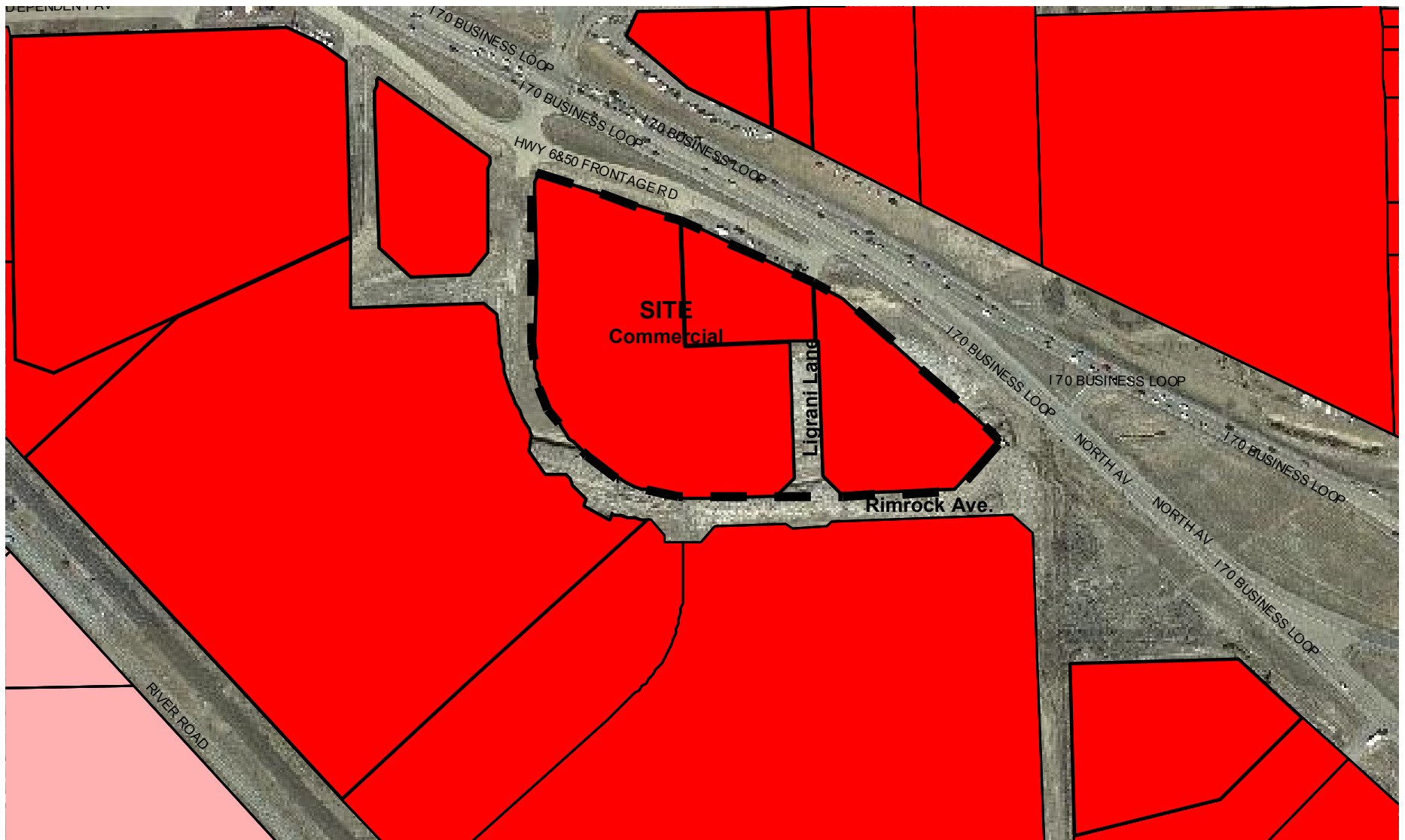
# Aerial Photo Map

Figure 2



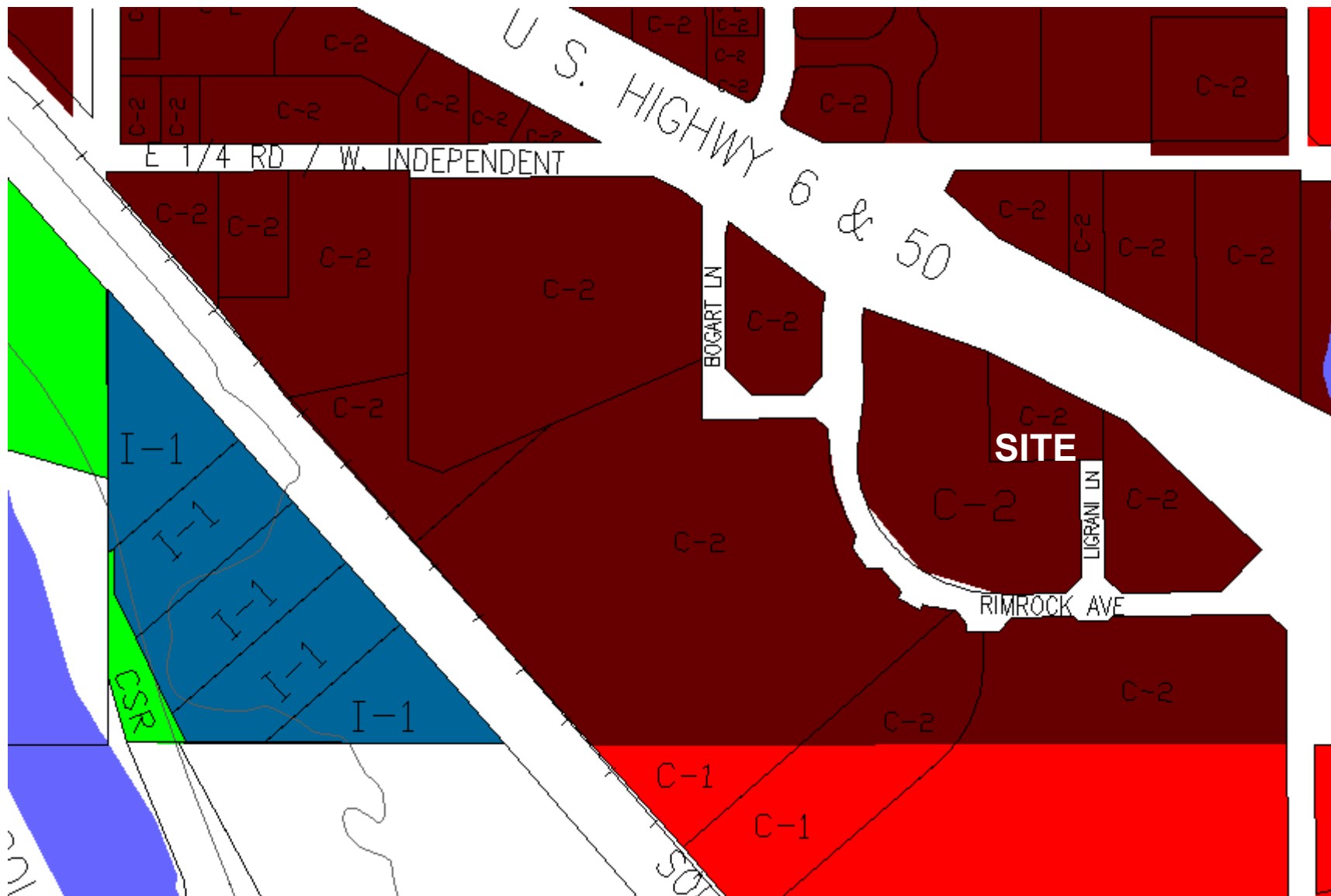
# Future Land Use Map

Figure 3



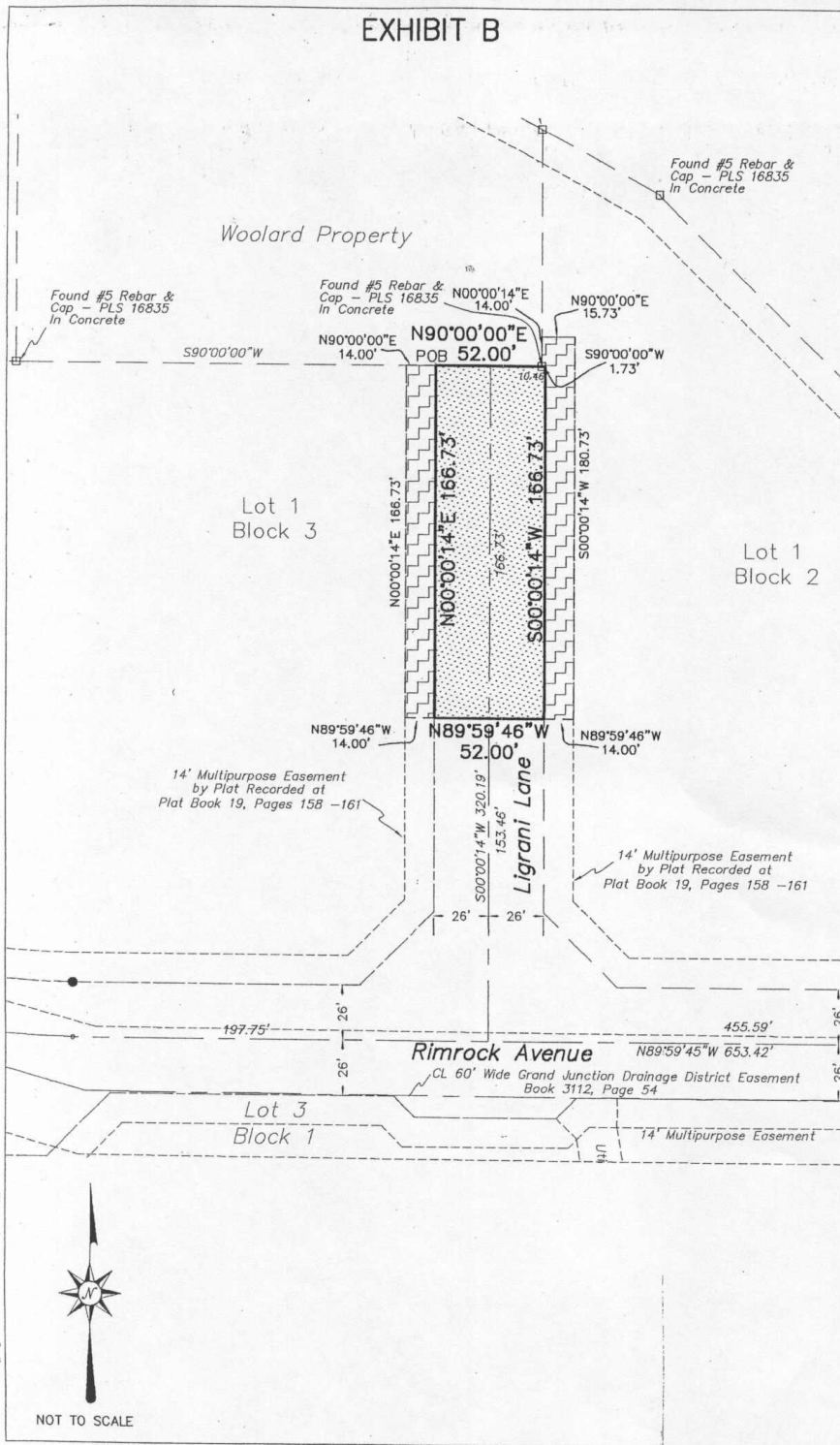
# Existing City and County Zoning

Figure 4

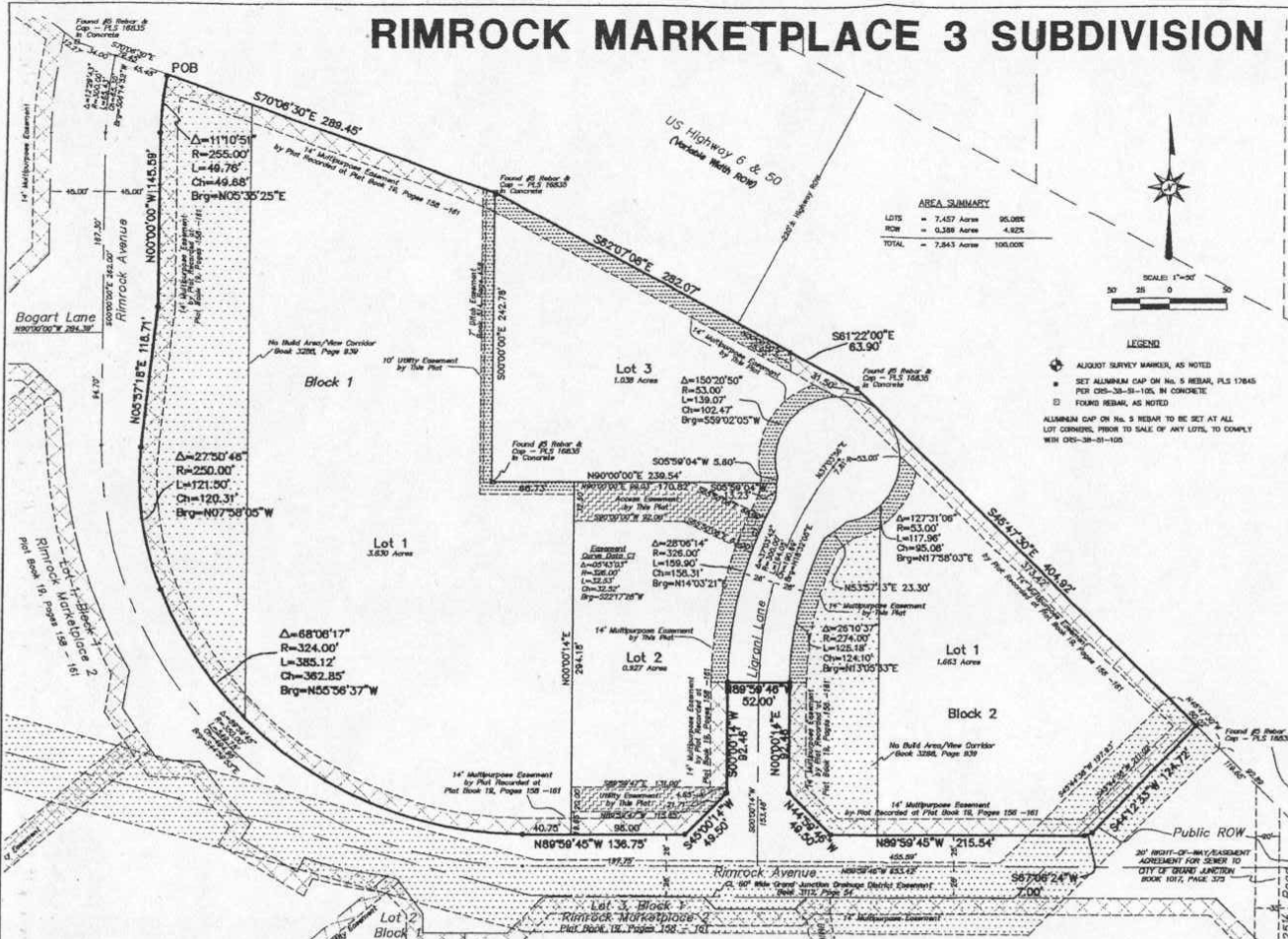


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning

EXHIBIT B



# RIMROCK MARKETPLACE 3 SUBDIVISION

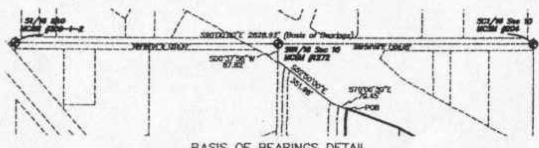


**AREA SUMMARY**

LOTS	= 7.457 Acres	95.00%
ROW	= 0.283 Acres	3.83%
TOTAL	= 7.743 Acres	100.00%



- LEGEND**
- ▲ ADJUST SURVEY MARKER, AS NOTED
  - SET ALLUMINUM CAP ON No. 5 REBAR, PLS 17645 FOR DIS-38-81-105, IN CONCRETE
  - FOUND REBAR, AS NOTED
  - ◻ ALLUMINUM CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH DIS-38-81-105



**CITY OF GRAND JUNCTION APPROVAL**

This plat of Rimrock Marketplace 3 Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

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

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

**TITLE CERTIFICATION**

STATE OF COLORADO }  
COUNTY OF MESA }

We, \_\_\_\_\_ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the herein described property, that we find the title to the property is vested to \_\_\_\_\_ that the current taxes have been paid; that all mortgages not satisfied or released or record not otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all assessments, reservations and rights of way of record are shown hereon.

Date: \_\_\_\_\_ by: \_\_\_\_\_ Name And Title \_\_\_\_\_  
for: \_\_\_\_\_ Name Of Title Company \_\_\_\_\_

**SURVEYOR'S CERTIFICATION**

I, Patrick R. Green, do hereby certify that the accompanying plat of Rimrock Marketplace 3 Subdivision, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. This plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

Date certified \_\_\_\_\_

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS: That The Grand Junction Development, L.L.C., a Missouri Limited Liability Company and Harold E. Woodard and Elizabeth A. Woodard are the owners of that real property located in part of the Southwest Quarter (SW1/4) of Section 10, Township 1 South, Range 1 West of the One Meridian, Mesa County, Colorado, being more particularly described as follows:

Lot 1, Block 2 and Lot 1, Block 3, Rimrock Marketplace 3, as shown on said record in Plat Book 18, Pages 156 through 161 of the Mesa County records, and that property as described in Warranty Deed Book 3700, Page 836 of the Mesa County records (Woodard), and that portion of Loyal Lane owned by City of Grand Junction Colorado Inc. \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Said parcels containing 7.843 Acres, as described.

That said owners here by these presents have sold, granted, and assigned the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as Rimrock Marketplace 3 Subdivision, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

All streets, roads and rights-of-way are dedicated to the City of Grand Junction for the use of the public forever.

All Utility Easements to the City of Grand Junction for the use of City approved public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, water lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, applicant show public providers and appurtenant facilities.

All Multipurpose Easements to the City of Grand Junction for the use of City approved utility and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, water TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and to Drainage & and Detention/Retention easements, the right to change provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby pledged shall not be liable for encroachment or easements by encroaching or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

IN WITNESS WHEREOF, said owners, The Grand Junction Development, L.L.C., a Missouri Limited Liability Company and Harold E. Woodard and Elizabeth A. Woodard have caused their names to be hereunto subscribed, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

by: \_\_\_\_\_ Title \_\_\_\_\_  
The Grand Junction Development, L.L.C., a Missouri Limited Liability Company

by: \_\_\_\_\_ Title \_\_\_\_\_  
Harold E. Woodard

**NOTARY PUBLIC'S CERTIFICATE**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ for The Grand Junction Development, L.L.C., a Missouri Limited Liability Company, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Witness my hand and official seal:

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**NOTARY PUBLIC'S CERTIFICATE**

STATE OF Colorado )  
COUNTY OF Mesa )

The foregoing instrument was acknowledged before me by Harold E. Woodard, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Witness my hand and official seal:

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**NOTARY PUBLIC'S CERTIFICATE**

STATE OF Colorado )  
COUNTY OF Mesa )

The foregoing instrument was acknowledged before me by Elizabeth A. Woodard, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Witness my hand and official seal:

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**GENERAL NOTES**

The Description of Easements and Easements are recorded at Book \_\_\_\_\_ Page \_\_\_\_\_, Mesa County Records.

Books of bearings in the North 1/4 of the South 1/4 of the Southwest Quarter of Section 10 which bears South 90 degrees 00 minutes 00 seconds East, a distance of 3628.92 feet, as measured. Both instruments on this line are Mesa County Survey letters, as shown on the face of this plat.

Note: Property corners located during this survey that were within 0.254 feet of the calculated point were accepted as being "in position".

Easement and Title Information provided by Stewart Title of Western Colorado, Inc., Commitment No. 030045836, dated Dec. 2, 2002, and No. 020045836, dated Dec. 11, 2002.

Useholder's Redistribution of plat, executed by First Block, is recorded at Book \_\_\_\_\_ Page \_\_\_\_\_, Mesa County, Colorado records.

- NOTES REQUIRED BY THE CITY**
- All Separators/Sign Base/Shopping Center standards as set forth in Section 4.3.14 of the City of Grand Junction Zoning and Development Code, adopted March 7, 2002, or subsequent amendments, are required to be used for the development of any of these lots. The development within this subdivision that meets the standards and is approved shall not be constructed until standards for the entire shopping center. All subsequent development shall be consistent with these design standards.
  - The following signage shall be permitted for lots within this development:
    - One freestanding entrance sign shall be permitted for the entire development along the Highway 6 & 50 frontage. Said sign shall be limited to a maximum height of 40 feet and a maximum sign face area of 370 square feet per side.
    - Two signs shall be limited to maximum sign face area of 5-foot and a maximum sign face area of 60 square feet per side. One such sign shall be located at the intersection of the lot and the lot frontage.
    - Building signs shall be limited to 1.75 square feet of sign per front foot of building frontage on a public road right-of-way. No sign shall be larger than 300 square feet.

**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO )  
COUNTY OF MESA )

I hereby certify that this instrument was filed in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ M., \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003, and was duly recorded in Plat Book \_\_\_\_\_ Page No. \_\_\_\_\_ Reception No. \_\_\_\_\_ Drawer \_\_\_\_\_ Fee: \_\_\_\_\_

Clerk and Recorder: \_\_\_\_\_  
By: \_\_\_\_\_ Deputy

**RIMROCK MARKETPLACE 3 SUBDIVISION**

SECTION 10, T1S, R1W, UM  
MESA COUNTY, COLORADO

**LANDesign**

LAND DESIGN • SURVEYING • PLANNING

GRAND JUNCTION, COLORADO 81501 (970) 245-4000

PATRICK R. GREEN  
COLORADO PROFESSIONAL LAND SURVEYOR  
P.L.S. No. 1748

PLAT NO. 2002-23 SURVEYED DRAWN CHECKED SHEET OF

DATE: Feb. 2003 14:50/ACW JSG PRC 1 1

**City of Grand Junction**

**Ordinance No.**

**AN ORDINANCE VACATING A PORTION OF Ligrani Lane and portions of adjacent multi-purpose easements**

LOCATED BETWEEN Rimrock Avenue and State Highway 6 & 50

RECITALS:

A vacation of a portion of the dedicated right-of-way for Ligrani Lane and portions of adjacent multi-purpose easements has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation 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 for Ligrani Lane and adjacent multi-purpose easements are hereby vacated subject to the listed conditions:**

- 1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance.**
- 2. The Vacation Ordinance will be recorded concurrent with the Final Plat for the Rimrock Marketplace 3 Subdivision.**

The following right-of-way and multi-purpose easements are shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

**BEING a portion of the 52 foot wide right-of-way for Ligrani Lane, located in the Rimrock Marketplace 2 Subdivision, as shown on the plat of said subdivision recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records and being more particularly described as follows:**

**BEGINNING at the corner of Lot 1, Block 3 of said Rimrock Marketplace 2 Subdivision, whence the most Southwesterly Northwest corner of said Lot bears South 90 degrees 00 minutes 00 seconds West, for a basis of bearings, with all bearings contained herein relative thereto; thence North 90 degrees 00 minutes 00 seconds East, a distance of 52.00 feet, to a point on the West line of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision; thence, along said West line of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, South 00 degrees 00 minutes 14 seconds West, a distance of 166.73 feet; thence, North 89 degrees 59 minutes 46 seconds West, a distance of 52.00 feet, to a point on the East line of said Lot 1, Block 3 of said Rimrock Marketplace 2 Subdivision; thence, along said East line, North 00 degrees 00 minutes 14 seconds East, a distance of 166.73 feet to the Point of Beginning.**

**Said parcel containing an area of 0.199 Acres, as described.**

Dedicated multi-purpose easements to be vacated:

**1) BEING a portion of the 14 foot wide multi-purpose easement West of Ligrani Lane, located in Lot 1, Block 2, Rimrock Marketplace 2 Subdivision, as shown on the plat of said subdivision recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records and being more particularly described as follows:**

**BEGINNING at the Northwest corner of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, whence the most Southwesterly Northwest corner of said Lot bears South 90 degrees 00 minutes 00 seconds West, for a basis of bearings, with all bearings contained herein relative thereto; thence, along the West line of said Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, North 00 degrees 00 minutes 14 seconds East, a distance of 14.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 15.73 feet; thence South 00 degrees 00 minutes 14 seconds West, a distance of 180.73 feet; thence North 89 degrees 59 minutes 46 seconds West, a distance of 14.00 feet, to a point on the West line of said Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision; thence, along said West line of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, North 00 degree 00 minutes 14 seconds East, a distance of 166.73 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 1.73 feet to the Point of Beginning.**

**Said parcel containing an area of 0.059 Acres, as described.**

**2) BEING a portion of the 14 foot multi-purpose easement West of Ligrani Lane, located in Lot 1, Block 3, Rimrock Marketplace Subdivision, as shown on the plat of said subdivision recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records and being more particularly described as follows:**

**BEGINNING at the Northwest corner of Lot 1, Block 3 of said Rimrock Marketplace 2 Subdivision, whence the most Southeasterly Northwest corner of said Lot bears South 90 degrees 00 minutes 00 seconds West, for a basis of bearings, with all bearings contained herein relative thereto; thence, along the East line of said Lot 1, Block 3, Rimrock Marketplace 2 Subdivision, South 00 degrees 00 minutes 14 seconds West, a distance of 166.73 feet; thence North 89 degrees 59 minutes 46 seconds West, a distance of 14.00 feet; thence North 00 degrees 00 minutes 14 seconds East, a distance of 166.73 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 14.00 feet to the Point of Beginning.**

**Said parcel containing an area of 0.054 Acres, as described.**

Introduced for first reading on this 2<sup>nd</sup> day of July, 2003

PASSED and ADOPTED this      day of      , 2003.

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

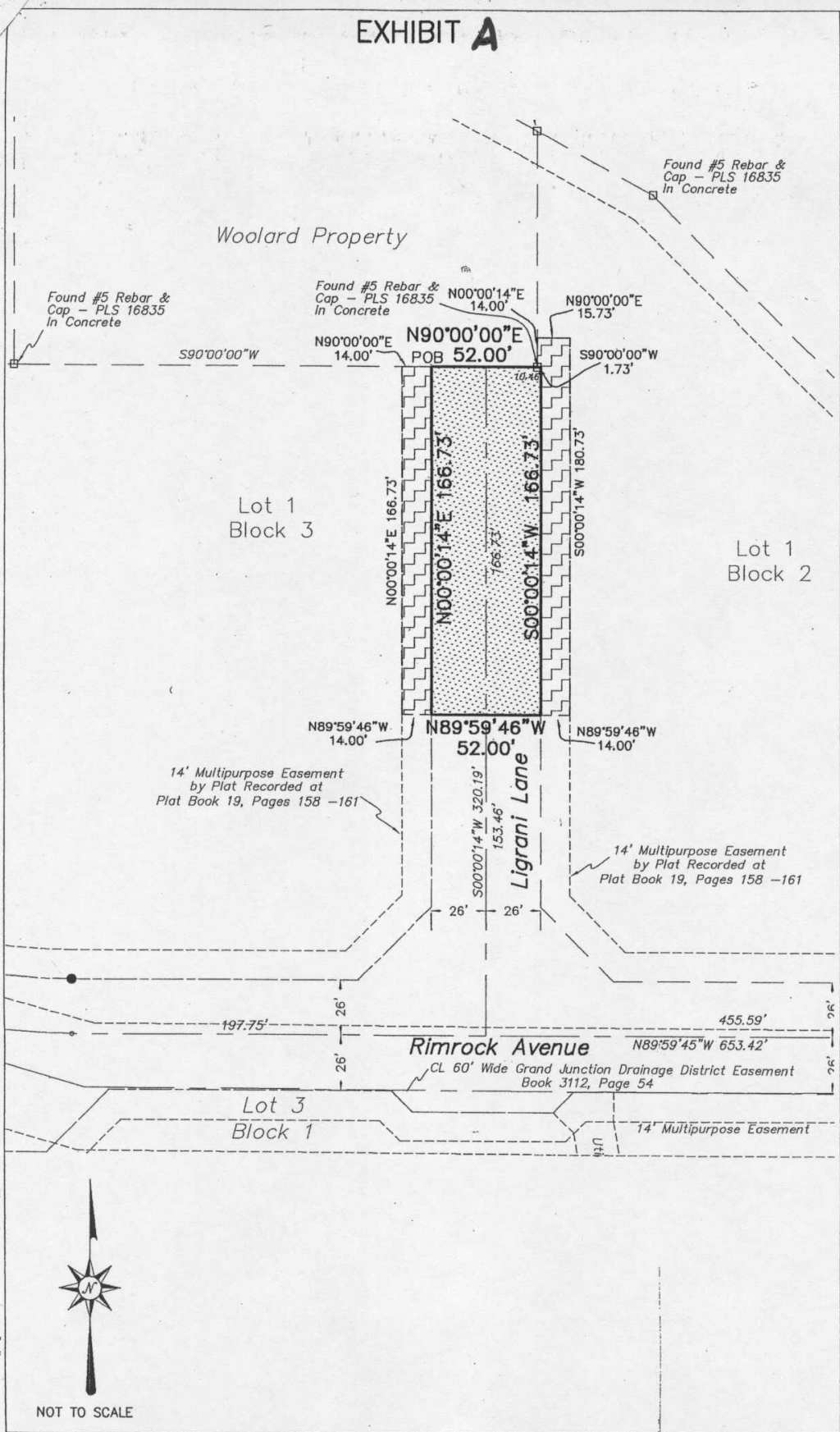
ATTEST:

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





# EXHIBIT A



**Attach 5**

**Setting a Hearing Zoning the Sunrise Acres Annexation Located at 3068 F Road**

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Zoning Sunrise Acres Annexation No. 1, 2, 3 and 4, located at 3068 F Road					
<b>Meeting Date</b>		July 2, 2003					
<b>Date Prepared</b>		June 25, 2003			<b>File #ANX-2003-090</b>		
<b>Author</b>		Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>		Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** Introduction of the Zoning ordinance to zone the Sunrise annexation RSF-4, located at 3068 F Road; Residential Single Family, not to exceed 4 dwelling units per acre.

**Budget:** N/A

**Action Requested/Recommendation:** Approve first reading of the zoning ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 6. Staff report/Background information
- 7. General Location Map
- 8. Aerial Photo
- 9. Growth Plan Map
- 10. Zoning Map
- 11. Annexation map
- 12. Zoning Ordinance

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		3068 F Road		
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		CPS Enterprises, LLC, owner; Vista Engineering Corporation, representative		
<b>Existing Land Use:</b>		Vacant land and house		
<b>Proposed Land Use:</b>		<i>Residential</i>		
Surrounding Land Use:	<b>North</b>	Thunder Mountain Elementary		
	<b>South</b>	Museum of Western Colorado		
	<b>East</b>	Single Family residential		
	<b>West</b>	Single Family residential		
<b>Existing Zoning:</b>		RSF-4 (Mesa County)		
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)		
Surrounding Zoning:	<b>North</b>	RSF-4 (Mesa County)		
	<b>South</b>	RSF-4 (Mesa County)		
	<b>East</b>	RSF-4 (Mesa County)		
	<b>West</b>	RSF-4 (Mesa County)		
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre		
<b>Zoning within density range?</b>		<b>X</b>	Yes	No

**Staff Analysis:**

**Rezoning:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of “residential medium low”, 2 to 4 dwelling units per acre. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

**In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:**

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

**Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criteria is not applicable.**

- 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.;**

**Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.**

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

**Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.**

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

**Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.**

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

**Response: Adequate public facilities are available or will be supplied at the time of further development of the property.**

- 6. There is not an adequate supply of land available in the neighborhood and**

**surrounding area to accommodate the zoning and community needs; and**

**Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.**

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

**Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.**

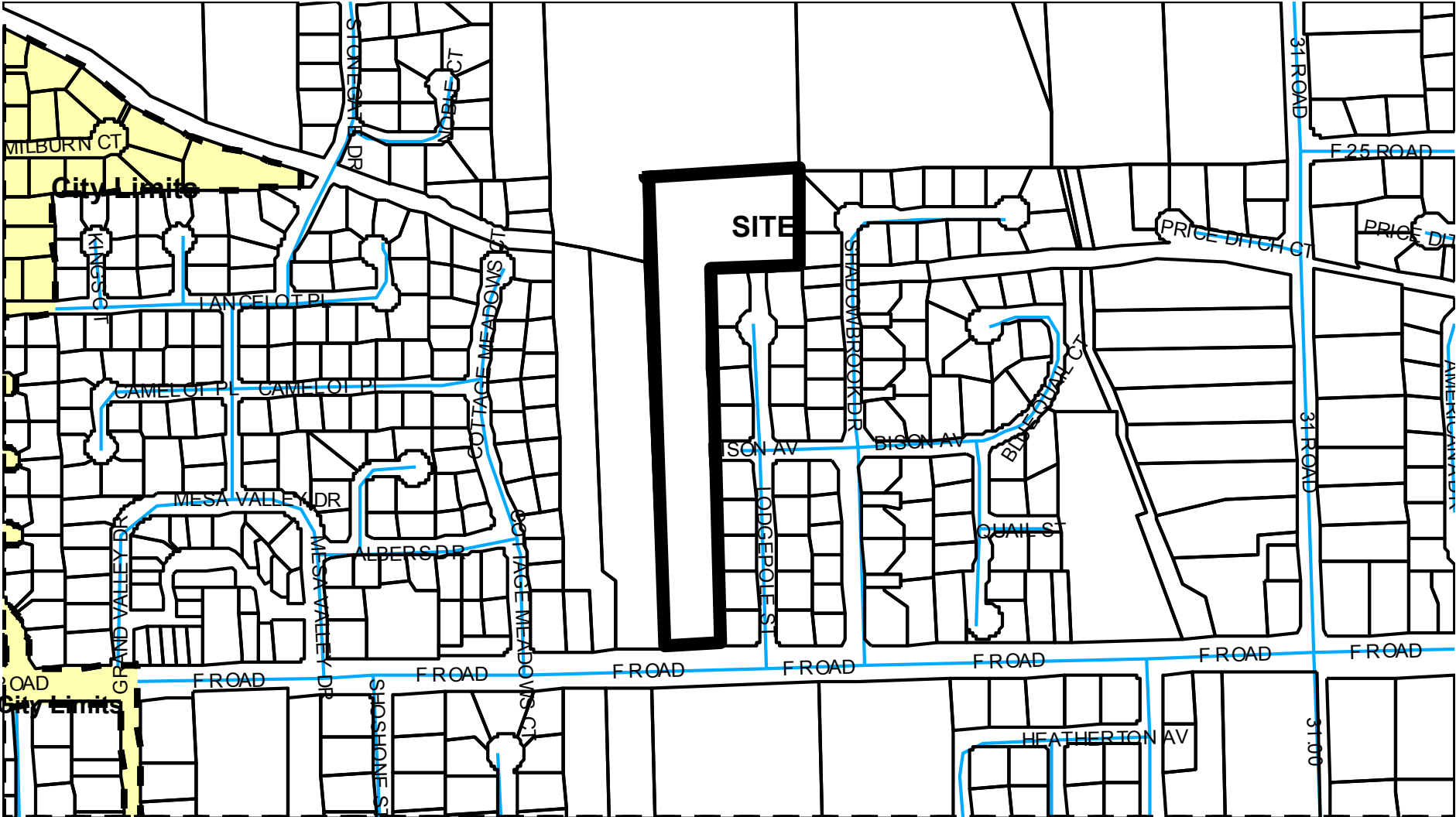
**STAFF RECOMMENDATION**

**Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.**

**PLANNING COMMISSION RECOMMENDATION:** At their regularly scheduled meeting of June 10, 2003, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

Figure 1



# Aerial Photo Map

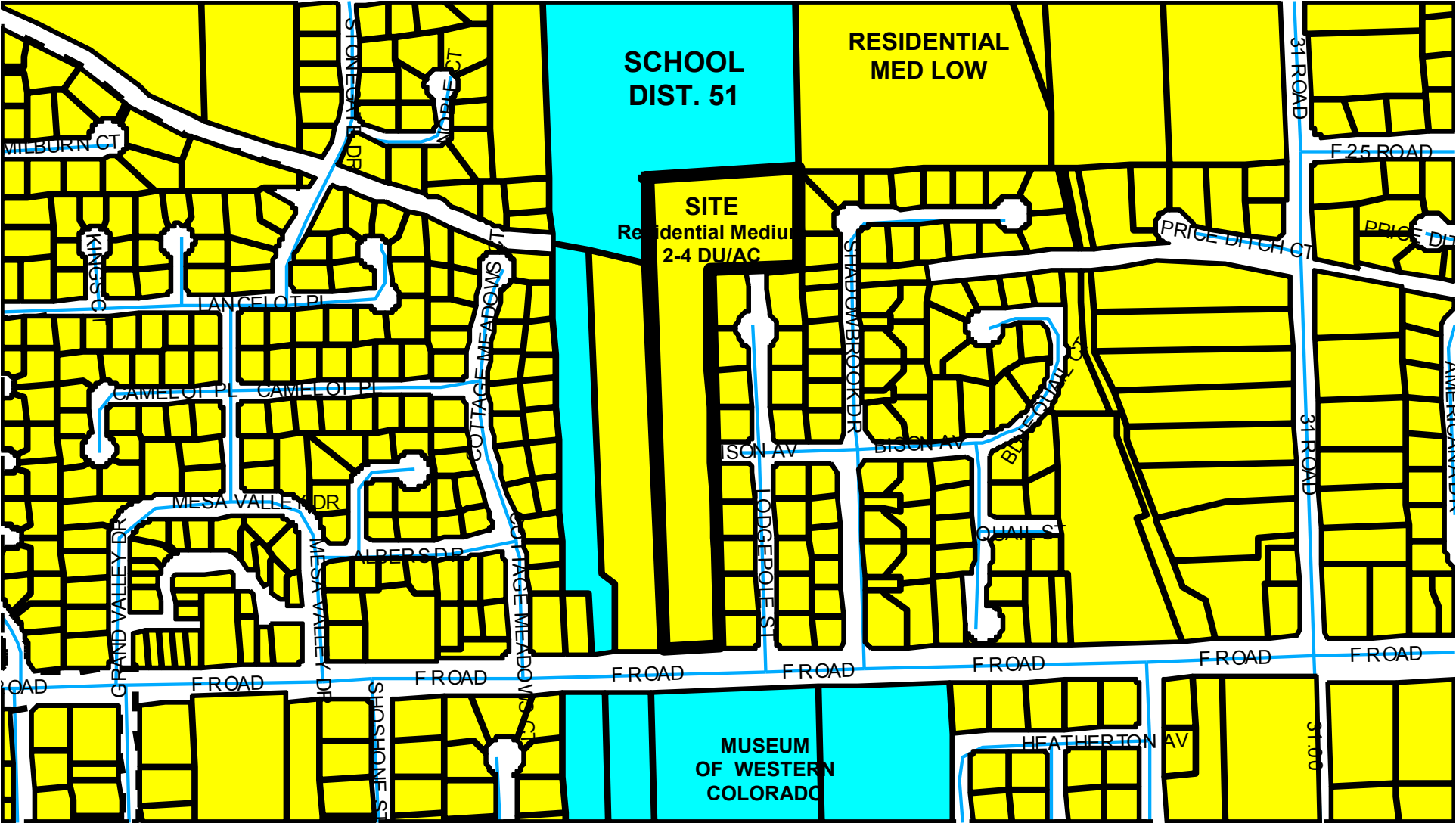
Figure 2





# Future Land Use Map

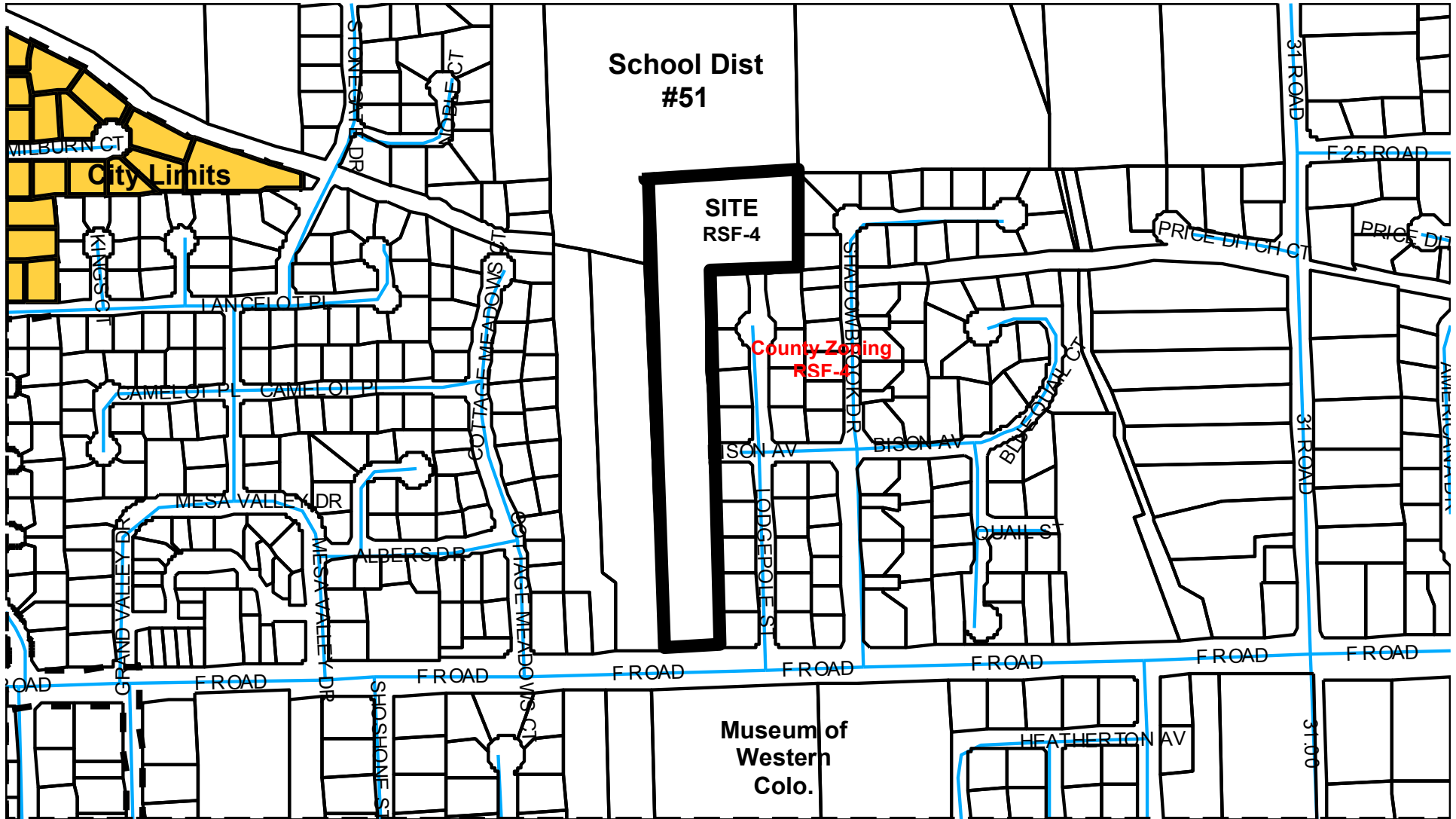
Figure 3



# Existing City and County Zoning

City Limits

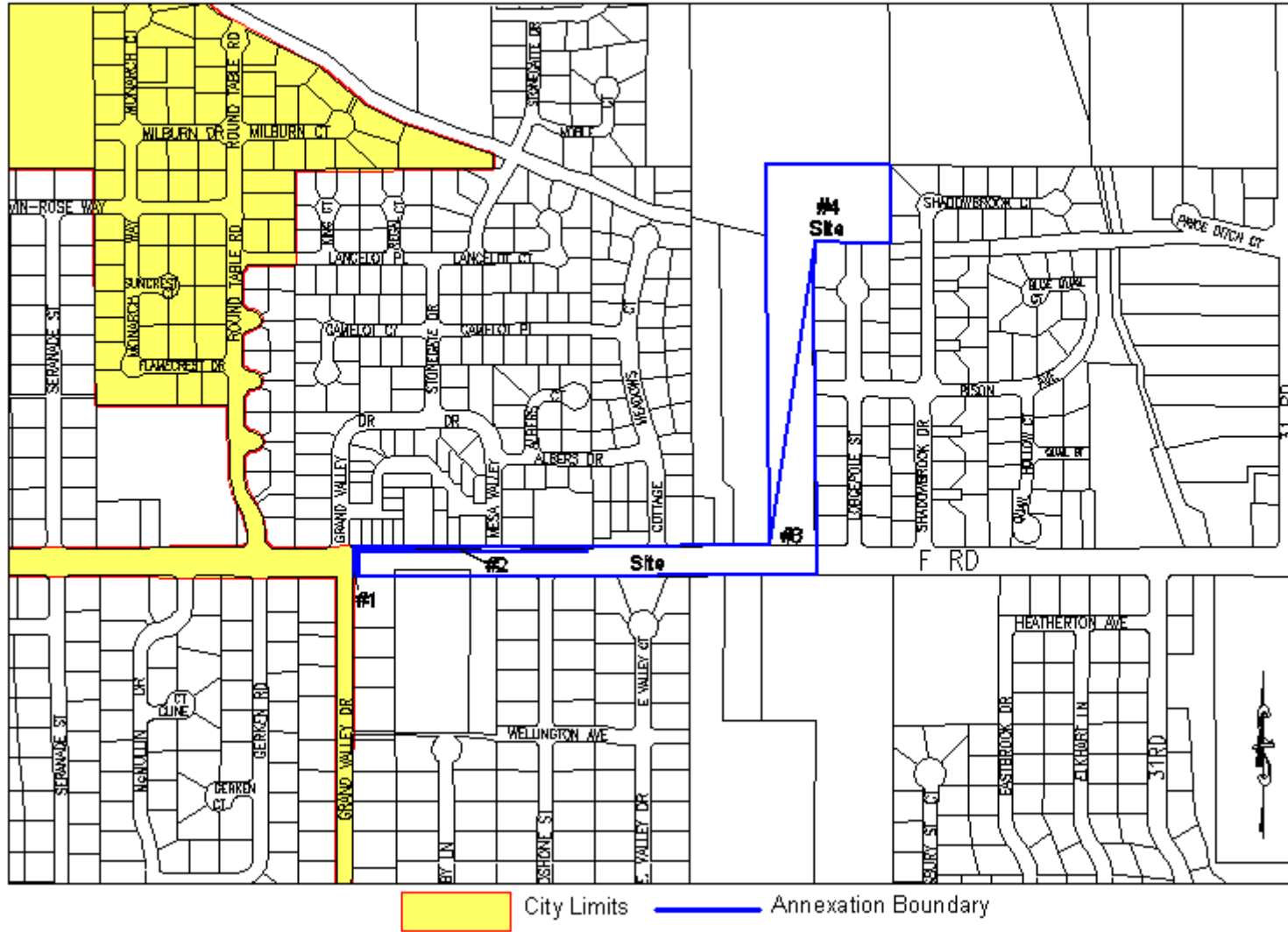
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

# Sonrise Acres Annexations #1, #2, #3, & #4

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE SONRISE ACRES ANNEXATION TO  
RSF-4**

**LOCATED AT 3068 F Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Sunrise Acres Annexation to the RSF-4 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district be established.

The Planning Commission and City Council find that the RSF-4 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RSF-4 with a density not to exceed 4 dwelling units per acre.

**SONRISE ACRES ANNEXATION**

A Serial Annexation Comprising Sunrise Annexation No. 1, Sunrise Annexation No.2,  
Sunrise Annexation No. 3 and Sunrise Annexation No. 4

SONRISE ACRES  
ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 4 and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 472.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W, along the East line of Beagley Annexation No. 3, Ordinance No. 3434, City of Grand Junction, a distance of 100.00 feet to a point on the North right of way for said Patterson Road; thence S 89°55'23" E along said North right of way, a distance of 200.00 feet; thence S 00°04'37" W a distance of 10.00 feet; thence N 89°55'23" W along a line 10.00 feet South of and parallel to, the North right of way for said Patterson Road, a distance of 189.97 feet; thence S 00°06'22" E a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0666 Acres (2,899.84 Sq. Ft.) more or less, as described.

## SONRISE ACRES ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W a distance of 90.00 feet; thence S 89°55'23" E along a line 10.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 189.97 feet; thence N 00°04'37" E a distance of 10.00 feet to a point on the North right of way for Patterson Road; thence S 89°55'23" E, along said North right of way, a distance of 282.68 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E, along the North right of way

for Patterson Road, a distance of 296.32 feet; thence S 00°05'15" W a distance of 20.00 feet; thence N 89°54'45" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence N 89°55'23" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 462.62 feet; thence S 00°06'22" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3278 Acres (14,279.42 Sq. Ft.) more or less, as described.

### SONRISE ACRES ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°06'22" W a distance of 30.00 feet; thence N 89°55'23" W along a line 20.00 feet South of and parallel to, the North right of way for Patterson Road (F Road) a distance of 462.62 feet to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet; thence N 00°05'31" E a distance of 20.00 feet to a point on the North right of way for Patterson Road; thence S 89°54'45" E along said North right of way, a distance of 612.33 feet; thence N 09°00'56" E a distance of 1027.87 feet; thence S 00°11'49" E a distance of 1115.43 feet, more or less, to a point on the South right of way for Patterson Road; thence N 89°54'45" W, along said South right of way, a distance of 1073.54 feet, more or less, to a point on the East line of the NW 1/4 of said Section 9; thence N 89°55'23" W along the South right of way for Patterson Road, a distance of 462.51 feet; thence N 00°06'22" W a distance of 50.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.0956 Acres (221,965.94 Sq. Ft.) more or less, as described.

### SONRISE ACRES ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SW 1/4 SE 1/4 of said Section 4 bears S 89°54'45" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°54'45" E along the South line of the SW 1/4 SE 1/4 of said Section 4, a distance of 1073.43 feet; thence N 00°11'49" W a distance of 1065.43 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 09°00'56" W a distance of 1027.87 feet to a point on the North right of way for Patterson Road (F Road); thence N 00°10'11" W a distance of 1268.33 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 4; thence S 89°57'45" E along the North line of the SW 1/4 SE 1/4 of said Section 4, a distance of 412.09 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 4; thence S 00°13'12" E along the East line of the SW 1/4 SE 1/4 of said Section 4, a distance of 272.68 feet; thence N 85°39'45" W a distance of 229.89 feet; thence N 77°00'45" W a distance of 19.59 feet, more or less, to the Point of Beginning.

CONTAINING 4.3572 Acres (189,797.69 Sq. Ft.) more or less, as described.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 6**

**Setting a Hearing Zoning the UnawEEP Heights Annexation Located at 2857 UnawEEP**

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Zoning the UnawEEP Heights Annexation, located at 2857 UnawEEP Avenue					
<b>Meeting Date</b>		July 2, 2003					
<b>Date Prepared</b>		June 25, 2003			<b>File #ANX-2003-022</b>		
<b>Author</b>		Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>		Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** Introduction of the Zoning ordinance to zone the UnawEEP Heights annexation RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre), located at 2857 UnawEEP Avenue.

**Budget:** N/A

**Action Requested/Recommendation:** Approve first reading of the zoning ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 13. Staff report/Background information
- 14. General Location Map
- 15. Aerial Photo
- 16. Growth Plan Map
- 17. Zoning Map
- 18. Annexation map
- 19. Zoning Ordinance



**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		<i>2857 UnawEEP Avenue (C Road)</i>		
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		Parkerson Brothers, LLC, Alan Parkerson, Agent; Thompson Langford Corporation, Doug Thies, representative		
<b>Existing Land Use:</b>		<i>Irrigated field</i>		
<b>Proposed Land Use:</b>		<i>Residential</i>		
Surrounding Land Use:	<b>North</b>	<i>Residential</i>		
	<b>South</b>	Vacant land and residential		
	<b>East</b>	Farm		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-4 (Mesa County)		
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)		
Surrounding Zoning:	<b>North</b>	RSF-4 (Mesa County)		
	<b>South</b>	RSF-4 (Mesa County)		
	<b>East</b>	RSF-4 (Mesa County)		
	<b>West</b>	RSF-4 (Mesa County)		
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre		
<b>Zoning within density range?</b>		<b>X</b>	Yes	No

**Staff Analysis:**

**Rezoning:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium-low. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

**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:**

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

**Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criteria is not applicable.**

- 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.;**

**Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.**

- 6. 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;**

**Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.**

- 7. 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;**

**Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.**

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

**Response: Adequate public facilities are available or will be supplied at the time of further development of the property.**

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

**Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.**

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

**Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.**

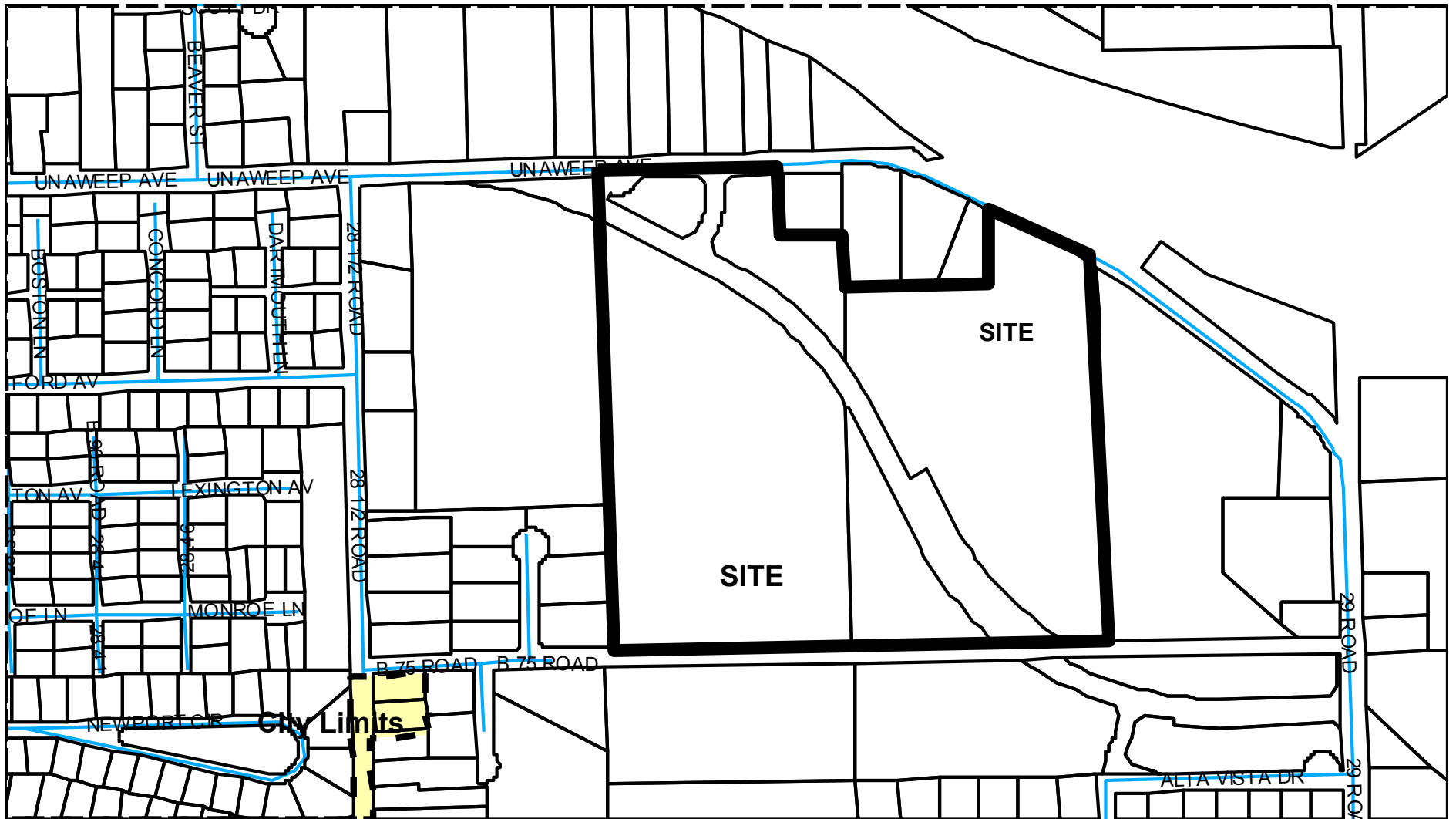
#### **STAFF RECOMMENDATION**

**Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.**

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission, at their regularly scheduled meeting of June 10<sup>th</sup>, recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

Figure 1



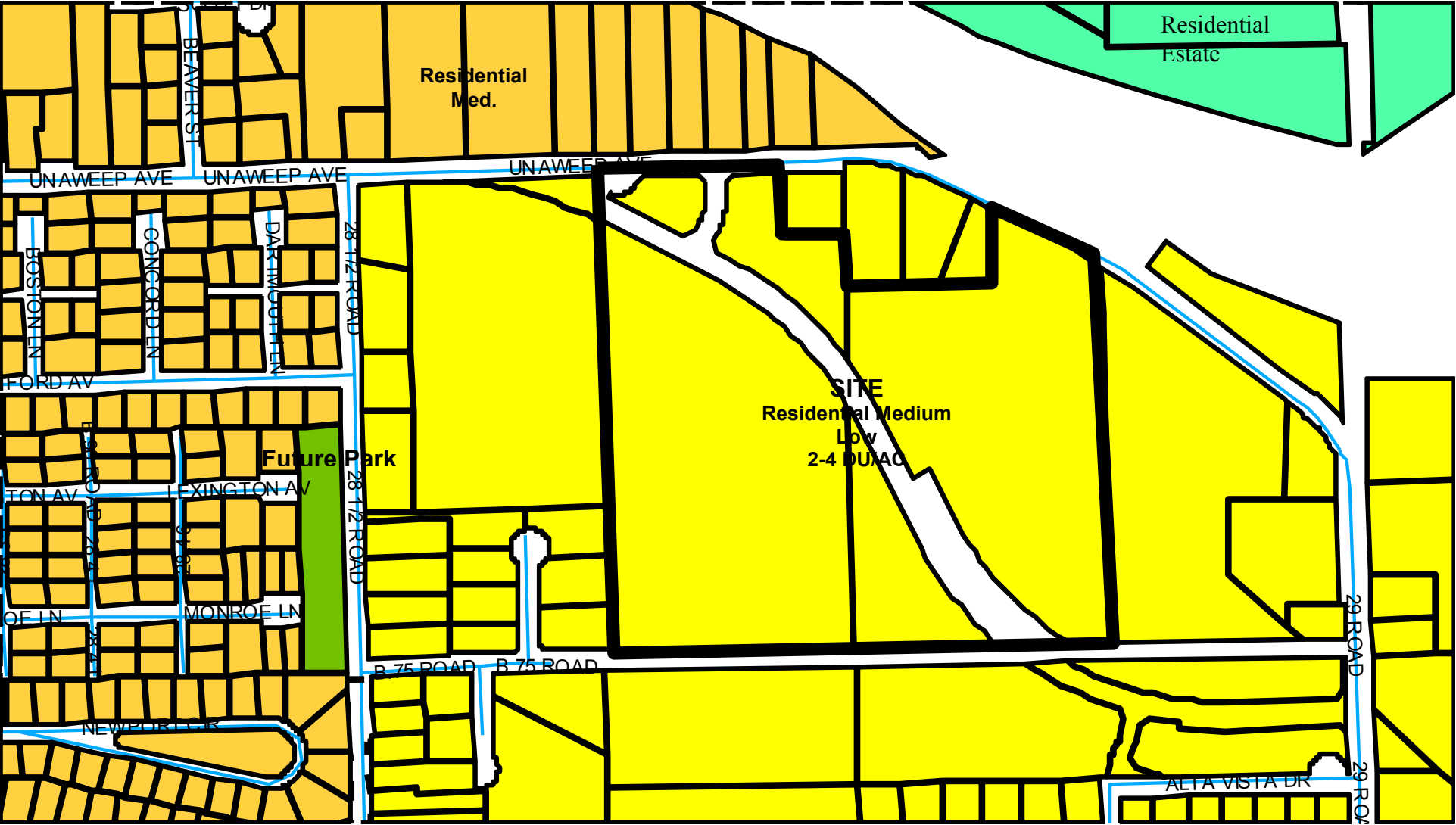
# Aerial Photo Map

Figure 2



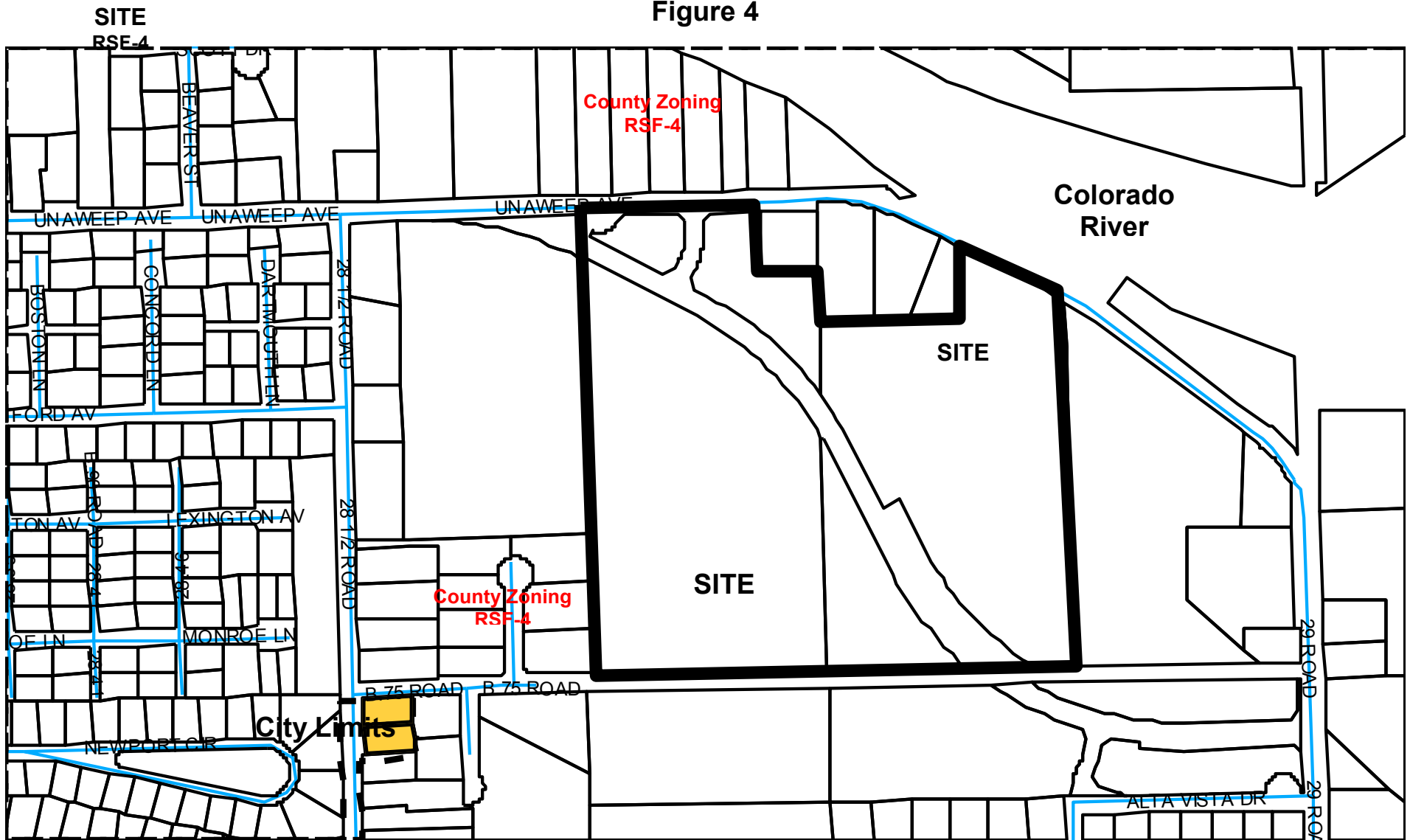
# Future Land Use Map

Figure 3



# Existing City and County Zoning

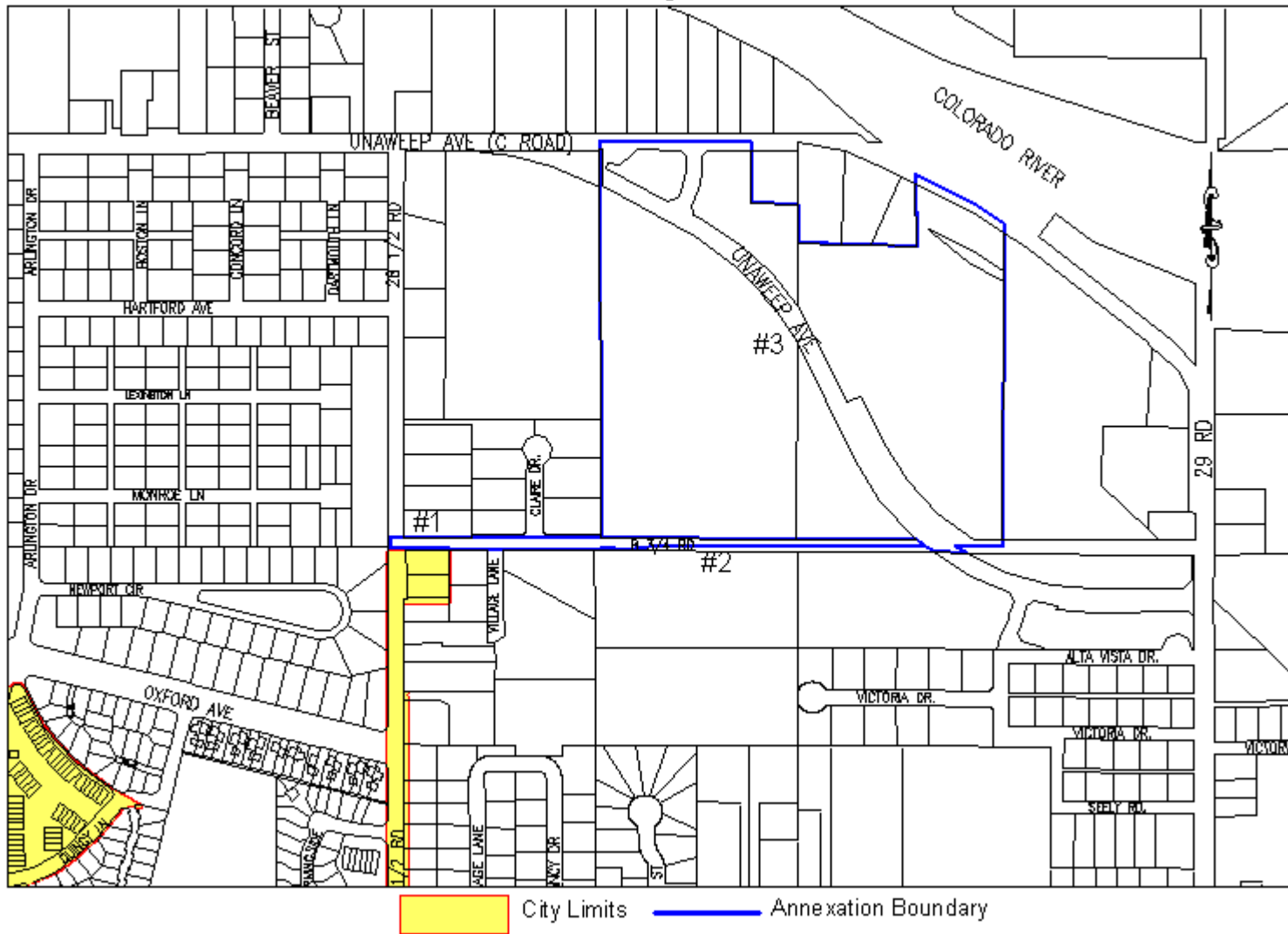
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

# UnawEEP Heights Annexations #1, #2, & #3

Figure 5





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE UNAWEEP HEIGHTS ANNEXATION TO  
RSF-4**

**LOCATED AT 2857 UNAWEEP AVENUE**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the UnawEEP Heights Annexation to the RSF-4 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district be established.

The Planning Commission and City Council find that the RSF-4 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RSF-4 with a density not to exceed 4 units per acre.

**UNAWEEP HEIGHTS ANNEXATION**

A Serial Annexation Comprising UnawEEP Heights Annexation No. 1, UnawEEP Heights Annexation No. 2 and UnawEEP Heights Annexation No. 3

UNAWEEP HEIGHTS ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, S 00°03'42" W a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W, along the North line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126, a distance of 30.00 feet to a point on the West right of way for 28-1/2 Road, as same is shown on the Replat of Village Nine-Phase 2, as same is recorded in Plat Book 12, Page 151, Public Records of Mesa County, Colorado; thence N 00°03'42" E along said West right of way, a distance of 45.00 feet; thence N 89°58'35" E, along the North right of way for B-3/4 Road, as same is shown on a Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, a distance of 365.00 feet; thence S 00°01'25" E a distance of 1.00 feet; thence S 89°58'35" W along a line 1.00 feet South of and parallel to, the said North right of way for B-3/4 Road, a distance of 360.00 feet; thence S 00°03'42" W along a line 5.00 feet East of and parallel to, the West right of way for said 28-1/2 Road, a distance of 39.00 feet; thence N 89°58'35" E along a line 10.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 194.99 feet; thence S 00°01'25" E a distance of 5.00 feet to a point being the Northeast corner of said Armantrout Annexation No. 3; thence S 89°58'35" W along the North line of said Armantrout Annexation No. 3, being a line 5.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 170.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0358 Acres (1,559.94 Sq. Ft.) more or less, as described.

## UNAWEEP HEIGHTS ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Beginning, S 89°58'35" W along the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 484.25 feet to a point being the beginning of a non-tangent curve, concave

Northwest, having a radius of 172.00 feet; thence Southwesterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44", having a chord bearing of S 75°17'44" W with a chord length of 86.99 feet; thence S 89°58'35" W along a line 22.00 feet South of and parallel to, the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet; thence S 00°01'12" E a distance of 3.00 feet to a point on the South right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; thence S 89°58'35" W along said South right of way, a distance of 478.70 feet to a point on the East line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence N 00°01'25" W a distance of 10.00 feet; thence S 89°58'35" W a distance of 194.99 feet; thence N 00°03'42" E a distance of 39.00 feet; thence N 89°58'35" E along a line 1.00 foot South of and parallel to, the North right of way for said B-3/4 Road, a distance of 360.00 feet; thence N 00°01'25" E a distance of 1.00 foot to a point on the North right of way for said B-3/4 Road; thence N 89°58'35" E along said North right of way, a distance of 977.02 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 30; thence N 89° 58'04" E along the North right of way for said B-3/4 Road, a distance of 367.53 feet to a point on the West line of UnawEEP Avenue, as same is recorded in Book 3132, Pages 568 through 574, inclusive, said point being the beginning of a non-tangent curve, concave Northeast, having a radius of 880.00 feet; thence 38.72 feet Southeasterly along the arc of said curve, through a central angle of 02°31'15", having a chord bearing of S 49°47'52" E with a chord length of 38.71 feet, to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 30; thence S 89°58'04" W, along the South line of the NE 1/4 NE 1/4 of said Section 30, a distance of 397.09 feet, more or less, to the Point of Beginning.

CONTAINING 1.3790 Acres (60,857.40 Sq. Ft.) more or less, as described.

### UNAWEEP HEIGHTS ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, N 00°04'38" W a distance of 25.00 feet to a point on the North right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W along the North right of way for said B-3/4 Road, a distance of 663.38 feet, more or less, to a point being the Southeast corner

of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and being a point on the West line of Lots 6 and 3, Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado; thence N 00°01'12" W along the West line of said Lots 6 and 3, a distance of 1295.44 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 30; thence S 89°57'28" E along the North line of the NW 1/4 NE 1/4 of said Section 30 a distance of 507.28 feet; thence S 00°01'25" W a distance of 180.00 feet; thence S 89°57'28" East a distance of 150.00 feet; thence S 00°01'25" W a distance of 143.57 feet; thence S 89°57'28" E a distance of 380.28 feet; thence N 00°07'41" E a distance of 200.10 feet; thence S 63°23'51" E a distance of 233.19 feet; thence S 58°05'51" E a distance of 86.76 feet; thence S 00°07'41" W along the East line of Lots 2 and 7, said Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 1045.29 feet, more or less, to a point on the South line of the NE 1/4 NE 1/4 of said Section 30; thence S 89°58'04" W along said South line, a distance of 155.33 feet to a point being the beginning of a 820.00 foot radius non-tangent curve, concave Northeast; thence 47.45 feet Southeasterly along the arc of said curve, through a central angle of 03°18'56", having a chord bearing of S 58°13'57" E with a chord length of 47.44 feet, to a point on the South right of way for said B-3/4 Road; thence S 89°58'04" W along said South right of way, a distance of 109.34 feet to a point being the beginning of a 880.00 foot radius non-tangent curve, concave Northeast; thence 79.66 feet Northwesterly along the arc of said curve, through a central angle of 05°11'08", having a chord bearing of N 51°07'46" W with a chord length of 79.62 feet, to a point on the North right of way for said B-3/4 Road; thence S 89°58'04" W along said North right of way, a distance of 367.53 feet, more or less, to the Point of Beginning.

CONTAINING 34.7049 Acres (1,511,748.86 Sq. Ft.) more or less, as described.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 7**  
**Contract for Combined Sewer, Phase I Basin 8**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
Subject		Award of Construction Contract for Combined Sewer Elimination Project Phase I, Basin 8							
Meeting Date		July 2, 2003							
Date Prepared		June 18, 2003							
Author		Jim Shanks		Project Engineer					
Presenter Name		Mark Relph		Public Works and Utilities Director					
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X		Formal Agenda		X	Consent		Individual Consideration

**Summary:** This project is the third of six contracts associated with the Combined Sewer Elimination Project and the Waterline Replacement Project. This contract will construct 18,800 feet of storm sewer, a storm water quality facility, storm water pump station, and 900 feet of 6" water line. On June 17, 2003, **Mendez, Inc.** of Grand Junction submitted a low, qualified, bid of **\$4,430,101.65** to complete the work.

**Background Information:**

This is the third of six contracts proposed over the next 2 years to complete the Combined Sewer Elimination Project and the Waterline Replacement Project. This contract will construct 18,800 feet of storm sewer pipe ranging in size from 72" to 12", a storm water pump station and 900 feet of 6" water line. A storm water quality facility will also be constructed south of 9<sup>th</sup> and Struthers on the north side of the river levee.

Work is scheduled to begin on or about July 21, 2003 and continue for 300 calendar days with an anticipated completion date of May 15, 2004.

There are nine crossings of Ute and Pitkin that will require night time construction in order to minimize traffic delays.

The following bids were received for this project:

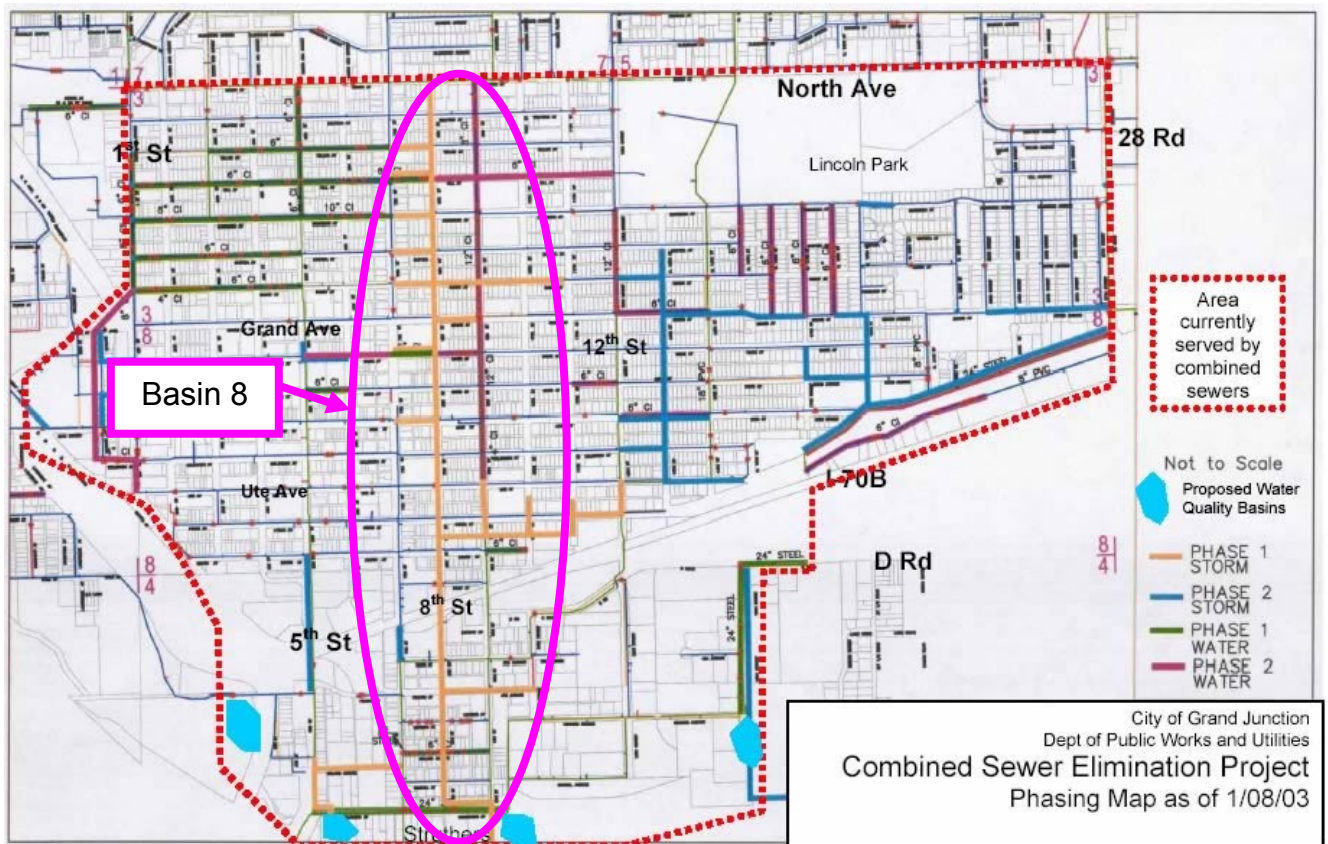
<u>Contractor</u>	<u>From</u>	<b><i>Bid Amount</i></b>
Mendez, Inc.	Grand Jct.	\$4,430,101.65
M. A. Concrete Construction	Grand Jct.	\$4,605,363.50
Mountain Region Corporation	Grand Jct	\$5,290,804.50
Parker Excavating	Pueblo, CO	\$5,813,359.70
Engineer's Estimate (Sear-Brown)		\$5,304,748.15

**Project Location:**

More project information in regards to project locations and project phasing is available on the City's web site at the following address:

<http://www.gjcity.org/CityDeptWebPages/PublicWorksAndUtilities/Engineering/CSEP.htm>

The work proposed under this contract is shown in fuchsia on the map below



**Budget:** This project was budgeted for 2003/2004 construction. \$9,472,208 was secured for both phases of the Combined Sewer Elimination Project through the Colorado Water Pollution Control Revolving Fund Loan through the Colorado Water Resources & Power Development. \$3,500,000 was secured for waterline replacements.

**Project Costs (All CSEP Phases):**

---

Design both phases (contracted with Sear-Brown / Rolland Eng)	\$736,749
---	-----------

Construction Phase I Basin 10 (under construction)	\$386,239
<b>Construction Phase I Basin 8</b>	<b>\$4,368,616</b>
Construction Phase II (To be determined, 2004)	\$2,617,645
Contingency	1,085,985
Inspection (contracted w/ Sear-Brown)	\$228,474
As-builts (contracted w/ Sear-Brown)	\$18,500
City Administration	\$30,000
<b>Totals</b>	<b><u>\$9,472,208</u></b>

**Project Costs (Waterline Replacement Phases):**

Design both phases (contracted with Sear-Brown / Rolland Eng)	\$321,775
Construction Phase I (MA Concrete)	\$1,534,748
<b>Construction Phase I (Basin 8 water lines)</b>	<b>\$61,486</b>
Construction Phase II (To be determined, 2004)	\$1,412,781
Inspection (contracted w/ Sear-Brown)	\$142,010
As-builts (contracted w/ Sear-Brown)	\$12,200
City Administration	\$15,000
<b>Totals</b>	<b><u>\$3,500,000</u></b>

**Action Requested/Recommendation:** City Council motion authorizing the City Manager to execute a Construction Contract for CSEP Phase I Basin 8 with **Mendez, Inc.** in the amount of **\$4,430,101.65.**



**Attach 8  
Distribution of Forfeited Property  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>		Resolution Reaffirming the Distribution of Forfeited Property				
<b>Meeting Date</b>		2 July 2003				
<b>Date Prepared</b>		29 May 2003			File #	
<b>Author</b>		Michael A. Nordine		<b>Administrative Lieutenant</b>		
<b>Presenter Name</b>		Greg Morrison		<b>Chief of Police)</b>		
<b>Report results back to Council</b>		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
<b>Citizen Presentation</b>		X	Yes	<input type="checkbox"/>	No	Name Mary Beth Buescher
<input type="checkbox"/>	Workshop	<input type="checkbox"/>	<b>Formal Agenda</b>		X	Consent
<input type="checkbox"/>		<input type="checkbox"/>				<b>Individual Consideration</b>

**Summary:** This resolution is brought to the Council by Chief Morrison and the Mesa County Forfeiture Board. This is actually a resolution to reaffirm Resolution No. 49-92 which approved a Committee on the disposition of forfeited property pursuant to C.R.S. 16-13-702. The Committee on Disposition of Forfeited Property has determined the appropriate distribution for forfeited property since that time. The City Council receives annual reports on the distributions.

**Budget:** This does not directly impact the budget.

**Action Requested/Recommendation:** The Grand Junction Police Department requests Council support for the resolution.

**Attachments:** Copy of Proposed Resolution  
Copy of Original Resolution

**Background Information:** In 2002, the forfeiture statutes were revised by the Colorado Legislature. The new statute now divides forfeited property 1/2 to the County for public safety purposes and 1/2 to Social Services for substance abuse treatment. C.R.S. 16-13-702 still states that no forfeited property may be expended without the approval of the

Forfeiture Boards and the legislative history indicates the intention for the Forfeiture Boards to operate as before. However, no "pass through" mechanism was included in the revised statute to get the forfeited funds to the Forfeiture Boards. Therefore, a new resolution is necessary. The proposed Resolution allows the Committee on Disposition of Forfeited Property to continue to determine the appropriate disposition for forfeited property. The Committee has approved about \$100,000.00 a year, mostly for training and equipment for law enforcement, which would otherwise be included in the budget requests to local government entities.

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

**A RESOLUTION AFFIRMING RESOLUTION  
No. 49-92 RELATING TO  
THE DISTRIBUTION OF FORFEITED PROPERTY**

RECITALS.

On June 30, 1992, the City Council adopted Resolution 49-92 which established and provided for a Committee for Disposition of Forfeited Property. In Resolution 49-92, the City approved the membership of the Committee on Disposition of Forfeited Property, established a process and distribution plan for forfeited property. All law enforcement agencies in Mesa County approved the same plan.

In 2003 the State legislature revised the forfeiture laws contained in C.R.S. §16-13-301, *et. seq.* because of and in light of those revisions the City of Grand Junction desires to reauthorize the method and plan for distribution of forfeited funds and the Committee on Disposition of Forfeited Property in conformity with the revised C.R.S. §16-13-301, *et seq.*

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

Resolution 49-92 relating to the creation of the Committee on Disposition of Forfeited Property is affirmed. Furthermore, the Council finds and resolves that the distribution of forfeited funds shall continue to be deposited in the Law Enforcement Forfeiture Fund and distributed by the 21<sup>st</sup> Judicial District Committee on Forfeited Funds and used for public safety purposes, pursuant to law in effect as of the date of this resolution C.R.S. §16-13-301 *et. seq.*

PASSED and ADOPTED THIS \_\_\_\_ day of July 2003.

ATTEST:

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

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

**Attach 9  
Public Hearing – O’Connor Annexation Located at 511 31 Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	O’Connor Annexation located at 511 31 Road					
Meeting Date	July 2, 2003					
Date Prepared	June 19, 2003				File #ANX-2003-068	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

**Summary:** Resolution for Acceptance of the Petition to Annex and Consideration of Final Passage of the annexation ordinance for the O’Connor Annexation located at 511 31 Road. The annexation consists of 1.3121 acres on one parcel of land. The petitioner is seeking annexation in conjunction with a future subdivision request, pursuant to the 1998 Persigo Agreement with Mesa County.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the resolution for the acceptance of petition to annex and second reading of the annexation ordinance.

**Attachments:**

1. Staff Report
2. Vicinity Map
3. Aerial Map
4. Growth Plan Map
5. Zoning Map
6. Annexation Map
7. Resolution of Acceptance of Petition

## 8. Annexation Ordinance

**Background Information:** See attached Staff Report

<i>BACKGROUND INFORMATION</i>			
<b>Location:</b>		<b><i>511 31 Road</i></b>	
<b>Applicants:</b>		<b>Travis &amp; Nicole O'Connor</b>	
<b>Existing Land Use:</b>		<b><i>Residential Single Family</i></b>	
<b>Proposed Land Use:</b>		<b><i>Future Residential Single Family</i></b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b><i>Residential Single Family</i></b>	
	<b>South</b>	<b>Residential Single Family</b>	
	<b>East</b>	<b>Pear Park Baptist Church</b>	
	<b>West</b>	<b>Residential Single Family</b>	
<b>Existing Zoning:</b>		<b>County RSF-4</b>	
<b>Proposed Zoning:</b>		<b>City RSF-4</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b><i>County RSF-2</i></b>	
	<b>South</b>	<b>County RSF-4</b>	
	<b>East</b>	<b>County RSF-R</b>	
	<b>West</b>	<b>County RSF-4</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium (4 – 8 du/acre)</b>	
<b>Zoning within density range?</b>	<input checked="" type="checkbox"/>	Yes	No

**Staff Analysis:**

**ANNEXATION:**

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

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

the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

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

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

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

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

<i>O'CONNOR ANNEXATION SUMMARY</i>		
<b>File Number:</b>		<b>ANX-2003-068</b>
<b>Location:</b>		<b>511 31 Road</b>
<b>Tax ID Number:</b>		<b>2943-094-00-094</b>
<b>Parcels:</b>		<b>1</b>
<b>Estimated Population:</b>		<b>2</b>
<b># of Parcels (owner occupied):</b>		<b>1</b>
<b># of Dwelling Units:</b>		<b>1</b>
<b>Acres land annexed:</b>		<b>1.3121 acres for annexation area</b>
<b>Developable Acres Remaining:</b>		<b>1.3121 acres</b>
<b>Right-of-way in Annexation:</b>		<b>E Road 2' strip for 500'; 31 Road 2' strip for 700' (See Map)</b>
<b>Previous County Zoning:</b>		<b>RSF-4</b>
<b>Proposed City Zoning:</b>		<b>RSF-4</b>
<b>Current Land Use:</b>		<b>Single Family Residential</b>
<b>Future Land Use:</b>		<b>Single Family Residential</b>
<b>Values:</b>	<b>Assessed:</b>	<b>= \$ 7,510</b>
	<b>Actual:</b>	<b>= \$ 82,060</b>
<b>Address Ranges:</b>		<b>511 to 515 31 Road</b>
<b>Special Districts:</b>	<b>Water:</b>	<b>Clifton Water District</b>
	<b>Sewer:</b>	<b>Central Grand Valley Sanitation</b>
	<b>Fire:</b>	<b>Clifton Fire District</b>
	<b>Drainage:</b>	<b>Grand Junction Drainage District</b>
	<b>School:</b>	<b>District 51</b>

	<b>Pest:</b>	<b>Upper Pest Control District</b>
--	--------------	------------------------------------

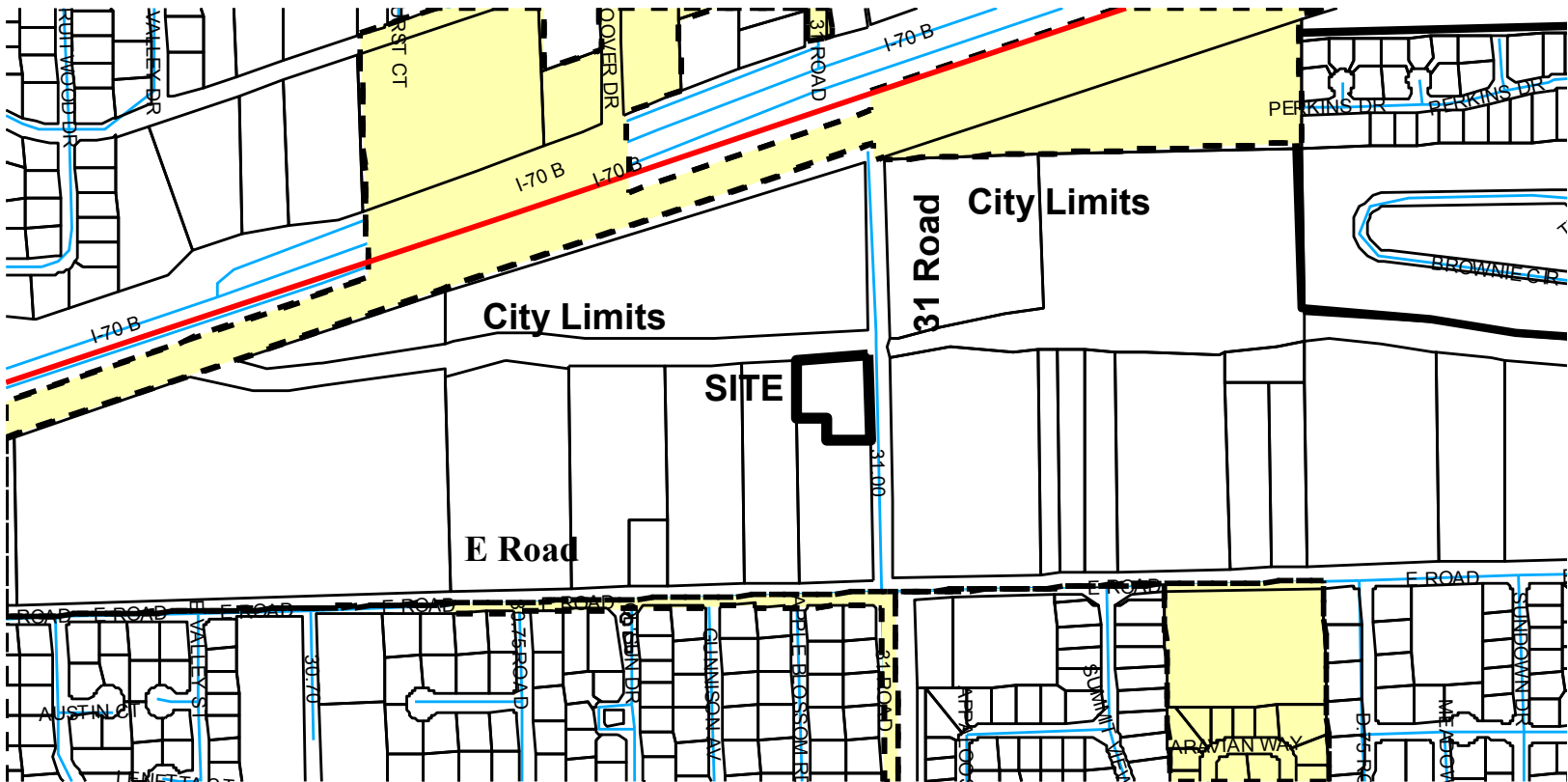
The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>May 21, 2003</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>June 10, 2003</b>	Planning Commission considers Zone of Annexation
<b>June 16, 2003</b>	First Reading on Zoning by City Council
<b>July 2, 2003</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>August 3, 2003</b>	Effective date of Annexation and Zoning



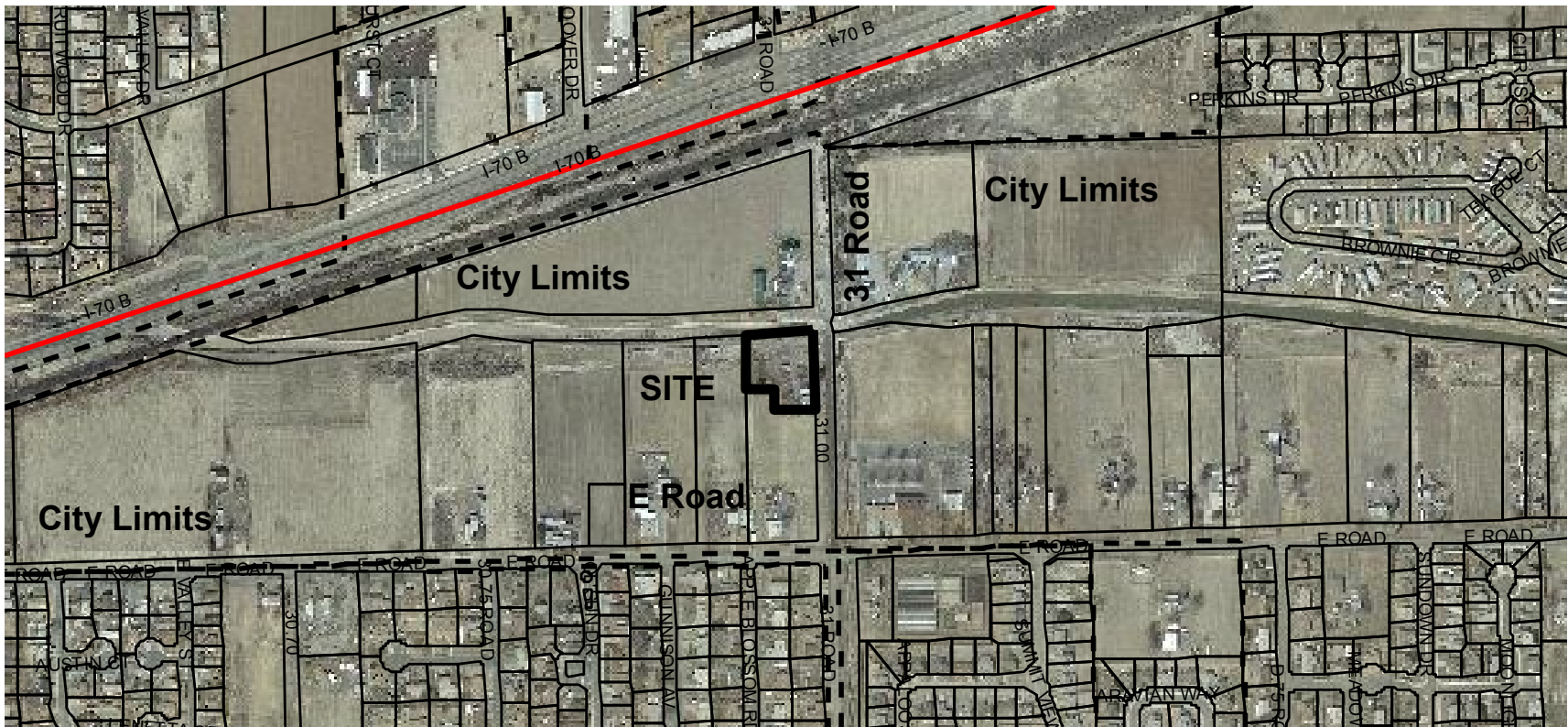
# Site Location Map

Figure 1



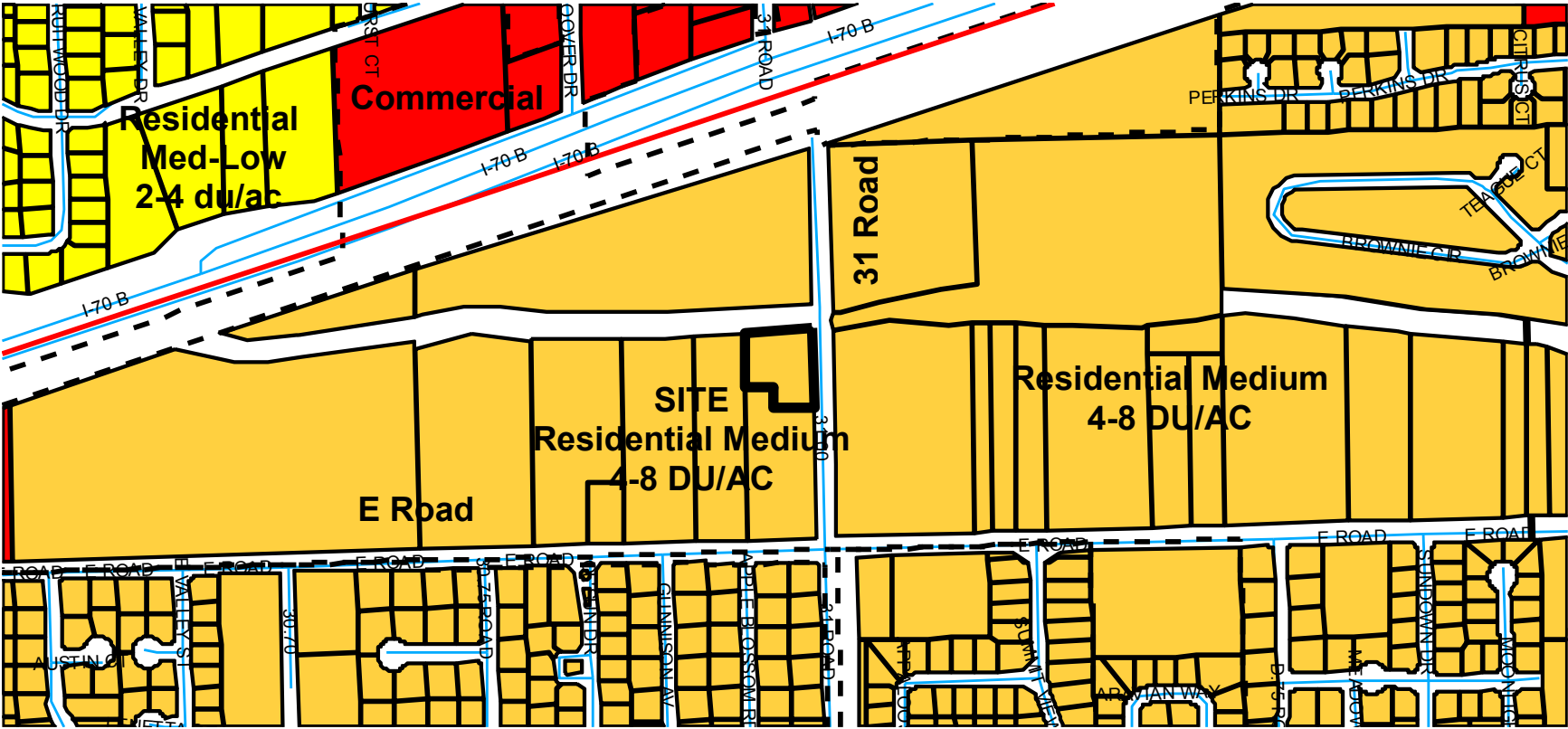
# Aerial Photo Map

Figure 2



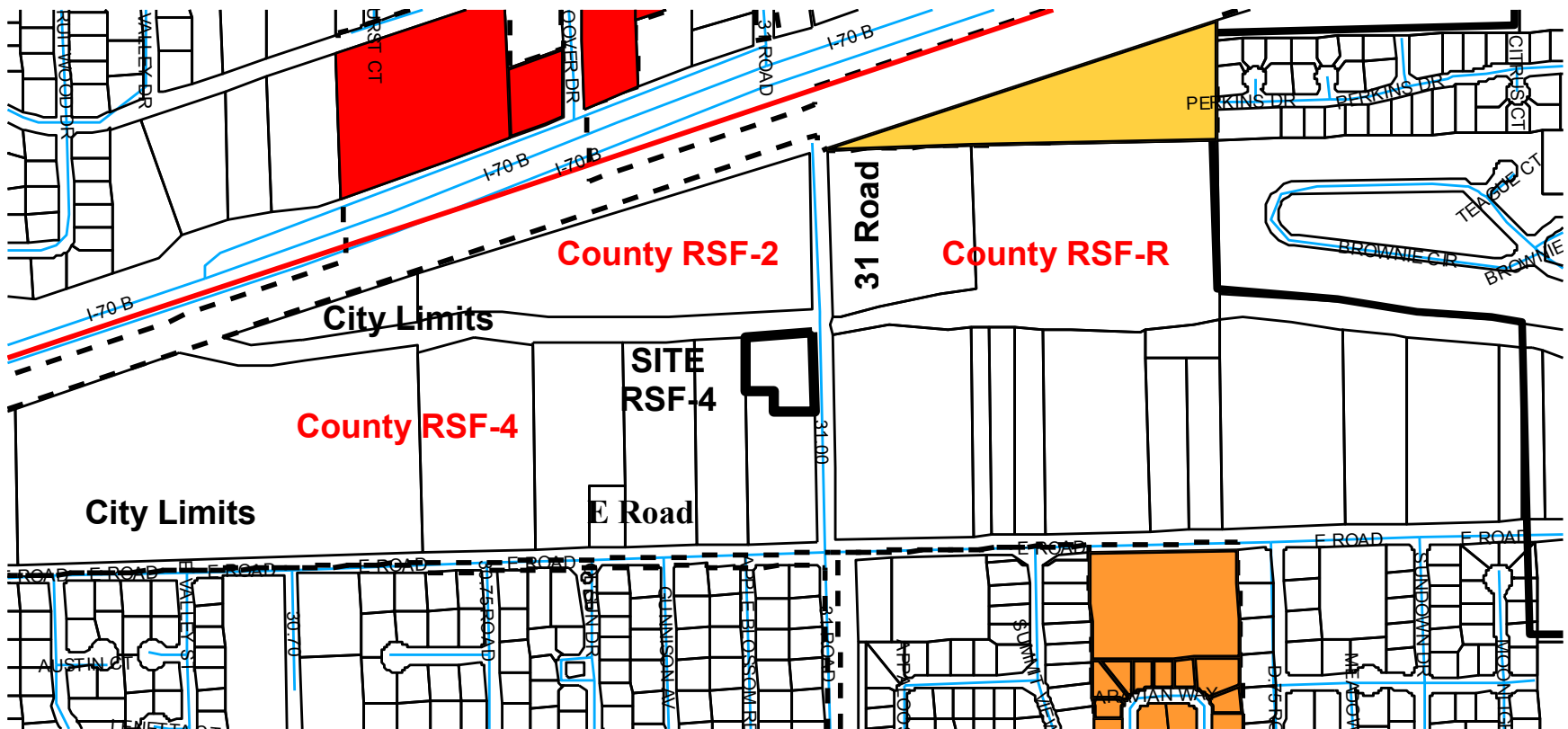
# Future Land Use Map

Figure 3

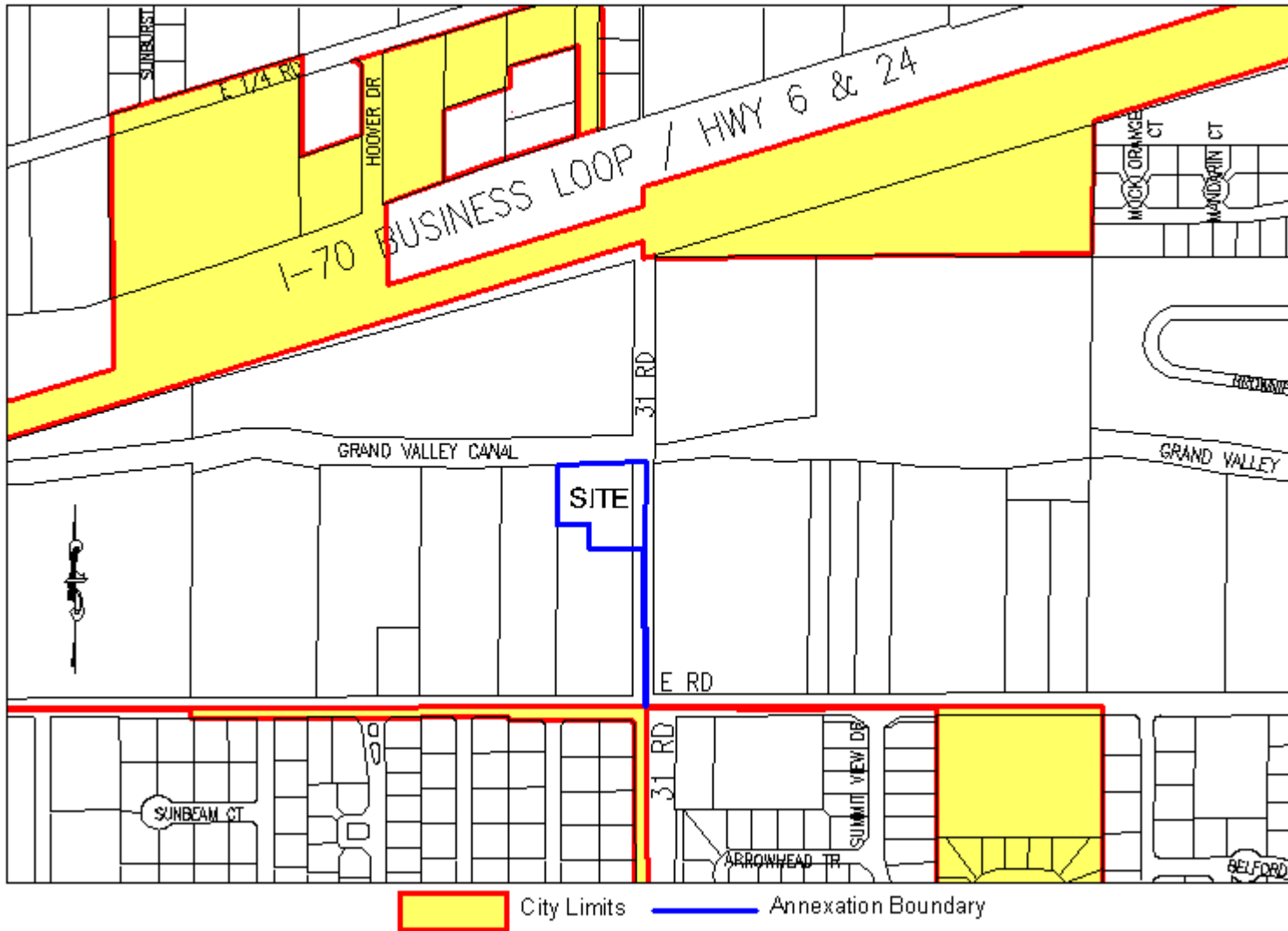


# Existing City and County Zoning

Figure 4



O'Connor Annexation  
Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

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

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

**O'CONNOR ANNEXATION**

**LOCATED AT 511 31 ROAD AND INCLUDING  
A PORTION OF 31 ROAD AND E ROAD RIGHT-OF-WAY**

**IS ELIGIBLE FOR ANNEXATION**

**WHEREAS**, on the 21st day of May, 2003, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
O'CONNOR ANNEXATION**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9 and the Southwest Quarter (SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 1 South, Range 1 East of the Ute Meridian, and considering the East line of the SE 1/4 of said Section 9 to bear N 00°18'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°18'17" W along the East line of the SE 1/4 of said Section 9 a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°18'17" W along the East line of the SE 1/4 of said Section 9, a distance of 463.00 feet; thence S 89°44'43" W a distance of 160.00 feet; thence N 00°15'17" W a distance of 70.00 feet; thence S 89°44'43" W a distance of 97.00 feet; thence N 00°18'17" W a distance of 169.50 feet to a point being the Northwest corner of that certain property described in Book 2729, Page 689, Public Records of Mesa County, Colorado; thence N 89°44'43" E along the North line of said property, a distance of 258.94 feet to a point on a line 2.00 feet East of and parallel to, the East line of the SE 1/4 of said Section 9; thence S 00°18'17" E along said parallel line, a distance of 700.51 feet to

a point on a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10; thence N 90°00'00" E along said parallel line, a distance of 500.00 feet; thence S 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 501.99 feet, more or less, to the Point of Beginning.

CONTAINING 1.3121 Acres (57,153.95 Sq. Ft.) more or less, as described.

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of July, 2003;

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

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

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

**ADOPTED** this      day of      , 2003.

Attest:

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

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





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**O'CONNOR ANNEXATION**

**APPROXIMATELY 1.3121 ACRES**

**LOCATED AT 511 31 ROAD AND INCLUDING A PORTION  
OF E ROAD AND 31 ROAD RIGHTS-OF-WAY**

**WHEREAS**, on the 21st day of May, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2nd day of July, 2003; and

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

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

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

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
O'CONNOR ANNEXATION**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9 and the Southwest Quarter (SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 1 South, Range 1 East of the Ute Meridian, and considering the East line of the SE 1/4 of said Section 9 to bear N 00°18'17" W with all other bearings contained herein being relative thereto; thence

from said Point of Commencement, N 00°18'17" W along the East line of the SE 1/4 of said Section 9 a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°18'17" W along the East line of the SE 1/4 of said Section 9, a distance of 463.00 feet; thence S 89°44'43" W a distance of 160.00 feet; thence N 00°15'17" W a distance of 70.00 feet; thence S 89°44'43" W a distance of 97.00 feet; thence N 00°18'17" W a distance of 169.50 feet to a point being the Northwest corner of that certain property described in Book 2729, Page 689, Public Records of Mesa County, Colorado; thence N 89°44'43" E along the North line of said property, a distance of 258.94 feet to a point on a line 2.00 feet East of and parallel to, the East line of the SE 1/4 of said Section 9; thence S 00°18'17" E along said parallel line, a distance of 700.51 feet to a point on a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10; thence N 90°00'00" E along said parallel line, a distance of 500.00 feet; thence S 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 501.99 feet, more or less, to the Point of Beginning.

CONTAINING 1.3121 Acres (57,153.95 Sq. Ft.) more or less, as described.

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

**INTRODUCED** on first reading on the 21st day May, 2003.

**ADOPTED** and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

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

\_\_\_\_\_  
President

**Ron and Cyndi Wilson 970-434-3146**  
**519 31 Road**  
**Grand Junction, Co. 81504**

RECEIVED

JUN 30 2003

COMMUNITY DEVELOPMENT  
DEPT.

Date: 6-27-2003

**Grand Junction Planning Commission:**  
Attn: Ronnie Edwards.

SUBJECT: O'CONNOR SUBDIVISION. ANX-2003-068  
511-31-Road  
Grand Junction, CO. 81505  
Request approval to zone of the above property, RSF-4.

Mr. O'Connor has told us that he will install no more than two mobile units on this property. In the future the possibility of three or four units installed on the property could happen.

Our home is on the next property to the north consisting of 15 acres. We bought the property for a quiet place to live and retire. Around 511-31 road, are one unit per 3 to 16 acres. With very little traffic and no high density. Our concern is that traffic will increase without improvements to the existing road. Thirty one road east of E road is one of the few public roads without pavement. The school playground to the east of the development suffers the brunt of the dust from the unpaved road due to the wind always blowing to the east. Just the increased traffic from people working on the trailers makes it a dust bowl trying to get in and out of our home let alone the poor kids at the school.

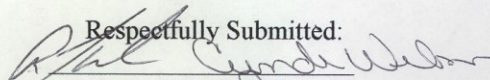
Mr. O'Connor has purchased this small property to stick some trailers on and make some quick money at the expense of the other people in the area with no intention of living in the development. He and his family will not suffer the consequences of his development. The surrounding properties however will.

The county maintenance too the existing road needs a lot of improvement.

Please consider the improvements to 31 road per county requirements and code.

Please call us with questions  
Home 970-434-3146  
Cell 970-270-1053

Respectfully Submitted:

  
Ron and Cyndi Wilson

**Attach 10  
Public Hearing – Zoning the O’Connor Annexation Located at 511 31 Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Zoning the O’Connor Annexation located at 511 31 Road					
Meeting Date	July 2, 2003					
Date Prepared	June 18, 2003				File #ANX-2003-068	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

**Summary:** The O’Connor Annexation is comprised of one parcel of land on 1.3121 acres located at 511 31 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its June 10, 2003 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt the ordinance zoning the O’Connor Annexation.

**Attachments:**

- 9. Staff Report
- 10. Vicinity Map
- 11. Aerial Map
- 12. Growth Plan Map
- 13. Zoning Map
- 14. Annexation Map
- 15. Zoning Ordinance

## 16. Public Written Comments

<i>BACKGROUND INFORMATION</i>					
<b>Location:</b>		<i>511 31 Road</i>			
<b>Applicants:</b>		Travis & Nicole O'Connor			
<b>Existing Land Use:</b>		<i>Residential Single Family</i>			
<b>Proposed Land Use:</b>		<i>Future Residential Single Family</i>			
Surrounding Land Use:	North	<i>Residential Single Family</i>			
	South	<b>Residential Single Family</b>			
	East	<b>Pear Park Baptist Church</b>			
	West	<b>Residential Single Family</b>			
<b>Existing Zoning:</b>		<b>County RSF-4</b>			
<b>Proposed Zoning:</b>		<b>City RSF-4</b>			
Surrounding Zoning:	North	<i>County RSF-2</i>			
	South	<b>County RSF-4</b>			
	East	<b>County RSF-R</b>			
	West	<b>County RSF-4</b>			
<b>Growth Plan Designation:</b>		<b>Residential Medium (4 – 8 du/acre)</b>			
<b>Zoning within density range?</b>		X	Yes		No

**Staff Analysis:**

**ZONE OF ANNEXATION:**

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zoning of RSF-4 is equivalent to Mesa County zoning and conforms to the Future Land Use Map.

**RSF-4 ZONE DISTRICT**

- The RSF-4 does conform to the recommended future land use on the Growth Plan Future Land Use Map, which is currently designated as Residential Medium (4 – 8 du/ac) and is equivalent to existing County Zoning.

- Zoning this annexation with the RSF-4 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The subject property is surrounded by existing residential single family zoning and uses on parcels ranging from two to nine acres.

**ZONING AND DEVELOPMENT CODE CRITERIA:**

**Section 2.14.F:** “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

**Section 2.6.A. Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria:

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

This change of zoning is the result of an annexation. Therefore, this criteria does not apply.

- b. 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.

This change of zoning is the result of an annexation. Therefore, this criteria does not apply.

- c. 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 to RSF-4 is at the lower end of the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criteria e, which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-4 zone district, therefore this criteria is met.

- d. 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

The proposed RSF-4 zone conforms with the Growth Plan and is equivalent to existing County zoning.

- e. 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 and can address the impacts of development consistent with the RSF-4 zone district. Right-of-way improvements will be required for any future proposed development.
- f. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs

This change of zoning is the result of annexation. Therefore, this criteria does not apply.

- g. The community or neighborhood will benefit from the proposed zone.

This change of zoning is the result of annexation. Therefore, this criteria does not apply.

The City has received a letter from a neighborhood resident expressing concerns for traffic on 31 Road and the need to improve 31 Road due to the proposed increase in density to RSF-4 on this site. See attached letter.

<i>O'CONNOR ANNEXATION SUMMARY</i>	
<b>File Number:</b>	<b>ANX-2003-068</b>
<b>Location:</b>	<b>511 31 Road</b>
<b>Tax ID Number:</b>	<b>2943-094-00-094</b>
<b>Parcels:</b>	<b>1</b>
<b>Estimated Population:</b>	<b>2</b>
<b># of Parcels (owner occupied):</b>	<b>1</b>
<b># of Dwelling Units:</b>	<b>1</b>
<b>Acres land annexed:</b>	<b>1.3121 acres for annexation area</b>
<b>Developable Acres Remaining:</b>	<b>1.3121 acres</b>
<b>Right-of-way in Annexation:</b>	<b>E Road 2' strip for 500'; 31 Road 2' strip for 700' (See Map)</b>
<b>Previous County Zoning:</b>	<b>RSF-4</b>
<b>Proposed City Zoning:</b>	<b>RSF-4</b>
<b>Current Land Use:</b>	<b>Single Family Residential</b>



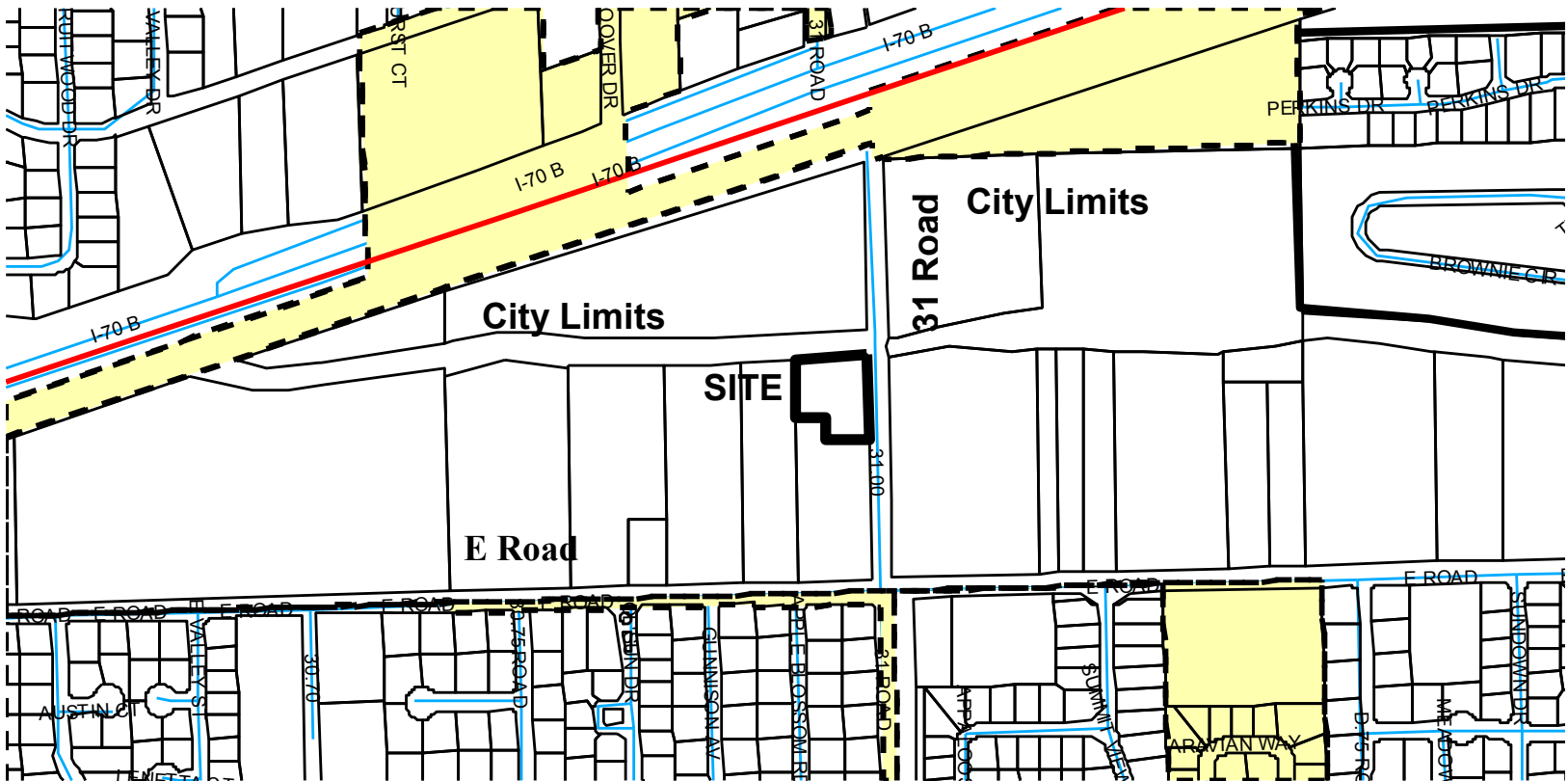
<b>Future Land Use:</b>		<b>Single Family Residential</b>
<b>Values:</b>	<b>Assessed:</b>	<b>= \$ 7,510</b>
	<b>Actual:</b>	<b>= \$ 82,060</b>
<b>Address Ranges:</b>		<b>511 to 515 31 Road</b>
<b>Special Districts:</b>	<b>Water:</b>	<b>Clifton Water District</b>
	<b>Sewer:</b>	<b>Central Grand Valley Sanitation</b>
	<b>Fire:</b>	<b>Clifton Fire District</b>
	<b>Drainage:</b>	<b>Grand Junction Drainage District</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>Upper Pest Control District</b>

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>May 21, 2003</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>June 10, 2003</b>	Planning Commission considers Zone of Annexation
<b>June 16, 2003</b>	First Reading on Zoning by City Council
<b>July 2, 2003</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>August 3, 2003</b>	Effective date of Annexation and Zoning

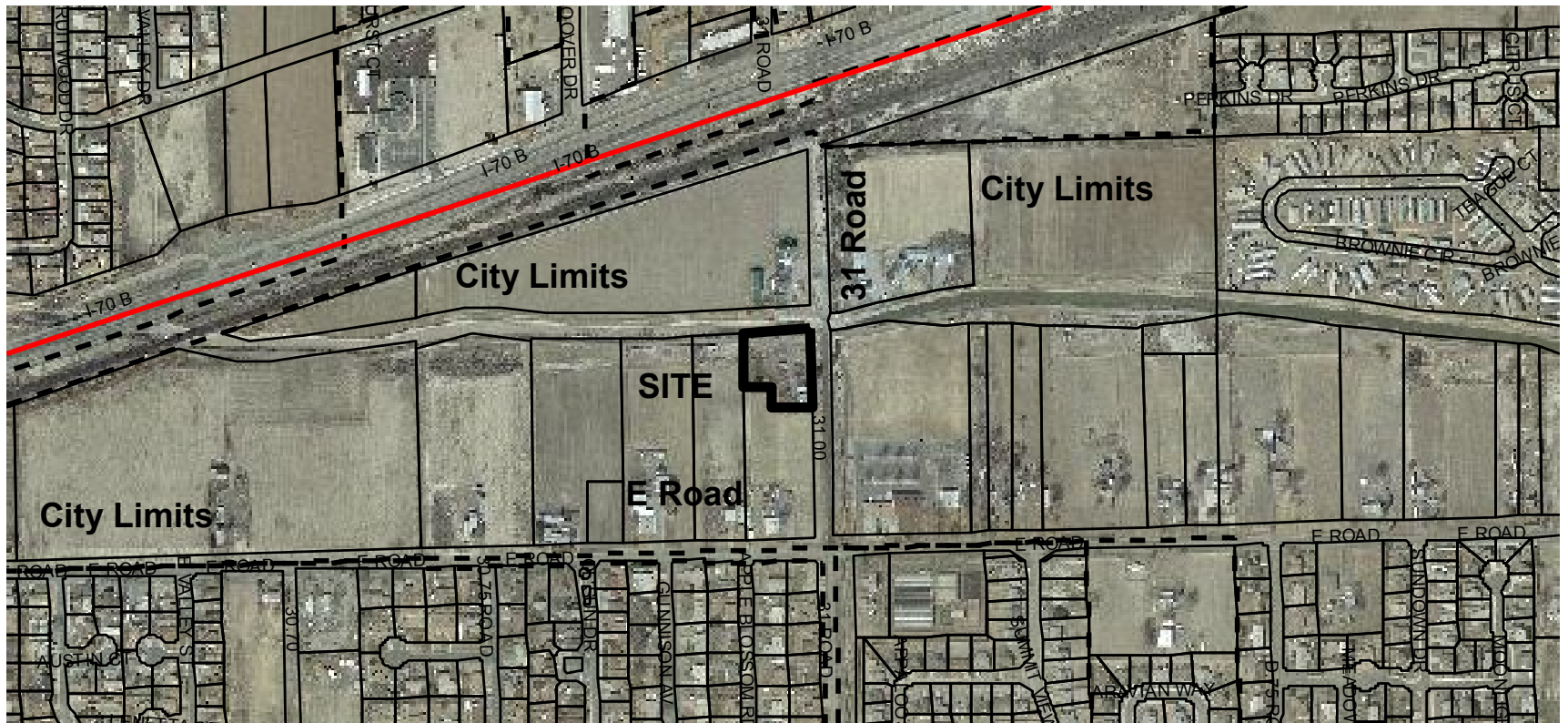
# Site Location Map

Figure 1



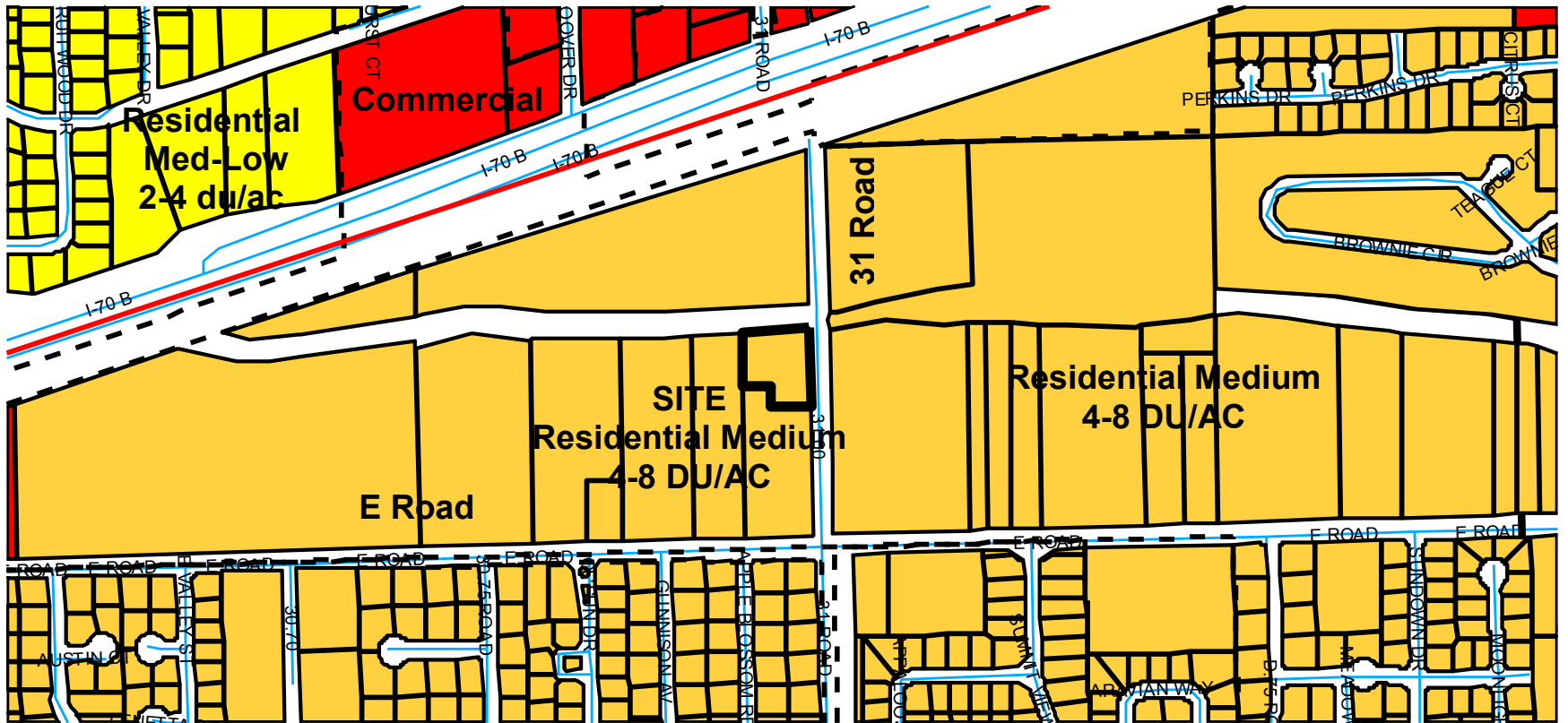
# Aerial Photo Map

Figure 2



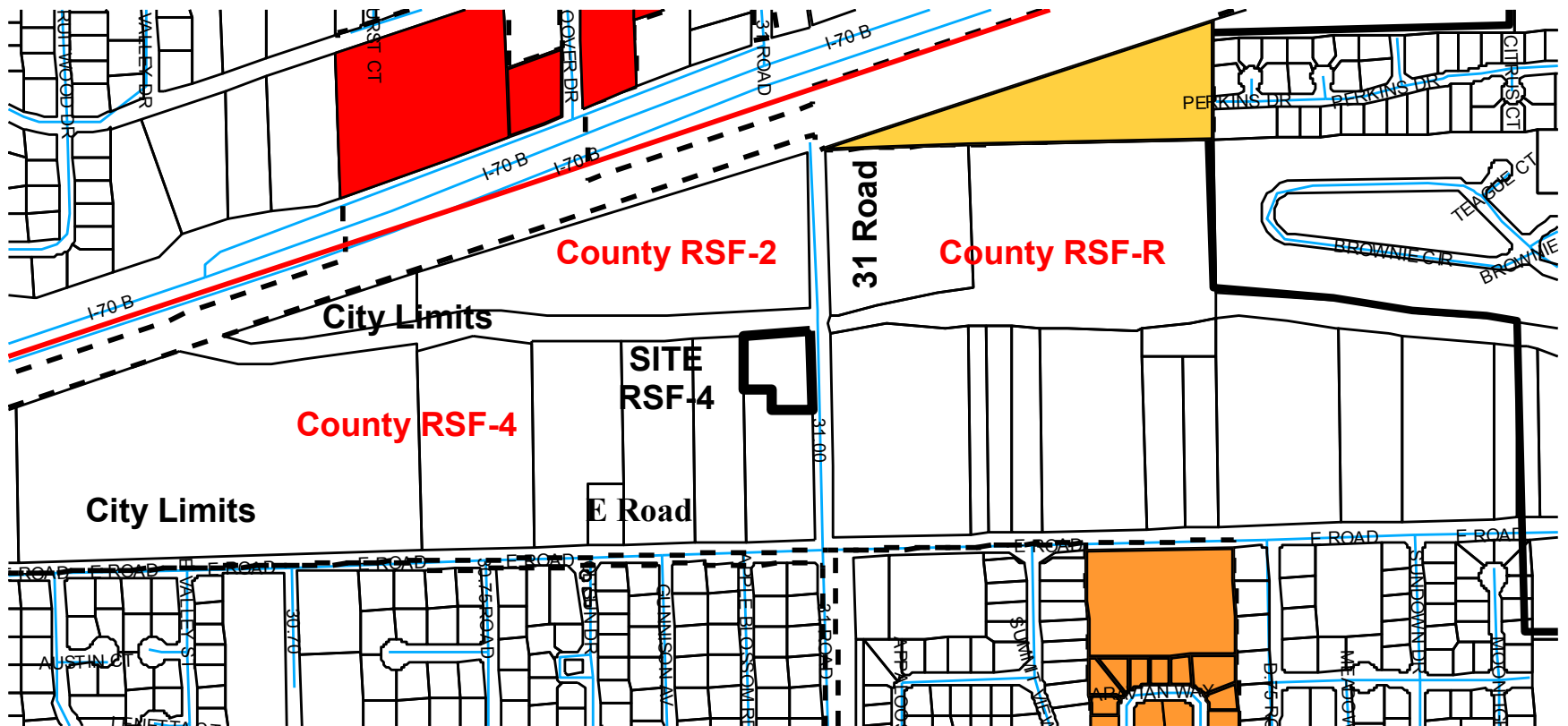
# Future Land Use Map

Figure 3



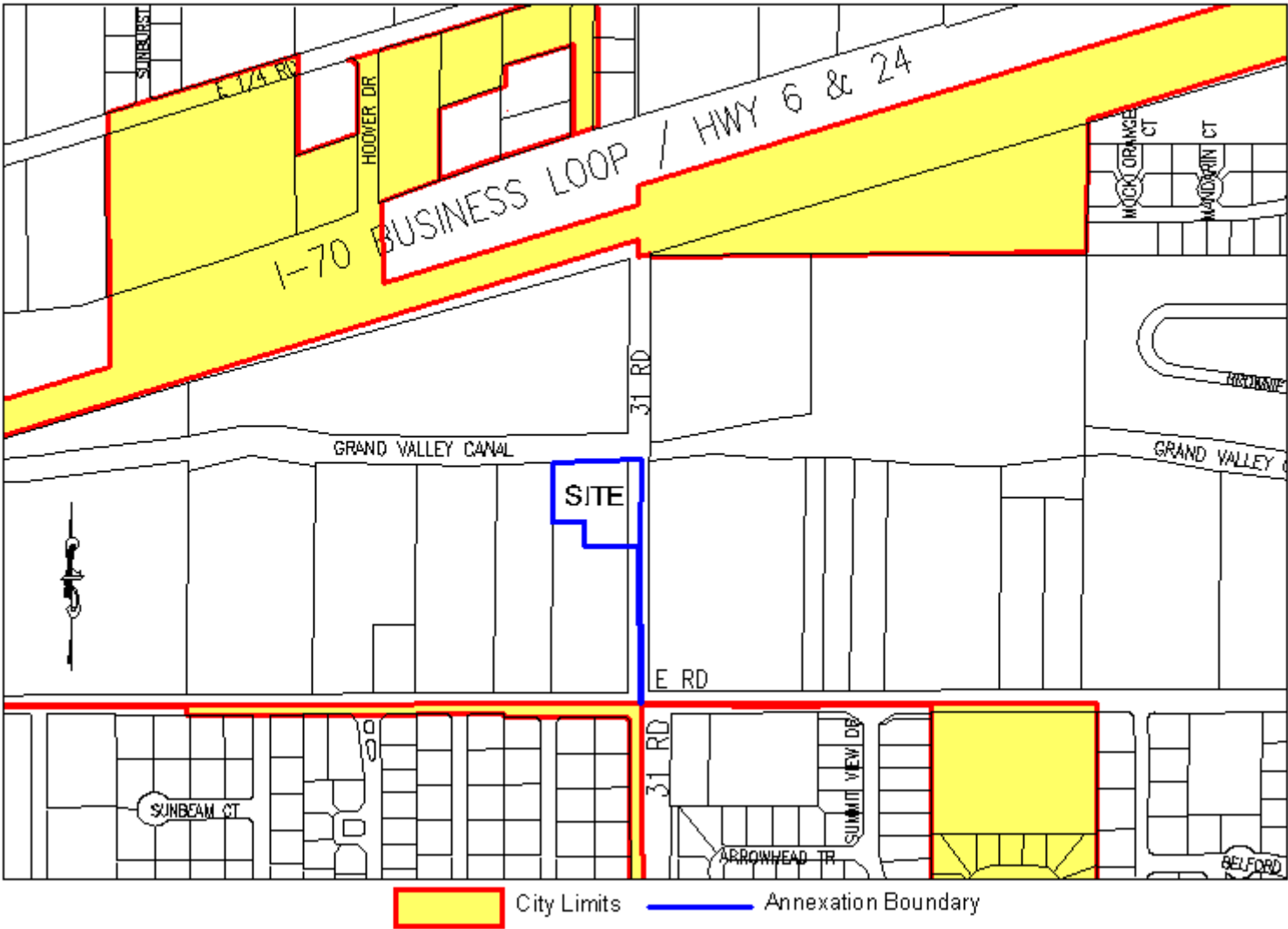
# Existing City and County Zoning

Figure 4



NOTE: Meigs County is currently in the process of updating their zoning map. Please contact Meigs County directly to

O'Connor Annexation  
Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

*AN ORDINANCE ZONING THE O'CONNOR ANNEXATION TO RESIDENTIAL  
SINGLE*

*FAMILY WITH A DENSITY NOT TO EXCEED FOUR UNITS PER ACRE (RSF-4)*

**LOCATED AT 511 31 ROAD**

Recitals.

**After public notice and public hearing as required by the Grand Junction zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to this annexation.**

After public notice and public hearing before the Grand Junction City Council, City Council finds that RSF-4 zone district be established for the following reasons:

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

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

**The following property shall be zoned Residential Single Family with a density not to exceed one unit per acre (RSF-4) zone district**

Includes the following tax parcel: 2943-094-00-094

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
O'CONNOR ANNEXATION**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9 and the Southwest Quarter (SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 1 South, Range 1 East of the Ute Meridian, and considering the East line of the SE

1/4 of said Section 9 to bear N 00°18'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°18'17" W along the East line of the SE 1/4 of said Section 9 a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°18'17" W along the East line of the SE 1/4 of said Section 9, a distance of 463.00 feet; thence S 89°44'43" W a distance of 160.00 feet; thence N 00°15'17" W a distance of 70.00 feet; thence S 89°44'43" W a distance of 97.00 feet; thence N 00°18'17" W a distance of 169.50 feet to a point being the Northwest corner of that certain property described in Book 2729, Page 689, Public Records of Mesa County, Colorado; thence N 89°44'43" E along the North line of said property, a distance of 258.94 feet to a point on a line 2.00 feet East of and parallel to, the East line of the SE 1/4 of said Section 9; thence S 00°18'17" E along said parallel line, a distance of 700.51 feet to a point on a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10; thence N 90°00'00" E along said parallel line, a distance of 500.00 feet; thence S 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 501.99 feet, more or less, to the Point of Beginning.

CONTAINING 1.3121 Acres (57,153.95 Sq. Ft.) more or less, as described.

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

Introduced on first reading on the 16<sup>th</sup> day June, 2003.

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

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

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



**Attach 11  
Public Hearing – Rezoning 653 Young Street**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Young Street Rezone located at 653 Young Street							
<b>Meeting Date</b>		July 2, 2003							
<b>Date Prepared</b>		June 19, 2003				File #RZ-2003-070			
<b>Author</b>		Ronnie Edwards			<b>Associate Planner</b>				
<b>Presenter Name</b>		Ronnie Edwards			<b>Associate Planner</b>				
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>		X	Yes		No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Request to rezone 653 Young Street, comprised of 1.252 acres, from RSF-1 (Residential Single Family with a density not to exceed 1 du/ac) to RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). Planning Commission recommended approval of the rezoning at its June 10, 2003 meeting.

**Budget:** N/A

**Action Requested:** Review and decision of the rezone request.

**Attachments:**

- 17. Staff Report
- 18. Site Location Map
- 19. Aerial Photo Map
- 20. Future Land Use Map
- 21. Existing City and County Zoning Map
- 22. Zoning Ordinance
- 23. Draft Planning Commission Minutes

**Background Information:** See attached Staff Report

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>653 Young Street</b>	
<b>Applicants:</b>		<b>Judith Marie</b>	
<b>Existing Land Use:</b>		<b>Residential Single Family</b>	
<b>Proposed Land Use:</b>		<b>Future Residential Single Family</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential Single Family</b>	
	<b>South</b>	<b>Vacant/Residential Single Family</b>	
	<b>East</b>	<b>Residential Single Family</b>	
	<b>West</b>	<b>Residential Single Family</b>	
<b>Existing Zoning:</b>		<b>RSF-1</b>	
<b>Proposed Zoning:</b>		<b>RSF-2</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RSF-1</b>	
	<b>South</b>	<b>RSF-1</b>	
	<b>East</b>	<b>RSF-1</b>	
	<b>West</b>	<b>RSF-R/PD (residential density of 2.9 to 3.7)</b>	
<b>Growth Plan Designation:</b>		<b>Residential Low (1/2 – 2 ac/du)</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**BACKGROUND:**

The subject property is the southern part of the original Lot 7 of Linda Subdivision as recorded on October 17, 1955 and was zoned R1A, (Residential District with a density of one single family unit per acre), under Mesa County regulations. With the adoption of the Mesa County Zoning and Development Code in April of 2000, the R1A designation became RSF-1, which allowed residential development at one unit per acre. Annexation occurred with the G Road South Enclave on August 6, 2000. The Linda Subdivision along with adjacent parcels to the north, south and east were given the equivalent zoning of RSF-1, (Residential Single Family with a density not to exceed one unit per acre). The lot sizes within Linda Subdivision range in size from .87 acre to 1.25 acres.

The area to the west was developed from 1995 through 1997 prior and during the adoption of the Growth Plan as Planned Residential Subdivisions with densities ranging from 2.8 to 3.86 dwelling units per acre. The breakdown of zoning and lot sizes are listed from North to South as follows:

Valley Meadows East	PR 2.93	8,172 s.f. to 14,557 s.f.
Kay Subdivision	PR 3.86	6,751 s.f. to 9,266 s.f.
Cimarron North	PR 3.7	5,173 s.f. to 11,089 s.f.
Fall Valley	PR 2.9	6,688 s.f. to 11,402 s.f. (average)

Note: There are 7 lots on the west side of Fall Valley Filing 3, which are not consistent with the average, and range up in size of 22,222 due to the layout of a cul-de-sac. See Figure 4, Existing City & County Zoning, at the end of the staff report.

The Future Land Use Map appears to use the east boundary of the above mentioned subdivisions as the separation line between Residential Medium Low (2-4 du/ac) and Residential Low (1/2-2 ac/du). Public hearings were held during the zone of annexation process and residents requested that they retain the same zoning as they had in the County, which was RSF-1.

On Tuesday, June 10, 2003, the Planning Commission disagreed with the staff recommendation of denial and voted 4 to 3 to forward a recommendation of approval. The following staff analysis of Growth Plan and Zoning and Development Code consistency is followed by a summary of the Planning Commission action. A copy of the Planning Commission minutes is attached to this staff report.

1. STAFF PROJECT ANALYSIS:

A. Consistency with the Growth Plan:

Policy 1.3 states the City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

The request for RSF-2 zoning is the highest range of density supported by the Future Land Use Map.

Policy 5.2 states the City will encourage development that uses existing facilities and is compatible with existing development.

The minimum lot size in RSF-2 zoning is 17,000 square feet, which is .39 acres. As previously stated, lot sizes within Linda Subdivision range from .87 to 1.25 acres. Adoption of an RSF-2 zoning could result in the future creation of lots that are incompatible with adjacent properties to the north, south and east.

B. Section 2.6.A of the Zoning and Development Code:

Rezone requests must meet all of the following criteria for approval:

- 1) The existing zoning was in error at the time of adoption

The existing zoning of RSF-1 was not in error at the time of adoption and was compatible with surrounding zoning and uses.

- 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 properties located to the north, south and east developed prior to the adoption of the Growth Plan in 1996. Remaining properties to the west developed after 1996 and was consistent with the Plan. All public utilities are located on the property.

- 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 to RSF-2 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure will be addressed when the impacts of any development occurs that is consistent with the RSF-2 zone district, therefore this criterion is met.

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

The proposal is within the density range governed by the Growth Plan. While the RSF-2 zone can be considered compatible with properties to the west, it does not meet the Plan's compatibility requirements for the properties to the north, south and east.

- 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 and can address the impacts of development consistent with the RSF-2 zone district. Future development impact would have to address building envelope and access issues as there is a large irrigation canal and a Grand Junction Drainage District easement running through the southern part of the parcel. The City may limit site development to a lower intensity than shown on the Future Land Use Map due to site specific conditions.

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

Adequate land is available in the surrounding area for development at densities higher than one unit per acre. These vacant lands are located to the west and northwest where the Future Land Use Map designation is Residential Medium (4-8 du/ac).

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

The proposed zone would not benefit the neighborhood as this subdivision was established with RSF-1 equivalent zoning in 1955.

#### STAFF FINDINGS OF FACT/CONCLUSIONS:

3. The requested rezone is not consistent with adjacent property development, which is stated in Policy 5.2 of the Growth Plan.
4. The review criteria in Section 2.6.A of the Zoning and Development Code have not been met.
  1. Zoning was not in error at time of adoption of RSF-1 zone district;
  2. Change of character in the neighborhood has occurred, but all new development has been consistent with the Growth Plan;
  3. Requested rezone is within the allowable density range of the Growth Plan, but it is incompatible with remaining adjacent area;
  4. There is an adequate supply of land for development to the requested zone density; and
  5. Proposed zone would not benefit the neighborhood

#### STAFF RECOMMENDATION:

Staff recommendation at the June 10, 2003 Planning Commission hearing of the requested rezone was denial, based on the findings and conclusions listed above.

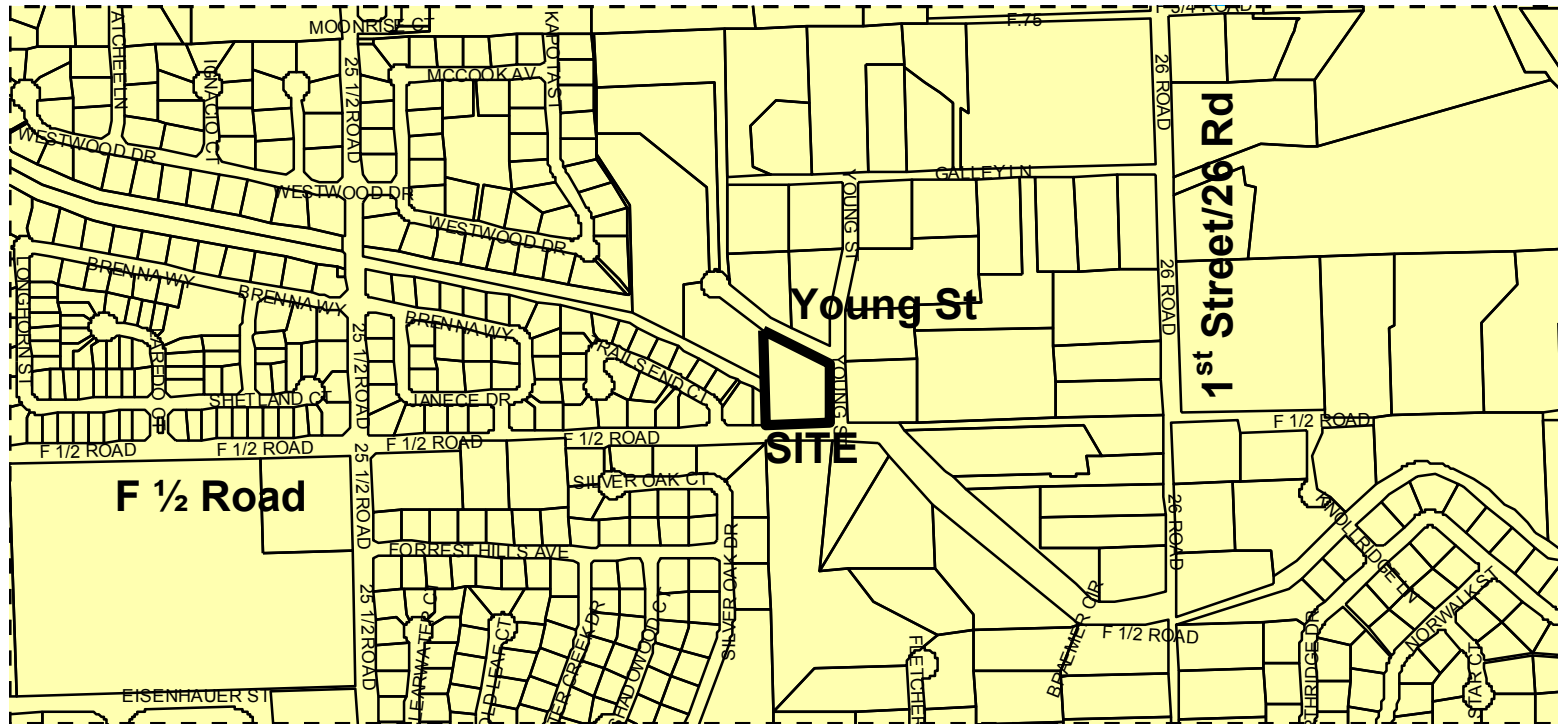
#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested rezone, RZ-2003-070, to the City Council by a vote of 4 to 3.

The Planning Commission found that the neighborhood would benefit from the proposed zone (review criteria number 7 above). It was their opinion that the rezone, accompanied by the expected development of the area south of the canal, would improve the appearance of the lot therefore benefiting the neighborhood.

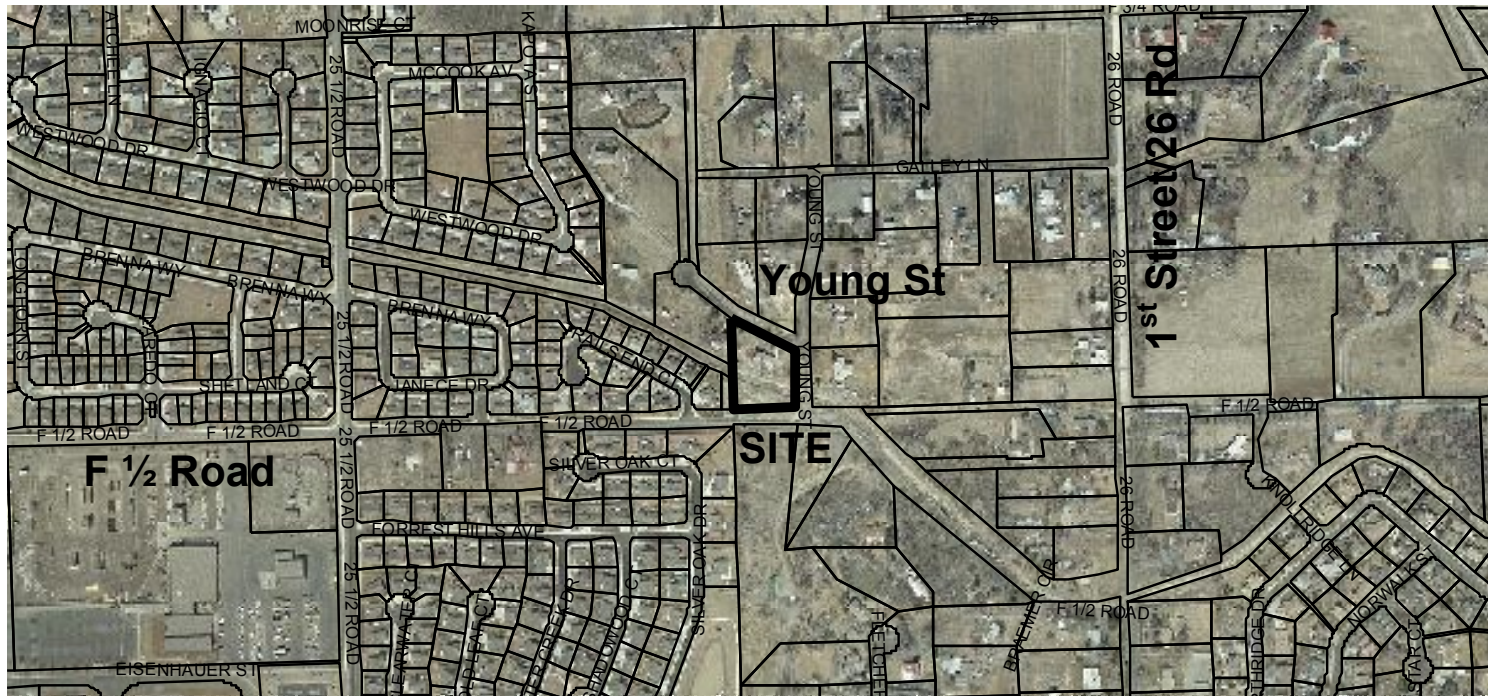
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2

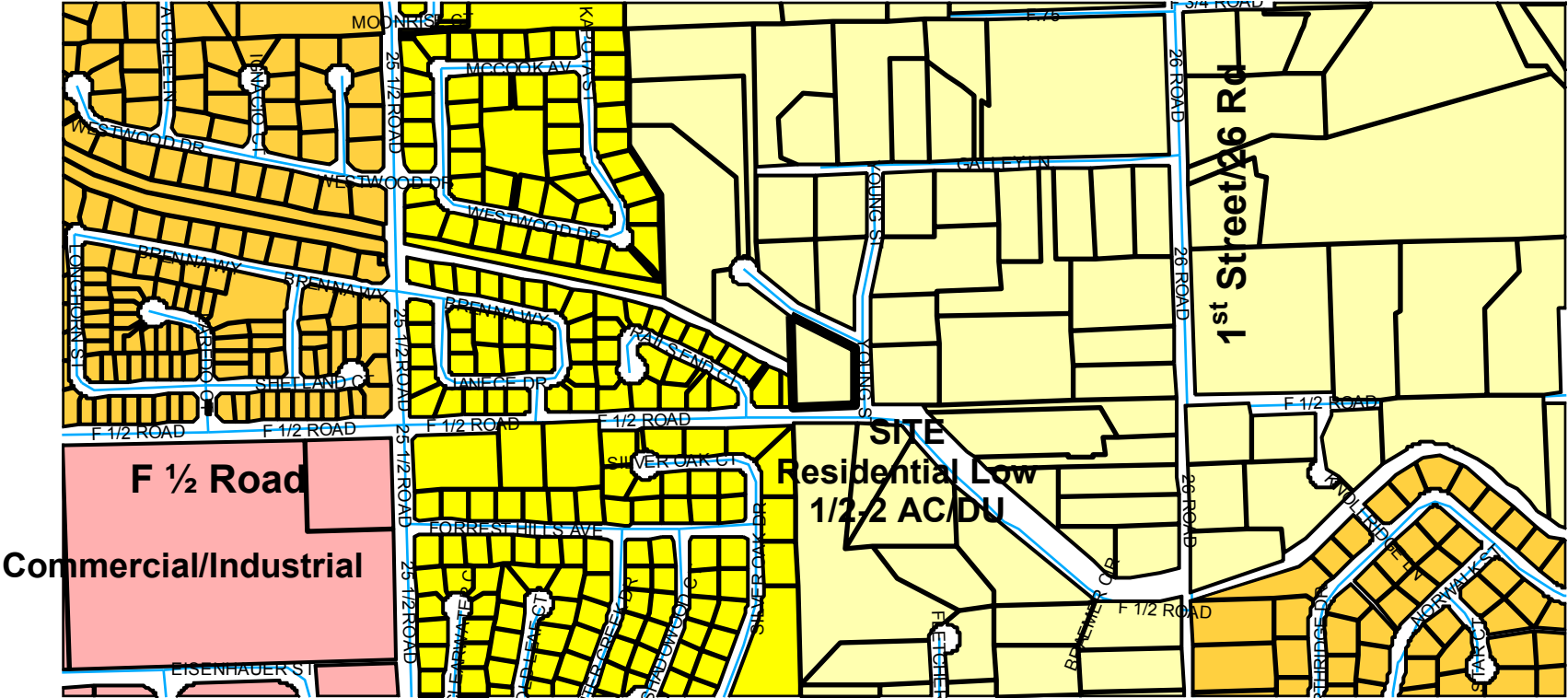


# Future Land Use Map

Figure 3

**Residential  
Medium 4-8 du/ac**

**Residential Medium  
Low  
2-4 du/ac**



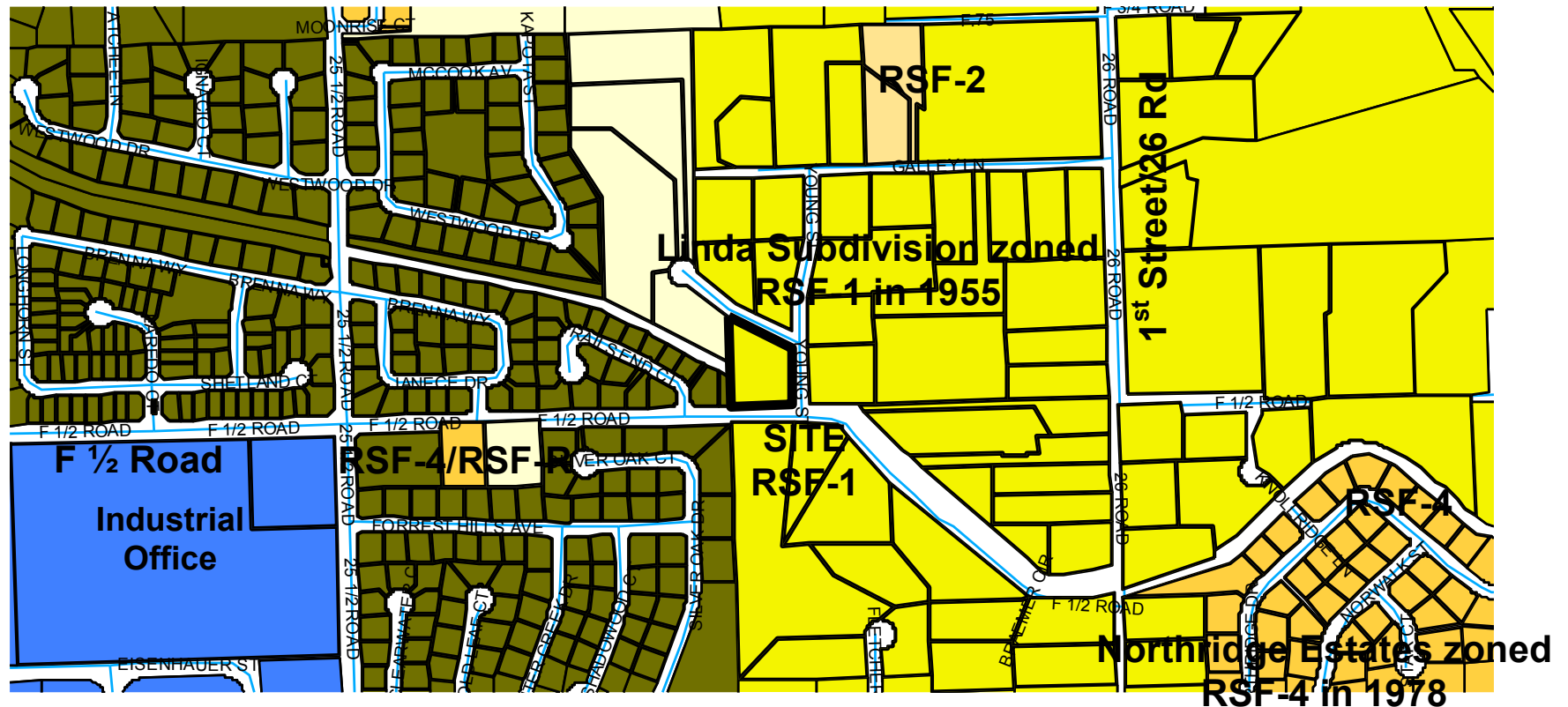


# Existing City and County Zoning

Figure 4

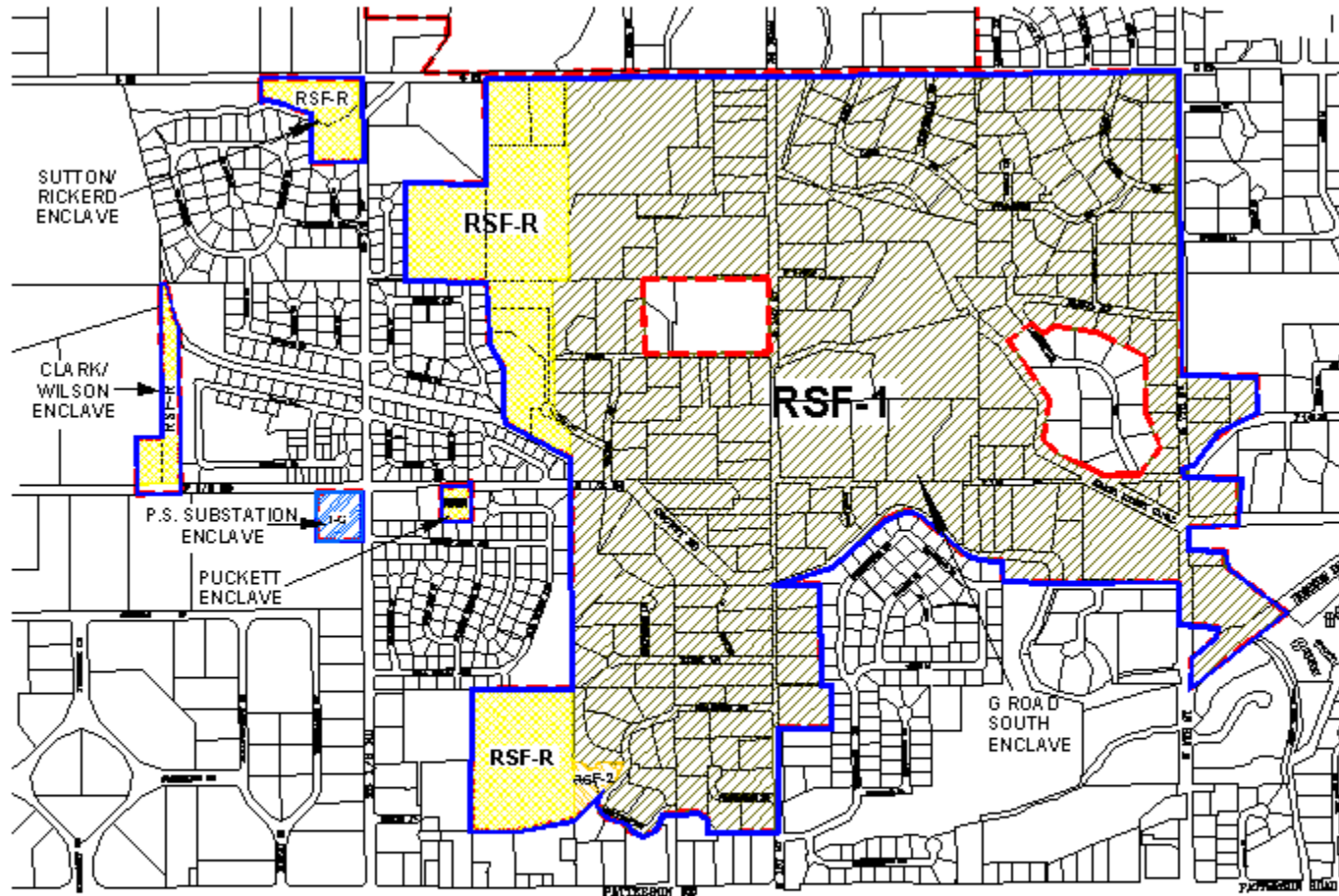
PD with density ranges of  
2.8 to 3.86 du/ac

Galley Minor Subdivision  
zoned RSF-2 in 1995



Valley Meadows East at PR 2.93, Kay Subdivision at PR 3.86, Cimarron North at PR 3.7 & Fall Valley at PR 2.9 du/ac all zoned in 1995 thru 1997.

# POMONA PARK ENCLAVES / G ROAD SOUTH AREA



## Legend

## PROPOSED ZONING

- - - - CITY LIMITS
- ENCLAVE BOUNDARY
- RSF-1 Residential Single Family-1 unit/acre
- RSF-2 Residential Single Family-2 units/acre
- RSF-R Residential Single Family-Rural 1 unit/5 acres
- IO Industrial Office Park

CITY OF GRAND JUNCTION, COLORADO



PUBLISHED: May 11, 2000  
BY: [illegible]



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING A PARCEL OF LAND LOCATED AT 653 YOUNG STREET  
TO RSF-2 (RESIDENTIAL SINGLE FAMILY WITH A DENSITY  
NOT TO EXCEED TWO UNITS PER ACRE)**

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 the rezone request from the RSF-1 zone district to RSF-2 zone district by a vote of 4 to 3.

A rezone from RSF-1 (Residential Single Family with a density not to exceed one unit/acre) to RSF-2 (Residential Single Family with a density not to exceed two units/acre) has been requested for the property located at 653 Young Street. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Low 1/2 to 2 ac/du). 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.

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

**The following property shall be zoned Residential Single Family with a density not to exceed 2 units per acre (RSF-2) zone district**

Includes the following tax parcel: 2945-031-01-008

That part of Lot 7 in Linda Subdivision being more particularly described as follows: BEG North 00°12'W 25.00 ft. from the SW COR of the SE1/4 NE1/4 of SEC 3, T1S, R1W of the UM, thence North 00°12'W 289 ft.; thence South 65°48'E to the West right-of-way line of Young Street; thence South 191.27 ft. to the SE COR of said Lot 7; thence S89°51'W 215.2 ft. more or less to the SW COR of said Lot 7 and the point of beginning, Mesa County, Colorado.

Introduced on first reading on the 16th day June, 2003.

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_

President of the Council

Attest:

---

City Clerk

**GRAND JUNCTION PLANNING COMMISSION  
JUNE 10, 2003 MINUTES  
7:00 P.M. to 8:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

**In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, John Evans, John Redifer, John Paulson, Bill Pitts and Richard Blosser. William Putnam was absent.**

**In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Senta Costello (Associate Planner), Scott Peterson (Associate Planner), Lori Bowers (Senior Planner) and Ronnie Edwards (Associate Planner).**

Also present were John Shaver (Assistant City Attorney) and Rick Dorris and Eric Hahn (City Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 17 interested citizens present during the course of the hearing.

## **I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the April 22 and May 13, 2003 Planning Commission public hearings.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move approval [of the April 22, 2003 minutes as submitted]."**

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Paulson abstaining.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move approval [of the May 13, 2003 minutes as submitted]."**

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Chairman Dibble and Commissioner Paulson abstaining.

## **II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

### III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items VE-2003-054 (Vacation of Easement--Cox Easement Vacation); ANX-2003-080 (Zone of Annexation--Rold Annexation); ANX-2003-022 (Zone of Annexation--UnawEEP Heights Subdivision); ANX-2003-090 (Zone of Annexation--Sonrise Acres Subdivision); VE-2002-205 (Vacation of Easement--Cimarron Mesa Filing #1); and ANX-2003-068 (Zone of Annexation--O'Connor Subdivision). At citizen request, item ANX-2003-022 was pulled and placed on the Full Hearing Agenda.

**MOTION: (Commissioner Blosser) "Mr. Chairman, I move that we approve the Consent Agenda as modified."**

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

### IV. FULL HEARING

#### **ANX-2003-022 ZONE OF ANNEXATION--UNAWEEP HEIGHTS SUBDIVISION**

**A request for approval to zone the UnawEEP Heights Subdivision, consisting of 30.33 acres, to RSF-4 (Residential Single-Family with a density not to exceed 4 units per acre).**

**Petitioner: UnawEEP Heights, LLC**

**Location: 2857 UnawEEP Avenue**

#### **PETITIONER'S PRESENTATION**

Doug Theis, representing the petitioner, briefly reviewed the request. He said that because the property is currently zoned County RSF-4, the City's RSF-4 zoning would be compatible. The requested zone is consistent with Growth Plan recommendations and Code requirements. Mr. Theis said that the Planning Commission would soon consider a Preliminary Plan consisting of 108 lots; however, he noted that the only item under current consideration tonight is the Zone of Annexation.

#### **STAFF'S PRESENTATION**

Lori Bowers reviewed the request as outlined in her June 10, 2003 staff report. Referencing an overhead map of the site, she noted that UnawEEP Avenue is undergoing realignment. The petitioner had delayed his request for annexation until the realignment was underway. Staff determined that the request met Growth Plan requirements and Code criteria and the RSF-4 land use designation would be consistent with the one previously applied by the County. Ms. Bowers also presented an aerial photo of the site, the City/County Zoning Map and the Future Land Use Map.

#### **QUESTIONS**

Chairman Dibble asked if the zoning on all sides of the subject parcel was RSF-4, to which Ms. Bowers responded affirmatively. She noted that the subject parcel was the only one in the immediate area that, once annexation was completed, would be situated within City limits.

Commissioner Cole asked how contiguity was established. Ms. Bowers pointed out an adjacent parcel and said that contiguity would be ensured from that parcel to B 3/4 Road.

Commissioner Blosser asked about the zoning to the north of the subject property; Ms. Bowers replied that the area to the north was zoned AFT.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Carlo Godel (2873 C Road, Grand Junction) said that actual densities of the surrounding area were closer to 1-2 units/acre. An increase in density to 4 units per acre would be incompatible; however, a zoning designation allowing 2-3 units per acre would be more acceptable. Mr. Godel indicated the location of his property on the aerial photo. Chairman Dibble reminded citizens that the only matter being considered was the Zone of Annexation. The Planning Commission had not seen any plan submitted for the property, so it was unclear at this point what the actual density of the proposed subdivision would be. The RSF-4, he continued, allowed for densities anywhere between 2 and 4 units per acre.

John Denison (2858 C Road, Grand Junction) noted a small portion of land located at the juncture of the "realigned" Unawep Avenue and C Road. He wondered what would become of that piece of ground. He suggested that it be used for development of an irrigation system. In addition, he hoped that parks fees would be used to develop open space and parks in conjunction with the proposed subdivision and not be retained for development of parks in other areas of town. Chairman Dibble again stated that such concerns related to a plan not under current consideration by the Planning Commission.

Dr. K.D. Ashbrook-Nabity (2874 C Road, Grand Junction) agreed with previous comments regarding density. She said that parcels in the area are generally between 1 and 2 acres in size. The subject parcel was only entitled to a certain number of water shares, and she felt there wouldn't be a sufficient amount of irrigation water for the number of lots proposed. She wanted to see more open space in conjunction with the subdivision, and she expressed concern for the loss in quality of life if the higher density zone designation was approved. Dr. Ashbrook-Nabity added that C Road would continue as C Road east of the Unawep Avenue realignment juncture.

Mike Melgares (no address given) interjected that he and several others had missed their opportunity to have item ANX-2003-068 pulled from Consent and placed on the Full Hearing agenda. While out of order, he asked that this request be reconsidered. After a brief discussion among planning commissioners and legal counsel, it was decided that any reconsideration discussion should ensue following completion of the Full Hearing agenda.

Cindy Denison (2858 C Road, Grand Junction) expressed concern over the stability of soils near the Grand Junction Ditch Company's ditchbank and hoped that the developer would plant trees or incorporate xeriscaping near the ditchbank. She'd heard that parks fees were going to be allocated to a nearby school for improvements to its property. When she'd approached the school's administrative staff to confirm this, they'd not heard anything about it and were opposed to the development of its playground for more public use. She supported development of parks and open space within the proposed subdivision and urged the City to utilize parks fees to this end.

### **QUESTIONS**



Chairman Dibble asked staff to clarify the process of collecting and distributing parks and open space fees. Bob Blanchard said that monies were not generally given to schools for improvements on their properties. Mr. Blanchard noted that comments regarding parks and open space had not yet been received from the City's park planner. Ms. Bowers recalled conversations with parks planner Shawn Cooper; however, she didn't believe that any firm recommendation had been made other than to require the developer to pay a fee in lieu of land dedication. She added that green space was proposed all along the Unawep Avenue alignment. She thought that the small portion of land referenced by Mr. Denison would be left as open space. Mr. Blanchard added that the petitioner's submittal had only gone through a single round of review; he would make sure that interested residents received notice of Preliminary Plan review.

Robert Lawrence (2895 Alta Vista, Grand Junction) asked for clarification on the area that would be affected by the current land use designation request, which was given.

Joc Meyers (2893 Alta Vista, Grand Junction) also supported a lower density classification. He said that higher densities afforded less space for people to park RV's and other vehicles, which would likely result in a lot of undesirable on-street parking.

#### **PETITIONER'S REBUTTAL**

Mr. Theis said that citizen concerns would be addressed during the Preliminary Plan review stage, and he expressed appreciation for comments made.

## QUESTIONS

Chairman Dibble asked for clarification on the zoning of the property to the southwest. Ms. Bowers said that its zoning is also RSF-4. She reminded those in attendance that just because a property had a given zone density, it did not mean that a property owner would be permitted to develop at the highest end of that density range.

Commissioner Paulson wondered if staff knew the actual development densities of surrounding parcels. Pat Cecil said that surrounding properties were all developed under County jurisdiction and that the City did not have possession of the County's development files. He agreed that even though the surrounding zoning designations were generally RSF-4, properties may actually have been developed at the lower end of that density range.

Mr. Blanchard said that the City considered properties situated within its jurisdiction and whether they were developing according to Growth Plan recommendations.

## DISCUSSION

Commissioner Cole felt that because the subject parcel was County-zoned RSF-4 and not AFT, it must have gone through a review process for it to have received that designation. He'd heard no compelling reason why the City should not apply its most compatible zone, which is RSF-4. He stated further that even if the property were not being annexed to the City and instead was developing in the County RSF-4 zone is still applicable; the property owner would still be able to develop within the 2-4 units/acre density range. He expressed support for the request.

Commissioner Pitts said that it appeared that residents were hoping for a lower density development. He hoped that the developer would give their comments due consideration.

Commissioner Blosser said that the City's application of a land use designation was in conjunction with the requirements of the Persigo Agreement. He noted that interested citizens would have a chance to review and comment on the actual plan during the Preliminary Plan review stage, and he encouraged their participation.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item #ANX-2003-022, I move that the Planning Commission recommend to the City Council the zoning designation of RSF-4 (Residential Single-Family not to exceed 4 units per acre) for the Zone of Annexation of the Unawep Heights Annexation, located at 2857 Unawep Avenue, finding that the project is consistent with the Growth Plan, the Persigo Agreement, and Section 2.6 of the Zoning and Development Code."**

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

## **RZ-2003-070 REZONE--YOUNG STREET REZONE**

**A request to rezone a 1.252 acre parcel from RSF-1 (Residential Single-Family with a density not to exceed one unit per acre) to RSF-2 (Residential Single-Family with a density not to exceed two units per acre).**

**Petitioner: Judith Marie**

**Location: 653 Young Street**

### **PETITIONER'S PRESENTATION**

Karl Clemons, representing the petitioner, presented an overhead map of the subject area. He said that the Grand Valley Canal bisects a portion of the petitioner's property, rendering the southern portion of it unusable and inaccessible. He noted that weeds and trash are collecting on the property. The petitioner's home was situated on the portion of property north of the canal, which would remain whether or not approval was given to the rezone request. Approval of the rezone would, however, allow the petitioner to subdivide and construct a home on the portion of her property south of the canal. The canal, he added, made for a natural dividing line. The southern portion of property "looked as though" it should be a part of the Cimarron North Subdivision located to the west. The current RSF-1 zone designation would not allow development of the southern property; thus, it was effectively landlocked. Mr. Clemmons also noted the existence of a drain easement bisecting the southern portion of property. After having talked with Grand Junction Drainage Ditch representatives, it was determined that the easement could be moved, with the addition of two manhole covers. Even without the easement's relocation, Mr. Clemmons said that there is sufficient area to build a 1,800 square foot home. He asked that the uniqueness of the property and the situation be considered and approval of the rezone request be granted.

### **STAFF'S PRESENTATION**

Ronnie Edwards offered a PowerPoint presentation which contained the following slides: 1) site location map; 2) aerial photo of the site; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) annexation map; and 6) aerial photo depicting the site specific conditions. She provided a brief historical background of the property and its zoning. The original R1A zone, assigned in 1955, had become an RSF-1 zone in the year 2000, with the adoption of the Mesa County Zoning and Development Code. Staff determined upon review, that the request failed to meet the rezone criteria outlined in section 2.6.A of the Grand Junction Zoning and Development Code, finding that: 1) the existing RSF-1 zone had not been applied in error; 2) while there had been a change in character of the neighborhood, new development was consistent with Growth Plan recommendations; 3) the higher RSF-2 zone designation would not be compatible with the surrounding area; 4) there was a sufficient supply of land for development to the requested zone density; and 6) the proposed rezone would not benefit the neighborhood. Ms. Edwards recommended that the request be denied.

### **QUESTIONS**

Commissioner Cole asked for confirmation from staff that there is sufficient area on the southern portion of property to build a home that would comply with development standards. Ms. Edwards said that there is sufficient area available; however, the petitioner would be required to work with the City's engineering department on the provision of access to the property.

Commissioner Blosser remarked that if the rezone were not approved, the petitioner could not do anything with the land; it would remain vacant, unused and unmaintained. Ms. Edwards responded that these observations were not part of the review criteria to which she had to adhere.

Chairman Dibble asked how staff concluded that there would be no benefit to the neighborhood. Ms. Edwards said that she based her conclusion on the history of the property and the area.

Mr. Blanchard remarked that the RSF-1 zone designation had also been perpetuated on the property following its annexation into the City in August of 2000. Ms. Edwards noted that there had been no

subdivision plan submitted; thus, the property could technically be subdivided in a way other than what Mr. Clemons was suggesting if the rezone was granted.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Robert Hunt (2572 Young Court, Grand Junction) did not feel the higher zone designation would be compatible with the surrounding neighborhood. He also felt that access provision to the southern portion of the petitioner's property would pose a problem. Mr. Hunt was also concerned that approval of the request would set a precedent for future rezone requests.

### **PETITIONER'S REBUTTAL**

Mr. Clemmons said that a neighborhood meeting had been held, with only four people showing up. The two primary concerns expressed at that time had been over possible impacts resulting from the potential widening of F 1/2 Road and the type of house that would be constructed upon the newly created lot. He said that the property owner would agree to sign a document assuring residents that no mobile home would be placed on the property. The intention was to construct a nice home on the property, compatible with other homes in the area. He said that the neighborhood would benefit by having something nice constructed on the property. The property would be cleaned up and a homeowner would then be present to maintain it.

### **DISCUSSION**

Commissioner Pitts said that he'd driven by the property and agreed that construction of a home on the property was preferable to allowing the property to remain unusable and retained as a weed patch. Someone, he said, needed to be responsible for the upkeep of the property. He expressed support for the rezone request.

Commissioner Blosser asked Rick Dorris if the building envelope on the southern portion of the property would be impacted if F 1/2 Road were widened. Mr. Dorris said that the question called for a hypothetical response; he said that he was unsure. He continued by saying that in a worst-case scenario, the City might have to consider purchasing right-of-way from the future property owner of the southern lot and the current owner of the property adjacent to that lot. The City may even be required to purchase the properties outright. In a more likely scenario, the alignment of F 1/2 Road would be adjusted further south, given that there was more open land available.

Commissioner Blosser said that he too had driven by the property and agreed with Commissioner Pitts' comments. Development of the property was preferable to having it lay unused and unmaintained.

Commissioner Evans disagreed. It was clear that the request failed to meet Code criteria and Growth Plan recommendations. "A line must be drawn," he said.

Chairman Dibble agreed with Commissioner Evans. If the Planning Commission based its decisions on Code regulations and Growth Plan recommendations, there was no justification for deviation.

Commissioner Cole felt that the Code criterion pertaining to neighborhood benefit had been satisfied, adding that staff's conclusion seemed to be subjective.

Commissioner Paulson asked for a legal opinion from counsel on whether or not approval of the request would establish a precedent. Mr. Shaver replied that no legal precedent would be created. He continued by saying that because of the uniqueness of the parcel it would be distinguishable from other rezone applications, even though the neighbors may view it differently.

Commissioner Pitts said that the assumption was that the petitioner would subdivide the property in the manner presented by her representative. He said that it didn't seem possible or practical to do it any other way.

Commissioner Cole agreed that the uniqueness of the property warranted more individual consideration. His support of the request was based on the method of subdivision outlined by Mr. Clemmons.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on the Young Street Rezone, #RZ-2003-070, I move that the Planning Commission forward a recommendation of approval to City Council on the request to rezone from RSF-1 (Residential Single-Family with a density not to exceed one unit per acre) to RSF-2 (Residential Single-Family with a density not to exceed two units per acre) with the findings and conditions listed in the staff report."**

Commissioner Pitts seconded the motion.

A brief discussion ensued over whether "...with the findings and conditions listed in the staff report" should be retained in the motion. Mr. Shaver said that it is obvious by Commissioner Blosser's motion that he effectively is disagreeing with staff's conclusions and findings that don't support the motion and that the reference/motion as stated is not a problem.

A vote was called and the motion passed by a vote of 4-3, with Chairman Dibble and Commissioners Evans and Paulson opposing.

#### **V. RECONSIDERATION REQUEST**

In response to a citizen request to reconsider an item on the Consent Agenda, ANX-2003-068, Mr. Shaver said that the Planning Commission could let the previous action stand, with objectors making their objections known before City Council or it could reconsider and place the item on the Full Hearing Agenda. To do the latter, planning commissioners must first vote to reconsider the item placed on Consent and if that motion is successful then vote again to hear the item. Mr. Shaver also said that the item could be continued to another date certain once placed on the Full Hearing Agenda. Following discussion, and reiteration by Chairman Dibble to the requestor that there had been ample opportunity given to pull the item from Consent, planning commissioners chose to let the original action stand, given that there was no motion offered to the contrary.

With no further business to discuss, the public hearing was adjourned at 8:30 P.M.

**Attach 12  
Public Hearing – Rold Annexation Located at 524 30 Road**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>									
<b>Subject</b>		Rold Annexation located at 524 30 Road							
<b>Meeting Date</b>		July 2, 2003							
<b>Date Prepared</b>		June 25, 2003				File #ANX-2003-080			
<b>Author</b>		Senta Costello			<b>Associate Planner</b>				
<b>Presenter Name</b>		Senta Costello			<b>Associate Planner</b>				
<b>Report results back to Council</b>		X	No		Yes	When			
<b>Citizen Presentation</b>			Yes	X	No	Name			
	Workshop	X	<b>Formal Agenda</b>				Consent	X	<b>Individual Consideration</b>

**Summary:** Resolution for Acceptance of Petition to Annex and Consideration of Final Passage of the annexation ordinance. The .7998 acre Rold Annexation consists of one parcel of land. The requested zoning for the property is C-1 (Light Commercial). The physical address for the property is 524 30 Road.

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the resolution accepting the petition to annex, second reading of the annexation ordinance for the Rold Annexation.

**Attachments:**

1. Staff Report
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City and County Zoning Map
6. Annexation Map
7. Resolution of Acceptance of Petition

## 8. Annexation Ordinance

**Background Information:** See attached report.



<i>BACKGROUND INFORMATION</i>				
<b>Location:</b>		<b>524 30 Road</b>		
<b>Applicants:</b>		Rita L. Rold		
<b>Existing Land Use:</b>		<b>Commercial</b>		
<b>Proposed Land Use:</b>		<b>Commercial</b>		
Surrounding Land Use:	North	<b>Single Family Residential</b>		
	South	Vacant Commercial land		
	East	Vacant Commercial land		
	West	Single Family Residential		
<b>Existing Zoning:</b>		County B-1/PC		
<b>Proposed Zoning:</b>		City C-1		
Surrounding Zoning:	North	<b>County B-1</b>		
	South	City C-1		
	East	City C-1		
	West	County B-1		
<b>Growth Plan Designation:</b>		Commercial		
<b>Zoning within density range?</b>		X	Yes	No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing .7998 acres of land. Owners of the property have signed a petition for annexation as part of their request to split their property into two lots, pursuant to the 1998 Persigo agreement with Mesa County.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

<i>ROLD ANNEXATION SUMMARY</i>		
<b>File Number:</b>		ANX-2003-080
<b>Location:</b>		524 30 Road
<b>Tax ID Number:</b>		2943- <b>093-00-031</b>
<b>Parcels:</b>		1
<b>Estimated Population:</b>		0
<b># of Parcels (owner occupied):</b>		1
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		.7998 acres for annexation area
<b>Developable Acres Remaining:</b>		0
<b>Right-of-way in Annexation:</b>		N/A
<b>Previous County Zoning:</b>		B-1/PC
<b>Proposed City Zoning:</b>		C-1 (Light Commercial)
<b>Current Land Use:</b>		<b><i>Commercial</i></b>
<b>Future Land Use:</b>		<b><i>Commercial</i></b>
<b>Values:</b>	<b>Assessed:</b>	= \$113,340
	<b>Actual:</b>	= \$390,800
<b>Address Ranges:</b>		524 30 Road
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire District

	<b>Drainage:</b>	Grand Valley Irrigation District
	<b>School:</b>	District 51

The following annexation and zoning schedule is being proposed.

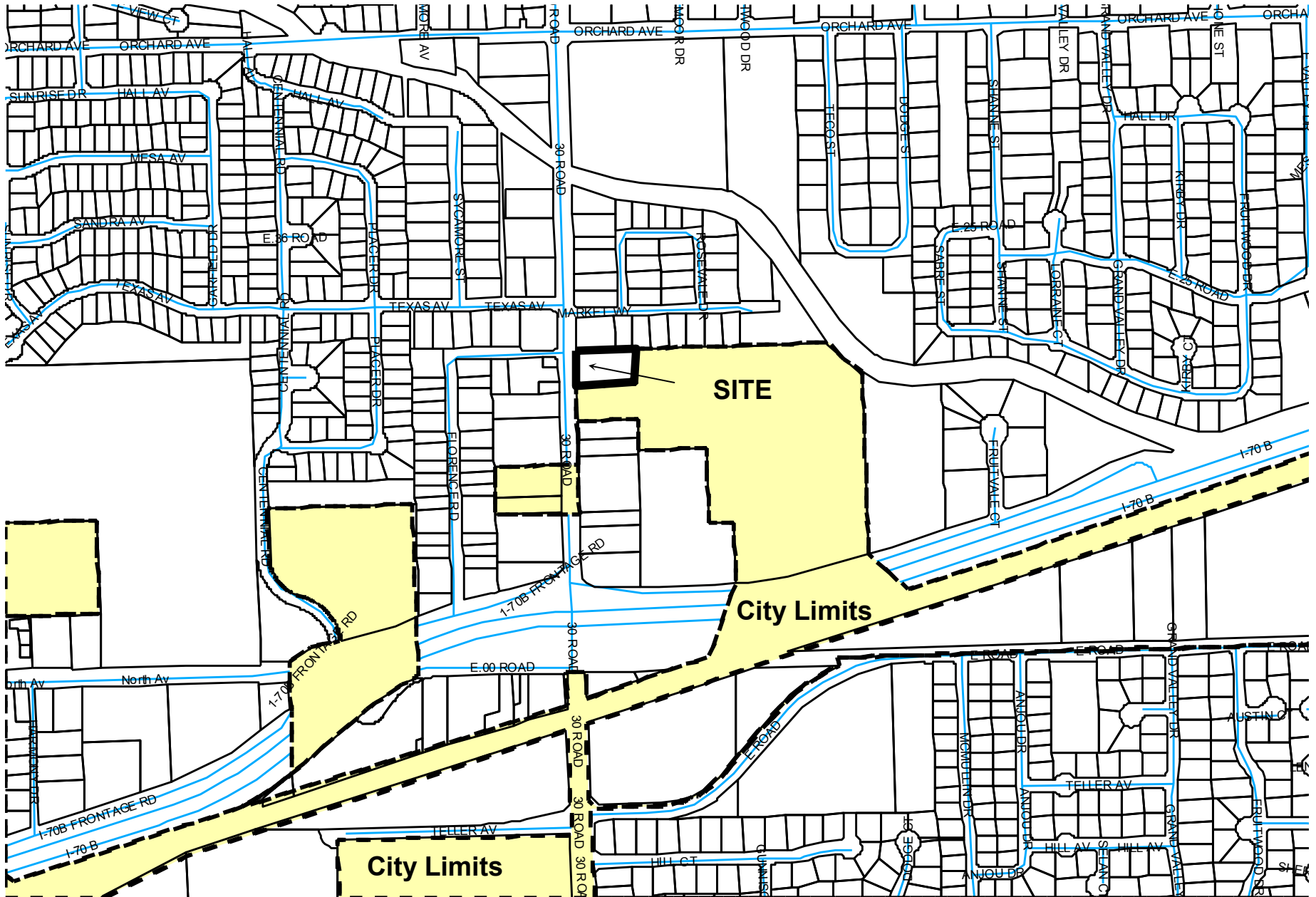
<i>ANNEXATION SCHEDULE</i>	
<b>May 21, 2003</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>June 10, 2003</b>	Planning Commission considers Zone of Annexation
<b>June 16, 2003</b>	First Reading on Zoning by City Council
<b>July 2, 2003</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>August 3, 2003</b>	Effective date of Annexation and Zoning

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

CC accept pet-2nd read - LU.doc

# Site Location Map

Figure 1



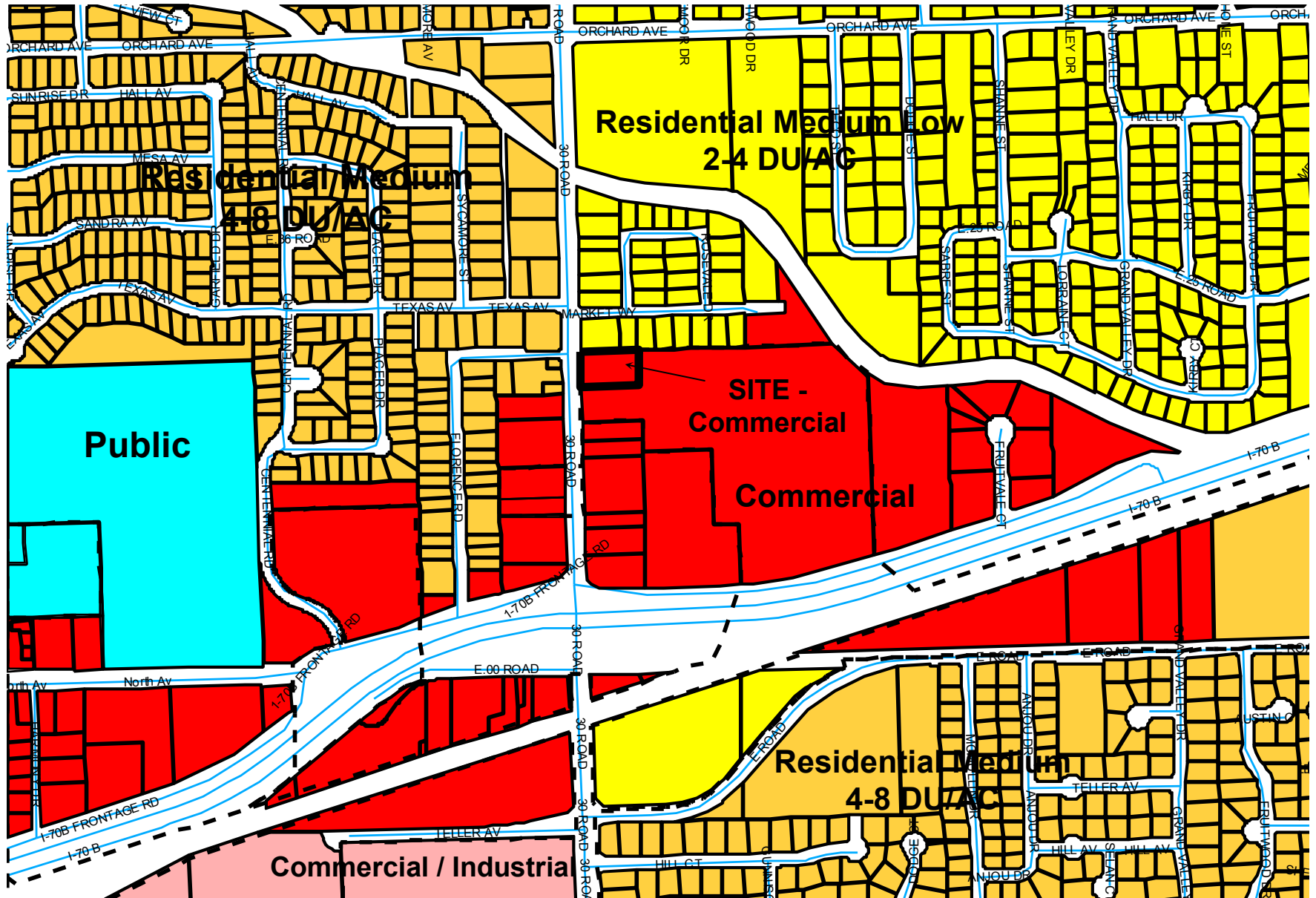
# Aerial Photo Map

Figure 2



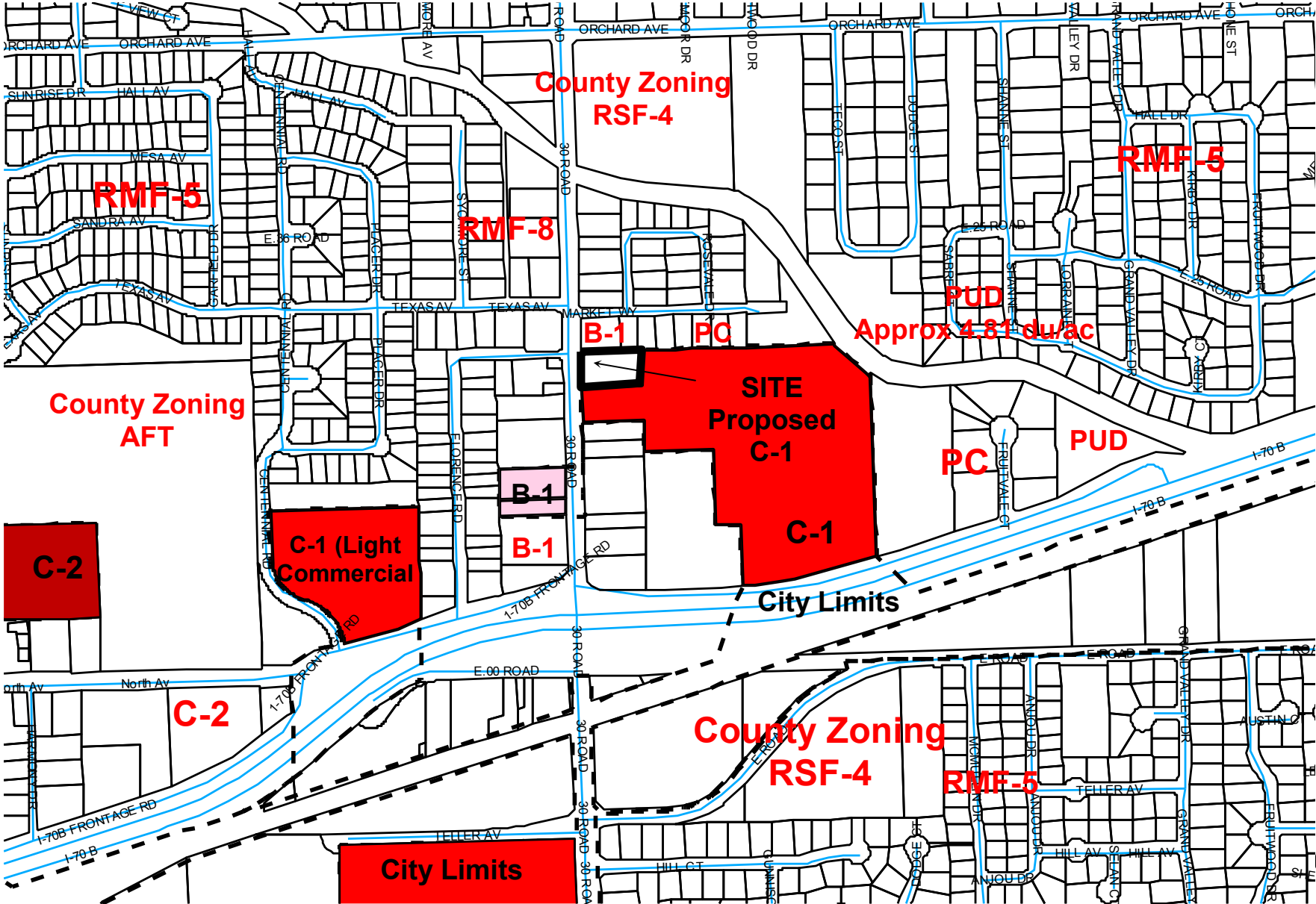
# Future Land Use Map

Figure 3



# Existing City and County Zoning

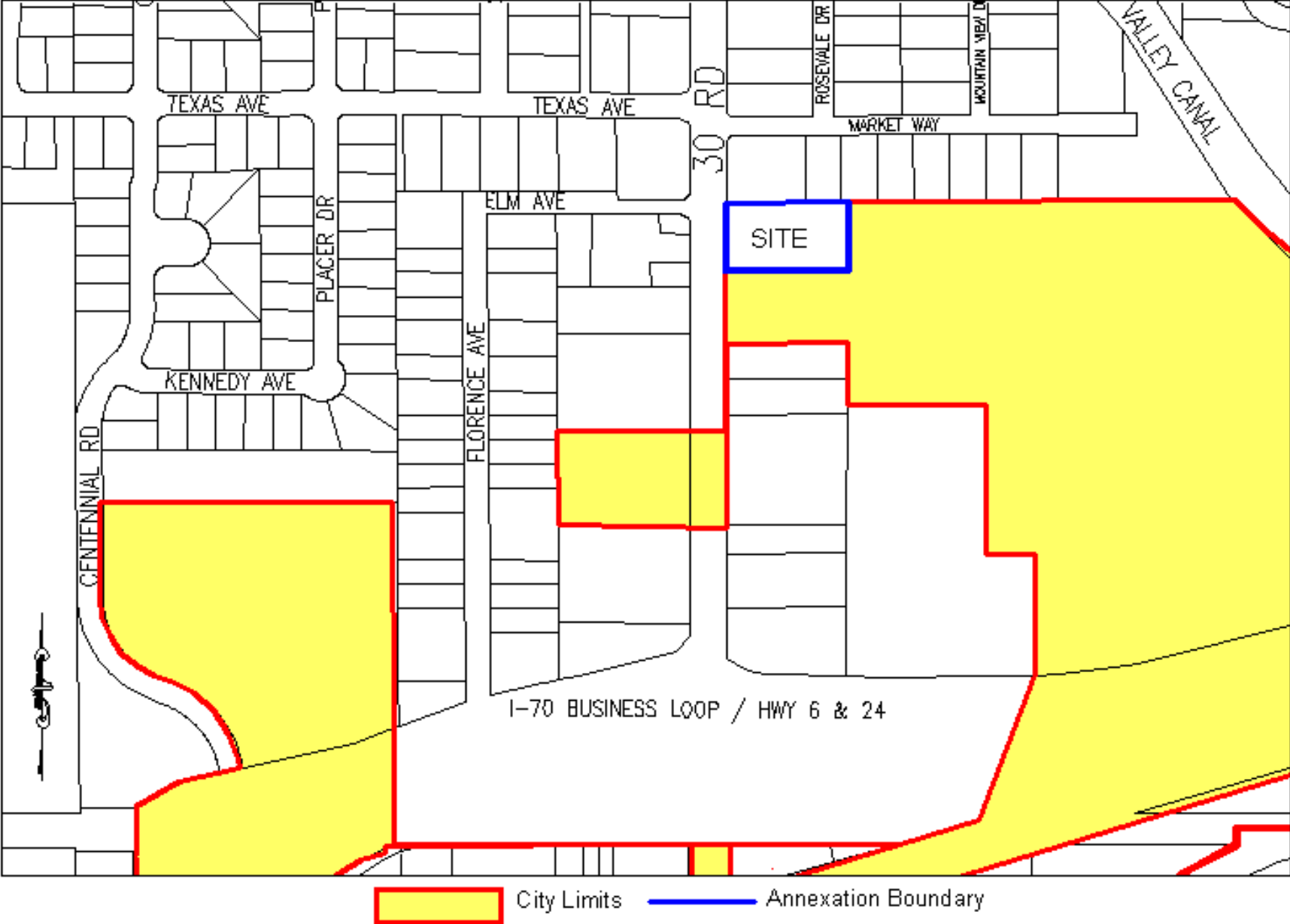
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

# Rold Annexation

Figure 5





**RESOLUTION NO. \_\_-03**

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

**ROLD ANNEXATION  
IS ELIGIBLE FOR ANNEXATION**

**LOCATED AT 524 30 ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of May, 2003, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**ROLD ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S 00°07'39" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9 a distance of 40.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, being the South line of the Francis Subdivision, as same is recorded in Plat Book 7, Page 92, Public Records of Mesa County, Colorado, a distance of 247.10 feet; thence S 00°07'29" E a distance of 141.00 feet; thence N 89°57'58" W a distance of 247.10 feet to a point on the East right of way for 30 Road as same is described in Book 1425, Pages 784 and 785, Public Records of Mesa County, Colorado; thence N 00°07'39" W along said East right of way, being a line 40.00 feet East of and parallel to, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 141.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.7998 Acres (34,841.15 Sq. Ft.), more or less, as described.

And,

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of July, 2003; and

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

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

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

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**ROLD ANNEXATION  
APPROXIMATELY .7998 ACRES**

**LOCATED AT 524 30 ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of May, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of July, 2003; and

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

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

That the property situate in Mesa County, Colorado, and described to wit:  
A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S 00°07'39" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9 a distance of 40.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, being the South line of the Francis Subdivision, as same is recorded in Plat Book 7, Page 92, Public Records of Mesa County, Colorado, a distance of 247.10 feet; thence S 00°07'29" E a distance of 141.00 feet; thence N 89°57'58" W a distance

of 247.10 feet to a point on the East right of way for 30 Road as same is described in Book 1425, Pages 784 and 785, Public Records of Mesa County, Colorado; thence N 00°07'39" W along said East right of way, being a line 40.00 feet East of and parallel to, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 141.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.7998 Acres (34,841.15 Sq. Ft.), more or less, as described.

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

**INTRODUCED** on first reading on the 21<sup>st</sup> day of May, 2003.

**ADOPTED** and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

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

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

**Attach 13**  
**Public Hearing – Zoning Rold Annexation**  
**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>									
<b>Subject</b>		Zoning Rold Annexation located at 524 30 Road							
<b>Meeting Date</b>		July 2, 2003							
<b>Date Prepared</b>		June 25, 2003				File #ANX-2003-080			
<b>Author</b>		Senta Costello			<b>Associate Planner</b>				
<b>Presenter Name</b>		Senta Costello			<b>Associate Planner</b>				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name			
<input type="checkbox"/> Workshop		<input checked="" type="checkbox"/>		<b>Formal Agenda</b>			<input type="checkbox"/> Consent		<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Consideration of Final Passage of the Zoning Ordinance for the Rold Annexation located at 524 30 Road (#ANX-2003-080). The .7998-acre Rold consists of one parcel of land.

The Planning Commission reviewed the requested zoning on June 10, 2003 and recommended approval.

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the second reading of the Zoning Ordinance for the Rold Annexation.

**Attachments:**

- 9. Staff Report
- 10. Site Location Map
- 11. Aerial Photo Map
- 12. Future Land Use Map
- 13. Existing City and County Zoning Map
- 14. Annexation Map
- 15. Zoning Ordinance

**Background Information:** See attached report.

<b>BACKGROUND INFORMATION</b>						
<b>Location:</b>		<b>524 30 Road</b>				
<b>Applicants:</b>		Rita L. Rold				
<b>Existing Land Use:</b>		<b>Commercial</b>				
<b>Proposed Land Use:</b>		<b>Commercial</b>				
Surrounding Land Use:	North	<b>Single Family Residential</b>				
	South	Vacant Commercial land				
	East	Vacant Commercial land				
	West	Single Family Residential				
<b>Existing Zoning:</b>		County B-1/PC				
<b>Proposed Zoning:</b>		City C-1				
Surrounding Zoning:	North	<b>County B-1</b>				
	South	City C-1				
	East	City C-1				
	West	County B-1				
<b>Growth Plan Designation:</b>		Commercial				
<b>Zoning within density range?</b>		X	Yes		No	N/A

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing .7998 acres of land. Owners of the property have signed a petition for annexation as part of their request to split their property into two lots, pursuant to the 1998 Persigo agreement with Mesa County.

**ZONE OF ANNEXATION:**

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan's Future Land Use Map. This proposed zoning of C-1 conforms to the City's Growth Plan's Future Land Use Map.

**C-1 ZONE DISTRICT**

- The C-1 (Light Commercial) is consistent with the Growth Plans Future Land Use Map designation of Commercial.
- Zoning this annexation with the C-1 Zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is bordered by other commercially zoned property on the south and the west

## **ZONING AND DEVELOPMENT CODE CRITERIA:**

**Section 2.14.F:** “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

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

- 1. The existing zoning was in error at the time of adoption;**  
The application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.
- 2. There as 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 application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.
- 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 requested rezone to C-1 is consistent with the Growth Plan. This specific criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.
- 4. *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines.***  
The proposal conforms to the Growth Plan as it supports commercial uses in this particular area.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;**  
Public facilities and services are available for the current residential uses.



**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 application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.

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

The application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.

**FINDINGS AND CONCLUSIONS:**

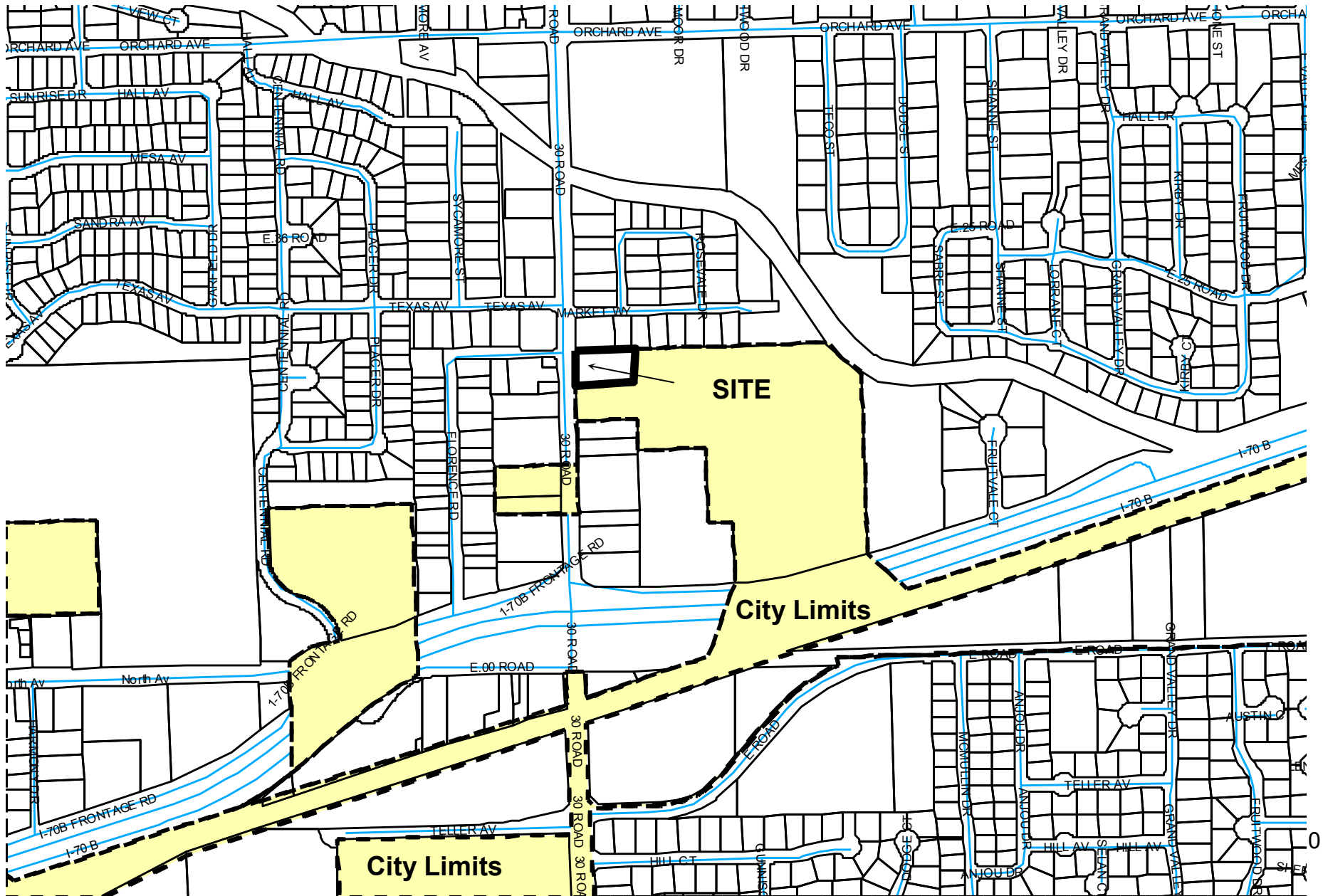
1. The requested zoning of C-1 is consistent with the Future Land Use Growth Plan
2. The requested zoning of C-1 is consistent with Sections 2.6 and 2.14 of the Zoning and Development Code

**Recommendation:** The Planning Commission recommends that City Council find the proposed zoning for the Rold Annexation to be consistent with the Growth Plan and Sections 2.14 and 2.6 of the Zoning and Development Code.

CC Zone-2nd read zoning-Rold

# Site Location Map

Figure 1



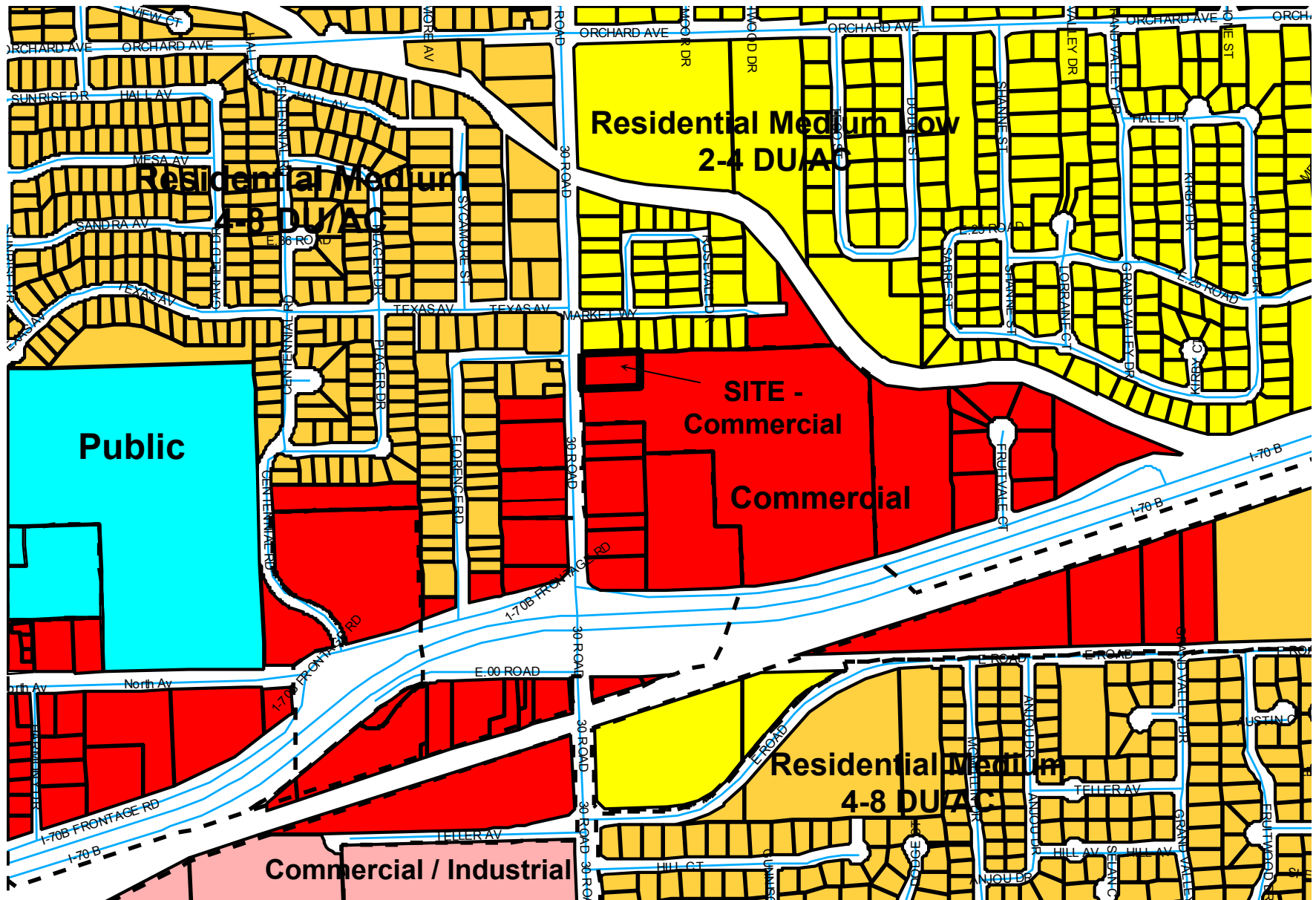
# Aerial Photo Map

Figure 2



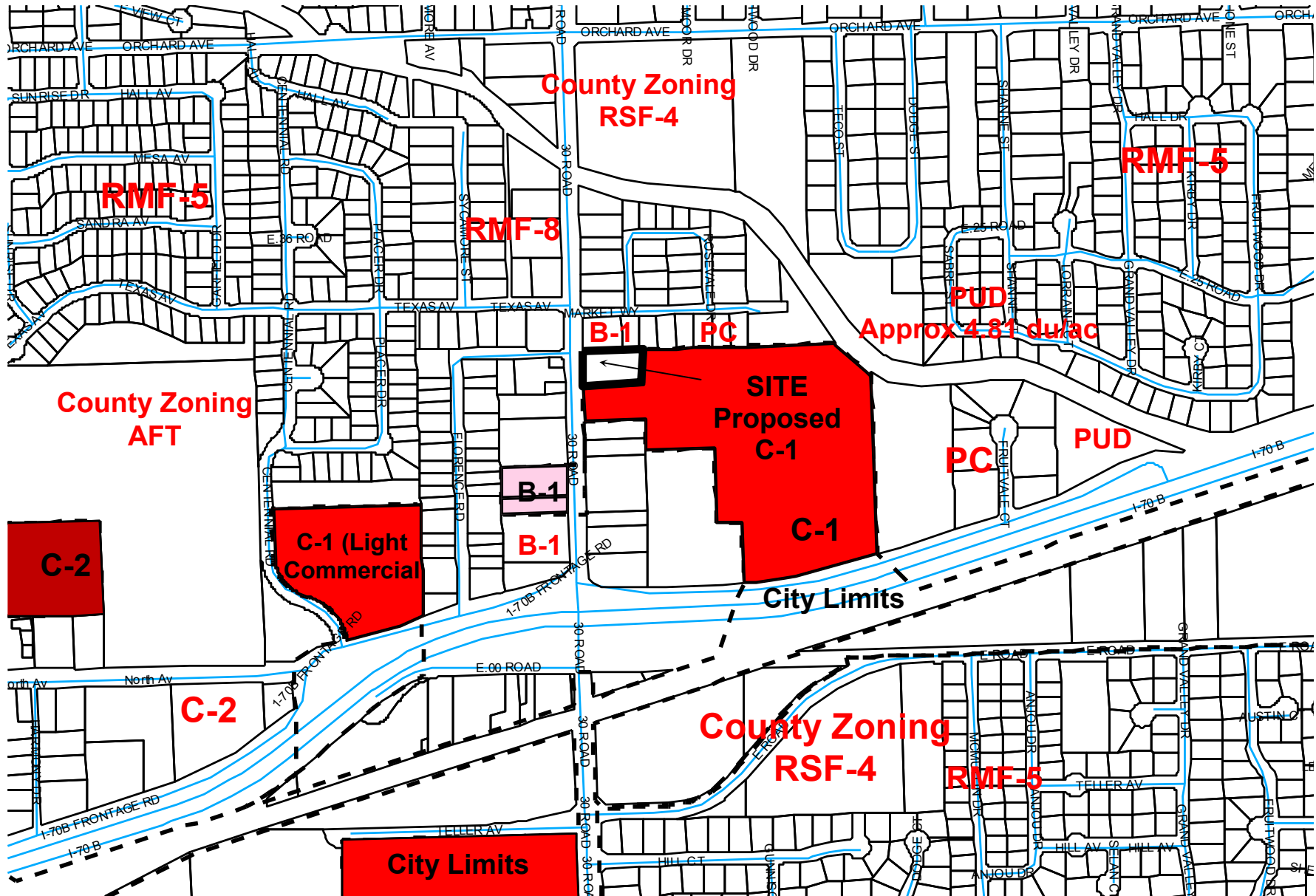
# Future Land Use Map

Figure 3



# Existing City and County Zoning

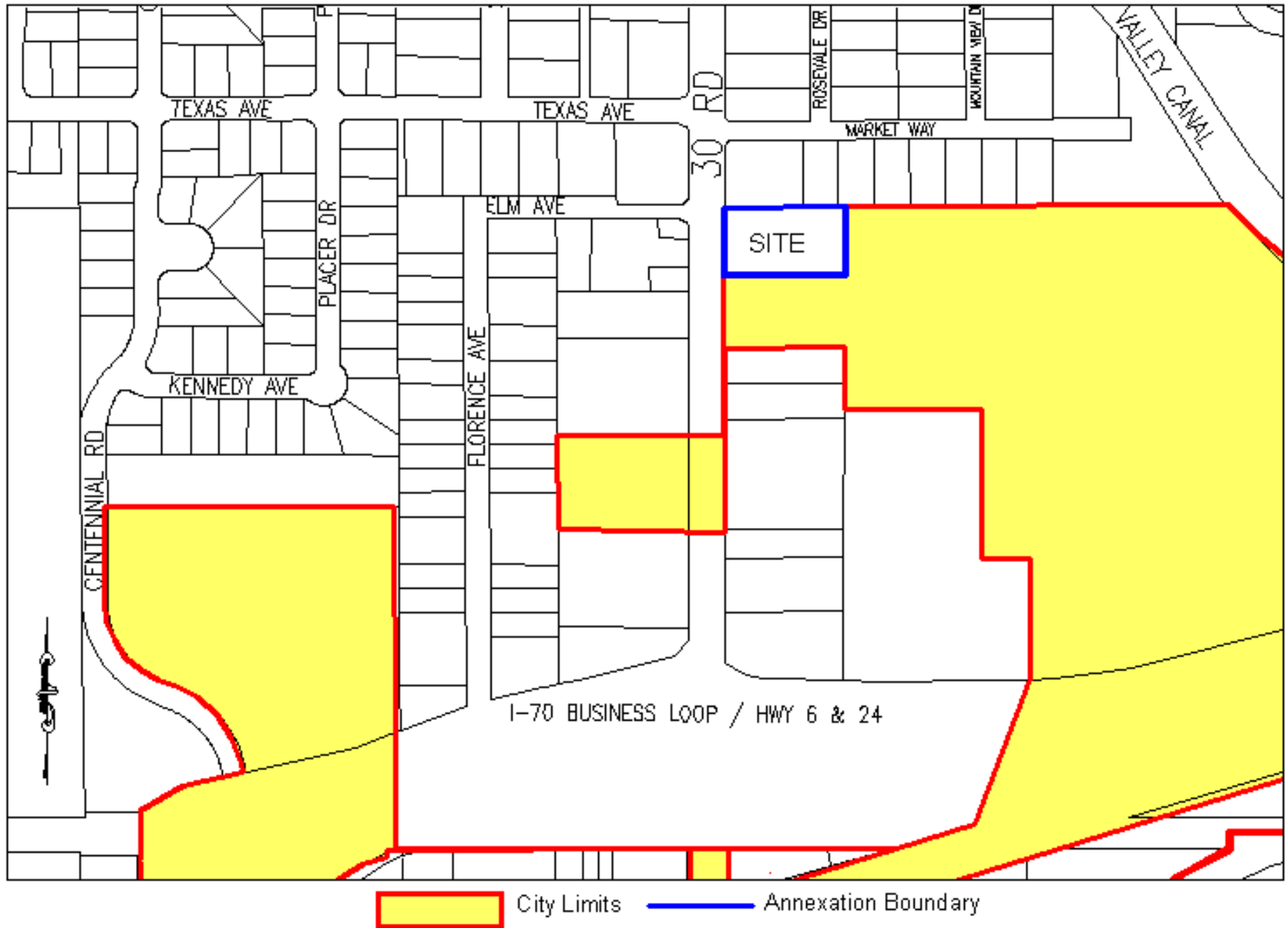
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

# Rold Annexation

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ZONING THE ROLD ANNEXATION  
TO C-1 (Light Commercial)**

**LOCATED AT 524 30 ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a C-1 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council,

City Council finds that the C-1 zone district be established for the following reasons:

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

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

**The following property shall be zoned the C-1 (Light Commercial) zone district**

Includes the following tax parcel 2943-093-00-031

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S 00°07'39" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9 a distance of 40.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, being the South line of the Francis Subdivision, as same is recorded in

Plat Book 7, Page 92, Public Records of Mesa County, Colorado, a distance of 247.10 feet; thence S 00°07'29" E a distance of 141.00 feet; thence N 89°57'58" W a distance of 247.10 feet to a point on the East right of way for 30 Road as same is described in Book 1425, Pages 784 and 785, Public Records of Mesa County, Colorado; thence N 00°07'39" W along said East right of way, being a line 40.00 feet East of and parallel to, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 141.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.7998 Acres (34,841.15 Sq. Ft.), more or less, as described.

Introduced on first reading this 16<sup>th</sup> day of June, 2003.

PASSED and ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_

President of the Council

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



## **Attach 14 Smoking in Public Places**

### **WHAT THE CURRENT DRAFT REGULATES AND WHAT IT DOES NOT (and how it compares with the existing City ordinance)**

- The current draft (Alternative 1C) states that all smoking in public places is prohibited unless a specific exception allows smoking.
- The current draft prohibits smoking in restaurants, except that smoking is allowed in free standing bars and in bars that are attached to a restaurant if the attached bar is physically separated from dining areas.
  - The existing City ordinance requires that restaurants of more than 30 seats have designated non-smoking areas, but the areas do not have to be physically separated from smoking areas;
  - Restaurants with fewer than 30 seats are not required to set aside a non-smoking area; the entire restaurant may be smoking, under the current City ordinance.
- The current draft Alternative 1C provides that a business is defined as a restaurant if more than 25% [40%?] of total sales is food or meals. Smoking is prohibited if the business is defined as a restaurant.
  - Under the existing City ordinance if less than 50% of total sales is for food the establishment is a bar, not a restaurant.
- The current draft would allow smoking in bingo halls, except in the area where tickets are sold and a physically separated non-smoking room must be provided.
  - Under the existing City ordinance, bingo halls are treated as is any other public place, and a designated non smoking area is all that is required, without physical separation between smoking and non-smoking areas.
- The current draft Alternative 1C would prohibit smoking in bowling alleys, except in an attached bar that is physically separated from the rest of the bowling alley.
  - The existing City ordinance only requires that bowling alleys designate non-smoking areas, but there is no requirement for physical separation.
- The current draft (Alternative 1C) give existing restaurants with designated smoking areas three-years to come into compliance. This is termed a “3 year amortization period.” At the end of the 3 year period, the restaurant must be non-smoking, or construct an attached bar that is physically separated in which smoking could be allowed.
  - The existing City ordinance does not have an amortization clause

- The current draft and the City's existing ordinance are the same regarding workplace protection. For places of employment of three or more people; the employer has a duty to provide a smoke free workplace for any worker who requests it.
- Both the existing City ordinance and the draft ordinance Alternative 1C require that signs are conspicuously posted for all smoking areas and all public places where smoking is prohibited.
- The draft ordinance has a "no retaliation" clause protecting workers who request that the employer provide a smoke-free work place.
- The draft ordinance prohibits smoking in any City building or vehicle.
- Other provisions that have been discussed over the past several weeks, but which are not in the current draft nor in the current existing ordinance:
  - No provision that prohibits minors in smoking areas
  - No requirements regarding no smoking hotel or motel rooms

ORDINANCE NO. \_\_\_\_

[1E; July 2, 2003]

**ORDINANCE PROHIBITING SMOKING  
IN WORKPLACES AND PUBLIC PLACES  
In the City of Grand Junction**

Recitals.

- A. Cigarette smoking is dangerous to human health. Substantial scientific evidence has clearly established that smoking tobacco products causes cancer, chronic pulmonary disease, heart disease, and various other life threatening and life-impairing medical disorders. The U.S. EPA has classified secondhand smoke as a Class A human carcinogen.
- B. Reputable studies have identified that secondhand smoke contains almost 5,000 chemicals, 60 of which are known toxins and 43 of which are known carcinogens, including arsenic, formaldehyde, hydrogen cyanide and radioactive elements.
- C. The damage and dangers of smoking extend to those who passively inhale cigarette smoke.
- D. State law, § 25-14-101, C.R.S., *et seq.*, prohibits smoking in elevators, museums, libraries, on school properties, and other listed places. Restaurants and taverns are exempted from that law, although the owners are encouraged to separate smokers from non-smokers.
- E. Section 105 of that state law authorizes towns, cities and counties to regulate smoking.
- F. Based on the foregoing authority and the authority granted by the City's charter, we determine that this ordinance pertains to and is in the furtherance of health, welfare and safety of the residents of Grand Junction.

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

**1. Definitions**

The following words and phrases, whenever used in this ordinance shall have the following meanings:

- a. “Attached Bar” means a bar area of a restaurant. An “attached bar” shall not include any area where full meals are served, but may include premises in which appetizers and snacks are served. Although a restaurant may contain a bar, the term “bar” shall not include any restaurant dining area.
- b. “Bingo Hall” means any enclosed area used for the management, operation or conduct of a game of bingo by any organization holding a license to manage, operate or conduct games of bingo pursuant to Colorado law and in which food service for consumption on the premises is incidental to the games of bingo.
- c. “Bowling Alley” means a business open to the public which offers the use of bowling lanes, typically equipped with operable automatic pin setting apparatus and in which food service for consumption on the premises is incidental to bowling and related activities.
- d. “Business” means any sole proprietorship, partnership, joint venture, corporation or other entity formed for profit-making or non-profit purposes, including retail establishments where goods or services are sold, as well as professional corporations and limited liability companies. “Business” includes entities where legal, accounting, financial, planning, medical, dental, engineering, architectural or other services are delivered.
- e. “Enclosed Area” means all space between a floor and ceiling within a structure or building which is enclosed on all sides by solid walls or windows which extend from the floor to the ceiling. Doors and openings in such solid walls shall be fitted with self-closing or automatic closing devices. “Enclosed Area” includes all space that is not physically separated from any areas in which smoking occurs or is allowed.
- f. “Freestanding Bar” means an establishment licensed for on-premises consumption of alcohol in an enclosed area that is physically separated from restaurants and other public places in which smoking is prohibited. Taverns, nightclubs, cocktail lounges and cabarets are typical examples of Freestanding Bars.
- g. “Licensee” means any person licensed by, or subject to regulation pursuant to, the Colorado Liquor Code, including proprietors and businesses within the definition in § 12-47-401, C.R.S.
- h. “Person” means a natural person or any entity or business recognized by law or formed to do business of any sort.

- i. “Physically Separated” means separated from smoke-free public places by continuous floor-to-ceiling walls which are interrupted only by entrances or exits to smoking areas. Such entrances and exits shall be fitted with self-closing or automatic closing devices.
- j. “Private Club” means any establishment which restricts admission to members of the club and their guests.
- k. “Private Function” means any activity which is restricted to invited guests in a non-public setting and to which the general public is not invited.
- l. “Public Place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, schools, health facilities, laundromats, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a “public place” when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a “public place” except during times when it is being used as a child care, adult care or health care facility, and for thirty minutes before such uses.
- m. “Restaurant” means a business with fifty five per cent (55%) or more of its gross annual sales coming from the sale of food or meals prepared on site, typically for consumption on site. Examples of restaurants are coffee shops, cafeterias, sandwich stands, private or public school or other cafeterias, and other eating establishments which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. Also see section 8.
- n. “Retail Tobacco Store” means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.
- o. “Service Line” means any indoor or outdoor line at which one or more ( $\geq 1$ ) persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.
- p. “Smoke-free” means that air in an enclosed area is free from smoke caused by smoking.

- q. “Smoke” or “Smoking” means the carrying or possession of a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plant.
- r. “Sports Arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.
- s. “Structure” is defined in the International Building Code, and includes the International Residential Code, (“IBC”) as adopted by the City from time-to-time. The term “structure” includes the term “building,” also defined by the IBC.
- t. “Tobacco” is defined in § 25-14-103.5(1)(c), C.R.S.
- u. “Workplace” means an enclosed area in which three or more persons work at gainful employment.

## **2. Application to City Property**

All enclosed areas and motor vehicles that are owned or leased by the City shall be subject to the provisions of this article as though such areas and vehicles were public places.

## **3. Prohibition of Smoking in Public Places**

- a. Except as provided herein smoking shall be prohibited in all public places within the City, including, but not limited to, the following:
  - 1. Elevators.
  - 2. Restrooms, lobbies, reception areas, hallways and any other common-use areas.
  - 3. Buses, taxicabs, other means of public transit while operating within the City limits, and ticket, boarding and waiting areas of public transit systems including stops, bus benches, shelters and depots.
  - 4. Service lines.
  - 5. Retail stores.

6. All areas available to and customarily used by the public in all businesses and non-profit entities patronized by the public, including, but not limited to, professional and other offices, banks, and laundromats.
7. Restaurants except that smoking is allowed: (a) in an attached bar that is physically separated from enclosed areas of the business in which smoking is prohibited; and (b) in outdoor seating areas of restaurants that are not enclosed and are not under a roof (or a projection of a roof) as defined by the Building Code, such as patios.
8. Public areas of aquariums, galleries, libraries, museums and similar facilities.
9. Any structure primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance except as covered in Section 6(a)(v) of this ordinance.
10. Whether enclosed or outdoors: sports arenas, convention halls and bowling alleys; except that smoking is allowed in attached bars in bowling alleys that are physically separated from areas in which smoking is prohibited.
11. During such time as a public meeting is in progress: every room, chamber, place of meeting or public assembly; including school buildings under the control of any board, council, commission, committee, and including joint committees and agencies of the City and political subdivisions of the State.
12. Waiting rooms, hallways, wards and semi-private rooms of health facilities, including hospitals, clinics, therapists' offices and facilities, physical therapy facilities, doctors' offices, dentists' offices and the offices and facilities of other health care providers.
13. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
14. Bingo halls except that smoking is permitted in the portion of a bingo hall that is physically separated from the rest of the bingo hall.
15. Polling places.

- b. Notwithstanding any other provision of this section, any person or business who controls any business or facility may declare that entire establishment, facility or grounds as smoke-free.

#### **4. Smoke-free Workplace**

(a)

**[Workplace Alt 1E; July 2<sup>nd</sup> draft]** Except in the areas of places in which smoking is allowed by this ordinance, in workplaces in which smokers and nonsmokers work in the same enclosed areas, offices or rooms, the employer shall provide a smoke-free workplace to accommodate an employee who requests a smoke-free workplace.

**[Workplace Alt 1C; June 16<sup>th</sup> draft]** In a workplace in which smokers and nonsmokers work in the same office or room, it shall be the responsibility the employer to provide smoke-free workplaces to accommodate an employee who requests a smoke-free workplace. The employer, or other person in charge, shall make reasonable efforts to obtain compliance with this section in such places by asking any smokers to refrain from smoking upon request of an employee making such request.

**[Workplace Alt 2; “Model” ordinance]** It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications.

(b) Within 90 days of the effective date of this article, each employer having an enclosed place of employment located within the City shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting room, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(c) The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

(d) All employees shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

#### **5. Smoke-free Exits and Entrances**

Smoking shall not occur in or so close to exterior exits or entrances that the free flow of pedestrian traffic may be affected or so close that the operation of the doors, exits or entrances is affected or diminished.



## **6. Where in-door smoking is not prohibited**

- a. Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the prohibition contained in section 3:
  - (i) Private residences; except when used as a child-care, adult day care or health care facility and during the thirty (30) minutes in advance of such use(s).
  - (ii) Retail tobacco stores.
  - (iv) Only while being used for private functions: restaurants, bars, hotel and motel conference or meeting rooms and public and private assembly rooms.
  - (v) When smoking is part of a stage production and then only by the actors as a part of the role in the facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.
  - (vi) Freestanding bars, and attached bars that are physically separated from non-smoking areas.
  - (vii) In bingo halls, the portion of the enclosed area that is physically separated from the non-smoking areas of the bingo hall.
  - (viii) Attached bars in a bowling alley if the attached bar is physically separated from the rest of the bowling alley.
- b. Notwithstanding any other provision of this ordinance, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment, facility, or grounds as smoke-free.

## **7. Signs**

- a. Each owner, operator, manager and other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post:
  - (i) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a

bar across it) in every public entrance or other areas where smoking is prohibited by this article.

(ii) In public places where smoking is allowed pursuant to this article, a sign with the words "Smoking is Allowed Inside" at each public entrance to, or in a position clearly visible on entering, the enclosed area in which smoking is permitted.

- b. All signs referred to in this section shall be a minimum size of twenty (20) square inches and must be placed at a height of between four to six feet (4' – 6') above the floor.

### **8. Freestanding Bar Annual Certification/Affirmative Defense**

(a) It shall be an affirmative defense to enforcement of the non-smoking provisions of this ordinance if a freestanding bar is being classified as a "bar" instead of a "restaurant." If so classified, the freestanding bar may lawfully allow smoking therein, only if:

(i) The annual gross income from the sale and service of food and meals is less than fifty-five percent (55.00%) of the total annual income of the freestanding bar for the previous twelve months; the prior twelve months shall be measured as of the date a complaint is received by the City or an investigation begun; and

(ii) The certification required below has been made.

(b) During each December with respect to the following calendar year, the owner or other person in charge of the freestanding bar who desires to be treated as a bar for such calendar year shall deliver to the City Clerk his or her certification given under oath, on a form available from the City Clerk, that the percentage of food and meal sales relative to total annual sales is less than 55.00%.

(c) The signage and other requirements of this ordinance shall continue to apply to a freestanding bar filing the certificate under this section.

(d) In any investigation or prosecution by the City whether upon complaint from any person or otherwise, each owner and other person in charge of the freestanding bar who has allowed smoking in an enclosed area pursuant to this section shall have the burden to establish to the City that such business complied with all requirements of this section.

(e) At the request of the owner or other person in charge, the City shall treat financial and sales information required to establish the affirmative defense under this section as

confidential, except as ordered by a court of competent jurisdiction or as the City deems necessary to investigate a complaint, prosecute an alleged violation or evaluate the assertion of the affirmative defense created by this section.

(f) Each owner and other person in charge of a freestanding bar for which a certificate has been filed pursuant to (a)(ii), above shall notify the City Clerk in writing at any time that such owner and/or other person in charge reasonably believes that such freestanding bar is no longer satisfying all of the elements in (a)(i), above.

## **9. No Retaliation**

No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to, or complains about the lack of, a smoke-free environment afforded by this ordinance.

## **10. Violations and Penalties**

- a. It shall be unlawful for any person or business who owns, manages, operates or otherwise controls the use of any premises or enclosed area or place of employment subject to regulation under this ordinance to fail to comply with any of its provisions.
- b. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this ordinance.
- c. Each day of a continuing violation of any provision of this ordinance shall be deemed to be a separate violation.

## **11. Other Applicable Laws**

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

## **12. Severability**

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

## **13. Amortization**

Any restaurant, bowling alley, bingo hall or other business in which smoking was lawful on May 1, 2003 shall be entitled to continue such lawful use as it existed on May 1, 2003, without adding any additional seats or tables and without increasing the square footage of the designated smoking area, until January 1, 2006, notwithstanding the provisions of section 3 hereof.

**14. Effective Date**

This ordinance shall be effective on January 1, 2004.

**INTRODUCED for PUBLICATION this 4<sup>th</sup> day of June, 2003.**

**Adopted on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2003**

**ATTEST:**

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

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

Education. The City Manager shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to the citizens and workers affected by it, and to guide owners, operators and managers in their compliance with it. The program may include publication of a brochure explaining the provisions of this ordinance.

[Part of section 4?] \*An employer is not required to incur any expense to make structural or other physical modifications in order to accommodate an employee's request for a smoke-free workplace. \*