

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

WEDNESDAY, AUGUST 20, 2003, 7:30 P.M.

**CALL TO ORDER**

Pledge of Allegiance

Invocation – Mark Harris, New Horizon Four Square Church

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO NEWLY AND REAPPOINTED MEMBERS OF THE URBAN TRAILS COMMITTEE

TO NEWLY AND REAPPOINTED MEMBERS OF THE RIVERFRONT COMMISSION

**SCHEDULED CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*<sup>®</sup>**

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Summary of the August 4, 2003 Noon Workshop, the August 4, 2003 Workshop and the Minutes of the August 6, 2003 Regular Meeting*

2. **Intergovernmental Agreement with Mesa County for Use Tax Audits on Construction Projects**

[Attach 2](#)

The County has no internal auditor, and has agreed with the City staff that it is in our best interests to conduct a Mesa County Use Tax audit, in coordination with the City's own audits of construction projects. The City has had an internal auditor conducting Sales and Use Tax audits since 1991.

Resolution No. 77-03 - A Resolution Authorizing an Intergovernmental Agreement Between the City of Grand Junction and Mesa County Regarding the Performance of Construction Use Tax Audits

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

\*\*\* Indicates New Item

<sup>®</sup> Requires Roll Call Vote

®Action: *Adopt Resolution No. 77-03*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

3. **Setting a Hearing on Lutheran Church Rezone, Located at 628 26 ½ Road and a Portion of 632 26 ½ Road** [File #RZ-2003-096] [Attach 4](#)

Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

Proposed Ordinance Zoning the Property Known as Lutheran Church Located at 628 26 ½ Road and a Portion of 632 26 ½ Road to R-O

Action: *Introduction of Proposed Ordinance and Set a Hearing for September 3, 2003*

Staff presentation: Senta Costello, Associate Planner

4. **FAA Grants for Airport Improvements** [Attach 5](#)

AIP-27 is for (1) installation of new electronic access system at the passenger terminal building and air carrier apron, (2) expansion of the air carrier apron, and (3) engineering and design for the relocation of a large water line. Estimated grant amount is \$1,550,000. AIP-28 is for the acquisition of approximately 16 acres of property bordering Landing View Lane as part of future air cargo development. Estimated grant amount is \$565,200. No funds are being requested of the City of Grand Junction.

Action: *Authorize the City Manager to Sign FAA AIP Grants 27 and 28 for Capital Improvements at Walker Field and Related Supplemental Co-Sponsorship Agreements for AIP-27 and 28*

Presentation: Dan Reynolds, Operations and Facilities Manager, Walker Field Airport Authority

5. **Purchase of Wheeled Loader** [Attach 6](#)

This purchase is being requested by the Fleet Department to replace one old outdated wheeled loader with a new wheeled loader in the Streets Department.

*Action: Authorize the City Purchasing Manager to Purchase One Volvo Wheeled Loader (L90E) from Power Equipment Company in the Amount of \$81,471.00 Including Trade-In*

Staff presentation: Julie M. Hendricks, Buyer  
Ronald L. Watkins, Purchasing Manager

6. **Sole Source and Purchase of Fire Truck Exhaust Filters** [Attach 7](#)

This purchase is being requested by the Fire Department to add a diesel exhaust filter on eight fire apparatus.

*Action: Authorize the City Purchasing Manager to Purchase Ceramic Diesel Exhaust Filters from Ward Diesel Filter Systems for Eight Fire Apparatus at \$8,408.00 Each for a Total Purchase of \$67,264.00.*

Staff presentation: Julie M. Hendricks, Buyer  
James Bright, Fire Operations Chief

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

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

7. **2004 LEAF Grant for DUI Enforcement** [Attach 3](#)

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding for two out of every three years. The Grand Junction Police Department has not applied for this grant the past two years and is eligible in 2004.

*Action: Authorization to Apply for the 2004 LEAF Grant in the Amount of \$35,000*

Staff presentation: Michael A. Nordine, Administrative Lieutenant

8.\*\*\* **2003 Local Law Enforcement Block Grant (LLEBG)** [Attach 15](#)

The LLEBG Grant Program is an annual grant process in which local jurisdictions receive federal funds based on the three-year average of reported part one violent

crimes. These funds are authorized to be used in support of projects which reduce crime and improve public safety. The program places a strong emphasis on local decision-making and encourages communities to develop their own responses to local crime and drug problems. The Police Department, in cooperation with the Mesa County Sheriff's Office, plans to purchase tasers to be carried by all on duty patrol personnel.

*Action: Authorize the City Manager to Sign a Contract Accepting the 2003 LLEBG Grant of \$26,057*

Staff presentation: Michael A. Nordine, Administrative Lieutenant

9. **Public Hearing – Monument Presbyterian Church Annexation No. 1, No. 2, No. 3 and No. 4 Located at 2020 ½ South Broadway** [File #ANX-2003-113]

[Attach 8](#)

Hold a public hearing and consider final passage of a Resolution for Acceptance of the Petition to Annex and Annexation Ordinances for the Monument Presbyterian Church Annexation located at 2020 1/2 South Broadway and including a portion of the South Broadway right-of-way. The petitioner is seeking annexation in conjunction with a proposed two-phase development of a new church facility, pursuant to the 1998 Persigo Agreement with Mesa County.

**a. Accepting Petitions**

Resolution No. 78-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Monument Presbyterian Church Annexation, a Serial Annexation Comprising Monument Presbyterian Church Annexation No. 1, Monument Presbyterian Church Annexation No. 2, Monument Presbyterian Church Annexation No. 3 and Monument Presbyterian Church Annexation No. 4, Located at 2020 1/2 South Broadway and Including a Portion of South Broadway Right-of-Way is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3559 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 1, Approximately 0.0097 Acres, a Portion of South Broadway Right-of-Way  
Ordinance No. 3560 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 2, Approximately 0.0474 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3561 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 3, Approximately 0.243 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3562 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 4, Approximately 8.871 Acres, Located at 2020 ½ South Broadway

*®Action: Hold a Public Hearing and Consider Final Passage of Resolution No. 78-03 and Ordinance Nos. 3559, 3560, 3561 and 3562*

Staff presentation: Ronnie Edwards, Associate Planner

10. **Public Hearing – Zoning the Monument Presbyterian Church Annexation Located at 2020 ½ S. Broadway** [File #ANX-2003-113] [Attach 9](#)

The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

Ordinance No. 3563 – An Ordinance Zoning the Monument Presbyterian Church Annexation to Residential Single Family with a Density Not to Exceed One Unit per Five Acres (RSF-R) Located at 2020 1/2 South Broadway

*®Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance No. 3563*

Staff presentation: Ronnie Edwards, Associate Planner

11. **Public Hearing – Rezoning the Fuoco Property from RSF-R to PD, Located East of Dewey Place (East of 25 ½ Road and North of F Road)** [File #RZ-2003-028] [Attach 10](#)

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

Ordinance No. 3564 – An Ordinance Rezoning the Fuoco Property Located East of Dewey Place Identified as Tax Parcel No. 2945-034-00-067 from Residential Single Family Rural (RSF-R) to Planned Development District (PD) with the Residential Multi-Family-8, not to Exceed 8 Units Per Acre (RMF-8) Underlying Zone District

*®Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance No. 3564*

Staff presentation: Lisa E. Cox, Senior Planner

12. **Public Hearing – Zoning the Marchun Annexation No. 1 and No. 2, Located at 2925 F 1/2 Road** [File #ANX-2003-093] [Attach 11](#)

Hold a public hearing and consider final passage of a proposed ordinance to zone the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road.

Ordinance No. 3565 – An Ordinance Zoning the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), Located at 2925 F 1/2 Road

*®Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance No. 3565*

Staff presentation: Lisa E. Cox, Senior Planner

13. **Public Hearing – Disconnecting the Files Property Located on Monument Road** [File #MSC-2003-154] [Attach 12](#)

A request to de-annex the Files property from the City of Grand Junction and remove the property from the Ridges Metropolitan District. The 38.9 acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

**a. Disconnection from City**

Hold a public hearing and consider final passage of a proposed ordinance disconnecting the Files property, located along Monument Road.

Ordinance No. 3566 – An Ordinance Disconnecting Certain Lands, Referred to as the Files Property, Files De-Annexation, Approximately 38.9 Acres, Located on Monument Road, West of Mariposa Drive

**b. Disconnection from Ridges Metropolitan District**

The Files property has been a part of the District since its creation and has always been assessed a property tax to assist the payment of outstanding debt and operation of the district prior to 1992. With the removal of the parcel from the City it is staff's recommendation to also remove the parcel from the District.

Resolution No. 79-03 – A Resolution Authorizing the Removal of the Files Parcel from the Ridges Metropolitan District as Part of the Deannexation Action of the City Council

*®Action: Hold a Public Hearing and Consider Final Passage of Ordinance No. 3566 and Resolution No. 79-03*

Staff presentation: Kathy Portner, Planning Manager

14. **Public Hearing – Vacation of Excess Right-of-Way Along Unawep Avenue and Rocky Pitch Road** [File #PP-2003-022] [Attach 13](#)

Hold a public hearing and consider the final passage of two proposed ordinances to vacate excess right-of-way along Unawep Avenue and Rocky Pitch Road.

Ordinance No. 3567 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way Along the Northern Edge of Unawep Avenue

Ordinance No. 3568 – An Ordinance Vacating a Portion of Right-of-Way Along a Portion of Unawep Avenue, Known as Rocky Pitch Road

*®Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance Nos. 3567 and 3568*

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing – Zoning the Carville Annexation Located at 2675 Hwy. 50** [File #ANX-2003-116] [Attach 14](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Carville Annexation C-1 and RSF-4, located at 2675 Hwy 50. The property is 19.93 acres and has a current Simple Subdivision application in the process of being reviewed.

Ordinance No. 3569 – An Ordinance Zoning the Carville Annexation to C-1 and RSF-4 Located at 2675 Hwy 50

*®Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance No. 3569*

Staff presentation: Senta Costello, Associate Planner

- 16. **NON-SCHEDULED CITIZENS & VISITORS**
- 17. **OTHER BUSINESS**
- 18. **ADJOURNMENT**



**Attach 1  
Minutes of Previous Meeting**

**GRAND JUNCTION  
CITY COUNCIL ADDITIONAL WORKSHOP  
SUMMARY**

**August 4, 2003**

The City Council of the City of Grand Junction, Colorado met on Monday, August 4, 2003 at 11:30 a.m. at Two Rivers Convention Center, 159 Main Street in the Plateau Room to discuss workshop items. Those present were Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Pro Tem Harry Butler. President of the Council Jim Spehar was absent.

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

1. **City of Grand Junction Hiring Practices:** City Manager Kelly Arnold opened the meeting by reminding Council that a request for this discussion came out of the City Council retreat. Administrative Services Director Ron Lappi then introduced Human Resources Manager Claudia Hazelhurst and Personnel Analyst Laura Conant.

Ms. Hazelhurst summarized the highlights of the report provided. She differentiated between the way the City recruits applicants versus hiring practices. She emphasized that the City is an Equal Opportunity Employer and the goal is to keep the workforce in line with the community makeup. She detailed the recruitment contacts made by the division that specialize in the referral of minorities, females and other protected groups. The use of the internet has also allowed a much broader base of applicants.

Council President Pro Tem Butler inquired how many applicants from those specific groups have been hired. Ms. Hazelhurst explained that although recruiting can be targeted, the hiring cannot, all things must be equal. Each applicant is asked about how they heard about the job but they are not required to divulge the information. However, some from those recruitments have been hired as evidenced by the information provided.

Councilmember Palmer asked if the work force is close to the community balance. Ms. Hazelhurst said that mix changes so it is a moving target but the goal is to get closer. They have found that the majority of the minority and protected groups are found in the labor and clerical trades rather than in the professional classifications. That is why the plan is to step up the

educational opportunities, which there are many now. Ms. Hazelhurst highlighted the current educational reimbursement program and the number of training classes available through the City. Even with increased educational opportunities, the training takes time. Then keeping the person in this market once they have the education is another challenge. That is why the training coordinator is developing career ladders. Human Resources will also be analyzing the census data to determine what talent is not being tapped. Professional development of the existing workforce may be more successful than bringing in outside candidates. Those already living here tend to stay.

**Action summary:** The Council accepted the information as reported.

The City Council then moved to the Kannah Room for the next topic. The meeting came to order at 12:20 p.m.

2. **Riverside Bypass Update:** City Manager Kelly Arnold opened the meeting. City Council gave staff direction to move forward with this project at their retreat. That included pursuing bonding.

The consulting team of Carter Burgess was introduced. They will be guiding the City through the 1601 Policy Directive Process for the interchange at 5<sup>th</sup> Street (Highway 50). The team included Jay Basher, Bob Sakaguchi, who was involved in the original drafting of the 1601 policy directive for CDOT, Tim Gambrel, a previous CDOT employee who has been involved in processing over 500 NEPA documents, and Craig Gaskill who is experienced in design, transportation planning and environmental issues. Public Works Director Mark Relph spoke to Carter Burgess' experience with the 1601 process specifically. Jay Basher, the team leader, advised that the group is experienced with a significant number of locally driven projects, not just CDOT requests.

Councilmember Enos-Martinez expressed that the work of the Design Action Committee (DAC) should be kept in mind and the members of that group be kept in the loop. Mr. Relph responded that the consultants have been told that.

The consulting team will be evaluating the work accomplished thus far by the DAC and determining what items still need to be completed.

Ron Lappi, Administrative Services Director, advised that staff was also asked at the Council retreat to seek out banking firms to look into bonding for this project. The City received a joint proposal from two very

prominent Colorado firms, Steve Jeffers from George K Baum, and Russ Caldwell from Kirkpatrick-Pettis. Mr. Lappi introduced both men.

Mr. Caldwell distributed a handout. He talked about their experience in how the financing can be organized for the community and how it can be presented to the community. He mentioned things like what the project is called as being critical.

Although interest rates have gone up dramatically in the last few weeks, rates are still most favorable for municipalities and from the standpoint of timing, will be favorable over the next few months. He suggested the City use a type of borrowing the City has not really used. The City has an A+ credit rating, a vibrant economy, and high credit quality, so it can borrow under favorable conditions. Three methods are available: general obligation bonds, general fund revenue bonds, and sales tax revenue bonds. The two banking professionals are recommending a general fund revenue bond because it can be done with no tax increase, can issue less, and is used mostly by home rule cities. Under TABOR, certain language has to go on the ballot and, according to the City's bond attorney, this type of question is allowed "without any increase in existing taxes or imposing any new taxes". That makes it clear there will be no tax increase to the voters. Because of the construction time restraints by law, a follow-up (a trailer) bond issue, will be issued later but the vote will be for the entire amount to be issued. Mr. Lappi clarified that because of an IRS requirement that 85% of the spending must occur within three years, and this is a six-year project, two issues will have to occur. It is still the intent to have general fund revenue pay back with sales tax.

Chamber Director Diane Schwenke expressed that if all the funding is being asked for, it must be clear that it is for the entire project.

Steve Jeffers of George K. Baum said with interest rates being so low it really is a choice of "pay as you go" taking 20 years or bond for it and complete it in 6 years. Either uses the same amount of revenue (about 5 to 6 million per year). He and Mr. Caldwell will be actively involved in educating the public and informing the public rather than relying on just the community or a group like the DAC. Once the question is certified to the ballot, the City cannot spend any money. Therefore, the bankers' public policy consultants will form a Political Action Committee, file with the State, define strategies and develop a method and a slogan such as "6 or 20" (years). There will be community outreach, targeted mailings, subcommittees, an overall steering committee, fund raising, and other activities to encourage voters. They will work on identifying and targeting the voting audience.

Councilmember Palmer asked about the campaign period. Mr. Jeffers said at least two months. They already have the nucleus for the committee. With mail ballots going out mid October, there is a long window of voting. One strategy is to have a mass mailing go out the same day as the ballots go out.

Mr. Caldwell said he has been involved in hundreds of elections. He felt there is plenty of time to execute the campaign but the label of the project is critical since it will be a crowded ballot. Mr. Jeffers added the advantage is that at this point they do not have to define the need or cost aspects; it is a massive transportation project that is already going to happen – either in twenty years section by section or in six to seven years by financing it. Councilmember Palmer asked if it would be more difficult to sell due to the 1601 process being incomplete. Mr. Jeffers answered that interchange is just one component, one segment to be developed and should not affect the campaign.

Other points mentioned: clearly explain the area included in this project, using a graphic, advise this will not preclude other projects, the amount of funds needed for the campaign, if not successful, can it go back on the ballot next time, and incorporating a de-brucing question along with this question.

Loren Dake, a DAC member, said he needs to know the alignment before supporting the question. If the roadway is to go through Los Colonias, he will mount a campaign against the project.

**Action summary:** Staff will bring a ballot question to the City Council meeting on September 3<sup>rd</sup> for consideration. An informational piece is being mailed out to all utility customers; the name will be changed to convey a larger community project. Whether a de-brucing question will be included has not been determined. The Chamber supports the bond question and Ms. Schwenke will approach her executive committee about the campaign committee. Mr. John Elmer, Chair of the DAC, expressed an interest in being involved in the campaign. Over the next thirty days, the community reaction will be evaluated. The 1601 process will go forward.

The meeting adjourned at 1:40p.m.

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP  
SUMMARY**

**August 4, 2003**

The City Council of the City of Grand Junction, Colorado met on Monday, August 4, 2003 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Pro Tem Harry Butler. President of the Council Jim Spehar was absent.

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

1. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold reviewed the update, highlighting the action steps that have been completed. He said that Tuesday's National Night Out will complete Action Step 5.B. with community policing. Step 7.B., review of watershed protection ordinance, has been completed with Council deciding not to go forward. In Open and Beautiful Spaces, Step 18.C. and D., Ciavonne & Associates is working on gateway and entrance design guidelines. Action Step 22.A., the review with others, will cause the deadline to be moved out to December. Regarding Step 23.A., neighborhood parks, the budget to develop Wingate Park is in 2004 and they are developing proposals for Horizon Park out on G Road. Step 24.B., the Parks and Recreation Advisory Board met and wants the Tier One priorities to go forward. Step 25.B., working with school board, the time frame needs to be changed to December, 2003 due to the change in administration in the school district. Under Responsible Young Citizens, no action steps were completed but the student representative has advised that the students are heading off to Greeley to see the Student Council in that city and will hopefully be ready to report back in early September. For the Shelter and Housing solution, there was lots of information included in the update and it will be discussed in detail on August 25<sup>th</sup> at the luncheon with the Housing Authority. Lastly, under Vital Neighborhoods, the work team is working on the final draft, which will be presented at the August 18th workshop.

Councilmember Kirtland noted that under Efficient Transportation, the hiring of the consultant for the 1601 process should be included.

It was noted that there will be a meeting at 2:00 p.m. on Monday, August 11<sup>th</sup>, in Chamber of Commerce's conference room to discuss the Political Action Committee regarding the Riverside Parkway Bond issue.

**Action summary:** The update was accepted by the City Council.

2. **FIFTH STREET TRAFFIC CALMING:** Public Works Director Mark Relph introduced the topic. According to the ten-step process for installing traffic calming, the process for Fifth Street is at Step #9. Mr. Relph then had Transportation Engineer Jody Kliska report back the results of the Fifth Street trial lane reduction. This has been a two-year project, which started prior to the current policy. It meets the traffic calming criteria. Ms. Kliska said the City is looking at a lane reduction from Grand Ave. to North Ave., and allowing parking on left side, next to Hawthorne Park. The temporary lane reduction did help reduce speed. A lane reduction will not reduce the level of service, as they do not anticipate an increase in traffic on this street. The change will take two days of work and the roadway can be restriped when the street is chip sealed in 2004.

Councilmember Palmer was concerned about allowing parking with the possibility of kids running out into the street from the park between parked cars. Ms. Kliska compared the design to Fourth Street and related statistics of those types of accidents as being low.

Councilmember Palmer inquired about any affect on emergency vehicle traffic. Ms. Kliska said that is always a possibility but they haven't had that problem on Fourth Street. She noted that the lane reduction changes the visual and the perception. Drivers use the third lane for passing and speeding.

Councilmember Hill questioned the bike route for Fifth Street due to the speed and the humps. Ms. Kliska advised that the Urban Trails Committee has recommended Fifth Street as a bike route due to the lack of crossing opportunities at North Avenue. Mr. Relph noted the City could mill out the humps when they chip seal in 2004.

Other comments on the proposal included the use of bulb-outs, reduced levels of service, possibility of rear end accidents and enforcement.

Transportation Engineer Kliska related that the proposal will benefit the neighborhood and will have a neutral affect on the community.

Shannon Fulton, 634 N. Fifth Street, and Allie Flynn, 463 Gunnison Ave, made a presentation about the traffic patterns and the speed of traffic on the roadway. North of Grand Ave, only 6,400 cars out of the 17,000 coming up Fifth Street from Highway 50 continue past Grand Ave. The trial lane reduction showed an immediate improvement. The women said

70% of the neighborhood supports the lane reduction and they believe it is the cheapest alternative.

Councilmember Palmer questioned the neighborhood support. Based on the comments included in the packet, it seemed more like 50-50. Ms. Kliska explained that the balloting showed 70% support, not everyone made comments.

**Action summary:** Public Works and Utilities Director Relph advised they will do the grinding and striping this year and next year the milling, chip seal and restripe will be done. Councilmembers Hill, Kirtland, McCurry supported the effort in this residential neighborhood. Councilmembers Palmer and Enos-Martinez and President Pro Tem Butler supported it because the change could be undone if need be in the future. Councilmember Palmer asked that the Police Department continue to keep statistics on this road.

City Manager Arnold said the crews will grind and stripe it in the next 30 days. Mr. Relph said he will report back to Council after a period of time.

The meeting recessed at 8:47 p.m. The meeting reconvened at 8:54 p.m.

3. **DROUGHT RESPONSE PLAN/ WATER CONSERVATION**

**MEASURES:** Public Works Director Mark Relph opened the discussion by listing the topics and introducing Water Treatment Supervisor Terry Franklin. Mr. Relph first asked Council about their reaction to the proposed Memorandum of Understanding with Ute Water, Clifton Water and the Town of Palisade to implement a unified drought response plan. The understanding generally states the intent is a cooperative effort during drought conditions. The drought response plan includes two stages; criteria are included for the two stages. Secondly, staff is asking for a reaction to the proposed water conservation measures. One of the big measures is education. A second measure is the rate structure being structured to encourage water conservation, it could be revenue neutral, and those that use more water would have stepped up rates.

Councilmember Palmer asked if there are statistics to support that the rate structuring does promote conservation. Councilmember Kirtland noted that the rate structuring would make one aware. Councilmember Enos-Martinez agreed noting that it is a constant reminder and education so when there is a drought situation, people are a little more prepared. Mr. Relph agreed that the rate structure and education combination is a good approach. Water Treatment Supervisor Terry Franklin advised that because of irrigation (60% of City water customers do get irrigation) City

water per capita is lower than Ute water usage and the average is lower than the statewide average. When asked, he replied that the biggest users are outdoor water users and air conditioning for the bigger customers. Mr. Franklin described other measures that promote conservation such as landscape rebates and rain sensors.

City Manager Kelly Arnold noted the City made a big effort last year to conserve water at City facilities and they intend to implement more measures in the future.

Councilmember Kirtland opposed the implementation of watering days but supported rate structuring.

Councilmember Hill asked how the MOUs will work, what will trigger implementation and what group decides. Mr. Franklin said it would depend on the severity. Year 2002 was the worst-case scenario. The water supervisors will look at the situation when the system gets low and all will be involved. It will depend on the time of year. Mr. Relph noted that the level of cooperation and discussion that happens is the main benefit of the MOUs.

**Action summary:** Mr. Relph said if Council is comfortable with the proposal, he will bring it to Council at a formal meeting. The other entities are reviewing the MOUs. So far, Clifton and Palisade like it, Ute Water is asking that it be simplified.

Mr. Relph commended Mr. Franklin's efforts to utilize the water available in the most efficient way. He identified some of the ways Mr. Franklin has improved the system such as enlarging the catchment area. Mr. Franklin said he would like increase the capacity of Juniata Reservoir and look at a lower catchment area to retain more supply.

City Manager Arnold suggested Council look at the specific rate-structuring proposal during budget review.

The meeting adjourned at 9:50 p.m.



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

**AUGUST 6, 2003**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of August 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. 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 McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Scott Hogue, First Baptist Church.

**APPOINTMENTS**

**APPOINTMENTS TO THE RIVERFRONT COMMISSION**

Councilmember Kirtland moved to reappoint Dustin Dunbar, and to appoint Michael Kuzminski, Dani Weigant Knopp, and Dennis DeVore to the Riverfront Commission, each for a three-year term, expiring July, 2006, and to appoint Dan McClean to the Riverfront Commission for an unexpired term, until July, 2004. Councilmember Hill seconded the motion. Motion carried.

**RATIFICATION OF URBAN TRAILS APPOINTMENTS**

Councilmember Hill moved to ratify the reappointments of Robert Traylor and Janet Hollingsworth and appoint Craig Parker and Kent Leinbach to the Urban Trails Committee, each for three-year terms, expiring June 30, 2006. Councilmember Palmer seconded the motion. Motion carried.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

City Attorney Dan Wilson advised that there should be an amendment to the two ordinances under Item # 6 (Vacation Ordinances) to include the wording: *“And shall be effective concurrent with the recordation of the Final Plat”* in the second paragraph.

Councilmember Kirtland explained that since Shaw Construction is constructing the First Congregation Church he would abstain from voting on Item #10.

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Palmer, and carried by a roll call vote, with Councilmember Kirtland **ABSTAINING** from Item #10, to approve Consent Calendar Items #1 through #10 with the amendments so noted by the City Attorney.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the July 14, 2003 Noon Workshop, the July 14, 2003 Workshop, and the Minutes of the July 16, 2003 Regular Meeting*

2. **Setting a Hearing on Rezoning the Fuoco Property from RSF-R to PD Located East of Dewey Place (East of 25 ½ Road and North of F Road)** [File #RZ-2003-028]

Introduction of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58-lot subdivision known as Fuoco Estates.

Proposed ordinance rezoning the Fuoco property located east of Dewey Place, identified as Tax Parcel No. 2945-034-00-067, from Residential Single Family Rural (RSF-R) to Planned Development District (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying Zone District

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

3. **Setting a Hearing on Zoning the Marchun Annexations No. 1 & No. 2 Located at 2925 F ½ Road** [File #ANX-2003-093]

Introduction of a proposed ordinance to zone the Marchun Annexation No. 1 and No. 2, Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district.

Proposed ordinance zoning the Marchun Annexation No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), located at 2925 F ½ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

4. **Setting a Hearing on the Antietam Annexation Located at 260 & 262 26 ¼ Road** [File #ANX-2003-122]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.146-acre Antietam Annexation consists of two (2) parcels of unplatted land. The petitioner's intent is to annex and then subdivide the property into 25 residential lots for development purposes with a proposed zoning of RSF-4. The proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 70-03 – 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, Antietam Annexation Located at 260 & 262 26 ¼ Road and Including a Portion of the 26 ¼ Road Right-of Way

Action: *Adopt Resolution No. 70-03*

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

Proposed ordinance annexing territory to the City of Grand Junction, Colorado, Antietam Annexation approximately 9.146 acres located at 260 & 262 26 ¼ Road and including a portion of the 26 ¼ Road right-of-way.

Action: *Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003*

5. **Setting a Hearing on Disconnecting the Files Property Located on Monument Road** [File #MSC-2003-154]

Introduction of a proposed ordinance disconnecting the Files property, located along Monument Road. The 38.9-acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

Proposed ordinance disconnecting certain lands, referred to as the Files Property, Files De-Annexation, approximately 38.9 acres, located on Monument Road, west of Mariposa Drive.

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

6. **Setting a Hearing on Vacation of Excess Right-of-Way Along UnawEEP Avenue and Rocky Pitch Road** [File #PP-2003-022]

Introduction of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue, and Rocky Pitch Road, and set a Public Hearing for August 20<sup>th</sup>, 2003.

Proposed ordinance vacating a portion of undeveloped right-of-way along the northern edge of UnawEEP Avenue.

Proposed ordinance vacating a portion of right-of-way along a portion of UnawEEP Avenue, known as Rocky Pitch Road.

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 20, 2003*

7. **Setting a Hearing on Zoning the Carville Annexation Located at 2675 Hwy. 50** [File #ANX-2003-116]

Introduction of a proposed zoning ordinance to zone the Carville Annexation, located at 2675 Hwy 50.

Proposed ordinance zoning the Carville Annexation to C-1 and RSF-4 located at 2675 Hwy 50.

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

8. **Setting a Hearing on Zoning the Monument Presbyterian Church Annexation No. 1, 2, 3, and 4 Located at 2020 ½ S. Broadway** [File #ANX-2003-113]

The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

Proposed ordinance zoning the Monument Presbyterian Church Annexation to Residential Single Family with a density not to exceed one unit per five acres (RSF-R) located at 2020 1/2 South Broadway.

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

**9. Setting a Hearing on the Elliott Annexation located at 3082 D ½ Road [File #ANX-2003-156]**

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.1551 acre Elliott Annexation consists of 1 parcel of Land.

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

Resolution No. 71-03 – 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, Elliott Annexation Located at 3082 D ½ Road

*Action: Adopt Resolution No. 71-03*

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

Proposed ordinance annexing territory to the City of Grand Junction, Colorado, Elliott Annexation, approximately 1.1551 acres located at 3082 D ½ Road.

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003*

**10. Revocable Permit for Private Parking in the Elm Court and Kennedy Avenue Rights-of-Way [File #RVP-2003-109]**

First Congregational Church located at 1425 N. 5<sup>th</sup> Street, is requesting approval of a Revocable Permit for private parking in the Elm Court and Kennedy Avenue rights-of-way.

Resolution No. 72-03 – A Resolution Issuing a Revocable Permit to First Congregational Church to Allow Church Parking in Public Right-of-Way

*Action: Adopt Resolution No. 72-03*



**\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*****Public Hearing – Create Sanitary Sewer Improvement District No. SS-45-03 and Award Construction Contract****a. Hearing and Resolution Creating District**

A majority of the owners of real estate located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road, have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

The public hearing was opened at 7:36 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He displayed a map of the area for the Sewer Improvement District. He stated the project is part of the Septic Elimination Project and then detailed the success of the program. He noted that by the end of 2003, because of this program, 804 septic tanks would be eliminated.

There were no public comments.

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

Resolution No. 73-03 – A Resolution Creating and Establishing a Sanitary Sewer Improvement District No. SS-45-03, Within the Corporate Limits of the City of Grand Junction, Colorado, and Authorizing the Installation of Sanitary Sewer Facilities and Adopting Plans and Specifications for the Same

**b. Construction Contract**

Bids were received and opened May 6, 2003. MA Concrete of Grand Junction submitted the low bid in the amount of \$91,353.

Councilmember Enos-Martinez moved to adopt Resolution No. 73-03 and authorize the City Manager to enter into a Construction Contract with MA Concrete of Grand Junction in the Amount of \$91,353 for the Construction of Sewer Improvement District No. SS-45-03. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Amending Special Assessment and Levying Ordinances for Rimrock Marketplace GID**

This is an ordinance concerning the City of Grand Junction Rimrock Marketplace General Improvement District. The Bond Ordinance is being revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid shall be used to redeem Bonds on the next interest payment date. The Assessment Ordinance is being amended to reflect a decrease in the interest rate, which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

The public hearing was opened at 7:41 p.m.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He advised that the ordinance amends two previously adopted ordinances and is a clean-up ordinance. He said one amendment to the ordinance allows any prepayment to be used to redeem the bonds and the other amendment changes the interest rate to the interest rate in effect when the bonds were issued.

There were no public comments.

The public hearing was closed at 7:43 p.m.

Ordinance No. 3551 – An Ordinance Concerning the City of Grand Junction Rimrock Marketplace General Improvement District and Amending Ordinance No. 3532 Relating to the Issuance of Special Assessment Bonds and Ordinance No. 3533 Levying Special Assessments Within the District

Councilmember Kirtland moved to adopt Ordinance No. 3551 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Carville Annexation Located at 2675 Highway 50** [File #ANX-2003-116]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Carville Annexation, located at 2675 Hwy 50. The 19.93-acre annexation consists of one parcel of land.

The public hearing was opened at 7:44 p.m.

Senta Costello, Associate Planner, reviewed this item.



There were no public comments.

The public hearing was closed at 7:45 p.m.

**a. Accepting Petition**

Resolution No. 74-03 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Carville Annexation Located at 2675 Hwy 50 is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3552 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carville Annexation, Approximately 19.93 Acres Located at 2675 Hwy 50

Councilmember Kirtland moved to adopt Resolution No. 74-03 and Ordinance No. 3552 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Westgate Free Will Baptist Church Annexation No. 1 & No. 2 and Zoning the Westgate Free Will Baptist Church Located at 2155 Broadway to CSR**  
[File #ANX-2003-114]

Westgate Free Will Baptist 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 acceptance of the annexation petition and to hold a public hearing and consider final passage of the annexation ordinances.

The request for CSR (Community Services and Recreation) zoning allows public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. This property is the proposed location for Fire Station #5.

The public hearing was opened at 7:45 p.m.

Lori V. Bowers, Senior Planner, reviewed this item and requested that the annexation request and the zoning request be combined into one hearing. Council President Spehar allowed the combination hearing. Ms. Bowers identified the parcel for Council and the surrounding uses. She then explained the uses allowed under the CSR zoning.

Greg Dillon, 575 Meadowlark Lane, said he doesn't want a fire station in his backyard. He stated that there was no public hearing process until now and asked if there will be any further public hearings on the design.

Council President Spehar informed Mr. Dillon that there would be no further hearings.

Mr. Dillon said people were told at meetings held at the church that those meetings were not official and questioned Council if comments made at the meetings were incorporated. He said he was told site plans are available at the Planning Commission, but none are available.

Bob Blanchard, Community Development Director, explained that there is no site plan at this time, as there is no submittal, and once site plans are submitted they would be available for review by the public. He said the approval is an administrative process and people would receive an announcement of the approval date. He pointed out that the first neighborhood meeting was informational and that the second meeting was a mandatory neighborhood meeting.

Fire Chief Rick Beaty reiterated that the first meeting was preliminary. He said at the second meeting a number of concerns were expressed and included the following: setbacks and access to sewer systems, improvements to Broadway, the architecture of the building, the impact to the neighborhood, compatibility with existing buildings, use of external generators, and how to mitigate noise. Fire Chief Beaty said all received concerns would continuously be reviewed during the architectural design work.

Council President Spehar asked Fire Chief Beaty when the plans would be submitted. Fire Chief Beaty replied he hopes this would happen next week.

Councilmember Hill said Council is not reviewing the plans so how would Mr. Dillon be able to speak in regards to the plans. Mr. Blanchard replied there was not a formal public forum but Mr. Dillon could submit written comments. Councilmember Enos-Martinez suggested allowing Mr. Dillon to make comments tonight so his comments would be on record.

Mr. Greg Dillon said it was too late to make comments regarding the site location. He said some site-specific items needed resolutions from the surrounding property owners and to insert a fire station in the middle of people's living space was wrong. He was afraid Broadway would then be open to commercial development. He asked Council to consider the age of the homes, that there was no official designation of utility easements, that there are overhead easements on both sides of the property, which are frequently accessed through the church property. He said all those items need to be recognized and furthermore he said, the septic tanks are accessed through this

property. Without such access, they would not be able to be serviced. He asked if there is some process that these items of concern are officially recognized.

Council President Spehar agreed that the easement issues are a very valid concern, but the property is zoned CSR for a specific purpose. He said there are no more concerns for building a fire station than there are for building a church or a school.

Mr. Dillon asked Council President Spehar if he wished to have a fire station in his back yard.

Councilmember Enos-Martinez said yes, she would have a fire station in her "backyard". She said there are no sirens until the fire engines are away from the property and the people out by the Monument need the service.

Councilmember McCurry said in the larger cities there are fire stations in almost every subdivision.

Mark Relph, Public Works and Utilities Director, addressed the easement question. He said the Department conducted very thorough research as to what is there. It showed that the City might find utilities with no easements. He said the City will then decide what to do and it's the City's intent is to accommodate people in the neighborhood.

Councilmember Hill asked if sewer service would be available to those residents who want to tap into it.

Mr. Relph said yes, and the City already has received some interest regarding the Septic Elimination Program.

Council President Spehar felt it is in the City's interest to maintain those utility easements. Mr. Relph agreed and said absolutely.

There were no further public comments.

Councilmember Hill hoped the concerns of the neighborhood were addressed.

Councilmember McCurry asked if he, as a Councilmember, had a conflict of interest since he is a retired fireman. City Attorney Dan Wilson said there is no conflict at all.

Councilmember Palmer wanted to make sure Mr. Dillon would be notified when the plans are available.

Bob Blanchard, Community Development Director, said Mr. Dillon can provide input and he can always submit comments. He said the City could notify him at the end of the process when a decision is pending.

Kelly Arnold, City Manager, advised as a related issue that Thursday was the deadline for the Rural Fire District's payment and the payment received was \$498,000 short. He asked Council to go into executive session to discuss this issue. He explained that the reason for doing the fire station is because of the partnership between the Rural Fire District and the City of Grand Junction.

Councilmember Hill reiterated the City's intent is to provide this service and that the fire station had been approved by the voters.

Mr. Arnold stated that the multi-leveled agreement includes fire services to the entire district, payments, and the sub-district directly related to the new fire station.

Councilmember Hill asked if the City had already provided services.

Mr. Arnold said yes, the City has provided and continues to provide services in that area.

Councilmember Enos-Martinez felt the Rural Fire District has breached the contract when they voted to withhold part of the payment to the City of Grand Junction. She reminded Council of the one board member that has cost the taxpayers several thousands of dollars with his "gifts" of equipment and that he was the one who voted to withhold part of the payment to the City. She said City Council would not stop service to the area due to the partial payment.

Council President Spehar suggested Council get back to the subject on hand and he does appreciate the comments.

The public hearing was closed at 8:11 p.m.

**a. Accepting Petition**

Resolution No. 75-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Westgate Free Will Baptist Church Annexation, Located at 2155 Broadway is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3553 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Westgate Free Will Baptist Church Annexation No. 1, Approximately 0.7907 Acres Located at within a Portion of Broadway (Highway 340) Right-of-Way

Ordinance No. 3554 – An 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

**c. Zoning Ordinance**

Ordinance No. 3555 – An Ordinance Zoning the Westgate Free Will Baptist Church Annexation to CSR (Community Services and Recreation) Located at 2155 Broadway

Councilmember Enos-Martinez moved to adopt Resolution No. 75-03, Ordinances No. 3553, 3554, and 3555 on Second Reading and ordered them published. Councilmember Kirtland seconded the motion. Motion carried.

**Energy and Mineral Impact Assistance Grant for the Grand Junction Fire Station in the Redlands**

The City of Grand Junction has been approved for a grant from the Department of Local Affairs' Energy and Mineral Impact Assistance Program. The City is approved to receive up to \$300,000.00 for the designing, construction, equipping, and furnishing of the fire station in the Redlands.

Jamie B. Kreiling, Staff Attorney, and Rick Beaty, Fire Chief, reviewed this item. Fire Chief Beaty explained the process, the grant application, the approval of the grant, and the reduction of the grant amount due to budget impacts. Ms. Kreiling offered to answer any questions.

Councilmember Enos-Martinez noted that the application was approved by the full grant board. Council President Spehar said it was unfortunate that budget cuts lowered this request but voiced appreciation for receiving half of the requested amount.

City Manager Kelly Arnold explained the City's budget is based on receiving \$600,000 and that the firefighters were hired and trained on that assumption. He said the City will incur additional costs not planned for, but he wants to reemphasize the City's commitment to the new fire station.

Councilmember Kirtland noted that the County has also participated and have followed up on this issue, which also is a widespread community effort. He said he is disappointed in the Rural Fire District.

Councilmember Hill asked what would happen if the City accepts the grant and then not build the fire station.

Ms. Kreiling explained that if there are no expenditure, then the City would not receive the grant, or if the City decides not to build, the City then would return the funds.

Councilmember Hill moved to authorize the Mayor to sign the contract accepting the grant from the State of Colorado Energy/Mineral Impact Assistance Program. Councilmember Enos-Martinez seconded the motion. Motion carried.

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

Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinances for the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road.

The public hearing was opened at 8:18 p.m.

Lisa E. Cox, Senior Planner, reviewed this item. She discussed the surrounding zoning and the reason for it being a serial annexation. She described the parcel and advised Council that the zoning request would be considered at the next meeting. She stated the annexation criteria had been met and approval is recommended.

A representative, Mike Joyce with Development Concepts was present, but had nothing to add.

There were no public comments.

The public hearing was closed at 8:21 p.m.

**a. Accepting Petition**

Resolution No. 76-03 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Marchun Annexations No. 1 and No. 2, Area is Eligible for Annexation Located at 2925 F ½ Road

**b. Annexation Ordinances**

Ordinance No. 3556 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Marchun Annexation No. 1, Approximately 15.1496 Acres Located at 2925 F ½ Road

Ordinance No. 3557 – An 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

Councilmember Kirtland moved to adopt Resolution No. 76-03, Ordinances No. 3556 and No. 3557 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Vacation of a 15' North/South Alley Right-of-Way Located Northeast of the Intersection of N. 7<sup>th</sup> Street and Rood Avenue at 202 N. 7<sup>th</sup> Street**  
[File #VR-2003-098]

The petitioners, 4SC Partnership, wish to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Rood Avenue in anticipation of future commercial development. The only utilities that are located in the alley right-of-way are a sanitary sewer line and gas line. The existing seven (7) lots owned by the petitioners will be consolidated into one (1) 0.51 acre lot through a Simple Subdivision Plat upon the approval of the alley vacation with the existing 15' alley right-of-way being converted to a 15' utility & drainage easement. The Planning Commission recommended approval at its July 8<sup>th</sup>, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

The public hearing was opened at 8:23 p.m.

Lisa E. Cox, Senior Planner, reviewed this item. She explained she was filling in for the assigned planner. She described the petitioner's request and his plan to combine the seven lots into a single parcel. She said the vacation of the right-of-way should be contingent on the combination of the lots and the dedication of an easement.

Councilmember Kirtland asked why there are scattered north-south alleys. Ms. Cox said these easements are unusual and she is not sure how they came to be platted this way. She then deferred the question to Mark Relph, the Public Works and Utilities Director. Mr. Relph did not know the rationale behind the north-south alleys.

There were no public comments.

The public hearing was closed at 8:28 p.m.

Ordinance No. 3558 – An Ordinance Vacating a 15’ Wide Alley Right-of-Way Located Northeast of the Intersection of North 7<sup>th</sup> Street and Rood Avenue Known as: 202 N. 7<sup>th</sup> Street

Councilmember Palmer moved to adopt Ordinance No. 3558 on Second Reading and ordered it published. Councilmember McCurry seconded the motion.

Councilmember Kirtland asked if the ordinance needs any amendments. City Attorney Wilson said no, none are needed on this ordinance.

Motion carried by a roll call vote.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There was none.

### **EXECUTIVE SESSION**

Councilmember Enos-Martinez moved to go into executive session to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), relative to:

1. Memorandums of Understanding regarding Watershed Protection with Management; and
2. An existing contract with the Grand Junction Rural Fire Protection District.

Councilmember Palmer seconded the motion. Motion carried.

### **ADJOURNMENT**

The City Council moved to the Administration Conference Room to convene into executive session at 8:30 p.m. Council announced it would not be returning to open



session.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**  
**Intergovernmental Agreement for Use Tax Audits**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Intergovernmental Agreement for Use Tax Audits					
<b>Meeting Date</b>		August 20, 2003					
<b>Date Prepared</b>		August 13, 2003			<b>File #</b>		
<b>Author</b>		Ron Lappi		Administrative Services Director			
<b>Presenter Name</b>		Ron Lappi		Administrative Services Director			
<b>Report results back to Council</b>			<b>No</b>	X	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>			<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>		<b>Individual Consideration</b>

**Summary:** A resolution authorizing an intergovernmental agreement between the City of Grand Junction and Mesa County regarding the performance of construction use tax audits.

**Budget:** The County has agreed to pay half of the cost of our joint audits, with only a small impact on actual time to complete our audits.

**Action Requested/Recommendation:** Approve the resolution

**Attachments:** Resolution and the Intergovernmental Agreement

**Background Information:** The County has no internal auditor, and has agreed with the City staff that it is in our best interests to conduct a Mesa County Use Tax audit, in coordination with the City's own audits of construction projects. The City has had an internal auditor conducting Sales and Use Tax audits since 1991.

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

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITY OF GRAND JUNCTION AND MESA COUNTY REGARDING THE  
PERFORMANCE OF CONSTRUCTION USE TAX AUDITS.**

**RECITALS:**

The City of Grand Junction has been auditing the Sales & Use Tax collectors in the City of Grand Junction since the creation of a full time Internal Auditor position in 1991. The City audits both retail businesses for proper collection and remittance of Sales & Use Tax and construction contractors/developers for the proper payment of Sales Tax or Use Tax on the building material portion projects.

On the other hand Mesa County's Sales Tax is collected and remitted to them by the State of Colorado by State Law. The County's building material Use Tax is not collected by the State and the County has no internal auditor to assist with enforcement.

The City and County staff have concluded that it is in our best interests for the City to conduct a Mesa County Use Tax Audit while performing the City Audits of major construction projects within the City. The County agreed to pay one-half our cost of joint audits.

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

- a. The Intergovernmental Agreement (IGA) attached hereto and which outlines the process whereby the City will perform construction Use Tax audits for Mesa County in compensation with the City's audits is hereby approved.

PASSED AND ADOPTED this \_\_\_\_ day of August, 2003

CITY OF GRAND JUNCTION, COLORADO

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President of the Council

ATTEST:

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City Clerk

**Intergovernmental Agreement  
Between the City of Grand Junction and Mesa County, Colorado  
for Construction Project Auditing**

The City of Grand Junction, acting through its City Council (“City”) and the Board of County Commissioners of Mesa County acting for Mesa County (“County”) hereby enter into this Intergovernmental Agreement for the reasons and purposes set forth below and as authorized by 29-1-201, *et seq.* C.R.S.

A. Introduction, Goals and Purposes.

- [i] Both the City and the County impose sales and use tax on the purchase and use of building materials. Given the significant growth in the construction industry and the number of new housing starts and commercial and industrial development that is occurring in Grand Junction and the urban areas of unincorporated Mesa County, the County has determined that it may benefit from having a program to audit building material use tax compliance.
- [ii] For over a decade the City has had a sales and use tax auditor and audit program. The City has found that the audit program increases awareness among taxpayers of the requirements of the sales and use tax laws. That increased awareness results in equity among the local and out of town businesses and contractors by reducing the number of non-filers and those that under report taxable transactions.
- [iii] The County and the City cooperate in many ways to enhance the efficiency of government. The cooperative arrangement provided by this Agreement is one such example. In accordance with the terms of this agreement the City will act to increase the efficiency of the determination of local use tax due to the County on construction and development projects. The City and the County agree that cooperative auditing can maximize efficiency for them as well as for the contractors, building tradesmen and material suppliers.
- [iv] This Agreement and the actions taken under or arising out of it are intended to implement the City and County’s efforts to establish an ongoing method for the determination of use tax obligations and compliance with local tax laws.

[v] The City and County expect that the auditor will implement a review of building permits and proactively audit projects on a selective basis and determine the taxes due on the same.

B. The City and County enter into this Agreement to:

[i] Allocate responsibility for the scheduling and completion of compliance auditing. The City is not providing any collection, enforcement or legal services to the County;

[ii] Describe how the use tax auditing will be done and will be paid for; and

[iii] Address necessary contract provisions.

**Now therefore, the City and the County agree as follows:**

1. The paragraphs labeled “Introduction, Goals and Purposes” numbered i through v, inclusive, are substantive and necessary terms hereof.
2. Reports: The City Auditor will provide monthly reports to the County. . A report will detail the future use tax audits planned by the City. Another report shall be given to the County which details the results of completed audits. That report shall be given as audits are completed, rather than on a monthly basis.
3. Audit Requests: The County may request specific audits. The requests shall be in writing and on no more than a monthly basis by and through the County Treasurer and addressed to the City Finance Director. The County agrees that the requested audits shall be more than \$150,000 in stated permit value except in circumstances where there is a compelling reason, including, but not limited to a showing of fraud or a pattern of other criminality. Once the request has been received by the City, the City Auditor may perform those audits in conjunction with City audits as scheduled/determined by the City.
4. Industry Audits: The City Finance Director may schedule audits of industries or audits on a project by project basis. Prior to the County being responsible for payment of any industry audit, the County must agree to the industry audit prior to the commencement of the audit.

5. Fees: The parties contemplate two different types of audits: those that are performed within the City limits; and, those performed outside the City limits.
  - a. Within City limits: When specific audits are requested within the City limits, the County shall pay for the services of the City Auditor at one-half of the City's fully burdened cost (salary of the City Auditor, plus benefits, plus overhead at a rate 5% of the salary and benefits) on a per hour basis. In order for the County to issue payment, the City must provide a detailed statement which itemized the hours worked on each project. The current total City cost is \$31.50/hour; the City will notify the County as that cost changes.
  - b. Outside the City limits: Audits performed outside the City limits shall be requested in the same manner as set out in paragraph 3 above. However, the audits shall be performed by the City as time allows. The cost for the outside the City limits audits shall be determined at full cost reimbursement.
6. The City Auditor shall be deemed to be an independent contractor for the County; no employment relationship is intended, implied or created with the County.
7. If the County disputes the cost of any audit, the County shall notify the City in writing. The dispute shall be referred to the City's Director of Finance who shall review the auditor's time records and either equitably adjust the billing or shall resubmit the pay request to the County Treasurer. If the County continues to dispute the pay request then the matter shall be submitted to mediation as a precondition to litigation.
8. The County agrees that the City will schedule, perform, manage and administer any and all audits in accordance with generally accepted governmental auditing and accounting principles. If deemed necessary or appropriate by the Auditor, the City may obtain any forensic auditing or accounting service or product necessary or required to perform the audit. The cost of the forensic auditing or accounting service or product necessary or required to perform the audit shall be borne by the City. Prior to any obligation on the part of the County, the County must expressly agree in writing. In no event shall the County's obligation

exceed its proportional amount of the time that the auditor spending on the County portion of the audit.

9. **The County shall not expect or require any guarantee of collectibility of any tax found to be due; the City makes no guarantees, warranties or representations that the County will be able to collect any taxes determined to be due,** however, City personnel shall be available for collection actions as required by the County. The City shall reasonably provide documentation, work papers, calculations and attend any hearing or other judicial or quasi-judicial proceeding. Reimbursement for the City's participation in County collection proceedings shall be at the same rate stated above.
10. In the event that the auditor makes an error any and all direct and indirect consequences thereof shall be borne by the County for the County's portion of the audit and by the City for the City's portion of the audit and the parties agree that they will not look to each other for indemnification, claim, demand or reimbursement of any direct or indirect costs.
11. Each January while this Agreement (and/or any amendments hereto) is in effect the City will provide an accounting/audit summary.
12. Any amount of money due the City will be paid within 30 days of the completion of any audit when the audit is shown as being complete on the monthly report. If this agreement is terminated or expires payment for services rendered prior to termination or expiration shall be paid in full within 30 days with the exception of any disputed amounts which shall be paid within 30 days of the conclusion of the dispute.
13. The City's auditing and document review and preparation standards shall apply.
14. Either party may terminate this Agreement upon 30 days written notice to the other party, subject to duties, liabilities and obligations pursuant to law and this Agreement. Any such notice to the City shall be to the City Director of Finance and Administrative Services and such notice to County shall be to the County Treasurer.



- 15. Each party shall hold the other harmless from claims and actions from any third party arising out of or relating to or arising out of or under this agreement.
  
- 16. This Agreement is effective on the date that both parties have signed.

MESA COUNTY

CITY OF GRAND JUNCTION

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Attach 3**  
**2004 LEAF Grant for DUI Enforcement**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		2004 LEAF Grant					
<b>Meeting Date</b>		20 August 2003					
<b>Date Prepared</b>		01 August 2003				<b>File #</b>	
<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 checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<input type="checkbox"/>	<b>Workshop</b>	<input type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding for two out of every three years. The Grand Junction Police Department has not applied for this grant the past two years and is eligible in 2004.

**Budget:**

The Grand Junction Police Department will be applying for \$35,000 in the 2004 process. This will fund overtime for a police officer to work Thursday, Friday and Saturday nights for five (5) hours strictly dedicated to DUI enforcement. In addition we would have funding to conduct two DUI checkpoints during the year.

**Action Requested/Recommendation:**

The Grand Junction Police Department requests authorization to apply for the 2004 LEAF grant in the amount of \$35,000.

**Attachments:**

2004 LEAF grant announcement  
 Grant Data Sheet

**Background Information:**

The Grand Junction Police Department has not participated in LEAF for the past couple of years, however has been extensively involved with LEAF prior to that time. The program has been very successful at removing intoxicated drivers from the streets of

Grand Junction and when combined with an effective media promotion acts as a strong deterrent to driving under the influence.

# MEMORANDUM

DEPARTMENT OF TRANSPORTATION  
HQ Safety and Traffic Engineering Branch  
Safety Engineering and Analysis Group  
4201 East Arkansas Ave., EP700  
Denver, CO 80222  
303.512.5100 Phone  
303.757.9219 Fax



**TO: All 2004 LEAF applicants**

**FROM: Lanney Holmes, State LEAF Administrator**

**SUBJECT: 2004 LEAF applications**

**DATE: June 10, 2003**

The LEAF applications for 2004 are available on-line in both PDF (Adobe) format and in Microsoft Word. Note, you must have the full version of Adobe in order to manipulate the PDF version. There will be no disks mailed out this year due to costs and time. The website where the applications can be located is at [www.dot.state.co.us/Safety/](http://www.dot.state.co.us/Safety/). Instructions are also available at this web address. The completed application is due back to my office no later than close of business on September 1, 2003. Any applications received after this time will not be considered. Please mail the completed application and any supporting information to:

**Colorado Department of Transportation  
State LEAF Administrator  
4201 E. Arkansas Ave., Empire Park 770  
Denver, Colorado 80222**

Whereas all correctly submitted applications will be considered for funding, it should be noted that every year, demand for LEAF grant funds outpaces the amount of dollars available. With this in mind, outlined below are the funding priorities, in order of importance, for 2004:

1. DUI overtime
2. Necessary capital equipment
3. Full-time DUI officers

The vast majority of LEAF funds will be allocated to DUI overtime enforcement. The purchase of necessary capital equipment and full-time DUI officers will still be considered, but these are areas of lower priority and will therefore need detailed justification from requesting agencies.

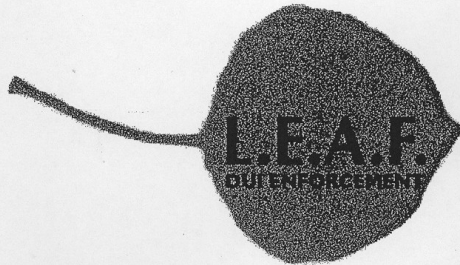
Please note that funding decisions will be made by CDOT on or before October 1, 2003. As in the past, departments that are on their 2nd or 3rd year of funding will be given priority. However, it should be understood, past receipt of LEAF grant money does not guarantee future funding. Applications received from departments that are in areas of the state that have a higher than average rate of alcohol-related traffic crashes and fatalities are given priority. Agencies that commit to our DUI Checkpoint Colorado program will also receive priority for selection. For those of you unfamiliar, DUI Checkpoint Colorado is a program that began in the summer of

2003. Between Memorial Day and Labor Day Weekends, sobriety checkpoints are conducted weekly throughout the state. LEAF agencies are strongly urged to participate by either staging 1 or more checkpoints during this time period, or by participating with another agency.

Agencies will be chosen for grant money based primarily on the basis of need as determined by CDOT's Statewide Problem Identification and by the agency's proposal and projected impact. There are other criteria that are also measured which help to determine grant selection and funding amounts. These can be found in the LEAF application guidelines. Most importantly, however, is the determination that an applicant agency has an identifiable problem with DUI/DUID, and whether the agency has a clear proposal and plan to address this problem. This is why it is very important that applicants are specific in their problem identification, as this data will augment CDOT data. Furthermore, applicants should clearly outline a workable proposal along with specifics as to how LEAF funding will assist the agency in attaining its goals.

If you have any questions regarding the 2004 LEAF application or procedures, feel free to call me at 303-757-9462. My fax is 303-757-9067 and my e-mail is [lanney.holmes@dot.state.co.us](mailto:lanney.holmes@dot.state.co.us).

Thank you for your interest in the LEAF program and for your agency's efforts against drunken and drugged drivers.



CITY OF GRAND JUNCTION  
GRANT DATA SHEET

Date: 8/1/2003 Revision Number \_\_\_\_\_

Department: Police Contact: Michael A. Nordine Phone: 244-3564  
 Sub-Recipient: \_\_\_\_\_ Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!**

Grant Name: 2004 LEAF Grant Grant #: \_\_\_\_\_  
 Source of Funds: State (Federal, State, Other) Phon

Grantor: CDOT Contact: Lanny Holmes e: (303)512-5100

**Purpose/Product/Outcome:**

These funds are specifically earmarked to pay police overtime for DUI enforcement activities and to purchase necessary capital equipment in support of DUI enforcement.

**IF FEDERAL /STATE FUNDS, CHECK COMPLIANCE REQUIREMENTS LIST ON BACK!**

**Requirements/Schedule:**

Will this require:      **new**                      **new**  
                                  **employee(s)?**    No                      **equipment?**    No

**Financial Summary ( Attach Detail):**

Projected cost of project or program:	\$	<u>35,000</u>	
Estimated cost of administration:		_____	
Grant in-eligible costs (application):		_____	
Total costs of grant.....	\$		<u>35,000</u>
Amount of grant	\$	<u>35,000</u>	
Other revenues		_____	
Total revenues.....	\$		<u>35,000</u>
Net cost of the project to the City.....	\$	<u>0</u>	
Amount to be appropriated:	\$	<u>0</u>	

**Future Impacts:**

**Description**

Annual ongoing expenditures:                      \$ \_\_\_\_\_

Onetime/periodic expenditures: \$ \_\_\_\_\_

Revenue account number: Fund 100 Org 422 Account 42520 Pgm 21 Activity \_\_\_\_\_

Expenditure account number: Fund 100 Org 422 Account 53990 Pgm 21 Activity \_\_\_\_\_

*(If more than one account, attach a list.)*

Are revenues/expenses included in the current budget? No Revised? No

**Approvals:** Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

Grant Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_

City Manager: \_\_\_\_\_ Date: \_\_\_\_\_

City Council: Approved \_\_\_\_\_ Acceptance \_\_\_\_\_ Contracts \_\_\_\_\_

**Dates:**

Application deadline \_\_\_\_\_ Award of grant: \_\_\_\_\_ Extension deadline \_\_\_\_\_

Date of receipt: \_\_\_\_\_ Required completion date: \_\_\_\_\_ Closeout \_\_\_\_\_

Report(s) required: \_\_\_\_\_ (date, monthly, quarterly)

*ATTACH NOTES AS NECESSARY – FINANCIAL ANALYSIS, METHOD/TIMING OF PAYMENTS, MULTIPLE REQUIREMENTS, SCHEDULE, OTHER EXPLANATIONS.*

## City of Grand Junction Compliance Check List

This check list is provided to help the Department Contact in identifying requirements of the grant for which the requestor is responsible. It does not move the responsibility for compliance or the monitoring of compliance of a department or sub-recipient to the Administrative Services Department

- Co-applicants
- Contract(s)      Sub-recipient       Source of funds       Other
- Insurance/bonding
  
- Single Audit
- Environmental review
- Equal employment opportunity enforcement
- Davis Bacon
- Minority and/or other preference processes
  
- Matching funds      Budgeted       Unbudgeted       Generated
- Program income
  
- Federal funds      Advance       Reimbursement
- Payment requests, reports
- Debt issuance
- Cost allocation plan for indirect costs
  
- State checklist available
- Local determinations
  
- Hearings / public input / notices / signs
- Open competitive bids
- Plan for real property acquisition and replacement, relocation of people
- Inspections / grantee / grantor
- Subsequent maintenance and/or monitoring
- Subsequent restrictions of use
- Asset monitoring, inventions, patents, equipment (subsequent usage)
- Record retention
- System of documentation



Other (explain)

***ATTACH ANY ADDITIONAL COMMENTS.  
ATTACH A COPY OF THE GRANT APPLICATION, AWARD, AND OTHER DOCUMENTATION.***

8/20/2002

**Attach 4**  
**Setting a Hearing on Lutheran Church Rezone**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Lutheran Church Rezone, Located at 628 26 ½ Road and a Portion of 632 26 ½ Road					
<b>Meeting Date</b>	August 20, 2003					
<b>Date Prepared</b>	August 8, 2003				File #RZ-2003-096	
<b>Author</b>	Senta Costello		Associate Planner			
<b>Presenter Name</b>	Senta Costello		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance.

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

**Attachments:**

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Zoning Ordinance

BACKGROUND INFORMATION					
Location:		628 26 ½ Road			
Applicants:		Jim West			
Existing Land Use:		Vacant / Church			
Proposed Land Use:		Offices			
<b>Surrounding Land Use:</b>	North	Church			
	South	Residential @ 5.88 du/ac			
	East	Church & Residential @ 8.95 du/ac			
	West	Residential @ 1.13 du/ac			
Existing Zoning:		PD (no plan) & RSF-1			
Proposed Zoning:		R-O			
<b>Surrounding Zoning:</b>	North	RSF-1			
	South	PD 7.4 du/ac			
	East	RSF-1 / PD 12 du/ac			
	West	RSF-2			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

**PROJECT DESCRIPTION:** Petitioner is requesting a rezone from RSF-1 and PD (Planned Development) zone districts to an R-O (Residential Office) zone district. The PD portion is on one .59 acre lot. The RSF-1 zone district is a portion of 632 26 ½ Road. If the rezone is approved, the applicant will request a Simple Subdivision to make the property line match the new zoning line and a Site Plan Review to construct an office building.

**RECOMMENDATION:** Recommendation to City Council of approval of the rezone request.

**ANALYSIS:**

1. Background:

The northern portion of the area of the rezone request was zoned RSF-1 when the property was annexed August 6<sup>th</sup> of 2000. This zone district matched the county zoning in place at the time. The southern portion was zoned to PD – 12 (Planned Development) at some point in the 1980's. A specific plan for development was not approved.

2. Consistency with the Growth Plan:

The proposed zone district is consistent with the Growth Plan Goals and Policies and the Future Land Use Map for the properties.

3. 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 was not in error at the time of adoption. However, the character of this corner has changed since the zoning was put in place and the portion that is zoned Planned Development never completed the process to provide a plan for the property or develop as such.

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 transition, etc

This corner has changed in character over the last few years. 7<sup>th</sup> Street and Horizon Drive have been improved and widened in this area so there is an increase in traffic through the area. This corridor serves as one of the primary routes to access the businesses along Horizon Dr. There has also been additional higher density residential development built to the south of this 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 R-O 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 can address the impacts of any development consistent with the R-O zone district, therefore this criterion is met. Any new construction in an R-O zone district must have a residential design.

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.

Staff feels that this proposal does further the goals and policies of the Growth Plan, other adopted plans, policies, regulation, guidelines, and Zoning and Development Code requirements.

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 R-O zone district.

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

There are not any other properties in the area that are zoned R-O.

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

The community and neighborhood will benefit from the proposal by providing a location for medical offices for medical needs and potential jobs that can be easily accessed by nearby residents. It will also clean up a property that has been undeveloped and weed covered.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Lutheran application, RZ-2003-096 for a rezone, staff recommends that the Planning Commission make the following findings of fact and conclusions:

1. The requested rezone is consistent with the Growth Plan
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the requested rezone, RZ-2003-096 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on Zone Amendment RZ-2003-096, I move that we forward a recommendation of approval of the rezone request to the City Council with the findings and conclusions as listed in the staff report.

Attachments:

General Project Report

Vicinity Map

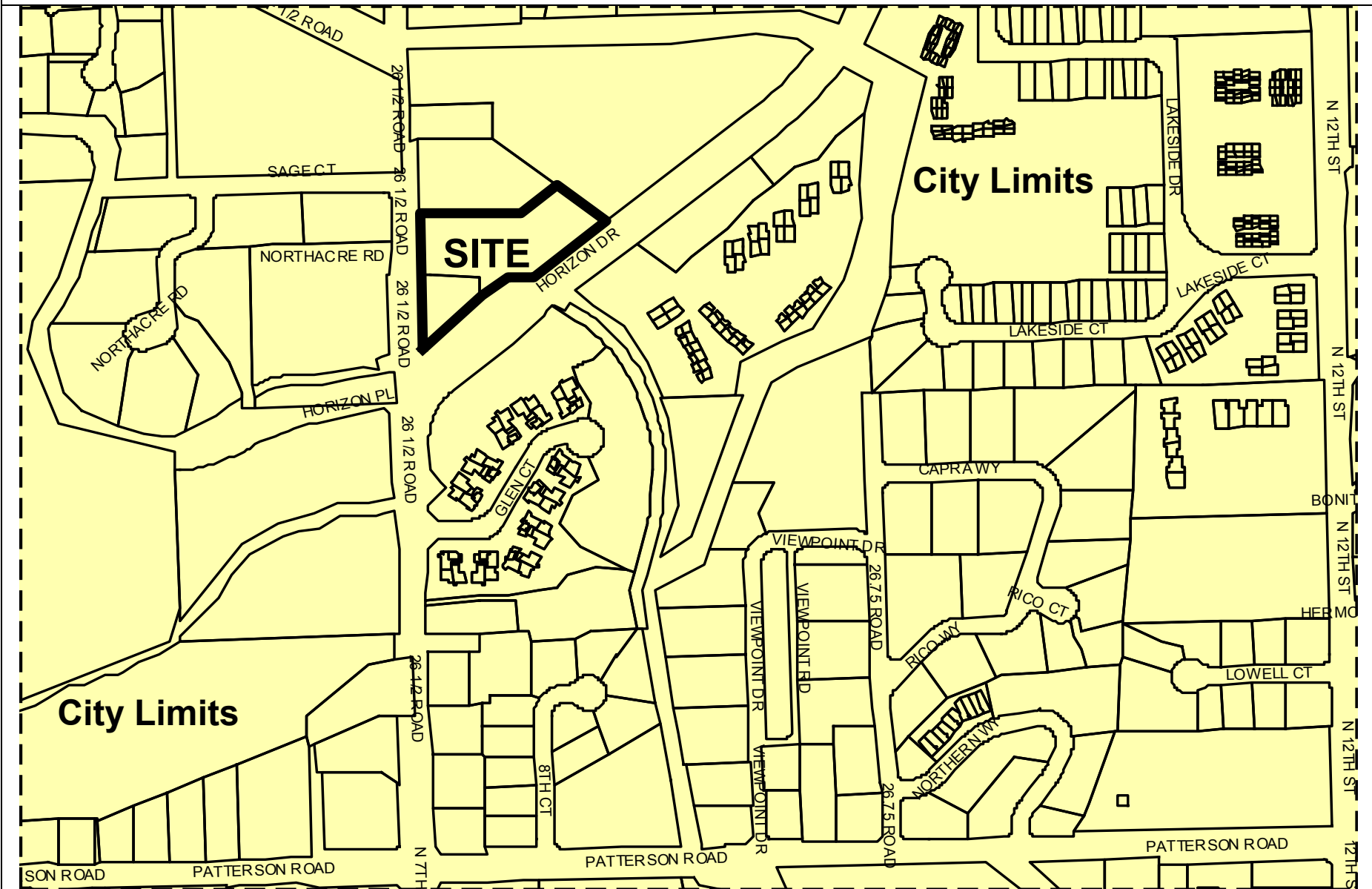
Aerial Photo

Growth Plan Map

Zoning Map

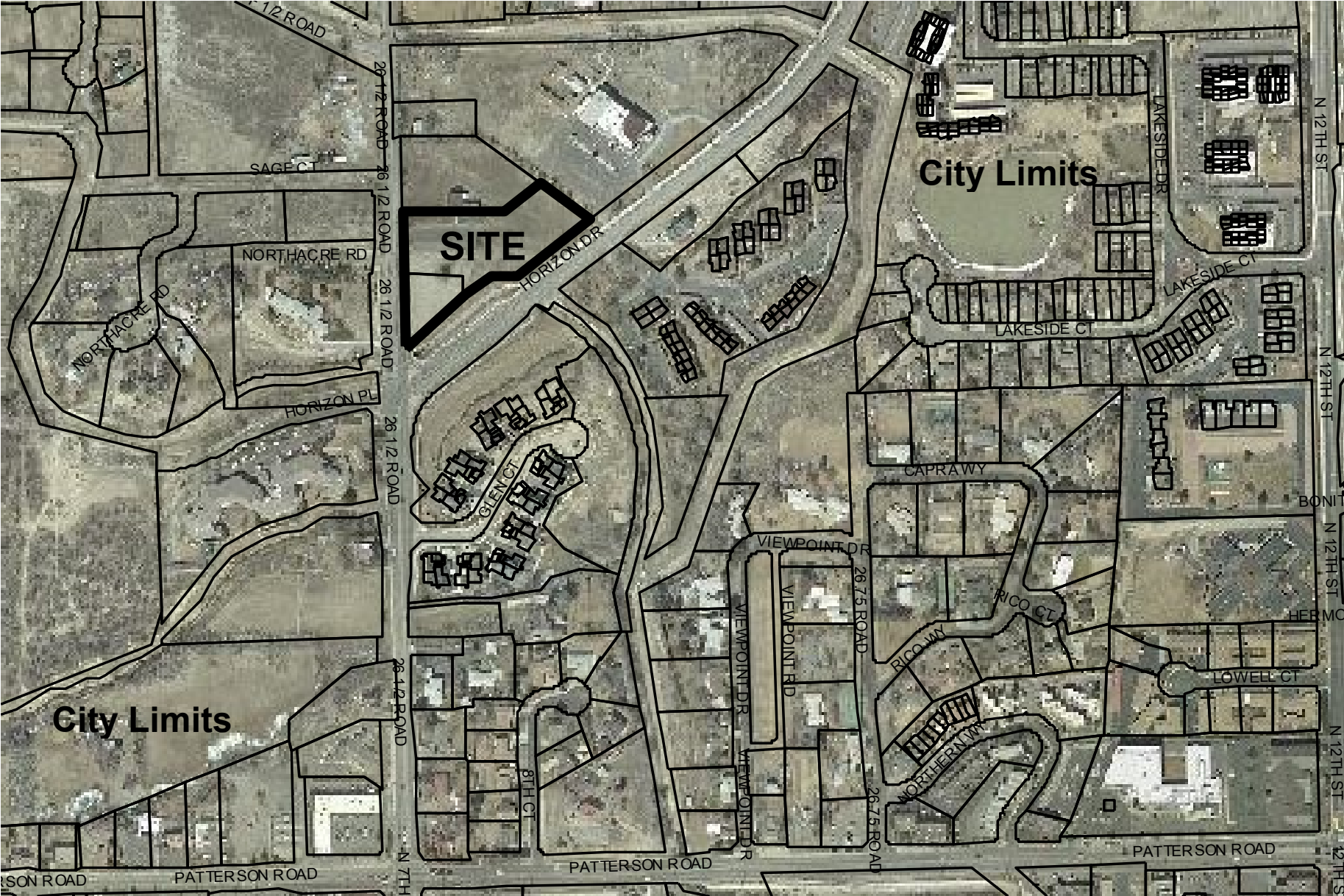
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2









**CITY OF GRAND JUNCTION, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ZONING THE PROPERTY KNOWN AS LUTHERAN CHURCH  
LOCATED  
AT 628 26 ½ ROAD AND A PORTION OF 632 26 ½ ROAD TO R-O**

Recitals.

The Grand Junction Planning Commission, at its August 12, 2003 hearing, recommended approval of the rezone request from the PD and RSF-1 zone districts to the R-O district.

A rezone from the PD (Planned Development) and RSF-1 (Residential Single Family not to exceed 1 du/ac) zone districts to the R-O (Residential Office) district has been requested for the property located at 628 26 ½ Road and a portion of 632 26 ½ Road. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium 4-8 du/ac). 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.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL (S) DESCRIBED BELOW IS HEREBY ZONED TO THE R-O (RESIDENTIAL OFFICE) DISTRICT:

A parcel of land in the NW1/4SE1/4 Sec 2 T1S, R1W of the Ute Meridian, City of Grand Junction, Mesa Co, Colorado described as follows: Commencing at a point on the W line of said NW1/4SE1/4 whence the C-S 1/16 cor of said Sec 2 bears S00°01'24"W, 367.15' with all other bearings contained herein being relative thereto; thence S89°58'36"E, 47.00' to the easterly r-o-w line of N 7th St and the true POB; thence S89°58'36"E along the northerly r-o-w line of said N 7th St, 3.00'; thence N00°01'24"E along the easterly r-o-w line of N 7th St, 142.18'; thence, S89°58'36"E, 269.83'; thence, N53°57'44"E, 161.16'; thence, S52°21'45"E, 162.55'; thence, S53°57'44"W, 250.41' to the northerly r-o-w line of the Grand Valley Canal; thence along said northerly r-o-w line on the following six courses: (1) N41°28'54"W, 14.36'; (2) N87°21'23"W, 32.02'; (3) S80°08'46"W, 28.48'; (4) S69°48'00"W, 30.63'; (5) S63°23'03"W, 39.20'; (6) S52°03'36"W, 33.18'; thence leaving said r-o-w line, S00°01'24"W, 44.29' to the centerline of said Grand Valley Canal; thence along said centerline on the following five courses: (1) S52°01'55"W, 4.52'; (2) S52°04'52"W, 53.42'; (3) S52°43'17"W, 73.20'; (4) S55°38'12"W, 42.62'; (5) S58°16'35"W, 16.97' to the easterly r-o-w line of N 7th St; thence leaving said centerline to following the said easterly r-o-w line on the following two courses: (1) N30°28'36"W, 35.46'; (2) N00°01'24"E, 179.55' to the true POB; containing 2.37 acres.

INTRODUCED for FIRST READING and PUBLICATION this 20th day of August, 2003.

PASSED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

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

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

**Attach 5**  
**FAA Grants for Airport Improvements**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject:</b>	<b>Federal Aviation Administration Airport Improvement Program Grants at Walker Field Airport and Related Supplemental Co-sponsorship Agreements.</b>					
<b>Meeting Date:</b>	<b>August 20, 2003</b>					
<b>Date Prepared:</b>	<b>August 1, 2003</b>				<b>File #</b>	
<b>Author:</b>	<b>Dan Reynolds</b>		<b>Operations and Facilities Manager, Walker Field Airport Authority</b>			
<b>Presenter Name:</b>	<b>Dan Reynolds</b>		<b>Operations and Facilities Manager, Walker Field Airport Authority</b>			
<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** AIP-27 is for (1) installation of new electronic access system at the passenger terminal building and air carrier apron, (2) expansion of the air carrier apron, and (3) engineering and design for the relocation of a large water line. Estimated grant amount is \$1,550,000. AIP-28 is for the acquisition of approximately 16 acres of property bordering Landing View Lane as part of future air cargo development. Estimated grant amount is \$565,200.

The Supplemental Co-sponsorship Agreements are required by the FAA as part of the Grant acceptance by the City.

**Budget:** No funds are being requested of the City of Grand Junction.

**Action Requested/Recommendation:** Authorize the City Manager to sign FAA AIP Grants 27 and 28 for capital improvements at Walker Field. Also, authorize the City Manager to sign the Supplemental Co-Sponsorship Agreements for AIP-27 and 28.

**Attachments:**

1. Grant Agreements for AIP-27 and AIP-28

## 2. Supplemental Co-sponsorship Agreement

U.S. Department  
of Transportation

## GRANT AGREEMENT

Federal Aviation  
Administration

---

### Part I - Offer

---

**Date of Offer:** August xx, 2003

**Airport:** Walker Field

**Project Number:** 3-08-0027-27

**Contract Number:** DOT-FA03NM-10xx

**DRAFT**

**To:** City of Grand Junction, the County of Mesa and the Walker Field, Colorado, Public Airport Authority (herein called the "Sponsor")

**From:** The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

**Whereas,** the Sponsor has submitted to the FAA a Project Application dated April 1, 2003, for a grant of Federal funds for a project at or associated with Walker Field, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

**Whereas,** the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

**Install security equipment-access control, expand air carrier apron and relocate water line (design),**

all as more particularly described in the Project Application.

Now therefore, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 90.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

#### CONDITIONS

1. The maximum obligation of the United States payable under this offer shall be \$g,xxx,zzz. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:
  - \$-0-for planning
  - \$g,xxx,zzz for airport development and noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The Sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 10, 2003, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgement, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or



other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

#### Special Conditions

9. The Sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for AIP Projects," dated July 1, 1999, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. Unless otherwise approved by the FAA, it will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.
11. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
  - a. may not be increased for a planning project;
  - b. may be increased by not more than 15 percent for development projects;
  - c. may be increased by not more than 15 percent for land projects.
12. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
13. The Sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked.
14. It is understood and agreed by and between the parties hereto that this Grant Offer is made and accepted upon the basis of preliminary plans and specifications for the water line relocation; and the parties agree that by January 1, 2004, the Sponsor shall furnish final plans and specifications to the FAA, that no construction work will be commenced hereunder, and that no contract will be awarded for the accomplishment of such work until the said final plans and specifications have been approved, or certification accepted, by the FAA; and the parties do further agree that any reference made in this Grant Offer or in the aforesaid Application to plans and specifications shall be considered as having reference to said final plans and specifications as approved.

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15. The FAA in tendering this Grant Offer on behalf of the United States recognizes the existence of a Co-Sponsorship Agreement between the Walker Field, Colorado, Public Airport Authority, the City of Grand Junction, Colorado and the County of Mesa, Colorado. By acceptance of the Grant Offer, said parties assume their respective obligations as set forth in said Co-Sponsorship Agreement. It is understood and agreed that said Agreement will not be amended, modified, or terminated without prior written approval of the FAA.
16. The Sponsor agrees to perform the following:
- a. Furnish a construction management program to FAA prior to the start of construction which shall detail the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program shall include as a minimum:
    - (1) The name of the person representing the sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
    - (2) Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
    - (3) Procedures for determining that testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation, referenced in the contract specifications (D 3666, C 1077).
    - (4) Qualifications of engineering supervision and construction inspection personnel.
    - (5) A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.
    - (6) Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, that the proper corrective actions, where necessary, are undertaken.
  - b. Submit at completion of the project, a final test and quality control report documenting the results of all tests performed, highlighting those tests that failed or did not meet the applicable test standard. The report shall include the pay reductions applied and reasons for accepting any out-of-tolerance material.
  - c. Failure to provide a complete report as described in paragraph (a), or failure to perform such tests, shall, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction shall be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.
  - d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that Sponsor test results are inaccurate.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

United States of America  
Federal Aviation Administration

**DRAFT**

\_\_\_\_\_  
Manager, Denver Airports District Office

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## Part II - Acceptance

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The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF GRAND JUNCTION, COLORADO

(SEAL)

By: \_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Sponsor's Attorney

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## Part II - Acceptance

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The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY OF MESA, COLORADO

(SEAL)

By: \_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Sponsor's Attorney

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## Part II - Acceptance

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The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**WALKER FIELD, COLORADO, PUBLIC AIRPORT  
AUTHORITY**

(SEAL)

By: \_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Sponsor's Attorney

U.S. Department  
of Transportation

## GRANT AGREEMENT

DRAFT

Federal Aviation  
Administration

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### Part I - Offer

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**Date of Offer:** August xx, 2003  
**Airport:** Walker Field  
**Project Number:** 3-08-0027-28  
**Contract Number:** DOT-FA03NM-10xx

**To:** City of Grand Junction, the County of Mesa and the Walker Field, Colorado, Public Airport Authority (herein called the "Sponsor")

**From:** The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

**Whereas,** the Sponsor has submitted to the FAA a Project Application dated April 1, 2003, for a grant of Federal funds for a project at or associated with Walker Field, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

**Whereas,** the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

**Acquire land for development (Parcel 37),**

all as more particularly described in the Project Application.

DRAFT



**Now therefore**, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 90.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

#### CONDITIONS

1. The maximum obligation of the United States payable under this offer shall be \$aaa,vvv. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:
  - \$-0-for planning
  - \$aaa,vvv for airport development and noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The Sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 10, 2003, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgement, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or



other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

#### Special Conditions

9. The Sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for AIP Projects," dated July 1, 1999, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. Unless otherwise approved by the FAA, it will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.
11. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
  - a. may not be increased for a planning project;
  - b. may be increased by not more than 15 percent for development projects;
  - c. may be increased by not more than 15 percent for land projects.
12. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
13. The Sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked.
14. It is understood and agreed by and between the parties hereto that until the Sponsor has submitted evidence that it has acquired a fee title or such lesser property interest as may be found satisfactory to the FAA in and to Parcel 37 as shown on the property map attached hereto and identified as Exhibit "A", or any portion thereof for which grant payment is sought, subject to no liens, encumbrances, reservations or exceptions which in the opinion of the FAA might create an undue risk or interference with the use and operation of the airport, the United States will not make nor be obligated to make final payment.



15. The FAA in tendering this Grant Offer on behalf of the United States recognizes the existence of a Co-Sponsorship Agreement between the Walker Field, Colorado, Public Airport Authority, the City of Grand Junction, Colorado and the County of Mesa, Colorado. By acceptance of the Grant Offer, said parties assume their respective obligations as set forth in said Co-Sponsorship Agreement. It is understood and agreed that said Agreement will not be amended, modified, or terminated without prior written approval of the FAA.
16. It is understood and agreed by and between the parties hereto that notwithstanding the fact that this Grant Offer is made and accepted upon the basis of the current Exhibit "A" Property Map, the Sponsor hereby covenants and agrees that upon completion of the land acquisition in this project, it will update said Exhibit "A" Property Map to standards satisfactory to the FAA and submit said documentation in final form to the FAA. It is further mutually agreed that the reasonable cost of developing said Exhibit "A" Property Map is an eligible administrative cost for participation within the scope of this project.

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The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**DRAFT**

United States of America  
Federal Aviation Administration

\_\_\_\_\_  
Manager, Denver Airports District Office

**Part II - Acceptance**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF GRAND JUNCTION, COLORADO**

(SEAL)

By: \_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

**DRAFT**

**Certificate of Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Sponsor's Attorney

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**Part II - Acceptance**

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The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY OF MESA, COLORADO

(SEAL)

By: \_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

**Certificate of Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Sponsor's Attorney



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## Part II - Acceptance

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The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**WALKER FIELD, COLORADO, PUBLIC AIRPORT  
AUTHORITY**

(SEAL)

By: \_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Sponsor's Attorney



## **SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT**

This Supplemental Co-Sponsorship Agreement is entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by and between the Walker Field, Colorado, Public Airport Authority ("Airport Authority"), and the City of Grand Junction (City).

### **RECITALS**

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Walker Field Airport, located in Grand Junction, Colorado ("Airport").

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration ("FAA"), for the construction of certain improvements upon the Airport, pursuant to the terms, plans and specifications set forth in AIP Grant Application No. 3-08-0027-27 and 3-08-0027-28 ("Projects").

D. The FAA is willing to provide approximately \$2,100,000 toward the estimated costs of the Project, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreement, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that the proposed improvements are consistent with their respective plans for the development of the area surrounding the Airport, and that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this

Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

## AGREEMENT

1. By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request.

2. In consideration of the City's execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:

(a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the Project contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and

(b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreement, or reasonably related to or inferred therefrom, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.

3. By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.

4. By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject to the City's regulatory jurisdiction. The City also hereby warrants and represents that, in

accordance with paragraph 6 of the Special Assurances, the Project contemplated by the Grant Agreement is consistent with present plans of the City for the development of the area surrounding the Airport.

5. The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venturer, or representative of the Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above.

WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY

By \_\_\_\_\_  
Robert McCormick, Chairperson

CITY OF GRAND JUNCTION

By \_\_\_\_\_  
Kelly Arnold, City Manager

City of Grand Junction GIS City Map ©



**Attach 6  
Purchase of Wheeled Loader**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	<b>Purchase of 1 Wheeled Loader</b>						
<b>Meeting Date</b>	<b>August 20, 2003</b>						
<b>Date Prepared</b>	<b>August 13, 2003</b>						
<b>Author</b>	<b>Julie M. Hendricks</b>			<b>Buyer</b>			
<b>Presenter Name</b>	<b>Julie M. Hendricks Ronald L. Watkins</b>			<b>Buyer Purchasing Manager</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This purchase is being requested by the Fleet Department to replace one old outdated wheeled loader with a new wheeled loader in the Streets Department. Bid details are as follows:

<b>Company</b>	<b>Manufacturer</b>	<b>Machine only</b>	<b>Trade-In of existing</b>	<b>Total, including trade-in</b>
Power Equipment	Volvo	\$113,471	\$32,000	\$81,471
Valley Crane	Terex/Schaeff	\$109,265	\$10,000	\$99,265
Century Equipment	Case	\$130,653	\$30,000	\$100,653
Honnen Equipment	John Deere	\$126,384	\$22,500	\$103,884
Faris Machinery	Kawasaki	\$124,500	\$20,000	\$104,500
Power Motive	Komatsu	\$127,478	\$18,000	\$109,478.
Wagner Equipment	Catapillar	\$136,422	\$24,000	\$112,422

**Budget:** 2003 funds have been approved in the fleet replacement.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to purchase one Volvo Wheeled Loader (L90E) from Power Equipment Company in the amount of \$81,471.00 (accepting the trade-in amount).

**Background Information:** This solicitation was published in the Daily Sentinel on Wednesday, June 25, 2003 with responses due not later than July 10, 2003. A total of nine vendors requested bid documents, and seven responsive and responsible offers were received.



**Attach 7**

**Sole Source and Purchase of Fire Truck Exhaust Filters  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	<b>Sole Source and Purchase of Fire Truck Exhaust Filters</b>						
<b>Meeting Date</b>	<b>August 20, 2003</b>						
<b>Date Prepared</b>	<b>August 13, 2003</b>						
<b>Author</b>	<b>Julie M. Hendricks</b>			<b>Buyer</b>			
<b>Presenter Name</b>	<b>Julie M. Hendricks James Bright</b>			<b>Buyer Fire Operations Chief</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This purchase is being requested by the Fire Department to add a diesel exhaust filter on eight fire apparatus.

**Budget:** 2003 funds have been approved in the CIP budget for \$67,264.00.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to purchase ceramic diesel exhaust filters from Ward Diesel Filter Systems for eight fire apparatus at \$8,408.00 each for a total purchase of \$67,264.00.

**Background Information:** This system, specifically designed for fire apparatus, temporarily filters the exhaust 30-60 seconds after start-up thus eliminating the health hazards created when the apparatus is started in the fire station. Ward Diesel is the only vendor we have found that provides this filtering feature. All other systems are full time filtering devices that have higher maintenance costs and reduce the power of the apparatus. For these reasons, a sole source purchase of the Ward Diesel Filter System is recommended. Purchasing concurs with this recommendation.

**Attach 8  
Public Hearing – Monument Presbyterian Church Annexations  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Monument Presbyterian Church Annexation located at 2020 1/2 South Broadway					
<b>Meeting Date</b>	August 20, 2003					
<b>Date Prepared</b>	July 29, 2003			File #ANX-2003-113		
<b>Author</b>	Ronnie Edwards		Associate Planner			
<b>Presenter Name</b>	Ronnie Edwards		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes		No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of a Resolution for Acceptance of the Petition to Annex and Annexation Ordinances for the Monument Presbyterian Church Annexation located at 2020 1/2 South Broadway and including a portion of the South Broadway right-of-way.

The petitioner is seeking annexation in conjunction with a proposed two phase development of a new church facility, 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:**

7. Staff report
8. Vicinity Map
9. Aerial Photo
10. Growth Plan Map
11. Zoning Map

- 12. Annexation map
- 13. Resolution of Acceptance of Petition
- 14. Annexation Ordinance

**Background Information:** See attached Staff Report

<i>STAFF REPORT / BACKGROUND INFORMATION</i>			
<b>Location:</b>		<b>2020 1/2 South Broadway</b>	
<b>Applicants:</b>		Monument Presbyterian Church	
<b>Existing Land Use:</b>		<b>Vacant</b>	
<b>Proposed Land Use:</b>		<b>Church Facility</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential Single Family</b>	
	<b>South</b>	Residential Single Family	
	<b>East</b>	Residential Single Family	
	<b>West</b>	Residential Single Family	
<b>Existing Zoning:</b>		County RSF-2	
<b>Proposed Zoning:</b>		City RSF-R	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>County RSF-2</b>	
	<b>South</b>	County RSF-2/PUD (Cimarron Court Subdivision)	
	<b>East</b>	County RSF-2/PUD (Saddleback Subdivision)	
	<b>West</b>	<b>RSF-2</b>	
<b>Growth Plan Designation:</b>		Rural (5 – 35 ac/du)	
<b>Zoning within density range?</b>		<b>Yes</b>	<b>No</b>

**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 Monument Presbyterian Church 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.

MONUMENT PRESBYTERIAN CHURCH ANNEXATION SUMMARY	
<b>File Number:</b>	ANX-2003-113
<b>Location:</b>	2020 1/2 South Broadway
<b>Tax ID Number:</b>	2947-222-00-207
<b>Parcels:</b>	one
<b>Estimated Population:</b>	0
<b># of Parcels (owner occupied):</b>	N/A
<b># of Dwelling Units:</b>	0
<b>Acres land annexed:</b>	9.1711 acres for annexation area
<b>Developable Acres Remaining:</b>	8.871 acres
<b>Right-of-way in Annexation:</b>	20' strip for 660' of South Broadway (See Map)
<b>Previous County Zoning:</b>	RSF-2
<b>Proposed City Zoning:</b>	RSF-R
<b>Current Land Use:</b>	Vacant
<b>Future Land Use:</b>	Church facility

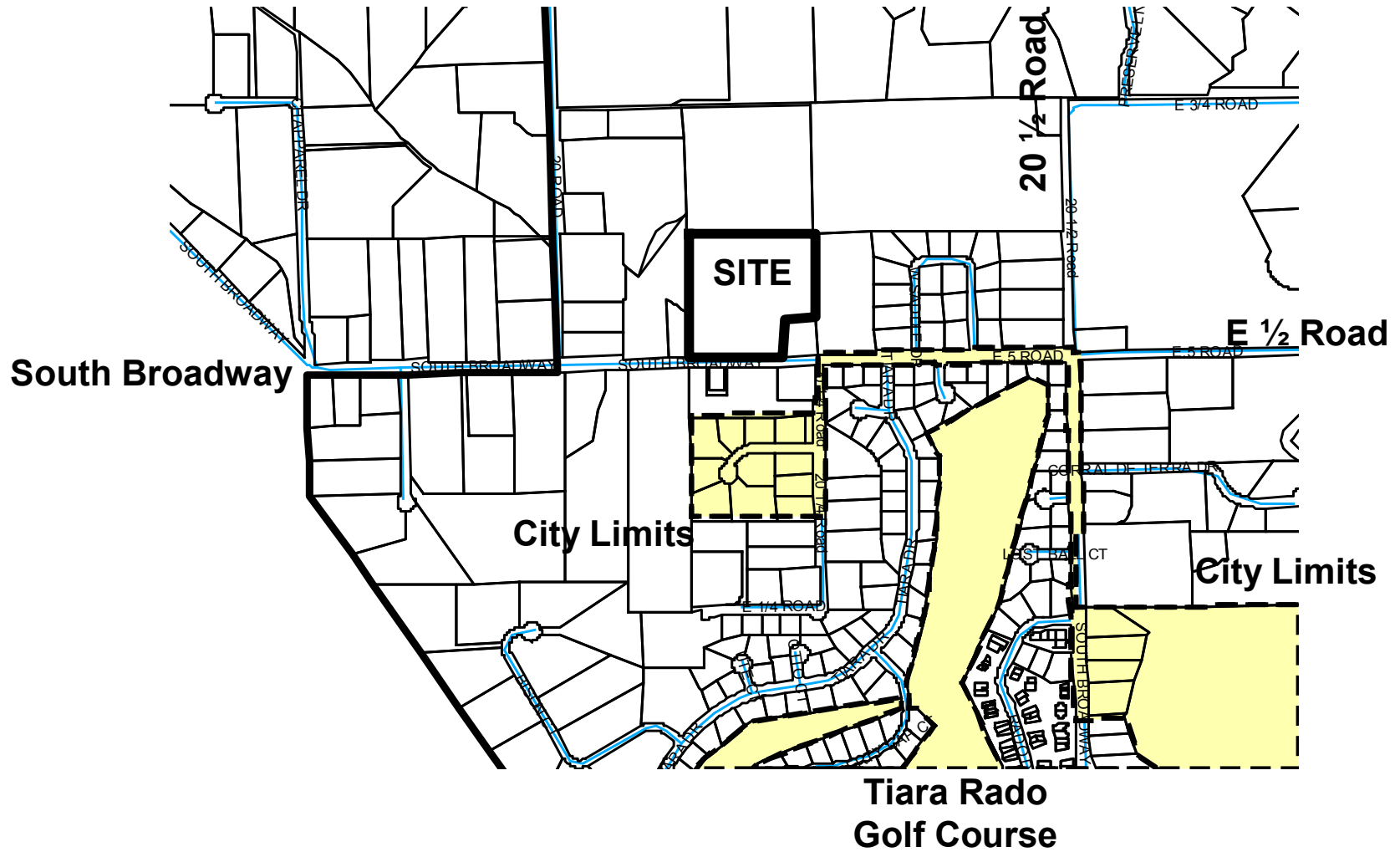
<b>Values:</b>	<b>Assessed:</b>	\$ 41,400
	<b>Actual:</b>	\$142,750
<b>Address Ranges:</b>		2012 to 2022 South Broadway (even only)
<b>Special Districts:</b>	<b>Water:</b>	Ute Water District
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation/ Drainage:</b>	Redlands Water & Power
	<b>School:</b>	District 51
	<b>Pest:</b>	N/A

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
July 16, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
July 22, 2003	Planning Commission considers Zone of Annexation
August 6, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council
August 20, 2003	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
September 21, 2003	Effective date of Annexation and Zoning

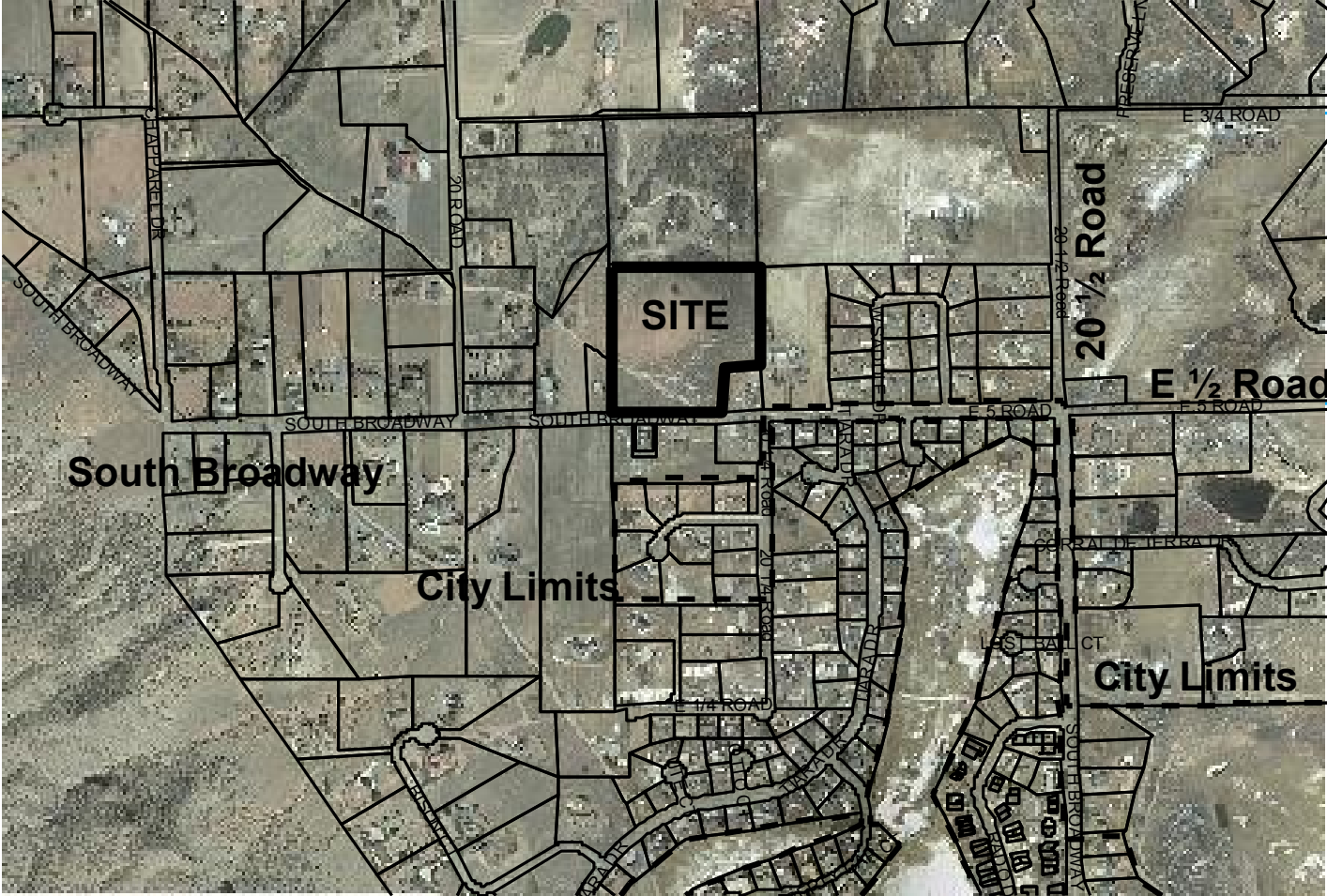
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2

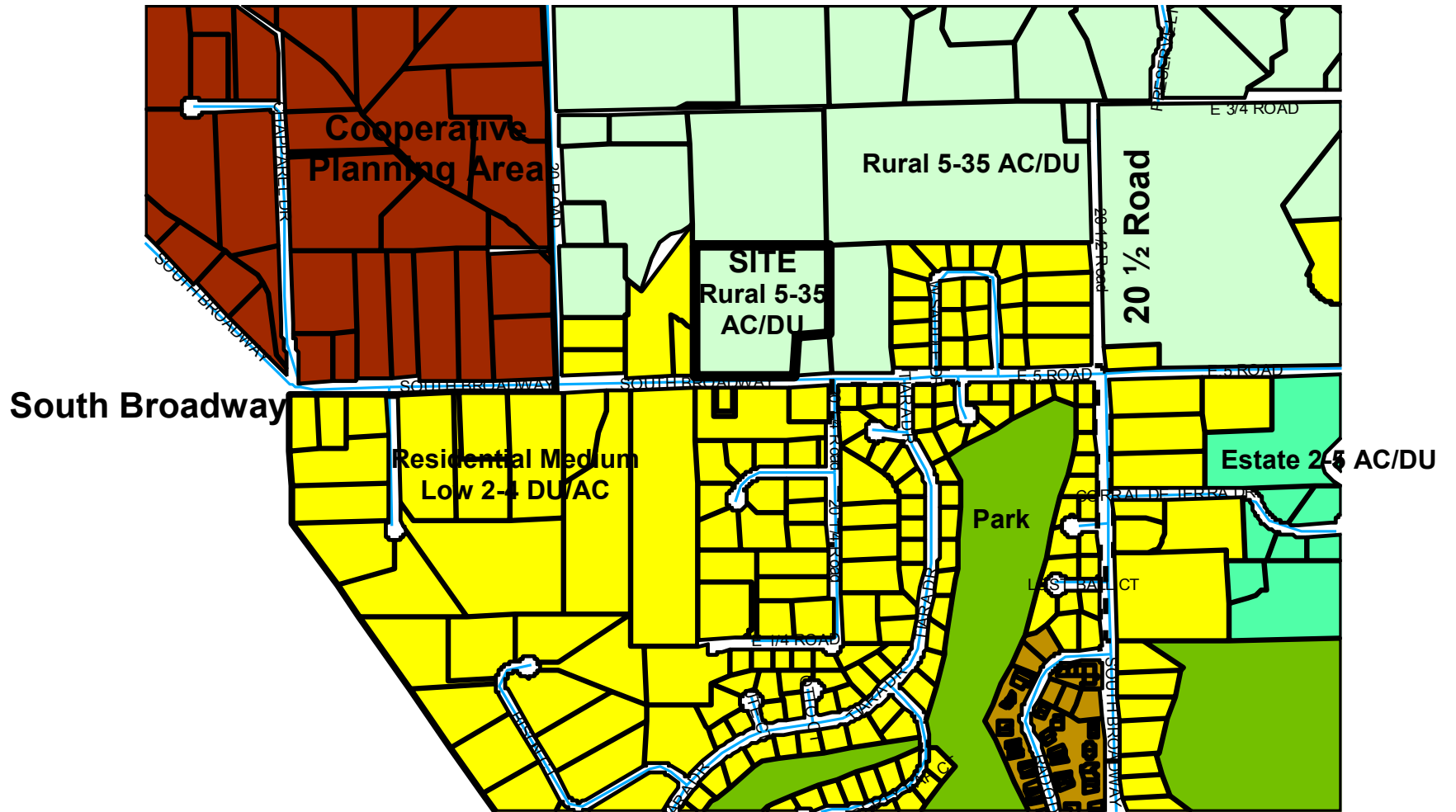


Tiara Rado  
Golf Course



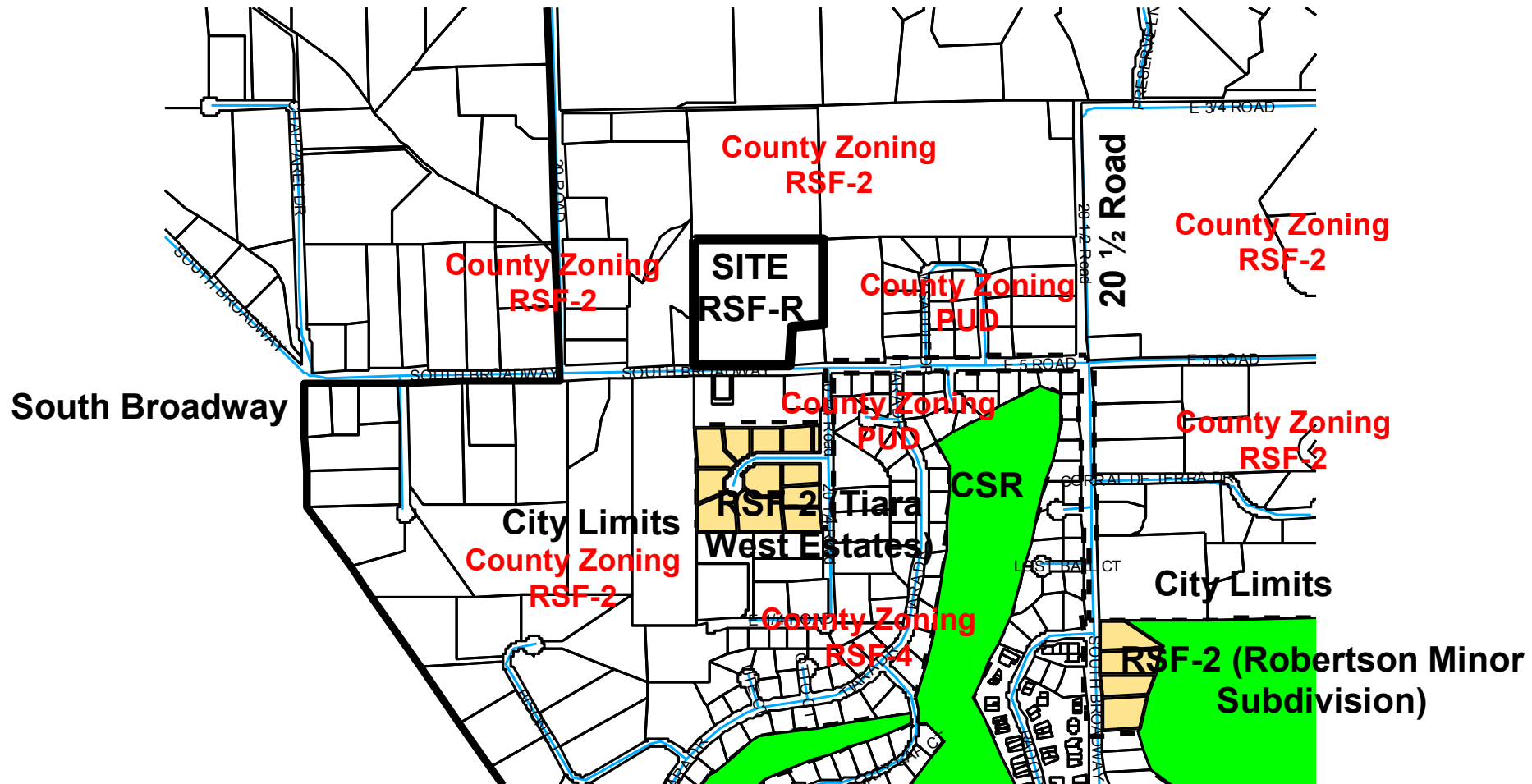
# Future Land Use Map

Figure 3



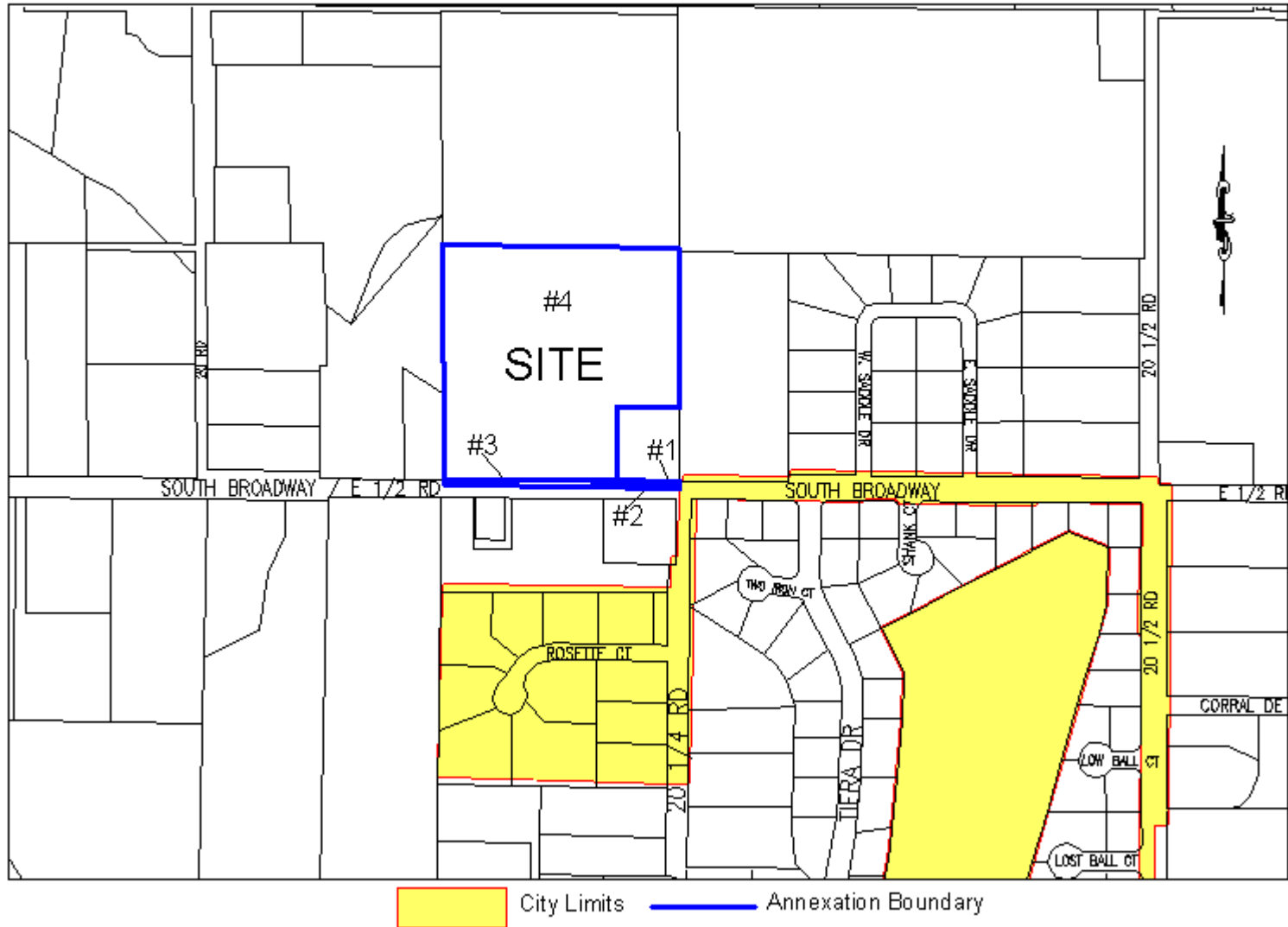
# Existing City and County Zoning

Figure 4



# Monument Presbyterian Church Annexations #1-4

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

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

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

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION**

**A SERIAL ANNEXATION COMPRISING MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 1, MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 2, MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 3 AND MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 4**

**IS ELIGIBLE FOR ANNEXATION**

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

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION**

**Monument Presbyterian Church Annexation No. 1**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°50'40"W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet; thence N 00°09'20" W a distance of 5.00 feet; thence N 89°50'40" E along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 64.80 feet; thence N 00°56'37" W along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet to a point on the North right of way for E 1/2

Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37" E, along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 20.02 feet, more or less, to the Point of Beginning.

Containing 0.0097 Acres (424.37 Sq. Ft.), more or less, as described.

#### Monument Presbyterian Church Annexation No. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet to the Point of beginning; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 169.00 feet; thence N 00°09'20" W a distance of 10.00 feet; thence N 89°50'40" E along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence N 00°56'37" W along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet; thence S 00°56'37" E along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet; thence S 89°50'40" W a distance of 64.83 feet; thence S 00°09'20" E a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.0474 Acres (2,064.02 Sq. Ft.), more or less, as described.

#### Monument Presbyterian Church Annexation No. 3

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian,

County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 238.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 414.49 feet; thence N 01°04'31" W a distance of 20.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 643.42 feet; thence S 00°56'37" E along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet; thence S 89°50'40" W along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence S 00°09'20" W a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.243 Acres (10,589.50 Sq. Ft.), more or less, as described.

#### Monument Presbyterian Church Annexation No. 4

A certain parcel of land being a portion of Lot 3, Block 134, Cunningham Redlands Subdivision, as same is recorded in Plat Book 4, Page 19, Public Records of Mesa County, Colorado, and a portion of that certain vacated road right of way as recorded in Book 1163, Page 20, Public Records of Mesa County, Colorado and lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence N 00°56'37" W along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 226.19 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°24'09" W a distance of 174.86 feet; thence S 00°51'29" E a distance of 204.82 feet, more or less, to a point on the

North right of way for E 1/2 Road; thence S 89°50'41" W, along said North right of way, a distance of 478.25 feet; thence N 01°04'31" W a distance of 645.78 feet; thence N 89°50'55" E a distance of 654.94 feet, more or less, to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37' E, along said East line, a distance of 439.54 feet, more or less, to the Point of Beginning.

Containing 8.871 Acres (386,423.46 Sq. Ft.), more or less, as described.

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 20<sup>th</sup> day of August, 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.**

**CITY OF GRAND JUNCTION, COLORADO**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 1**

**APPROXIMATELY 0.0097 ACRES**

**A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 1**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°50'40"W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet; thence N 00°09'20" W a



distance of 5.00 feet; thence N 89°50'40" E along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 64.80 feet; thence N 00°56'37" W along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37" E, along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 20.02 feet, more or less, to the Point of Beginning.

Containing 0.0097 Acres (424.37 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 16th day of July, 2003.

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

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**CITY OF GRAND JUNCTION, COLORADO**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 2**

**APPROXIMATELY 0.0474 ACRES**

**A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 2**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW

1/4 NW 1/4 of said Section 22, a distance of 69.90 feet to the Point of beginning; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 169.00 feet; thence N 00°09'20" W a distance of 10.00 feet; thence N 89°50'40" E along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence N 00°56'37" W along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet; thence S 00°56'37" E along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet; thence S 89°50'40" W a distance of 64.83 feet; thence S 00°09'20" E a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.0474 Acres (2,064.02 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 16th day of July, 2003.

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

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**CITY OF GRAND JUNCTION, COLORADO**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 3**

**APPROXIMATELY 0.243 ACRES**

**A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 3**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW

1/4 NW 1/4 of said Section 22, a distance of 238.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 414.49 feet; thence N 01°04'31" W a distance of 20.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 643.42 feet; thence S 00°56'37" E along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet; thence S 89°50'40" W along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence S 00°09'20" W a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.243 Acres (10,589.50 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 of July, 2003.

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

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**CITY OF GRAND JUNCTION, COLORADO**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 4**

**APPROXIMATELY 8.871 ACRES**

**LOCATED AT 2020 1/2 SOUTH BROADWAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 4**

A certain parcel of land being a portion of Lot 3, Block 134, Cunningham Redlands Subdivision, as same is recorded in Plat Book 4, Page 19, Public Records of Mesa County, Colorado, and a portion of that certain vacated road right of way as recorded in Book 1163, Page 20, Public Records of Mesa County, Colorado and lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South,

Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence N 00°56'37" W along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 226.19 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°24'09" W a distance of 174.86 feet; thence S 00°51'29" E a distance of 204.82 feet, more or less, to a point on the North right of way for E 1/2 Road; thence S 89°50'41" W, along said North right of way, a distance of 478.25 feet; thence N 01°04'31" W a distance of 645.78 feet; thence N 89°50'55" E a distance of 654.94 feet, more or less, to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37' E, along said East line, a distance of 439.54 feet, more or less, to the Point of Beginning.

Containing 8.871 Acres (386,423.46 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 16th day of July, 2003.

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

Attest:

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

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

**Attach 9**  
**Public Hearing – Zoning the Monument Presbyterian Church Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Monument Presbyterian Church Annexation located at 2020 1/2 South Broadway					
<b>Meeting Date</b>	August 20, 2003					
<b>Date Prepared</b>	July 29, 2003				<b>File #ANX-2003-113</b>	
<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>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the ordinance zoning the Monument Presbyterian Church Annexation.

**Attachments:**

1. Staff Report
2. Vicinity Map
3. Aerial Map
4. Growth Plan Map
5. Zoning Map
6. Annexation Map
7. Zoning Ordinance



<i>BACKGROUND INFORMATION</i>			
<b>Location:</b>		2020 1/2 South Broadway	
<b>Applicants:</b>		<b>Monument Presbyterian Church</b>	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		New Church Facility	
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Single Family	
	<b>South</b>	<b>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>County RSF-2</b>	
<b>Proposed Zoning:</b>		<b>City RSF-R</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-2	
	<b>South</b>	<b>County RSF-2/PUD (Cimarron Court Sub)</b>	
	<b>East</b>	<b>County RSF-2/PUD (Saddleback Sub)</b>	
	<b>West</b>	<b>County RSF-2</b>	
<b>Growth Plan Designation:</b>		<b>Rural (5 – 35 ac/du)</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**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-R conforms to the Future Land Use Map.

**RSF-R ZONE DISTRICT**

- The RSF-R does conform to the recommended future land use on the Growth Plan Future Land Use Map, which is currently designated as Rural (5 – 35 ac/du).
- Zoning this annexation with the RSF-R 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 .82 acres to 20 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-R is 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-R zone district, therefore this criterion 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-R zone conforms with the Growth Plan and Redlands Neighborhood Plan.

- 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-R zone district. Sanitary sewer is proposed to be extended from 20 ¼ Road with future proposed development. Water lines will be extended and will include installation of two new fire hydrants to address any impacts of future 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.

<b>MONUMENT PRESBYTERIAN CHURCH ANNEXATION SUMMARY</b>	
<b>File Number:</b>	<b>ANX-2003-113</b>
<b>Location:</b>	<b>2020 1/2 South Broadway</b>
<b>Tax ID Number:</b>	<b>2947-222-00-207</b>
<b>Parcels:</b>	<b>1</b>
<b>Estimated Population:</b>	<b>0</b>
<b># of Parcels (owner occupied):</b>	<b>N/A</b>
<b># of Dwelling Units:</b>	<b>0</b>
<b>Acres land annexed:</b>	<b>9.1711 acres for annexation area</b>
<b>Developable Acres Remaining:</b>	<b>8.871 acres</b>
<b>Right-of-way in Annexation:</b>	<b>20' strip for 660' of South Broadway (See Map)</b>
<b>Previous County Zoning:</b>	<b>RSF-2</b>
<b>Proposed City Zoning:</b>	<b>RSF-R</b>
<b>Current Land Use:</b>	<b>Vacant</b>
<b>Future Land Use:</b>	<b>Church facility</b>

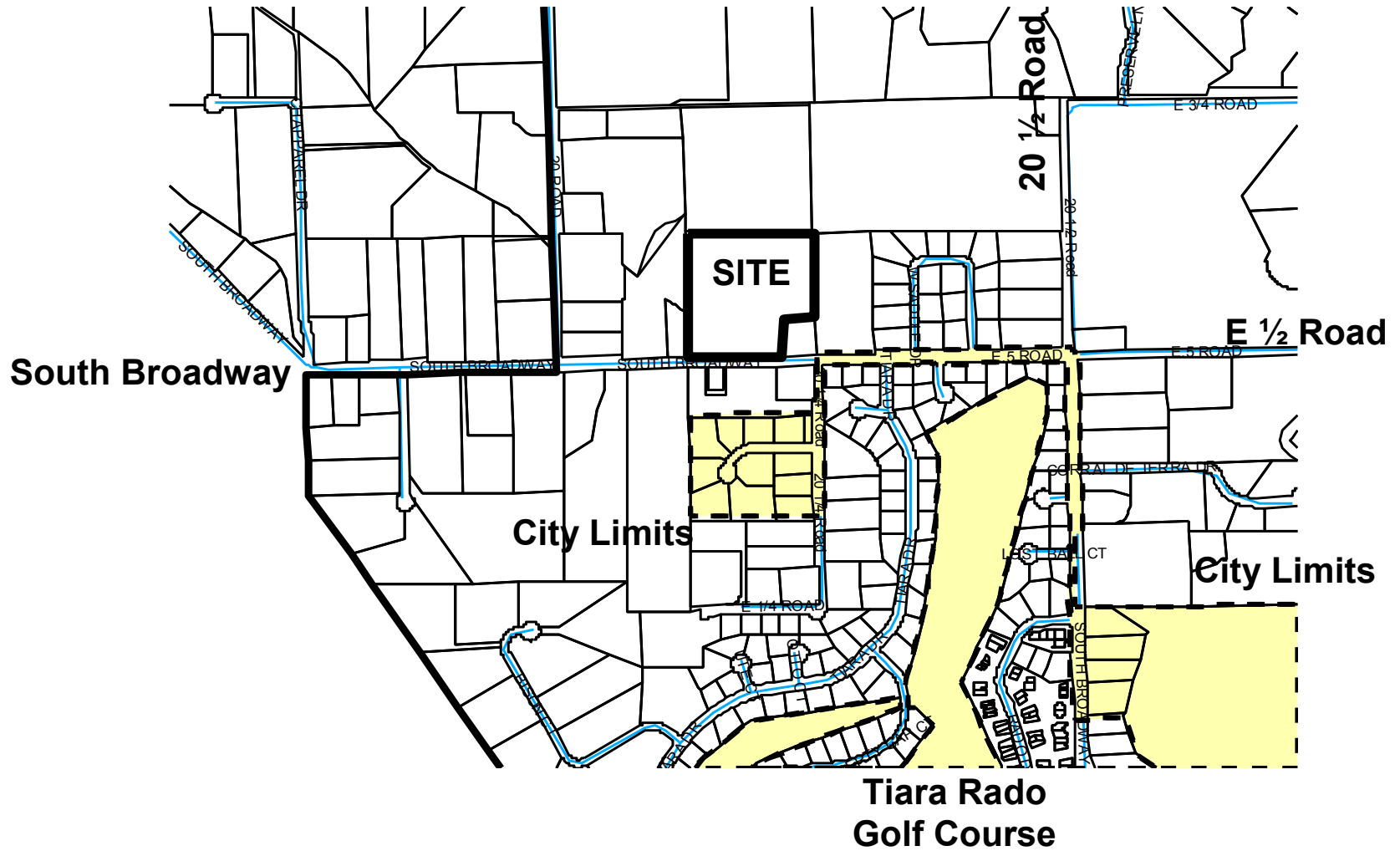
<b>Values:</b>	<b>Assessed:</b>	<b>= \$ 40,400</b>
	<b>Actual:</b>	<b>= \$142,750</b>
<b>Address Ranges:</b>		<b>2012 to 2022 South Broadway (even only)</b>
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water District</b>
	<b>Sewer:</b>	<b>City of Grand Junction</b>
	<b>Fire:</b>	<b>Grand Junction Rural Fire District</b>
	<b>Drainage/Irrigation:</b>	<b>Redlands Water &amp; Power</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>N/A</b>

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>July 16, 2003</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>July 22, 2003</b>	Planning Commission considers Zone of Annexation
<b>August 6, 2003</b>	First Reading on Zoning by City Council
<b>August 20, 2003</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>September 21, 2003</b>	Effective date of Annexation and Zoning

# Site Location Map

Figure 1

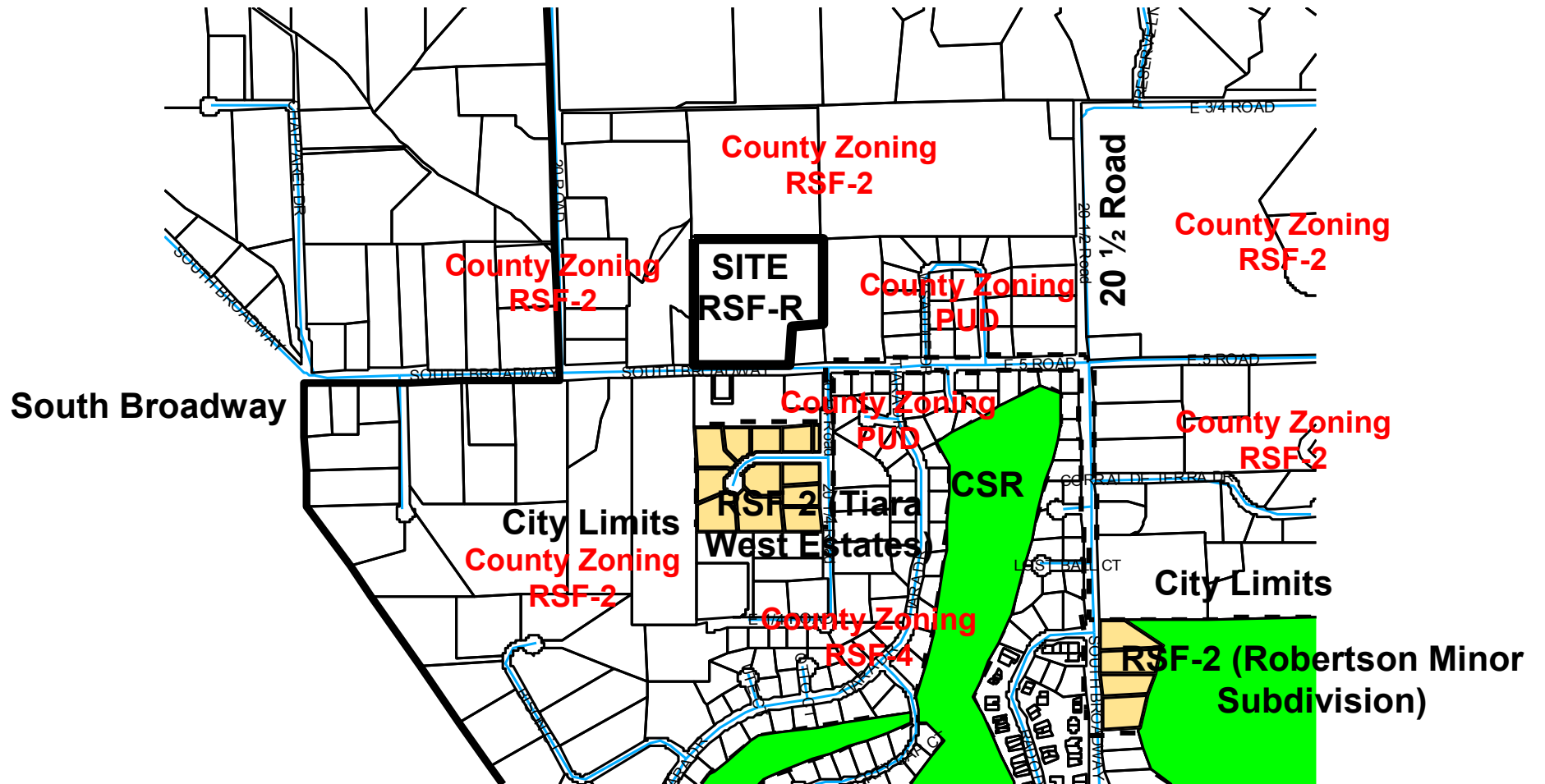






# Existing City and County Zoning

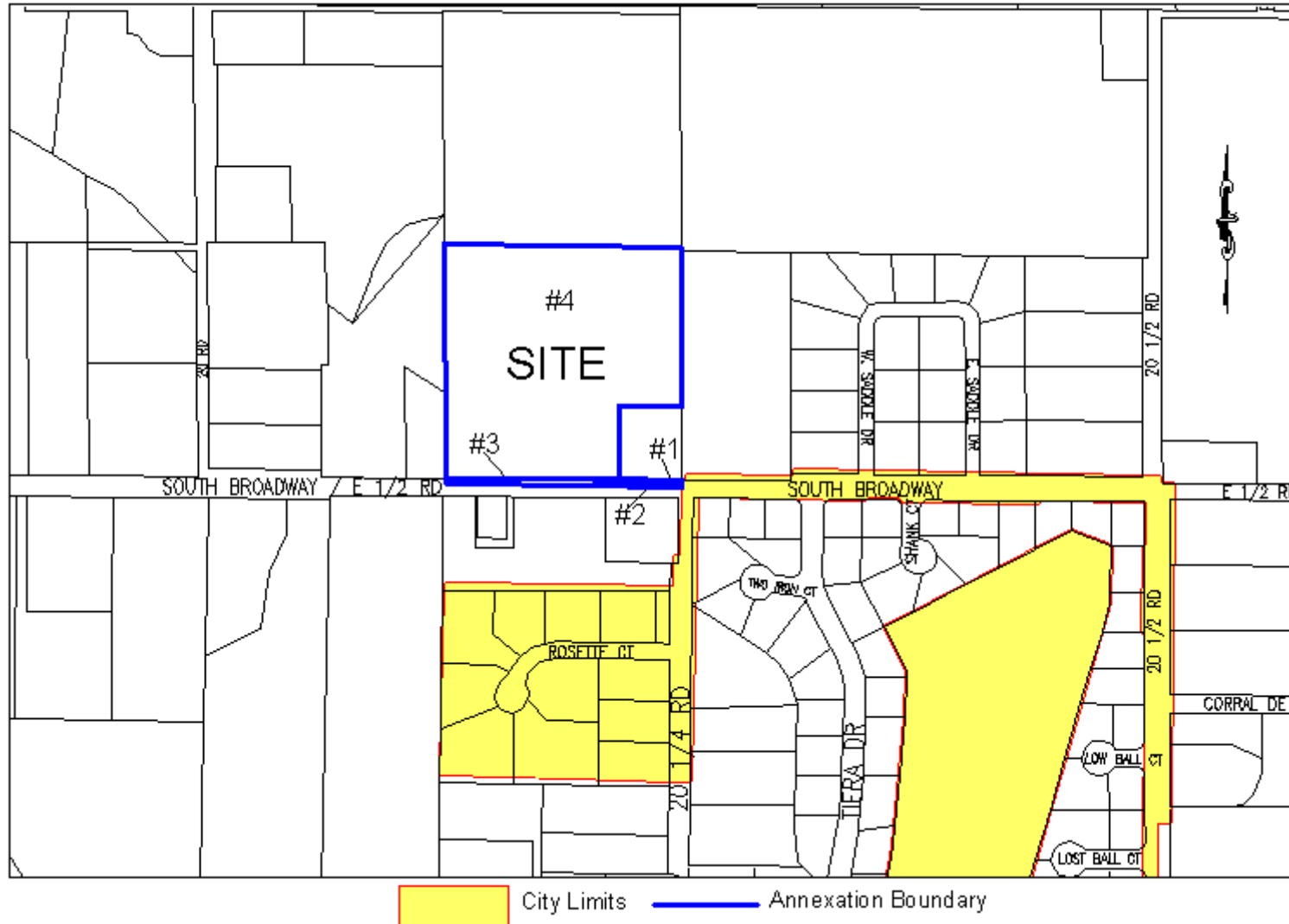
Figure 4





# Monument Presbyterian Church Annexations #1-4

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**LOCATED AT 2020 1/2 SOUTH BROADWAY**

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-R zone district to this annexation.**

After public notice and public hearing before the Grand Junction City Council, City Council finds that RSF-R 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 five acres (RSF-R) zone district**

Includes the following tax parcel: 2947-222-00-207

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION**

A certain parcel of land being a portion of Lot 3, Block 134, Cunningham Redlands Subdivision, as same is recorded in Plat Book 4, Page 19, Public Records of Mesa County, Colorado, and a portion of that certain vacated road right of way as recorded in Book 1163, Page 20, Public Records of Mesa County, Colorado and lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence N 00°56'37" W along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 226.19 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°24'09" W a distance of 174.86 feet; thence S 00°51'29" E a distance of 204.82 feet, more or less, to a point on the North right of way for E 1/2 Road; thence S 89°50'41" W, along said North right of way, a distance of 478.25 feet; thence N 01°04'31" W a distance of 645.78 feet; thence N 89°50'55" E a distance of 654.94 feet, more or less, to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37' E, along said East line, a distance of 439.54 feet, more or less, to the Point of Beginning.

Containing 8.871 Acres (386,423.46 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 6<sup>th</sup> day of August, 2003

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

Attest:

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

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

**Attach 10  
Public Hearing – Rezoning the Fuoco Property**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Rezoning the Fuoco property from RSF-R to PD, located east of Dewey Place					
<b>Meeting Date</b>	August 20, 2003					
<b>Date Prepared</b>	August 13, 2003				<b>File #</b> RZ-2003-028	
<b>Author</b>	Lisa E. Cox			Senior Planner		
<b>Presenter Name</b>	As above			As above		
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>		<b>Consent</b>	<b>X</b> <b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of second reading of the rezoning ordinance.

**Background Information:** See attached staff report

**Attachments:**

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Preliminary Plan for PD zone district (Figure 5)
7. Rezoning Ordinance

BACKGROUND INFORMATION					
Location:		East of Dewey Place			
Applicants:		Fuoco Grandchildren's Trust, Owner Grand Valley Dev., Developer			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential/Park/Regional Detention Facility			
<b>Surrounding Land Use:</b>	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential/Cell Tower			
Existing Zoning:		RSF-R			
Proposed Zoning:		Planned Development (PD) with RMF-8 default			
<b>Surrounding Zoning:</b>	North	PD 2.9			
	South	RMF-8			
	East	RSF-1 and RSF-2			
	West	RMF-24 and CSR			
Growth Plan Designation:		Residential Medium High, 8-12 du/ac			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: The developer has requested a for a rezone of 13.574 acres from RSF-R (Residential Single Family, 5 acres per lot) to Planned Development District (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) default zone district; and a Preliminary Plan for a 58 lot subdivision.

## ANALYSIS:

### 1. Background

The subject property was annexed into the City on August 6, 2000 as part of the G Road South Enclave annexation. At the time of annexation, parcels annexed into the City were annexed with their existing County designation with the understanding that a rezone would be necessary at the time of development. The Fuoco property was zoned RSF-R in the County and retained that zoning designation when annexed into the City in August, 2000.

The Fuoco property is classified as Residential Medium High with a density range of 8-12 dwelling units per acre (du/ac). The property is situated between an existing high density apartment complex (zoned RMF-24) and a low density single family residential subdivision (zoned RSF-1 and RSF-2).

Seeking to create a transition between the two existing developments, the developer has requested to rezone the Fuoco property from RSF-R, Residential Single Family-5 acres per lot, to Planned Development (PD) with the RMF-8 default zone district. Given the relatively high density expectations of the Growth Plan for this property, and the City's recent interest in acquiring the Fuoco property for use as a regional stormwater detention facility, the developer approached the City with an offer to dedicate a portion of the property for use as a park/detention facility, if there would be a willingness to consider a reduction in the required density to create the residential transition area that was envisioned.

Chapter 3, Section 3.6.B.7, Application of Density/Intensity Definitions, of the Zoning and Development Code, allows for development of one-half of the required minimum density required by the Growth Plan for parcels that are 10 acres or less in size. In the case of the Fuoco property, this would mean developing at 4 units per acre as opposed to 8 dwelling units per acre if the dedication of the 3.5 acre park site could be excluded from the density calculation upon dedication to the public.

In dedicating 3.5 acres to the public for public benefit, the developer wished to develop the Fuoco property at a lesser density than shown on the current Growth Plan. In discussions with the developer, City staff was not anxious to give up the opportunity for development at a higher density because there is very little land designated in the City designated for high density development. In recognition of this concern, the developer committed to developing at a density level of at least 5.5 dwelling units per acre for the proposed project.

The developer is proposing a 58 lot subdivision to be known as Fuoco Estates, with a dedication of an Open Space park/regional stormwater detention facility for use by the public, and has committed to construction of park improvements which include the

following: approximately 25 trees, turf installed and established to City standards, benches with concrete pads, signage, a pedestrian path linking the residential areas of the development to the park with bollards, fencing along the pedestrian path and on the rear lot lines of 11 lots that back up to the park and an irrigation system. Access for the proposed development would be provided through existing stub streets, Saffron Way and Dewey Place, located on the northern property line from the Fall Valley Subdivision and on the western property line from 25 ½ Road. The development would be constructed in two phases beginning in Fall 2003. The second phase would commence approximately 12 to 18 month after the completion of the first phase.

The dedication, along with the park improvements and the City's ability to utilize the property for regional stormwater detention purposes, represents a considerable benefit and cost savings to the City and larger community. In addition, should an interest be expressed by the Fall Valley neighborhood located to the north, it is possible that the new park and detention facility could be combined with an existing (private) park/detention facility. (Although the City has been contact in the past with an offer of dedication of the private facility located in Fall Valley, there is currently no interest at this time by the residents of the Fall Valley neighborhood to dedicate their private facility to the City.)

In reviewing the developer's proposal for dedication and park improvements, staff noted that the developer was proposing to construct only a 6' wide trail around the park, a trail very similar to that currently found in Sherwood Park. The 6' wide trail would not meet minimum City design standards.

At the June 24, 2003 Planning Commission meeting where the applicant's request to rezone to a PD zone district was being considered, the applicant agreed to construct an 8' trail as specified by the City Parks and Recreation Department. Final design of the trail will not occur until the Final Plat/Plan Approval stage. The developer agreed to work with the Parks Department in the final design and placement of the trail.

## 2. Consistency with the Growth Plan

The Fuoco property is classified as Residential Medium High with a density range of 8-12 dwelling units per acre (du/ac). The property is situated between an existing high density apartment complex (zoned RMF-24) and a low density single family residential subdivision (zoned RSF-1 and RSF-2).

Seeking to create a transition between the two existing developments, the developer has requested to rezone the Fuoco property from RSF-R, Residential Single Family-5 acres per lot, to Planned Development (PD) with the RMF-8 default zone district. Chapter 3, Section 3.6.B.7, Application of Density/Intensity Definitions, of the Zoning and Development Code, allows for development of one-half of the required minimum

density required by the Growth Plan for parcels that are 10 acres or less in size. In the case of the Fuoco property, this would mean developing at 4 units per acre as opposed to 8 dwelling units per acre. As noted earlier in this report, the developer has committed to developing the Fuoco property at a density of no less than 5.5 dwelling units per acre.

The proposed community benefit through the dedication of the 3.5 acre park/detention facility satisfies the requirements of Chapter 5 for a PD zone district and would support the goals and policies of the Growth Plan.

### 3. Consistency with Chapter 5

Rezone requests for a Planned Development District must meet the purpose of Chapter 5 by demonstrating how the following seven benefits have been provided:

1. More effective infrastructure;  
*The ability to utilize the park site as both a community recreational amenity and regional stormwater detention facility satisfies this criterion.*
2. Reduced traffic demands;  
*The proximity of the park site will reduce the need for residents to travel to other existing facilities and satisfies this criterion.*
3. A greater quality and quantity of public and/or private open space;  
*Provision of the park site with improvements satisfies this criterion*
4. Other recreational amenities:  
*The park improvements being constructed by the developer such as park benches, the trail system around the park and landscaping satisfies this criterion.*
5. Needed housing types and/or mixes;  
*Not applicable to the proposed development.*
6. Innovative designs;  
*The ability to utilize the park site for recreational purposes as well as regional stormwater detention satisfies this criterion.*
7. Protection and/or preservation of natural resources, habitat areas and natural features.  
*Not applicable to this development.*



4. Section 2.6.A of the Zoning and Development Code

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

8. The existing zoning was in error at the time of adoption. *The property was annexed as a part of a large enclave and retained the County zoning upon annexation into the City, therefore there has not been an error in zoning. Parcels annexed into the City with the same County zoning would be subject to rezoning at the time of development.*
9. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc. *Property in the area has been developing in a residential manner consistent with the Growth Plan and Future Land Use Map. Public facilities, infrastructure and utilities have been installed as a part of the development process.*
10. The proposed rezoning 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 rezoning to Planned Development (PD) with the RMF-8 as default zone is within the allowable density range recommended by the Growth Plan and Zoning Code. 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 can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.*
11. 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 zone district is consistent with the goals and policies of the Growth Plan and Future Land Use Map and the Zoning and Development Code.*
12. 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 address the impacts of development consistent with the proposed zone district.*

13. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *The developer has proposed a development that is a transition between existing high density development and existing lower density development in an effort to mitigate the impacts of a high density development located adjacent to lower density developments.*
14. The community or neighborhood will benefit from the proposed zone. *The proposed development is consistent with the goals and policies of the Growth Plan and Future Land Use Map and will afford benefit to the community when the property is developed in accordance with those goals and policies. The developer will dedicate and construct with improvements a park/stormwater detention facility that will have neighborhood and community benefit.*

5. Section 2.8.B.2 of the Zoning and Development Code

When rezoning to a Planned Development zone district, City Council must approve the Preliminary Plan which is the basis of the PD. A preliminary plan can only be approved when it is in compliance with all of the following:

- a. The Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans. *Criterion satisfied.*
- b. The purposes of this Section 2.8.B. *Criterion satisfied.*
- c. The Subdivision standards of Section 6.7. *Criterion satisfied*
- d. The Zoning standards contained in Chapter 3. *Criterion satisfied*
- e. Other standards and requirements of the Zoning and Development Code and all other City policies and regulations. *Criterion satisfied*
- f. Adequate public facilities and services will be available concurrent with the subdivision. *Criterion satisfied*
- g. The project will have little or no adverse or negative impacts upon the natural or social environment. *No known adverse or negative impacts would occur. Criterion satisfied*
- h. Compatibility with existing and proposed development on adjacent properties. *The provision of a park site is compatible with the Fall Valley neighborhood to the north. The proposed density provides a transition*

*between the higher density development on 25 ½ Road, and the lower density development located to the north and east of this property.*

- i. Adjacent agricultural property and land uses will not be harmed. *Not applicable.*
- j. Is neither piecemeal development nor premature development of agricultural land or other unique areas. *Criterion satisfied*
- k. There is adequate land to dedicate for provision of public services. *Criterion satisfied*
- l. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities. *Criterion satisfied*

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Fuoco Estates application, RZ-2003-028, requesting a recommendation to approve a rezone request from RSF-R to PD with RMF-8 default zone district, staff makes the following findings of fact and conclusions:

- 3. The requested rezone is consistent with the goals and policies of the Growth Plan and Future Land Use Map
- 4. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.
- 3. The review criteria of Chapter 5 have been met.

After reviewing the Fuoco Estates application, RZ-2003-028, request for Preliminary Plan Approval, staff makes the following findings of fact and conclusions:

- 4. The request is consistent with the goals and policies of the Growth Plan and Future Land Use Map
- 5. The review criteria in Section 2.8 of the Zoning and Development Code have been met.
- 6. The project meets all minimum design standards.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted unanimously to recommend approval of RZ-2003-028, Request to rezone from RSF-R to Planned Development (PD) with a RMF-8 default zone district, with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

The Planning Commission voted unanimously to recommend approval of RZ-2003-028, Request for Preliminary Plan Approval for Fuoco Estates, with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning (Figure 4)
5. Preliminary Plan for PD zone district
6. Rezoning Ordinance

H:Projects2003/RZ-2003-028/CCrezoneFuoco2

**GRAND JUNCTION PLANNING COMMISSION  
JUNE 24, 2003 MINUTES  
7:00 P.M. to 10:05 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, Richard Blosser, William Putnam and Travis Cox. Bill Pitts was absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor) and Lisa Cox (Senior Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 33 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

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

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items PFP-2003-092 (Preliminary/Final Plan--Grand Mesa Center Revised Plan), ANX-2003-093 (Zone of Annexation--Marchun Annexation), and FPF-2003-076 (Preliminary/Final Plat--Rimrock Marketplace 3 Subdivision).

Rick Dorris asked that item PFP-2003-092 be pulled from Consent and placed on the next regularly scheduled public hearing agenda (July 8, 2003). No objections were received on the remaining two items.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move that the Consent Agenda be approved as presented with the exception of the Final Plan for the Grand Mesa Center, Revised Plan, and include that it be continued to the July 8 meeting."**

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

#### IV. FULL HEARING

##### **RZ-2003-028 REZONE & PRELIMINARY PLAN--FUOCO ESTATES**

**A request for approval to rezone 13.57 acres from Residential Single-Family Rural (RSF-R) to Planned Development (PD); and to approve a Preliminary Plan for 58 patio home lots on 9.83 acres and the dedication of 3.74 acres to the City for a park.**

**Petitioner: Fuoco Grandchildren's Trust--Robert Fuoco**

**Location: East of Dewey Place**

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

Ted Ciavonne, representing the petitioner, referenced an aerial photo of the site and noted the variety of zonings surrounding the property. The Growth Plan recommended a Residential Medium-High land use category, which would permit the petitioner to develop the property to a much higher density (8-12 units/acre) than the 5.86 units/acre currently proposed. The proposed density, he felt, would provide a good transition from the lower densities to the east and the higher densities to the west. Mr. Ciavonne explained that the City had long been interested in the property to facilitate area-wide stormwater detention. However, the City's budget had precluded acquisition of the entire property. As a compromise for the lower-than-recommended density request and PD zoning, the petitioner offered to improve and donate a 3.74-acre park to the City, which would be used for detention as well as for recreational purposes. An easement would be granted to the Grand Junction Drainage District across the open space to facilitate maintenance. It was originally thought that the adjacent park located in Fall Valley Subdivision would also be dedicated to the City, but the Fall Valley Homeowners Association had expressed strong opposition to that option.

Mr. Ciavonne referenced the Preliminary Plan and noted proposed accesses into the subdivision. The proposed subdivision would be constructed in two phases. The petitioner had expressed agreement with all staff requirements; however, latitude on the width of the proposed pedestrian path was requested. City standards required construction of an 8-foot-wide path; the petitioner felt that a 6-foot-wide path would be adequate. Based on a letter received by staff from the City's parks planner earlier that day, it appeared as though some flexibility may be possible.

## **STAFF'S PRESENTATION**

Lisa Cox offered a Powerpoint presentation which contained the following slides: 1) site location map; 2) aerial photo of the site; 3) Future Land Use Map section; 4) existing City and County zoning map; 5) Preliminary Plan; 6) background information; 7) project information; 8) consistency with City standards overview; and 9) findings of fact/conclusions. She confirmed that when the property was annexed in August of 2000, the County's RSF-R zoning had been retained; however, the City's Growth Plan recommended a Residential Medium-High (8-12 units/acre) density for the property. The City had been reluctant to permit a lower density on the subject property because very few parcels within the City limits were designated as suitable for higher densities. However, allowance of the proposed lower density was permitted in exchange for the open space referenced by Mr. Ciavonne. The PD zone request would have an underlying default zone of RMF-8. Improvements costs for the park would be the sole responsibility of the developer and included park benches, bollards, irrigation system, trees, pedestrian trails, turf, etc. Fencing along the rear property lines of proposed lots located directly adjacent to the open space would also be provided by the developer. She briefly recounted discussions undertaken by City staff and the Fall Valley Homeowners Association with regard to dedication of its park but there had been no interest expressed by the Association.

Staff had originally recommended denial of the request based on the petitioner's non-compliance with the City's trails width requirement. Earlier in the day she'd received a letter from Sean Cooper, City Parks Planner, who said that depending on the final design of the trails plan, some latitude in trail width might be possible. It was unclear at this point whether the proposed trail would connect to the Fall Valley trails system, or exactly where on the property the proposed trail might be located. The petitioner had then agreed to comply with the City's minimum trail width requirements, whatever that turned out to be. With resolution of that criterion, staff withdrew its initial objection and recommended approval of both the rezone and Preliminary Plan requests.

## **QUESTIONS**

Chairman Dibble referenced Mr. Cooper's letter mentioned by staff and asked Ms. Cox to summarize key points. Reading from the letter, she said that Mr. Cooper had acknowledged that without a final design, it was not known whether the trail would be located on top of the stormwater detention facility or inside of it. The primary reason for requiring the 8-foot width was to facilitate vehicular traffic for maintenance purposes, and City parks staff would need to be able to access the park from several locations. If the trail were ultimately located in the bottom of the detention facility, it may be possible that two of the 8-foot-wide trail segments could be utilized as a V-pan section to carry away drainage. If the trail were located on top of the facility, a 6-foot-wide trail may be appropriate, provided that there were still portions of the trail constructed to the 8-foot width to accommodate vehicular traffic.

When asked by Chairman Dibble if there would be any interconnectivity of trail segments throughout the subdivision, Ms. Cox replied negatively. She noted trail and sidewalk locations that would connect a cul-de-sac with the park area. There would also be bicycle paths delineated along the roadway. There were no plans to delineate or separate the proposed park from the adjacent Fall Valley Park.

Commissioner Redifer asked if all improvements costs would be borne by the petitioner, to which Ms. Cox replied affirmatively. Once installed, however, the City would then be responsible for maintenance.

Commissioner Evans asked if fencing would be provided along the north and east property lines, to which Ms. Cox responded negatively. She added that the Grand Junction Drainage District had not been in favor of erecting fencing along its Beehive Drain to the east, and the City did not support the installation of fencing along the northern property line.

Commissioner Cole asked if staff anticipated any problems resulting from the lack of any clear delineation between the two park areas. Ms. Cox said that concerns expressed by the Fall Valley Homeowners Association included loitering, maintenance, and the increased liability expected with its pond. The Association was also concerned about Fuoco Subdivision residents utilizing the facilities belonging to Fall Valley residents. The Association, she said, could always opt to install signage or use another means of delineation.

Chairman Dibble asked if the Fall Valley park was turfed, to which Ms. Cox replied affirmatively.

Eric Hahn came forward and stated that while there was no final design, it was likely that grading would be done to create berming along the property line, which would help delineate the two parks.

Chairman Dibble wondered how vehicular parking would be handled. Mr. Hahn said that people driving to the park would have to park their vehicles on the street. No problems with on-street parking were anticipated.

John Shaver noted the absence of any mention of water rights conveyance in the proposed ordinance. He recommended referencing it as an ordinance amendment in any motion made. Ms. Cox affirmed that the petitioner had intended to transfer water rights to the City for park irrigation, and that a sprinkler system would be installed for park watering.

Commissioner Blosser expressed concern over the lack of parking available for a public amenity. Ms. Cox said that even though the park would be dedicated to the City, it would likely serve as more a subdivision amenity than a community-wide amenity.



## **PUBLIC COMMENTS**

### **FOR:**

There were no comments for the request.

### **AGAINST:**

Scott Borden (no address given), representing the Fall Valley Homeowners Association, reaffirmed that Fall Valley residents preferred not to dedicate its park to the City and preferred not to share it with Fuoco Subdivision residents. They felt strongly enough about it that they intended to install fencing at the property line to separate the two parks, although he felt that the petitioner should be willing to absorb the cost. The Fall Valley Homeowners Association, he said, paid a lot of money for liability insurance covering its pond. With Fuoco Subdivision residents likely to utilize Fall Valley amenities, he felt that the petitioner or new subdivision residents should be willing to participate in insurance costs. Mr. Borden also objected to the proposed density and felt it to be incompatible with Fall Valley's density. He was also concerned about the increased traffic to Saffron Way and thought that vehicle headlights would be shining into the bedroom windows of residents whose homes were situated nearest the subdivision's intersection. He recommended installation of speed bumps or other traffic calming devices to slow traffic traveling between the two subdivisions. He wondered if the Saffron Way access could be relocated to the radio tower property.

Clay Clemenson (no address given) said that lots to the east were situated topographically much higher than those of the Fuoco property. He expected that his and other residents' views would be impacted by the development. He also felt that a density closer to 4 units/acre would be more compatible with property densities to the east.

Chris Clark (615 Meander Drive, Grand Junction) agreed that lots to the east of the subject property were probably 30 feet higher in elevation. He appreciated the petitioner's willingness to donate a park site, but the project's density still seemed too high to be compatible with the surrounding area. He felt that the Growth Plan's recommendation for higher densities on the property was an error and didn't reflect the actual built-out densities of surrounding properties. Mr. Clark agreed with previously stated concerns regarding traffic impacts and felt that subdivision residents would be negatively impacted by so much on-street parking. He hoped that subdivision lighting would be minimized at night, and he also wondered how his livestock would be impacted by the adjacent park and subdivision. He felt that to have so many lots utilizing potable water for irrigation was a poor use of water, especially during drought years. He thought he'd heard that Ute Water had pressurization and water delivery issues in the area. Mr. Clark thought that the development may also impact local school enrollments.

Gerald Reed (646 Gold Leaf Court, Grand Junction) concurred with previously stated comments, adding that he was also concerned about any adverse impact to his property's value as a result of the development. He agreed that the petitioner should be responsible for costs associated with erecting a fence to separate the two parks. Fall Valley had an agreement with a local trash hauler, which limited trash hauler frequency to the subdivision to one day per week. With traffic accessing Fuoco Subdivision primarily via Saffron Way, this would result in many more trash haulers traveling that road throughout the week. He asked that the petitioner consider a similar trash hauler agreement to limit the amount of hauler traffic traveling through the two subdivisions. He also thought that routing the primary access through the radio tower property was preferable than directing it through Fall Valley.

Amelia Languin (no address given) expressed her opposition to so much additional traffic traveling in front of her home. She felt that she might experience difficulty in getting to her postal box located along Saffron Way because of so much expected on-street parking.

Les Wilkenson (630 Shadowood Court, Grand Junction), a handicapped Fall Valley resident, said that his primary concern was safety. Increased traffic would pose an increased danger to him. In addition, he didn't want residents from other subdivisions using the Fall Valley Park.

### **PETITIONER'S REBUTTAL**

Referencing an aerial photo of the site, which also depicted the proposed lot configuration, Mr. Ciavonne noted that lot sizes of the proposed subdivision and those in Fall Valley were not that dissimilar. The Planned Development zone was a negotiated tool. Much of the higher density required by the City had been forfeited in favor of a less dense project; however, the City still required that the density be close to 6 units/acre. The donation of, and improvements to, a park would provide the subdivision and surrounding area with a nice amenity. Street connection locations had been determined by City engineering staff and were not negotiable. Fencing would be installed along the rear property lines of lots 1-3 and along the rear property lines of those proposed lots abutting the park. It was possible that the proposed pedestrian path could serve to delineate the boundary between the two parks; however, at the very least, grading would help to define it. He didn't feel that erecting a fence to separate the two parks was necessary. The park would provide the area with a significant drainage detention amenity.

Mr. Ciavonne said that he would adhere to the City's lighting standards, which would ensure that any required lighting was directed downward. The circuitous internal streets would do much too slow traffic; he did not feel that speed bumps were warranted. With regard to headlights shining into bedroom windows, persons whose homes were situated on corner lots had to realize that that was always possible. All available water shares would be transferred to the City for park maintenance. He felt that forcing

residents to use potable water was a deterrent because of the costs involved. He did not feel that surrounding property values would be adversely affected by the development, and in fact, they could improve given the proximity of a public park. Mr. Ciavonne asked for clarification on the referenced Fall Valley trash hauler agreement, which was provided.

Cliff Hansen, also representing the petitioner, said that he preferred developing to lesser densities, and he was accustomed to providing parks and open space. The proposed development represented a compromise between City requirements and the preferences of nearby residents. He reminded those present that the City had required a much higher density for the property. He said that if the City required installation of fencing between the two parks, he would agree to provide a 42-inch open, earthtone-colored, plastic fence, which would be placed on top of berming. Ms. Cox said that the Parks Department was responsible for oversight of park property. She was unsure whether the department would want a fence there, since there would be additional liability and maintenance issues. Additional discussions with the City's parks planner would be undertaken.

### **QUESTIONS**

Commissioner Cole asked if off-street parking had been provided for each lot, to which Mr. Ciavonne replied affirmatively.

Commissioner Blosser asked if there would be a stop sign installed at the Saffron Way intersection into the Fuoco Subdivision. Mr. Hahn answered that the City would require one.

Chairman Dibble asked about liability in conjunction with park property. Mr. Shaver said that once dedicated, liability would fall to the City.

Chairman Dibble asked if there were any safety concerns as a result of increased traffic between the two subdivisions. Mr. Hahn expected no dramatic increases in traffic in conjunction with the development. If residents perceived a problem at some future point, they could contact the City's Engineering Department with specifics.

Ms. Cox added that the school district had received a review packet, but to date no comments had been received back from them by staff.

Commissioner Putnam asked Mr. Shaver if there were any state regulations in place to prevent residents in one subdivision from using the amenities of another subdivision. Mr. Shaver responded negatively, adding that erecting a fence may actually invite trespass.

## **DISCUSSION**

Commissioner Cox felt that the developer had done a great job with the proposal. While he personally would have preferred a higher density, the request represented a nice compromise and would provide a good density transition for the area. He appreciated the petitioner's donation of a park to the City and felt that area residents would benefit from having it.

Commissioner Blosser concurred. The property could have been developed at a much higher density. The proposed density was a nice compromise, and the plan was a good one.

Commissioners Cole and Evans agreed with previously stated comments.

Chairman Dibble commented that developers normally came before the Planning Commission asking for increased densities. Area residents would benefit from both the park's recreational amenity and its use as a detention facility.

Commissioner Putnam agreed, adding that a well-designed development and park would be far more preferable than a parcel filled with weeds and dust.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2003-028, the request for a recommendation to rezone from RSF-R to Planned Development with an RMF-8 default zone district, I move we forward the recommendation of approval to City Council, including the water rights conveyance as spoken of by our attorney, finding that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code."**

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

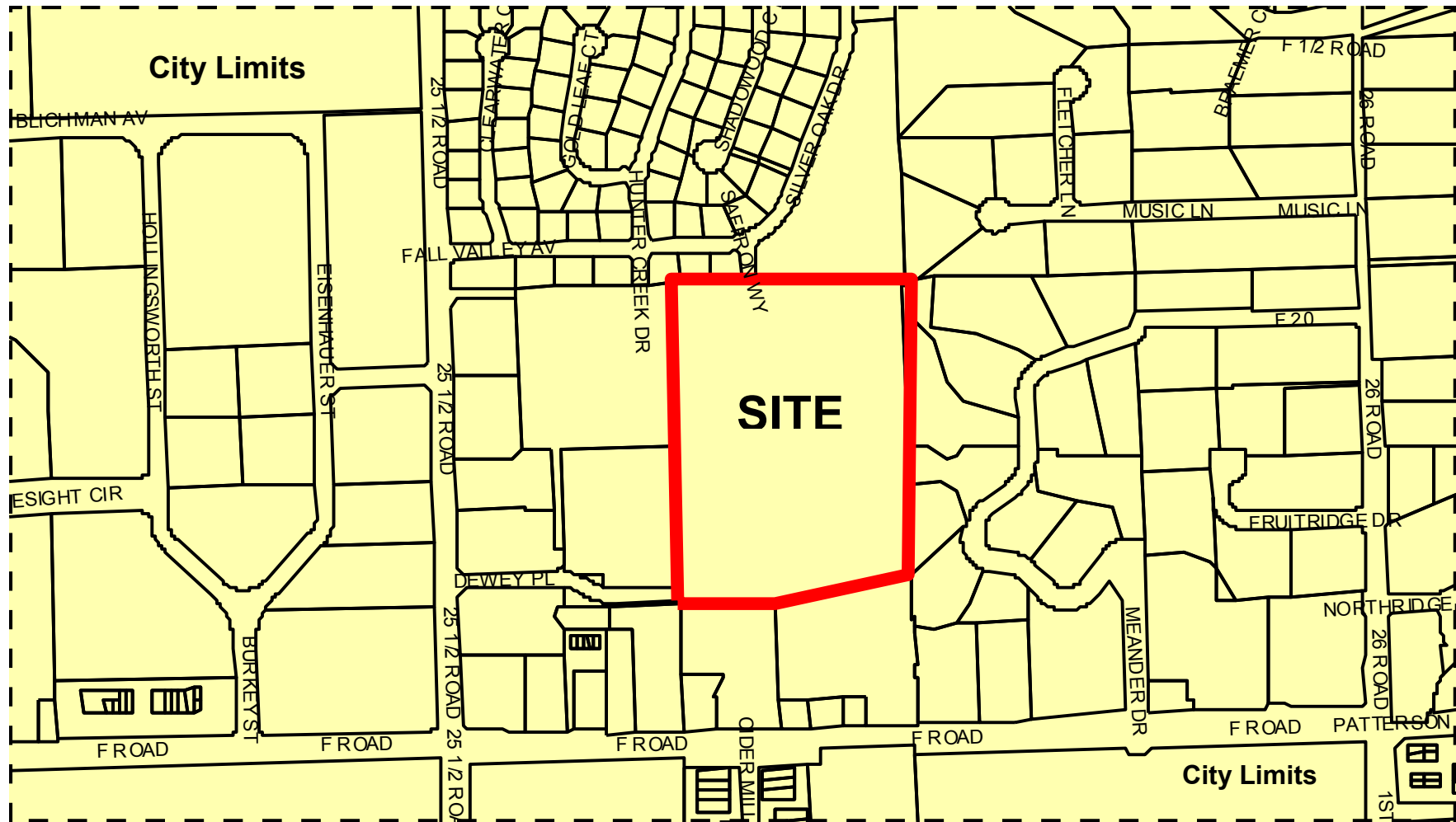
**MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2003-028, request for recommendation to approve a Preliminary Plan for Fuoco Estates, I move that we forward a recommendation of approval to City Council with the finding that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code."**

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

A brief recess was called at 8:38 P.M. The public hearing reconvened at 8:48 P.M.

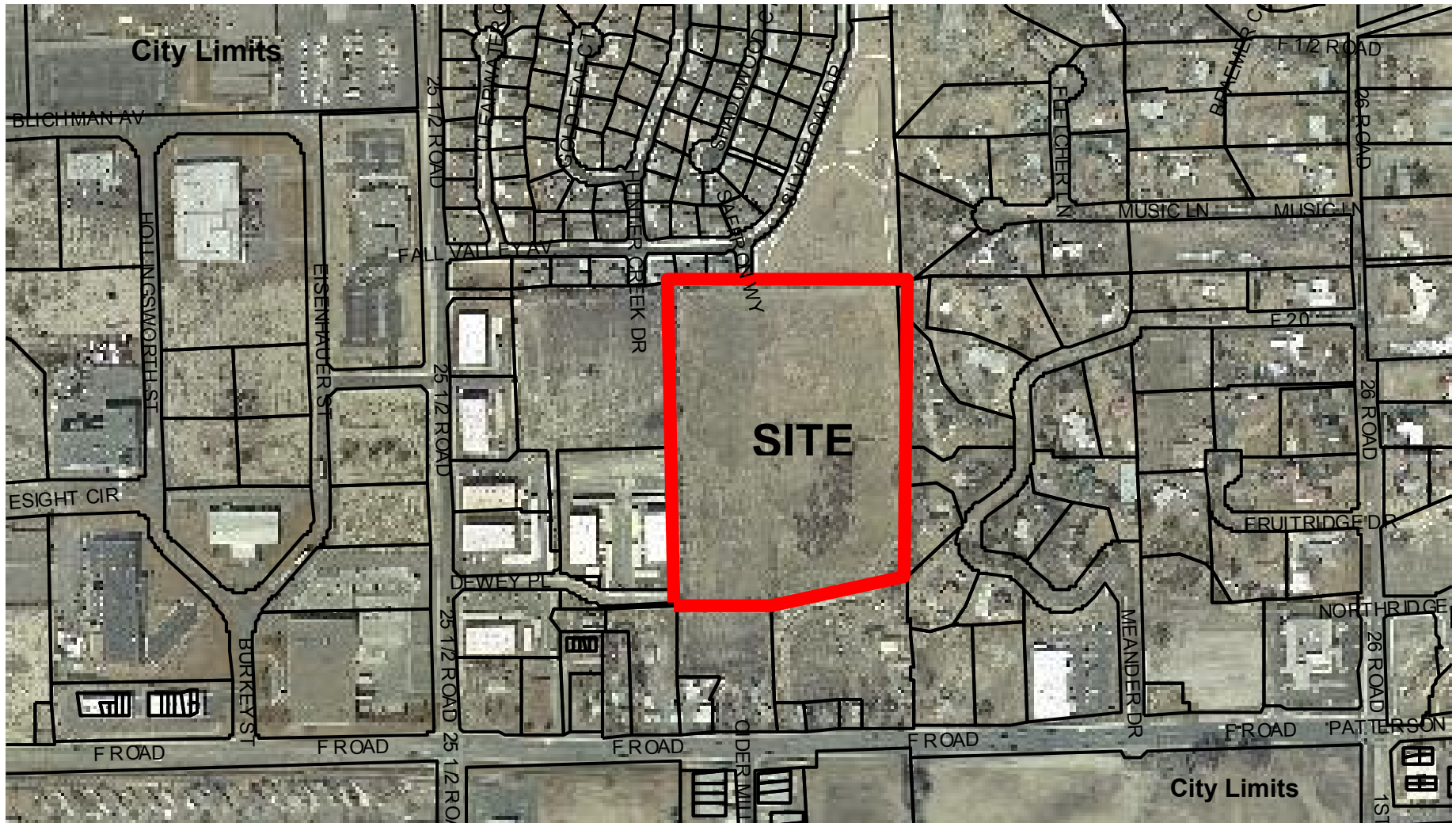
# Site Location Map

Figure 1



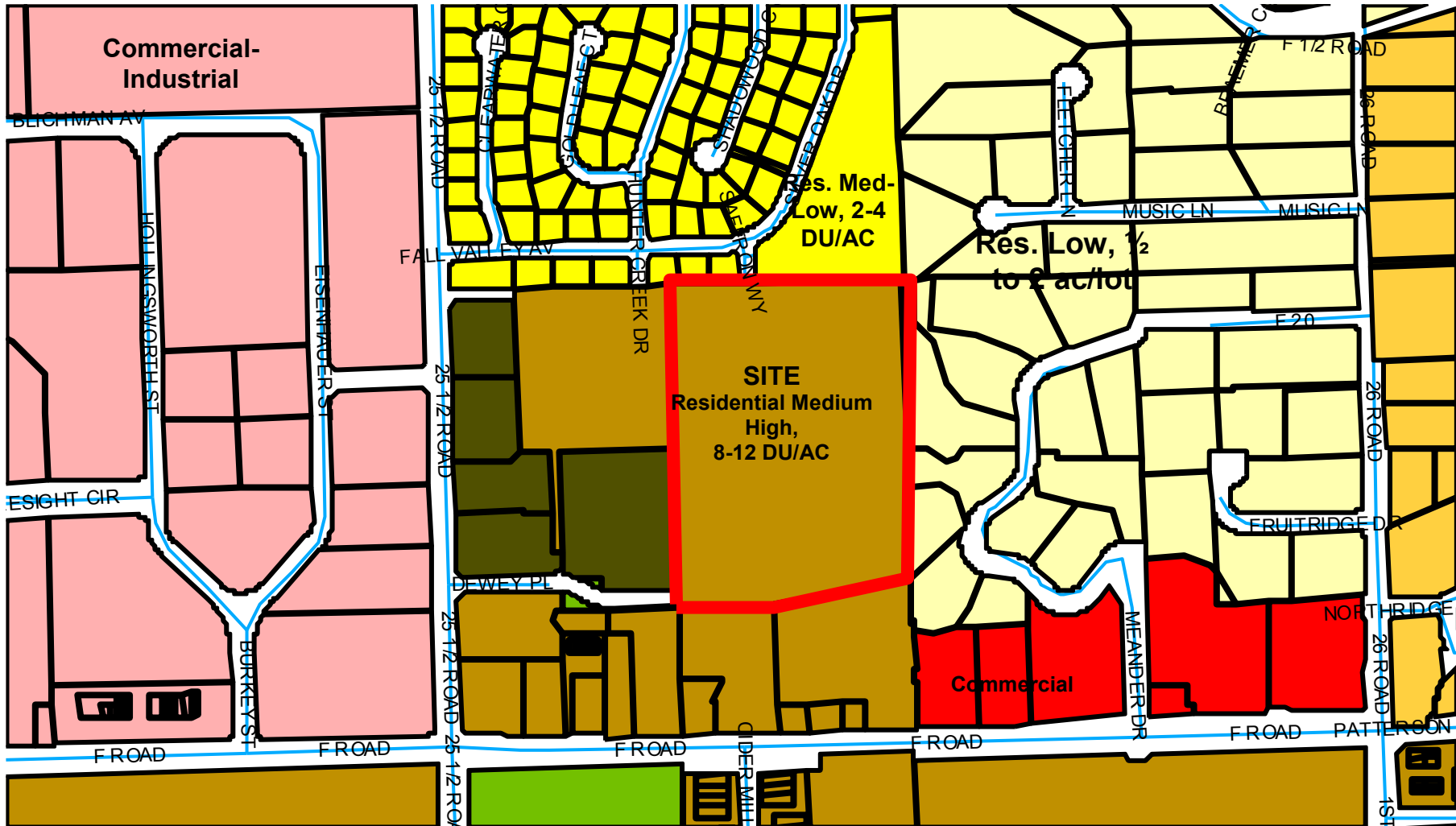
# Aerial Photo Map

Figure 2



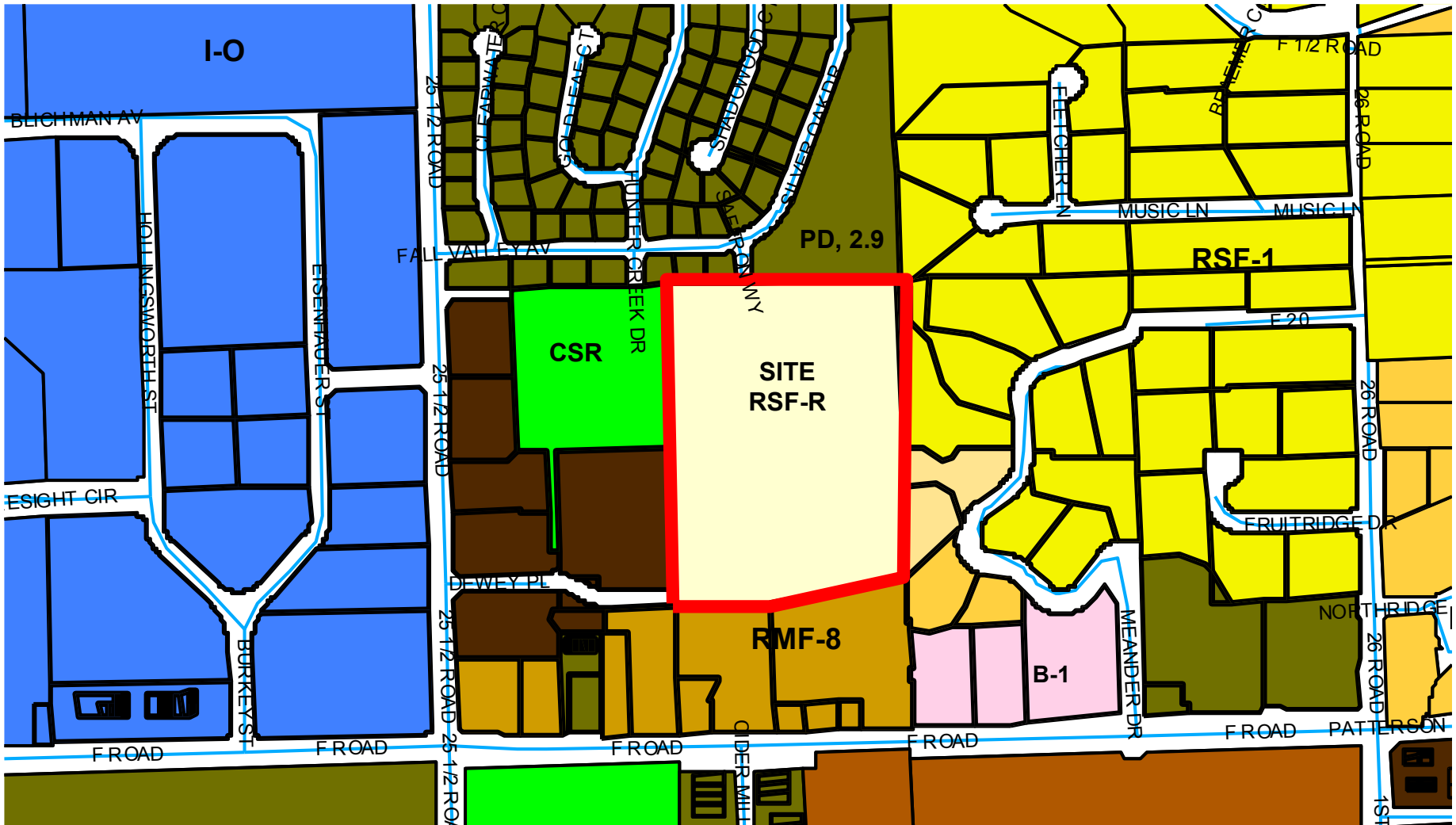
# Future Land Use Map

Figure 3

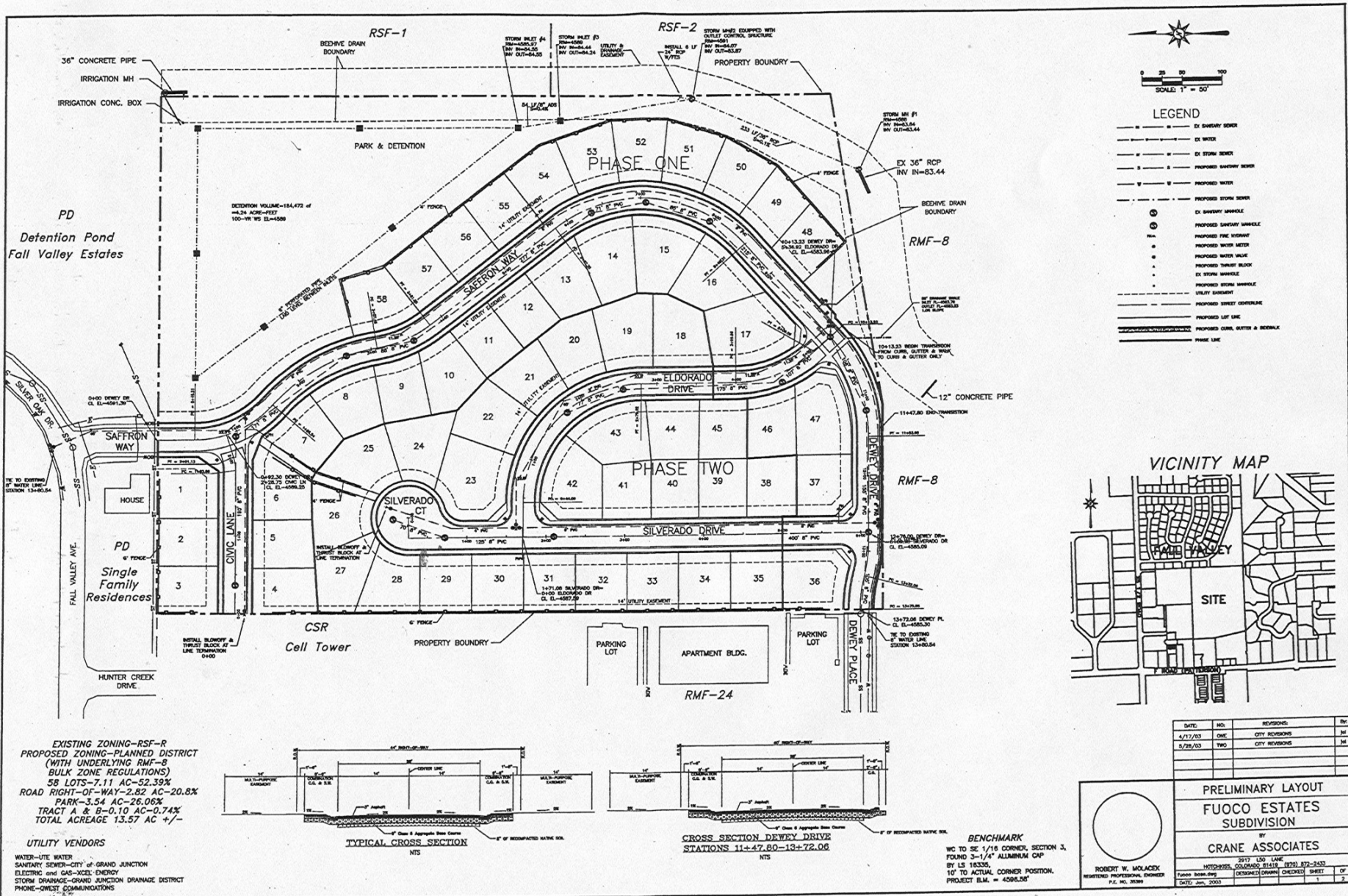


# Existing City and County Zoning

Figure 4







**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE REZONING THE FUOCO PROPERTY  
LOCATED EAST OF DEWEY PLACE  
IDENTIFIED AS TAX PARCEL NO. 2945-034-00-067**

**FROM RESIDENTIAL SINGLE FAMILY RURAL (RSF-R)  
TO PLANNED DEVELOPMENT DISTRICT (PD)  
WITH THE RESIDENTIAL MULTI-FAMILY-8, NOT TO EXCEED 8 UNITS PER ACRE  
(RMF-8) UNDERLYING ZONE DISTRICT**

Recitals.

In an effort to ensure public benefits above what is usually afforded through a straight zone development, the City has encouraged the property owner to request a Planned Development District (PD) zone district for the Fuoco property.

The Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8) zone district is the underlying default zone district for the Planned Development (PD). All uses allowed in the RMF-8 zone district are allowed, all standards of the RMF-8 zone district shall apply.

The developer shall dedicate 3.54 acres to the public for use as an Open Space park and regional stormwater detention facility. The developer shall construct specific improvements in the Open Space park.

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 Fuoco property to the Planned Development District (PD) with the Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8), default zone district, for the following reasons:

- The zone district meets the goals and policies of the Growth Plan and Future Land Use Map.
- The zone district meets the criteria of Chapter 5 of the Zoning and Development Code.
- The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Planned Development District with the Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8) default zone district, be established.

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

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

The following property shall be rezoned to Planned Development District (PD) with the Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8) default zone district:

Covering the Land in the State of Colorado, County of Mesa described as: Beginning at the NE COR of the SW1/4 SE1/4 of SEC 3, T1S, R1W of the UM, thence West 662 ft., thence South 0°16'E914.8 ft., thence East 261.4 ft., thence North 79°58'E405.4 ft., thence North 0°11'W843.5 ft. to the POB.

The property owner shall provide the following public benefit in conjunction with the PD zone district:

1. Dedication of approximately 3.54 acres to the public for use as an Open Space park and regional stormwater detention facility.
2. Public improvements of the park area shall include the following:
  - a. An 8' trail, constructed to City standards/specifications, around the park.
  - b. Approximately 25 trees to be planted in the park with plant selections and planting plan to be approved by the City prior to planting.
  - c. Turf, established according to the Parks and Recreation department's seeding and establishment specifications.
  - d. Benches with concrete pads as approved by the City.
  - e. Developer to escrow approximately \$900 for park signage.
  - f. Fencing along the rear lot lines of 11 residential lots that back up to the park site.
  - g. An underground, pressurized irrigation system designed to City specifications.
3. Fencing of the pedestrian path (Tract A) from the residential areas to the Open Space park.
4. Conveyance of irrigation water rights to the City of Grand Junction.

---

Introduced on first reading this \_\_\_\_ day of August, 2003.

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

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

ATTEST:

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

**Attach 11  
Public Hearing – Zoning the Marchun Annexation**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road					
<b>Meeting Date</b>	August 20, 2003					
<b>Date Prepared</b>	August 13, 2003				<b>File #</b> ANX-2003-093	
<b>Author</b>	Lisa E. Cox			Senior Planner		
<b>Presenter Name</b>	As above			As above		
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of a proposed ordinance to zone the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road.

**Budget:** N/A

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

**Background Information:** See attached staff report

**Attachments:**

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Annexation No. 1 and No. 2 Map (Figure 5)
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		<b>2925 F 1/2 Road</b>			
Applicants:		Estate of John Marchun by Carl Marchun, Executor of the Estate Carl D. and Zetta H. Marchun Joseph W. Marchun Herman E. Marchun			
Existing Land Use:		<b>Single Family Residence/Agricultural</b>			
Proposed Land Use:		<b>Residential</b>			
Surrounding Land Use:	North	Residential/Agricultural			
	South	Residential			
	East	Agricultural			
	West	Residential			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)			
Surrounding Zoning:	North	RSF-R and PD approx. 4 du/ac (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	RSF-4 (Mesa County)			
Growth Plan Designation:		Residential Medium, 4-8 units/acre			
Zoning within density range?		X	Yes		No

**Staff Analysis:**

**ZONING OF ANNEXATION:**

The proposed zoning for the Marchun Annexations No. 1 and No. 2 is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

**REZONING CRITERIA:**

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

- 1. The existing zoning was in error at the time of adoption.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.
- 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 RMF-5 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 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 the Code and other City regulations and guidelines.** The proposal is in conformance with the Growth Plan, and the policies and 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.** Adequate public facilities and services are available at this time or will be installed with development of the site.
- 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development

Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.

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

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

**STAFF RECOMMENDATION**

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION**

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

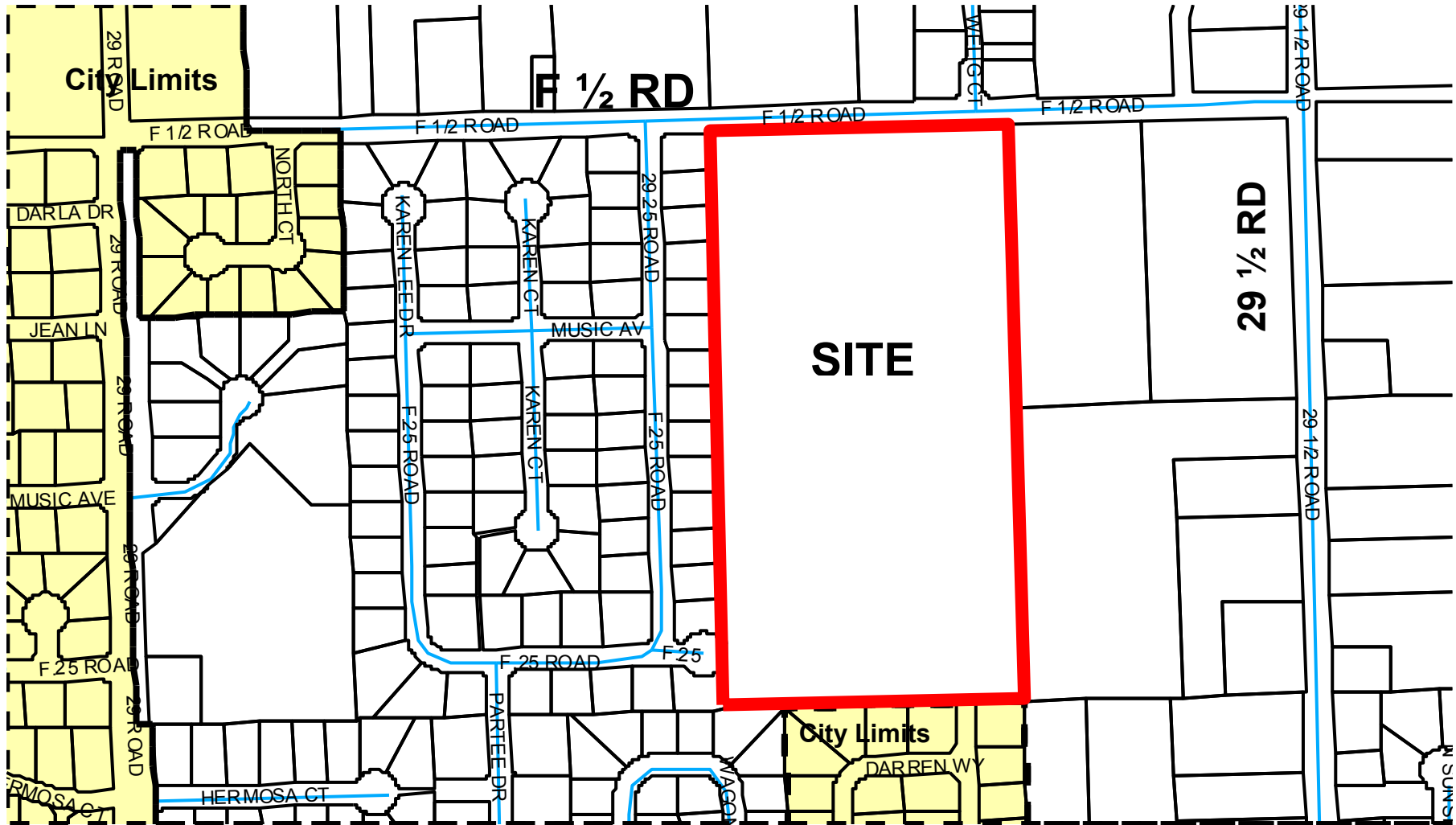
Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning Map (Figure 4)
5. Annexation No. 1 and No. 2 Map (Figure 5)
6. Zoning Ordinance

H:\Projects2003\ANX-2003-093\MarchunCityZord2

# Site Location Map

Figure 1





# Aerial Photo Map

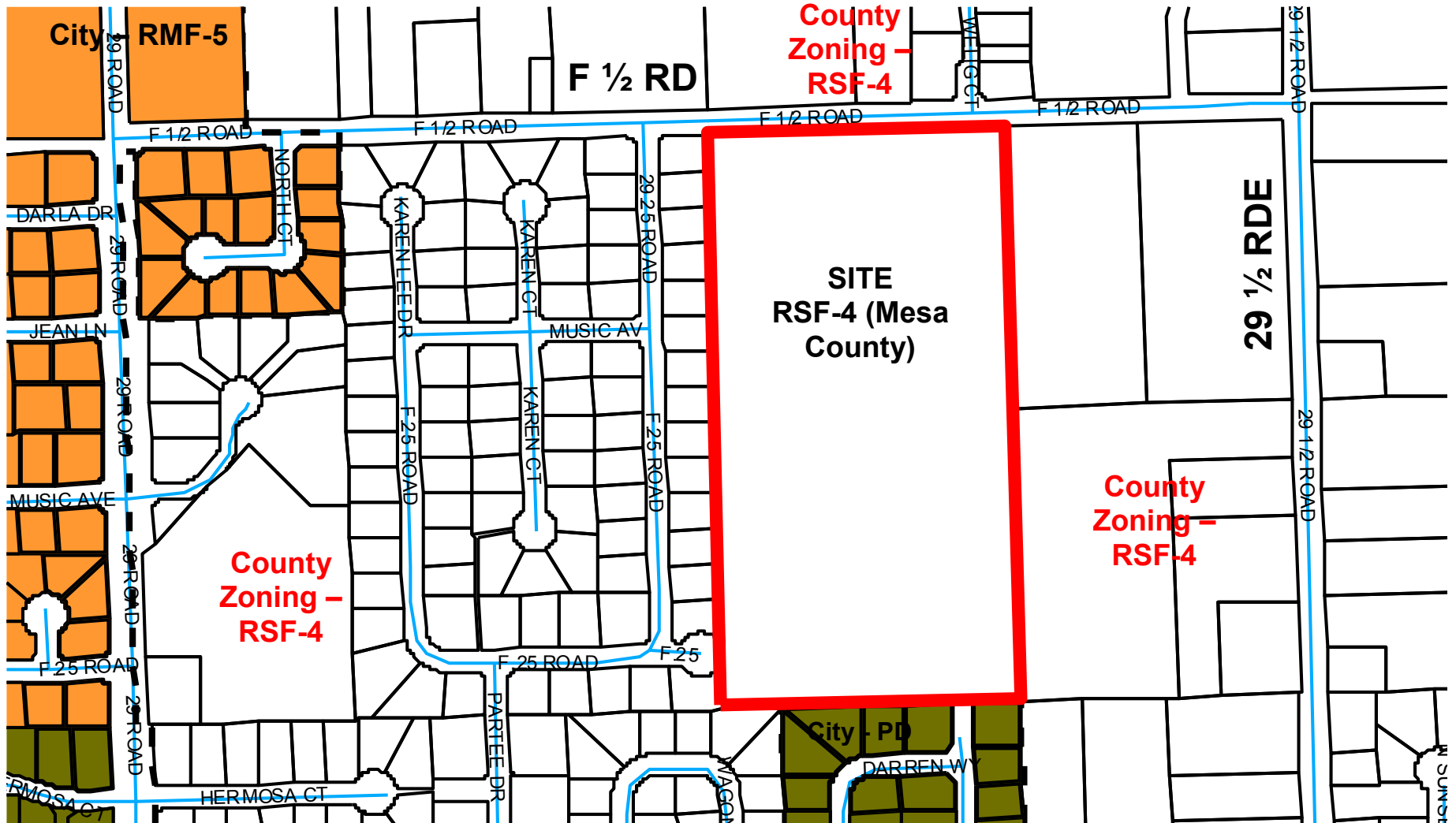
Figure 2





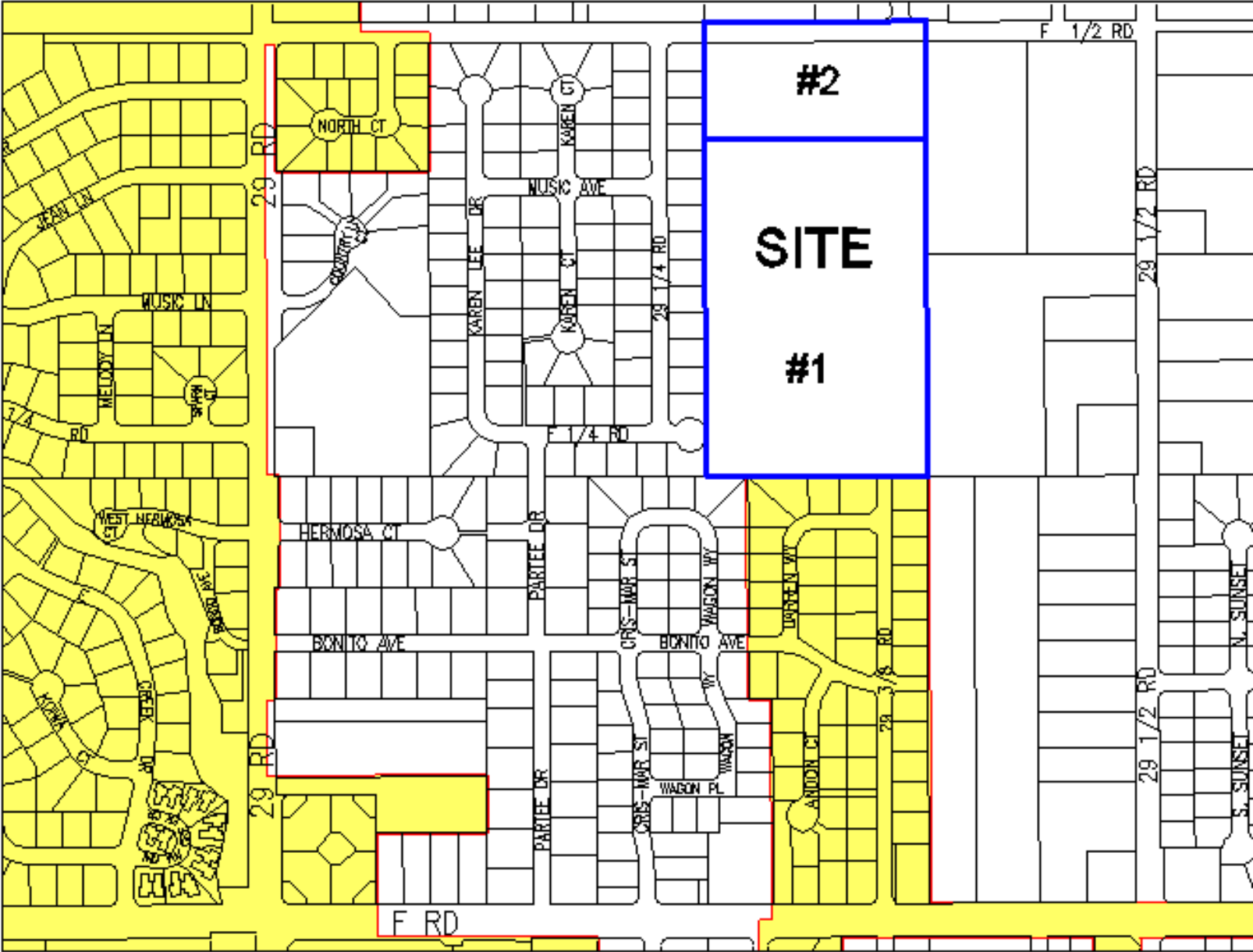
# Existing City and County Zoning

Figure 4



# Marchun Annexations #1 and #2

Figure 5



 City Limits     Annexation Boundary

**CITY OF GRAND JUNCTION, COLORADO**

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

**An Ordinance Zoning the Marchun Annexations No. 1 and No. 2 to  
Residential Multi-Family-5 (RMF-5),  
Located at 2925 F 1/2 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 Marchun Annexation No. 1 and No. 2 to the RMF-5 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 lands uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The Planning Commission and City Council find that the RMF-5 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 RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

W1/2NE1/4SW1/4of Section 5, Township 1 South, Range 1 East of the Ute Meridian, EXCEPTING THEREFROM that portion thereof conveyed to the County of Mesa, State of Colorado by instrument recorded May 16, 1961 in Book 803 at Page 262, Mesa County, Colorado.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

---

—

Introduced on first reading this 6th day of August, 2003

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

---

Mayor

ATTEST:

---

City Clerk

**Attach 12**  
**Public Hearing – Disconnecting the Files Property**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	An ordinance disconnecting the Files property located on Monument Road and a resolution removing the property from the Ridges Metropolitan District					
<b>Meeting Date</b>	August 20, 2003					
<b>Date Prepared</b>	August 13, 2003			File #MSC-2003-154		
<b>Author</b>	Kathy Portner		Planning Manager			
<b>Presenter Name</b>	Kathy Portner		Planning Manager			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** A request to de-annex the Files property from the City of Grand Junction and remove the property from the Ridges Metropolitan District. The 38.9 acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

**Budget:** N/A

**Action Requested/Recommendation:**

1. Hold a Public Hearing and Consider Final Passage of an Ordinance to disconnect the Files property.
2. Approve a Resolution Authorizing the Removal of the Files Parcel from the Ridges Metropolitan District.

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

**Attachments:**

15. Staff report/Background information
16. General Location Map
17. Aerial Photo
18. Growth Plan Map
19. Zoning Map
20. Letter from Doyle Files

21. Excerpt from Minutes of the April 24, 2003 City/County Persigo Meeting
22. Ordinance to Disconnect
23. Resolution Authorizing Removal from the Ridges Metropolitan District



<b>STAFF REPORT / BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>Monument Road, west of Mariposa</b>		
<b>Applicants:</b>		Doyle and Sandra Files		
<b>Existing Land Use:</b>		<b>Undeveloped</b>		
<b>Proposed Land Use:</b>		<b>Residential Subdivision</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential (2-4 u/a)/Open Space</b>		
	<b>South</b>	BLM Open Space		
	<b>East</b>	BLM and City Open Space		
	<b>West</b>	Undeveloped large lots		
<b>Existing Zoning:</b>		PD (Planned Development)		
<b>Proposed Zoning:</b>		RSF-R (Rural)		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>PD (Planned Development)</b>		
	<b>South</b>	County-AFT		
	<b>East</b>	County-AFT		
	<b>West</b>	<b>County-RSF-4</b>		
<b>Growth Plan Designation:</b>		Residential Rural (5 acres per unit)		
<b>Zoning within density range?</b>		<b>x</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**DE-ANNEXATION:**

This area proposed for de-annexation consists of 38.9 acres of land and is comprised of 1 parcel bisected by Monument Road. The property owners have requested de-annexation of their property so it can be combined with the adjacent 8 acres to the west, which is currently outside the city limits, to create additional building sites.

The 38.9 acres were annexed to the City as a part of the Ridges annexation. The property was a part of the original Ridges development property, but did not have a defined plan approved for it. It is currently zoned PD (Planned Development) and has an approved plan for one single family home within a defined building envelop on the hill. That approval would allow the home to be served by septic and a well, and to be accessed by a driveway across No-Thoroughfare Wash. At the joint City Council/County Commissioners meeting on April 24, 2003, it was agreed that the portion of the Files' property south of Monument Road would remain outside the Persigo 201 boundary, and that the remainder of the parcel on the north side of

Monument Road would be removed from the Persigo 201 boundary. It was anticipated at that time that the Files would request de-annexation of the entire parcel.

Staff has had numerous discussions with the property owner regarding his development proposal and whether it would be best to annex the adjoining 8 acres into the City limits or de-annex the 38.9 acres. The City's development regulations would be difficult, if not impossible, to meet for the type of rural development the owner is proposing, so he is proceeding with the de-annexation request.

If the property is de-annexed, Mesa County will have to apply zoning to the property. To develop the property in conjunction with the 8 acres to the west, both properties must be zoned the same. Currently, the 8 acres is zoned RSF-4, which is contrary to the Future Land Use Map designation of Residential Rural. The applicant has indicated that he is willing to request RSF-R zoning for both properties and develop it accordingly.

In 1996, Ordinance 2910 amended the Code of Ordinances, adding section 2-27 regarding de-annexation. The ordinance provides, in part, the following:

*When the City Council desires to, or determines that it is necessary to, disconnect and/or de-annex a tract, lot or other area from the City, the Council shall direct the City Attorney to prepare an ordinance to disconnect such tract, lot, or area. Said ordinance may provide for exemption, imposition or relief from taxation as determined by the City Council to be in the best interest of the City. The Council may direct that the City Manager take such steps as are necessary to simplify the process of disconnection and/or de-annexation for affected persons. The City Council may provide in any disconnection and/or de-annexation ordinance that a tract, lot or area shall be required to pay taxes lawfully assessed or the City Council may provide that such tract, lot or area be exempt from the payment of ad valorem taxes, except that no property shall be exempted from the payment of such taxes, if during the time the property was annexed to the city, any indebtedness was lawfully subject to the taxes required to pay such indebtedness.*

#### **RIDGES METROPOLITAN DISTRICT:**

Periodically the Grand Junction City Council is asked to sit as the Ridges Metropolitan District Board of Directors ("District") to approve certain actions on behalf of the district. The District was effectively abolished effective in 1992 as part of the annexation to the City of Grand Junction with the exception of levying property taxes to pay the refunding bonds through maturity in 2013.

The Files property has been a part of the District since its creation and has always been assessed a property tax to assist the payment of outstanding debt and operation of

the district prior to 1992. With the removal of parcel #2945-291-00-066 from the City it is staff's recommendation to also remove the parcel from the District. Mr. and Mrs. Files, owners of the parcel, have agreed to pay their fair share of the remaining outstanding debt as a condition of being removed from the City of Grand Junction and the District.

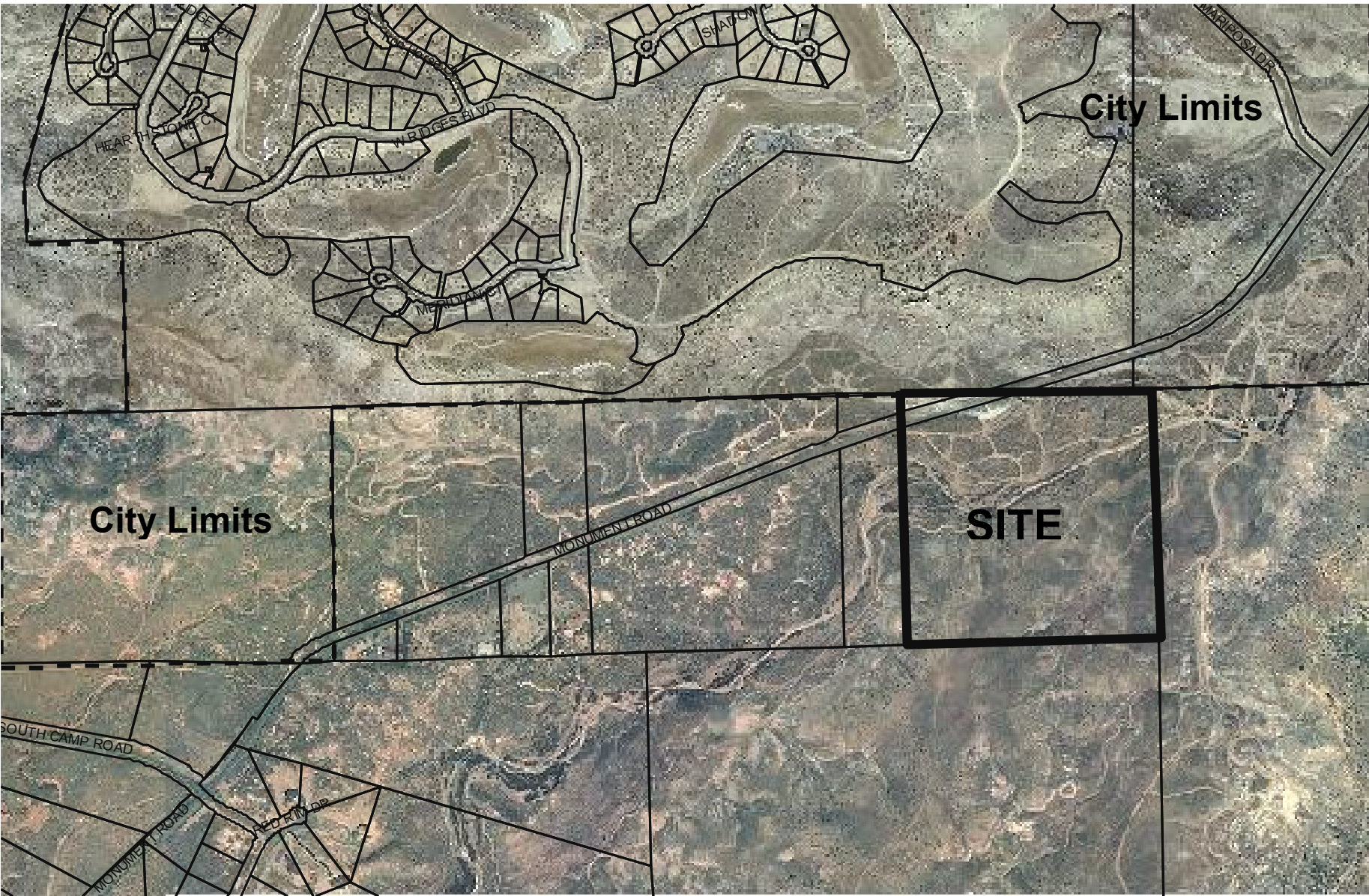
City staff has calculated the portion of the outstanding debt that is an obligation of the subject property, and that with the payment of \$809 believe this parcel can be properly removed from the District.

*Recommendation:* Staff recommends approval of the ordinance and resolution.



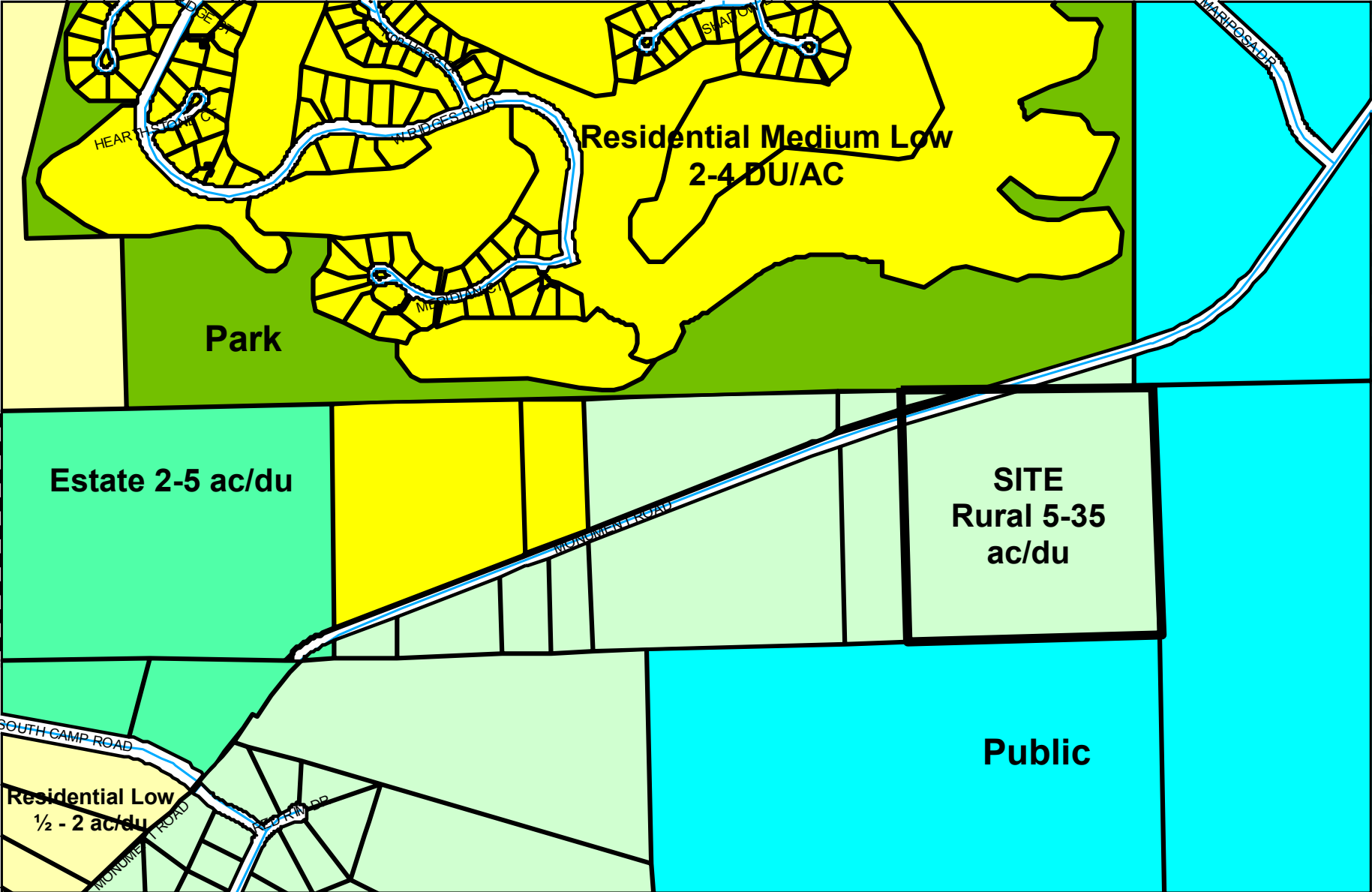
# Aerial Photo Map

Figure 2



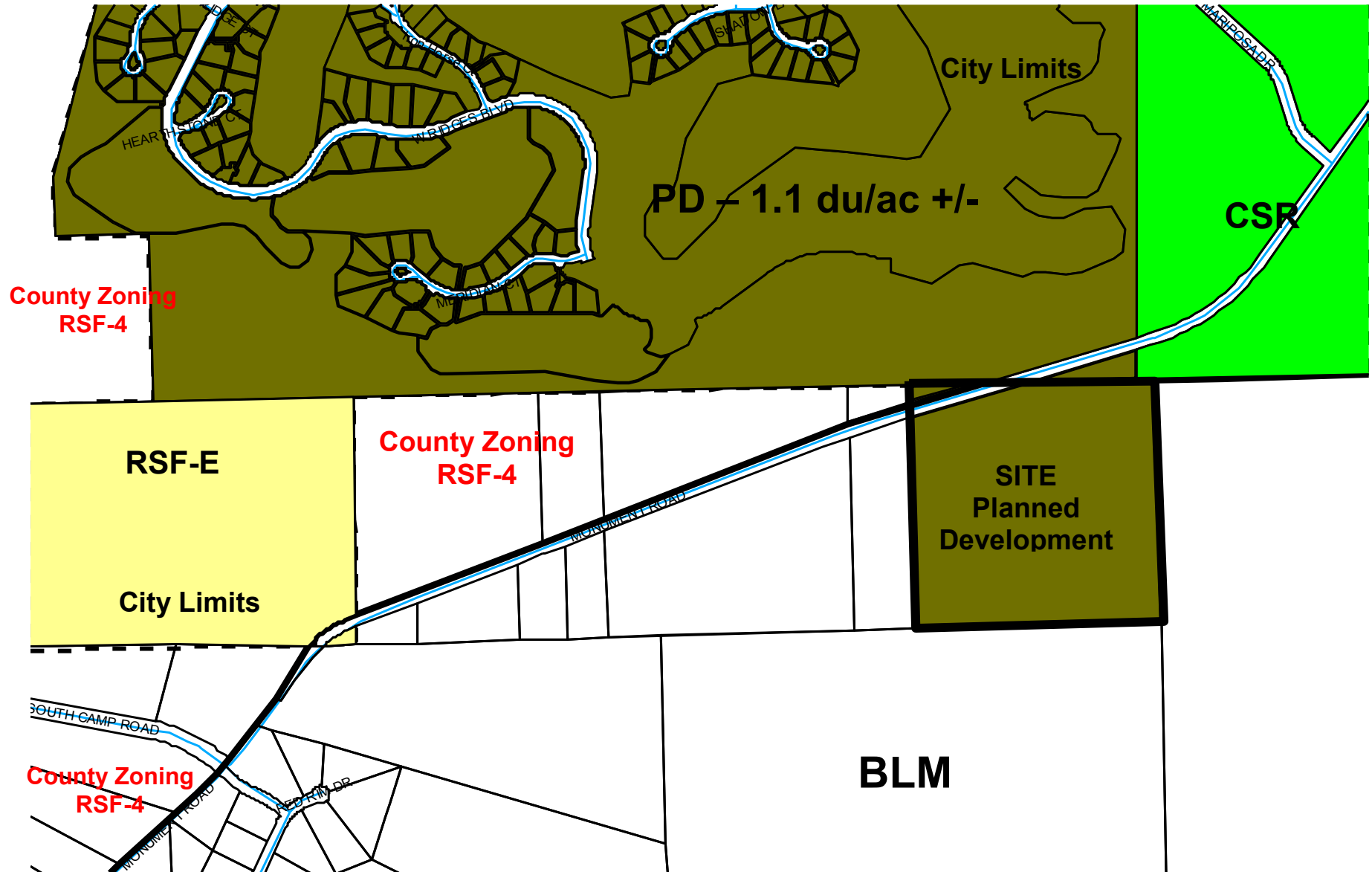
# Future Land Use Map

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."





September 9, 2002

Cindy Enos-Martinez, Mayor  
City of Grand Junction  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

Mayor Enos-Martinez,

Subject: Request for disconnect (deannex) of property from the City of Grand Junction

We are requesting that the property known as parcel number 2945-291-00-066 (vacant land), located on Monument Road be disconnected (deannexed) from the city of Grand Junction. We are asking for this so boundary lines can be changed between this parcel and two adjacent family owned parcels to the west which are in the county. The two family owned parcels are poor building sites as they currently exist. The larger 8 acre parcel is mostly "No Thoroughfare Canyon" drainage and the smaller 2 acre parcel is located right next to Dave Cooper's "barn" on Monument Road which blocks all views. We understand that all parcels involved in the boundary line adjustment must be either in the city or the county. After reviewing the situation, we believe it is better to have all parcels in the county since we can split the 40 acre parcel by an administrative review process and end up with 2 building sites rather than 1.

This parcel, which is part of Ridges Metropolitan District 2, is located south of Monument Road and is bounded by BLM (Tabeguache trail) on the east and south, Ridges open space on the north, and county property (our two family owned lots) on the west. The parcel was brought into the city when the Ridges was annexed. It was excess property in the original Ridges development that was never plotted for a sub-division and according to our information, Ridges considered it to be undevelopable. The terrain is very hilly and the drainage of "No Thoroughfare Canyon" runs through it. There are no utilities (except telephone) available along this portion of Monument Road. The closest water is from Mariposa Road, ¼ mile from the eastern property line, and the closest electricity is from Dave Cooper's property, approximately 1/8 mile from the western property line. The property is outside the 201 Sewer district boundary and there are no current plans for the city to run a sewer line along this portion of Monument Road. It should be noted that the property was located within the city limits when the Persigo agreement was enacted and was specifically excluded from the agreement. The terrain and poor utility availability makes it impractical to try and develop this property to comply with city's residential lot size guidelines of 2 acres or less (for urban density). The property does fit the long range city/county Master Plan of 5 acre minimum lot size and should be moved into the county so it would then be consistent with the rest of the nearby property located on the south side of Monument Road.

There do not appear to be any advantages to leaving the 40 acres in the city and then annexing the 2 county parcels into the city to do the property line adjustments. The disadvantages include the following:

- Moving the 2 county parcels into the city will be difficult. These parcels are located outside the 201 Sewer district boundary and cannot be moved into the city until the 10 year moratorium is concluded (in 2008) per the Persigo agreement without the consent of the Board of County Commissioners.
- Because of its exclusion from the 201 Sewer district boundary, there are no provisions or plans for sewer hookup for any of this property along Monument road so a septic will have to be used. Variances must be obtained for all building sites for septic systems.
- The high cost of bringing Ute water to the property means that a well will probably be used as the water supply. A variance must be obtained for all building sites for wells.
- The current long range development plan for this area calls for 5 acre minimum lot sizes. These building sites do not meet the city's lot size guidelines of less than 2 acres per residence (for urban density) and it would be impractical to develop this property to the higher density due to its varied terrain.

There do not appear to be any disadvantages to moving the 40 acres from the city to the county to do the property line adjustments. The advantages include the following:

- The parcel can be moved from the city to the county (deannexed) simply by a vote of the City Council.
- Because of its exclusion from the 201 Sewer district boundary, there are no provisions or plans for sewer hookup for any of this property along Monument road so a septic system will have to be used. Septic systems are routinely used in the county and no variances are required.
- The high cost of bringing Ute water to the property means that a well will probably be used as the water supply. Wells are routinely used in the county and no variances are required.
- The 40 acre parcel can be split into two 20 acre parcels through an administrative review process if the property is in the county. This provides an additional building site.
- The current long range development plan for this area calls for 5 acre minimum lot sizes which is consistent with county requirements rather than city requirements.
- This property is the only property located on the south side of Monument Road and west of the Tabeguache trail that is part of the city. All of the other land is either located in the county or is BLM land. Moving the property into the county would make it consistent with the rest of the property in the area.



Thank you in advance for pursuing our request to disconnect (deannex) the property from the City of Grand Junction. Please contact us if you need additional information or if we can be of further assistance.

Respectfully,

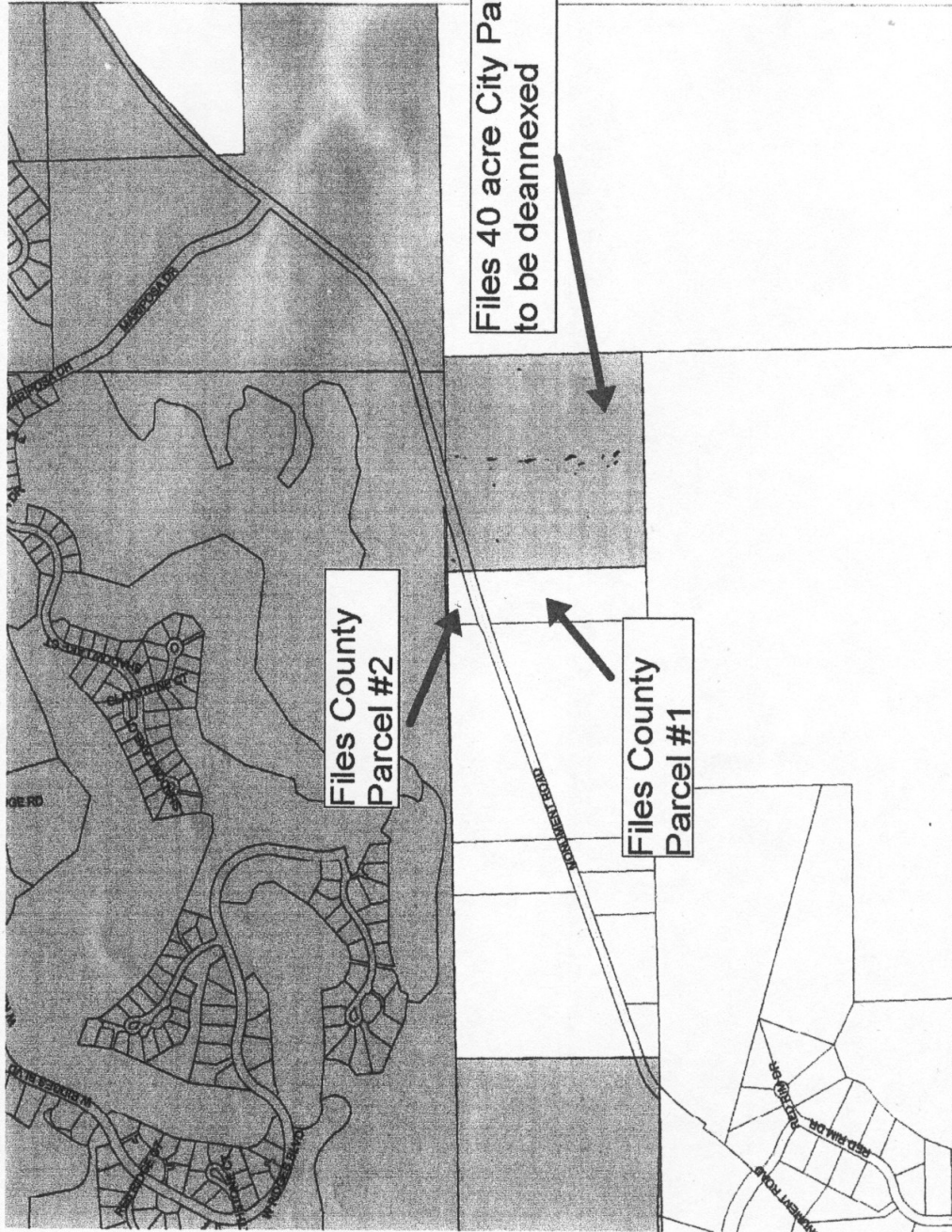
Doyle Files  
Sandra Files  
150 S. Hwy 160 Ste. C-8 PMB420  
Pahrump, NV 89048

858-945-3965

CC:

Jim Baughman  
Kathryn Hall  
Doralyn Genova  
Katherine Portner  
Linda Dannenberger

# City of Grand Junction GIS City Map



4-24-03

### 3. REQUEST FOR DE-ANNEXATION AND 201 BOUNDARY CHANGE

Doyle Files has requested exclusion from the 201 District.

Utilities Manager Greg Trainor explained the request and the history of the request. The Files want to de-annex the portion of their property north of Monument Road and then they can develop through the County process. The question is whether or not it would ever be served by sewer. Because of adjacent public lands, topography, zoning and distance to existing sewer lines, the chances are pretty slim. Existing sewer is about two miles away in each direction, so it would not be economically feasible. It is Staff's opinion to leave the 201 boundary as is and have the Files petition to de-annex.

Commissioner Chair Baughman asked if one option is to leave the piece north of Monument Road within the 201. Mr. Trainor answered affirmatively and it could be

served with sewer, but more likely it would need a variance if the owners want to build on it.

Chairman Baughman thought there were other properties north of Monument Road that should also be taken out of the 201.

Mr. Trainor advised that Mr. Files has also mentioned trading an access agreement for that triangular piece of his property north of Monument Road.

Mr. Trainor clarified the options. 39.8 acres are not in the 201 boundary but are in the City. It is suggested that the 201 boundary stay the same and then the City must decide whether to de-annex. Another option is to take the ½ acre triangle north of Monument Road out of the 201 boundary and the City can decide on de-annexation.

Commissioner Doralyn Genova moved to de-annex the Files property from the 201 boundary. Commissioner Tilman Bishop seconded. Motion carried.

Councilmember Spehar moved same motion, Councilmember Kirtland seconded. Motion carried.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE DISCONNECTING CERTAIN LANDS, REFERRED TO AS THE FILES  
PROPERTY**

**FILES DE-ANNEXATION**

**APPROXIMATELY 38.9 ACRES**

**LOCATED ON MONUMENT ROAD, WEST OF MARIPOSA DRIVE**

**RECITALS:** The Files have requested that their 38.9 acres located on Monument Road, West of Mariposa Drive, be de-annexed from the City of Grand Junction. The property is not within the Persigo 201 boundary, and will, therefore, not be served by sewer. The portion of the property south of Monument Road has a land use designation of Residential Rural, 5 to 35 acres per unit and should not develop at urban densities.

**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:

Files De-annexation

A certain parcel of land lying in Section 29, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

ALL of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 29, Township 1 South, Range 1 West of the Ute Principal Meridian, EXCEPT that certain 60.00 foot right of way for Monument Road, as same was conveyed to the County of Mesa by instrument recorded October 1, 1971 in Book 964, Page 653, Public Records of Mesa County, Colorado.

CONTAINS 38.93 Acres, (1,695,668.8 Sq. Ft.) more or less, as described.

CONTAINING 38.9 Acres, more or less, as described

Be and is hereby de-annexed and disconnected from the City of Grand Junction, in accordance with and pursuant to Grand Junction Code of Ordinances section 2-27, and shall be effective upon the exclusion of the property from the Persigo 201 sewer service boundary.

**INTRODUCED** on first reading on the 6th day of August, 2003 and ordered published.

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

Attest:

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

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



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

**A RESOLUTION AUTHORIZING THE REMOVAL OF THE FILES PARCEL FROM  
THE RIDGES METROPOLITAN DISTRICT AS PART OF THE DEANNEXATION  
ACTION OF THE CITY COUNCIL**

**RECITALS:**

Periodically the City Council of the City of Grand Junction is asked to sit as the Ridges Metropolitan District Board of Directors ("District") to approve certain actions on behalf of the district. The District was effectively abolished effective in 1992 as part of the annexation to the City of Grand Junction with the exception of levying property taxes to pay the refunding bonds through maturity in 2013.

The Files property has been a part of the District since its creation and has always been assessed a property tax to assist the payment of outstanding debt and operation of the district prior to 1992. With the removal of parcel # 2945-291-00-066 from the City it is staff's recommendation to also remove the parcel from the District. Mr. and Mrs. Files, owners of the parcel have agreed to pay their fair share of the remaining outstanding debt as a condition of being removed from the City of Grand Junction and the District.

City staff has calculated the portion of the outstanding debt that is an obligation of the subject property, and that with the payment of \$809 believe this parcel can be properly removed from the District.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION, AS THE BOARD OF DIRECTORS OF THE RIDGES  
METROPOLITAN DISTRICT: that,**

- a) The Files parcel # 2945-291-00-066 is hereby removed from the Ridges Metropolitan District upon payment of \$809.
- b) City staff is hereby directed to file this action with the County Clerk and Recorder and County Assessor and to do what ever is necessary to accomplish the intent of this Resolution.

**ADOPTED** this 20<sup>th</sup> day of August, 2003.

\_\_\_\_\_  
President

ATTEST:

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Secretary

**Attach 13**  
**Public Hearing – Vacation of Excess Right-of-Way**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Public Hearing for the Vacation of excess right-of-way along UnawEEP Avenue and Rocky Pitch Road						
<b>Meeting Date</b>	August 20, 2003						
<b>Date Prepared</b>	August 7, 2003				File #PP-2003-022		
<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	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider the final passage of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue and Rocky Pitch Road.

**Budget:** N/A

**Action Requested/Recommendation:** Pass the two ordinances for the vacation of excess ROW.

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

**Attachments:**

- 24. Staff report/Background information
- 25. General Location Map
- 26. Aerial Photo
- 27. Growth Plan Map
- 28. Zoning Map
- 29. Right-of-way exhibit
- 30. Vacation Ordinances

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2857 Unaweep Avenue (C Road)		
<b>Applicants:</b>		Parkerson Brothers, LLC, Alan Parkerson, Agent; Thompson Langford Corporation, Doug Thies, representative		
<b>Existing Land Use:</b>		Irrigated field		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Vacant land and residential		
	<b>East</b>	Farm		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-4		
<b>Proposed Zoning:</b>		RSF-4		
<b>Surrounding Zoning:</b>	<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>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

Unaweep Avenue has recently been realigned and improved. The County oversaw the new design and construction of this road. During the process of designing the new

road, excess land was obtained along the eastern most section of the road, and Rocky Pitch Road in the northwest corner of the UnawEEP Heights Subdivision, exists but does not correspond with the legal description. By vacating the excess right-of-way, the new plat will reflect the correct alignment of Rocky Pitch Road and allow for the backyard property lines to extend to the edge of the HOA landscape tract along the eastern most section of UnawEEP Avenue. Vacation of this excess right-of-way does not vacate the multi-purpose easements for utilities in these areas.

4. Section 2.11.C of the Zoning and Development Code:

Requests to vacate 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.

The major street plan, also known as the Grand Valley Circulation Plan, is now in the process of being amended by the County and the City of Grand Junction. The plan is being amended due to the re-alignment of UnawEEP and the vacation of part of B  $\frac{3}{4}$  Road. The Public Works Department is handling the amendment of this plan.

- b. No parcel shall be landlocked as a result of the vacation.

No parcels will be landlocked due to the vacation of the additional right-of-way.

- 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.

Access will not be restricted and the adjacent properties as shown on the preliminary plan are compliant with the Code.

- 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.

Vacation of the excess right-of-way and vacating Rocky Pitch Road are in compliance with Section 2.11 of the Zoning and Development Code.

**FINDINGS OF FACT/CONCLUSIONS:**

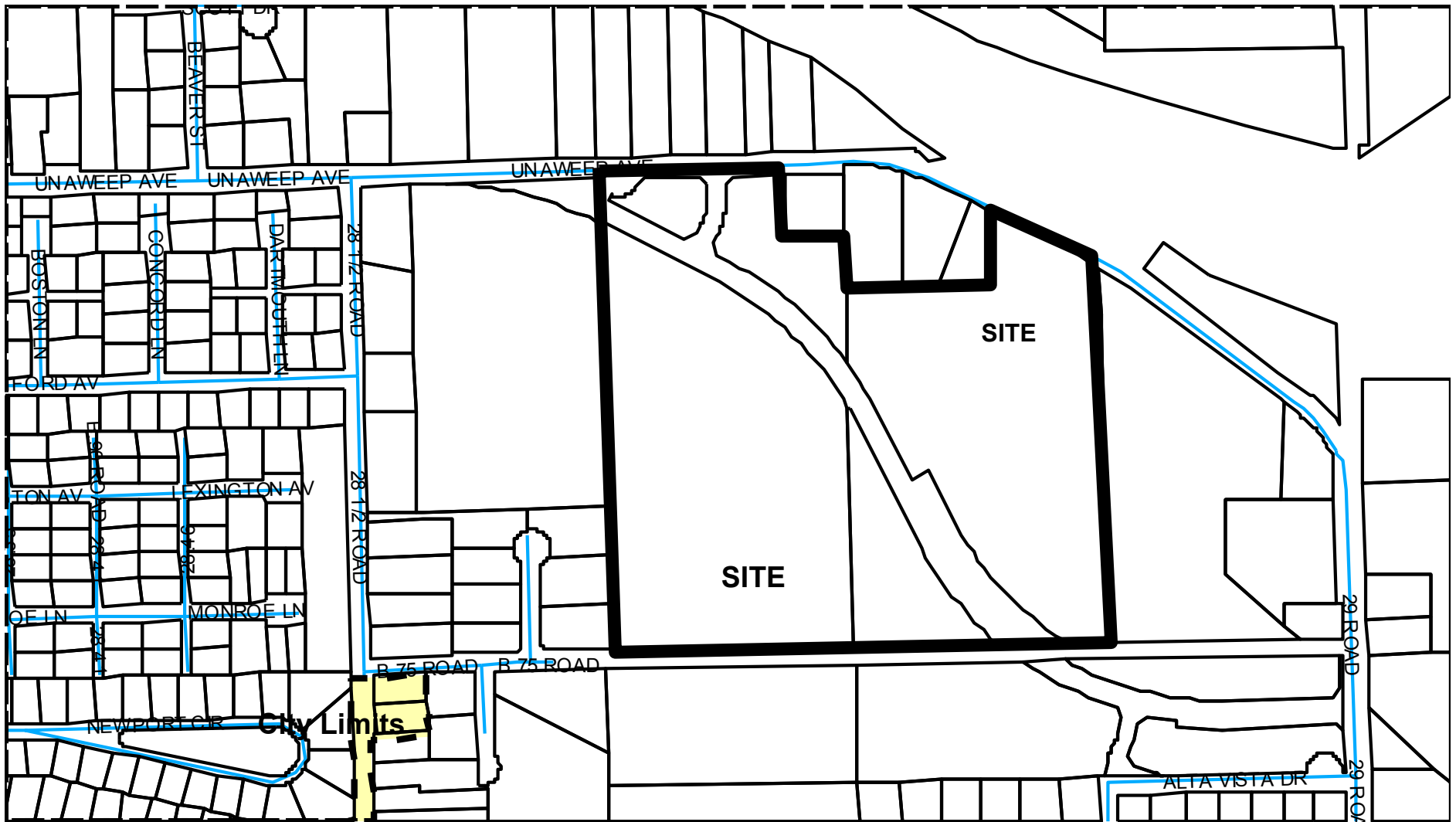
After reviewing the UnawEEP Heights Subdivision application, File number PP-2003-022, for preliminary plat approval & vacation of excess right-of-way, staff makes the following findings of fact and conclusions:

5. The proposed preliminary plat is consistent with the Growth Plan.
6. The review criteria in Section 2.8.B.2 of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.11 of the Zoning and Development Code have all been met.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission at its regularly scheduled meeting of July 22<sup>nd</sup>, 2003, recommended to the City Council approval of the request to vacate the excess right-of-way along UnawEEP Avenue and the realignment of Rocky Pitch Road, finding the request to be consistent with Section 2.11 of the Zoning and Development Code.

# Site Location Map

Figure 1



# Aerial Photo Map

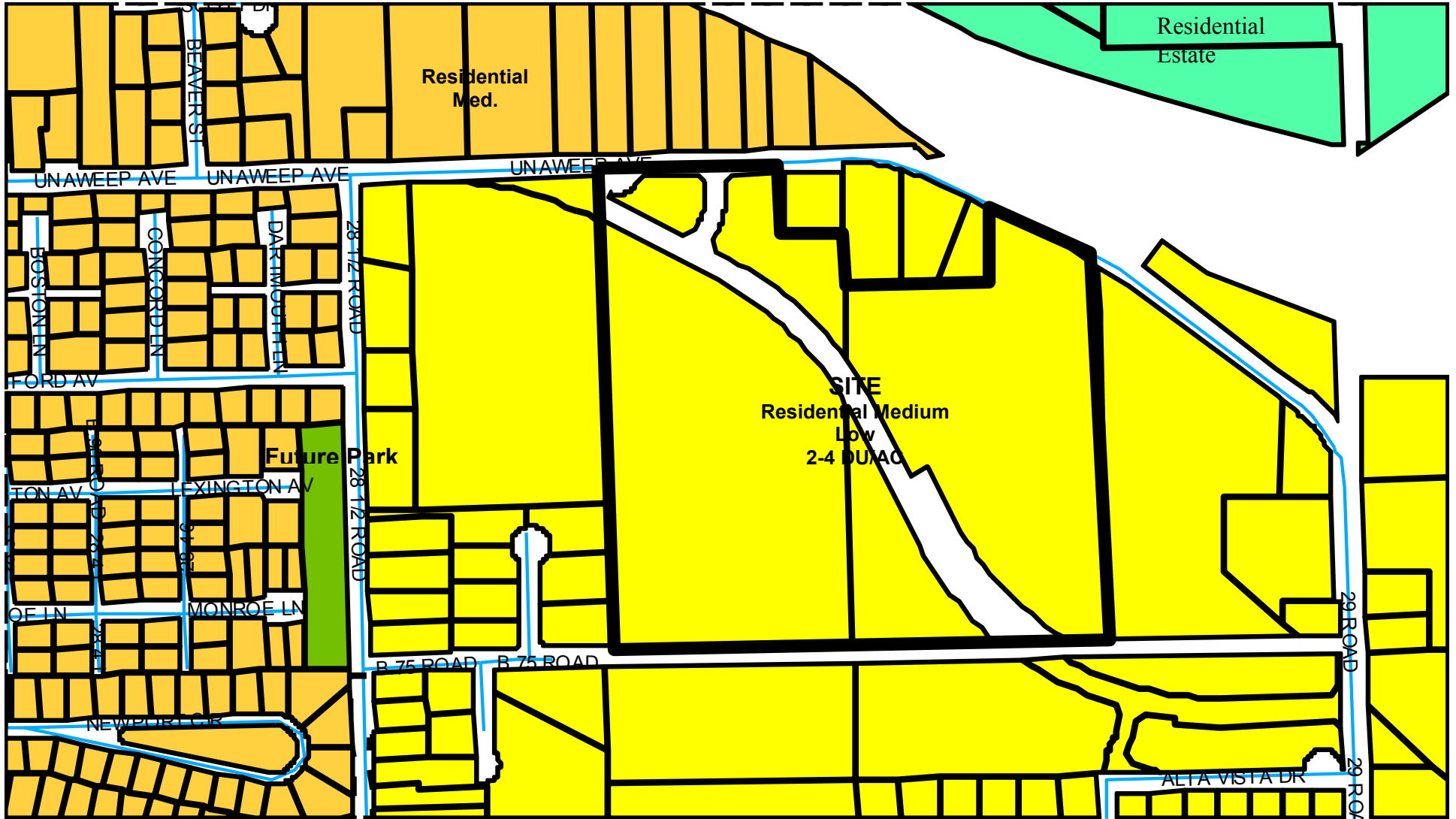
Figure 2





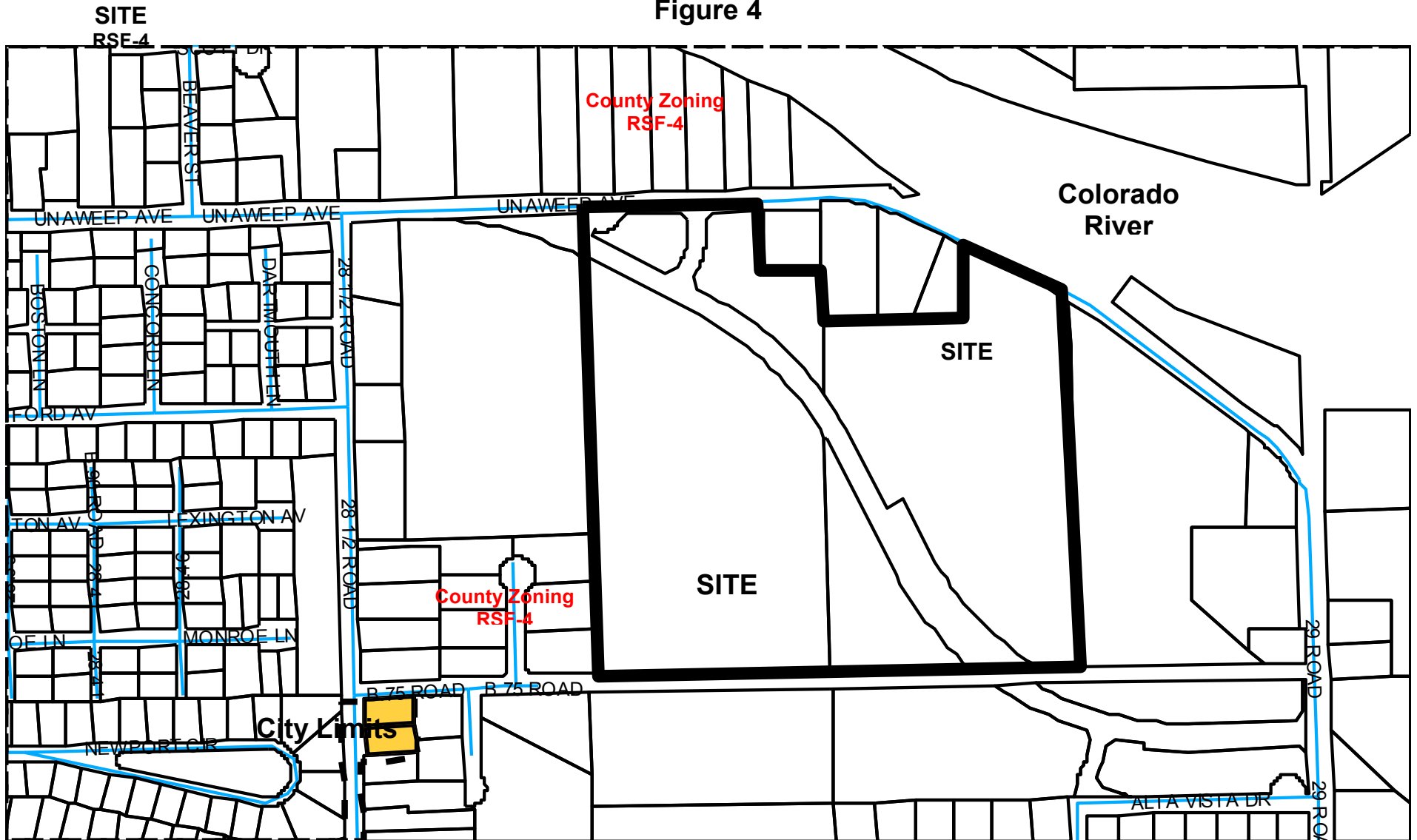
# Future Land Use Map

Figure 3

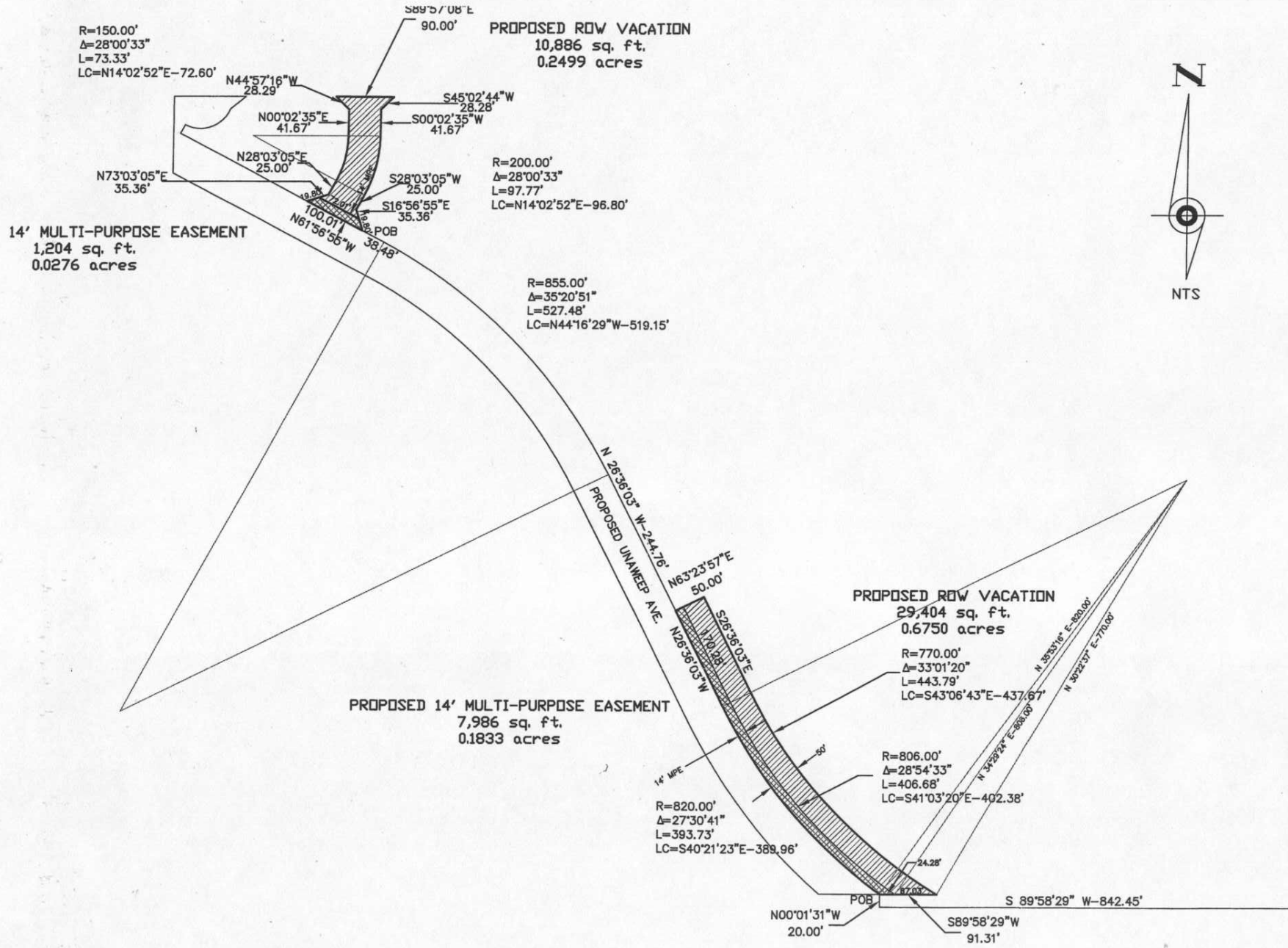


# Existing City and County Zoning

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."



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY  
ALONG THE NORTHERN EDGE OF UNAWEEP AVENUE**

Recitals.

A vacation of a portion of the undeveloped right-of-way for UnawEEP Avenue has been requested by the adjoining property owners. The vacation request is a result of the re-alignment and new construction of UnawEEP Avenue, along the southern portion of the road. This ordinance retains the 14 foot multi-purpose easement in this area.

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.

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

The following described dedicated right-of-way for UnawEEP Avenue is 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 and shall be effective concurrent with the recordation of the Final Plat for the UnawEEP Heights Subdivision.

**The following right-of-way as shown on "Exhibit A" as part of this vacation of description.**

**Dedicated right-of-way to be vacated:**

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF

MESA COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 63°23'57" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 50.00 FEET; THENCE S 26°36'03" E CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 170.28 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 770.00 FEET, A LONG CHORD WHICH BEARS S 43°06'43" E A DISTANCE OF 437.67 FEET, AN ARC DISTANCE OF 443.79 FEET, THE RADIUS POINT BEARS N 30°22'37" E A DISTANCE OF 770.00 FEET TO A POINT OF NON-TANGENCY AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD; THENCE S 89°58'29" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD A DISTANCE OF 91.31 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 29,404 SQ. FT. OR 0.68 ACRES MORE OR LESS.

UNAWEEP AVENUE – SOUTH RESERVED MULTI-PURPOSE EASEMENT  
A PARCEL OF LAND FOR A 14 FOOT WIDE MULTI-PURPOSE EASEMENT SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N

00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 63°23'57" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 14.00 FEET; THENCE S 26°36'03" E A DISTANCE OF 170.28 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 806.00 FEET, A LONG CHORD WHICH BEARS S 41°03'20" E A DISTANCE OF 402.38 FEET, AN ARC DISTANCE OF 406.68 FEET, THE RADIUS POINT BEARS N 34°29'24" E A DISTANCE OF 806.00 FEET TO A POINT OF NON-TANGENCY AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD; THENCE S 89°58'29" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD A DISTANCE OF 24.28 FEET TO THE POINT OF BEGINNING.

SAID 14 FOOT WIDE MULTI-PURPOSE EASEMENT CONTAINS 7,986 SQ. FT. OR 0.18 ACRES MORE OR LESS.

Introduced on first reading this 6th day of August, 2003 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY  
ALONG A PORTION OF UNAWEEP AVENUE, KNOWN AS ROCKY PITCH ROAD**

Recitals.

A vacation of a portion of the undeveloped right-of-way for Rocky Pitch Road, adjacent to UnawEEP Avenue, has been requested by the adjoining property owners. The vacation request is a result of the re-alignment and new construction of UnawEEP Avenue, along the northern portion of the road. This ordinance retains the 14 foot multi-purpose easement in this area.

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.

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

The following described dedicated right-of-way for UnawEEP Avenue is 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 and shall be effective concurrent with the recordation of the Final Plat for the UnawEEP Heights Subdivision.

**The following right-of-way as shown on “Exhibit A” as part of this vacation of description.**

**Dedicated right-of-way to be vacated:**

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF



MESA COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 26°36'03" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 244.76 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 855.00 FEET, A LONG CHORD WHICH BEARS N 44°16'29" W A DISTANCE OF 519.15 FEET, AN ARC DISTANCE OF 527.48 FEET; THENCE N 61°56'55" W CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 38.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 61°56'55" W A DISTANCE OF 100.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING ELEVEN (11) COURSES: N 73°03'05" E A DISTANCE OF 35.36 FEET; THENCE N 28°03'05" E A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, A LONG CHORD WHICH BEARS N 14°02'50" E A DISTANCE OF 72.60 FEET, AN ARC DISTANCE OF 73.33 FEET; THENCE N 00°02'35" E A DISTANCE OF 41.67 FEET; THENCE N 44°57'16" W A DISTANCE OF 28.29 FEET; THENCE S 89°57'08" E A DISTANCE OF 90.00 FEET; THENCE S 45°02'44" W A DISTANCE OF 28.28 FEET; THENCE S 00°02'35" W A DISTANCE OF 41.67 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A LONG CHORD WHICH BEARS S 14°02'50" W A DISTANCE OF 96.80 FEET, AN ARC DISTANCE OF 97.77 FEET; THENCE S 28°03'05" W A DISTANCE OF 25.00 FEET; THENCE S 16°56'55" E A DISTANCE OF 35.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 10,886 SQ. FT. OR 0.25 ACRES MORE OR LESS.

UNAWEEP AVENUE – NORTH RESERVED MULTI-PURPOSE EASEMENT  
A PARCEL OF LAND FOR A 14 FOOT WIDE MULTI-PURPOSE EASEMENT SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 26°36'03" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 244.76 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 855.00 FEET, A LONG CHORD WHICH BEARS N 44°16'29" W A DISTANCE OF 519.15 FEET, AN ARC DISTANCE OF 527.48 FEET; THENCE N 61°56'55" W CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 38.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 61°56'55" W A DISTANCE OF 100.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 73°03'05" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 19.80 FEET; THENCE S 61°56'55" E A DISTANCE OF 72.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE S 16°56'55" E A DISTANCE OF 19.80 FEET TO THE POINT OF BEGINNING.  
SAID 14 FOOT WIDE MULTI-PURPOSE EASEMENT CONTAINS 1,204 SQ. FT. OR 0.03 ACRES MORE OR LESS.

UNAWEEP AVENUE – NORTH MULTI-PURPOSE EASEMENT VACATION

A PORTION OF A 14 FOOT MULTI-PURPOSE EASEMENT SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1

SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE MULTI-PURPOSE EASEMENT DESCRIBED IN BOOK 3134, PAGE 466 THRU 469 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO AND IS PARALLEL AND ADJACENT TO THE PROPOSED UNAWEEP AVENUE – NORTH RIGHT-OF-WAY VACATION DESCRIBED BELOW: A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 26°36'03" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 244.76 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 855.00 FEET, A LONG CHORD WHICH BEARS N 44°16'29" W A DISTANCE OF 519.15 FEET, AN ARC DISTANCE OF 527.48 FEET; THENCE N 61°56'55" W CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 38.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 61°56'55" W A DISTANCE OF 100.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING ELEVEN (11) COURSES: N 73°03'05" E A DISTANCE OF 35.36 FEET; THENCE N 28°03'05" E A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, A LONG CHORD WHICH BEARS N 14°02'50" E A DISTANCE OF 72.60 FEET, AN ARC DISTANCE OF 73.33 FEET; THENCE N 00°02'35" E A DISTANCE OF 41.67 FEET; THENCE N 44°57'16" W A DISTANCE OF 28.29 FEET; THENCE S 89°57'08" E A DISTANCE OF 90.00 FEET; THENCE S 45°02'44" W A DISTANCE

OF 28.28 FEET; THENCE S 00°02'35" W A DISTANCE OF 41.67 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A LONG CHORD WHICH BEARS S 14°02'50" W A DISTANCE OF 96.80 FEET, AN ARC DISTANCE OF 97.77 FEET; THENCE S 28°03'05" W A DISTANCE OF 25.00 FEET; THENCE S 16°56'55" E A DISTANCE OF 35.36 FEET TO THE POINT OF BEGINNING.

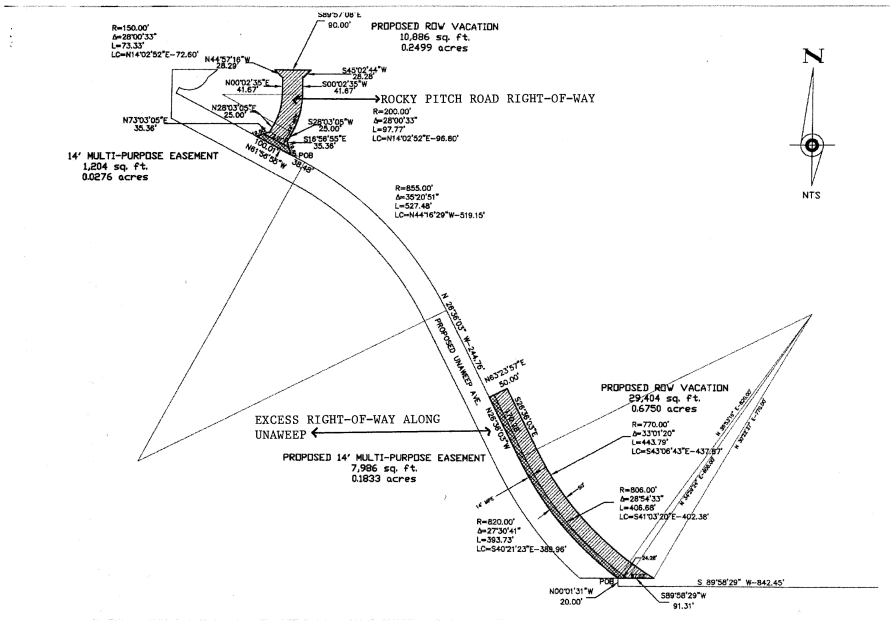
Introduced on first reading this 6th day of August, 2003 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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



**Attach 14**  
**Public Hearing – Zoning the Carville Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Zoning the Carville Annexation, located at 2675 Hwy 50							
<b>Meeting Date</b>		August 20, 2003							
<b>Date Prepared</b>		August 8, 2003			File #ANX-2003-116				
<b>Author</b>		Senta Costello		Associate Planner					
<b>Presenter Name</b>		Senta Costello		Associate Planner					
<b>Report results back to Council</b>		X	No		Yes	When			
<b>Citizen Presentation</b>			Yes	X	No	Name			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of the Zoning ordinance to zone the Carville Annexation C-1 and RSF-4, located at 2675 Hwy 50. The property is 19.93 acres and has a current Simple Subdivision application in the process of being reviewed.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of the zoning ordinance.

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

**Attachments:**

- 31. Staff report/Background information
- 32. General Location Map
- 33. Aerial Photo
- 34. Growth Plan Map
- 35. Zoning Map
- 36. Annexation map
- 37. Zoning Ordinance

**Staff Report/ Background Information**

<i>BACKGROUND INFORMATION</i>			
<b>Location:</b>		<b>2675 Hwy 50</b>	
<b>Applicants:</b>		Royce J. Carville	
<b>Existing Land Use:</b>		<b>Agricultural</b>	
<b>Proposed Land Use:</b>		<b>Commercial/Residential</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single Family Residential – 5.54 units/acre /Mobile Home Park/ Commercial/ Agricultural</b>	
	<b>South</b>	School/Cimarron Mesa Sub – 3.47 units/acre	
	<b>East</b>	Commercial	
	<b>West</b>	Agricultural	
<b>Existing Zoning:</b>		County C-1/RSF-4	
<b>Proposed Zoning:</b>		City C-1/RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RMF-8/C-1/PD</b>	
	<b>South</b>	RSF-4	
	<b>East</b>	County B-1	
	<b>West</b>	County RSF-4/City PD	
<b>Growth Plan Designation:</b>		Commercial/Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**Rezoning:** The requested zone of annexation to the C-1 and RSF-4 districts is consistent with the Growth Plan density of Commercial and Residential Medium Low 2-4 du/ac. The existing County zoning is C-1 and 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.

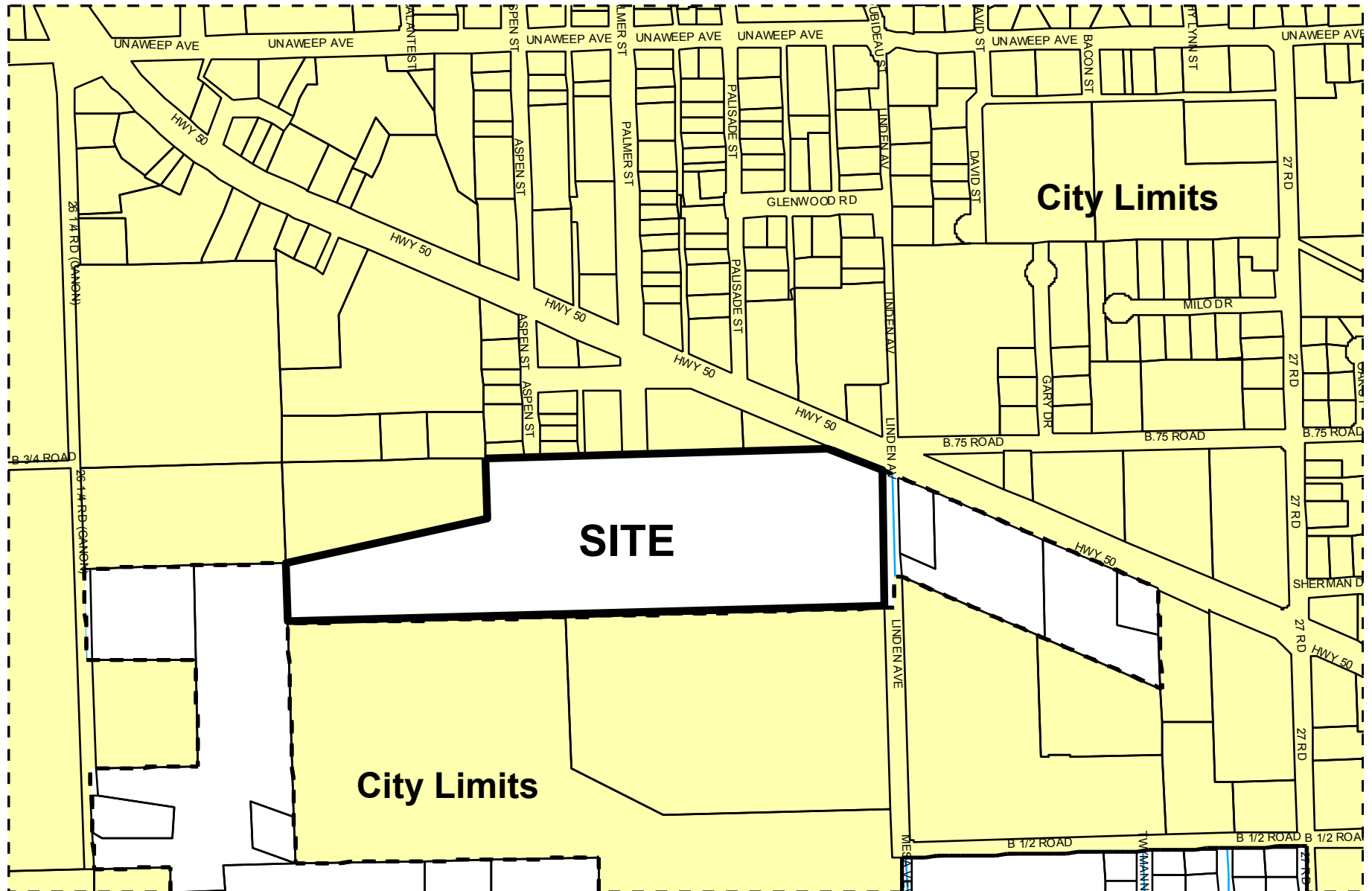
**PLANNING COMMISSION RECOMMENDATION:**



The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the C-1 and RSF-4 districts 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



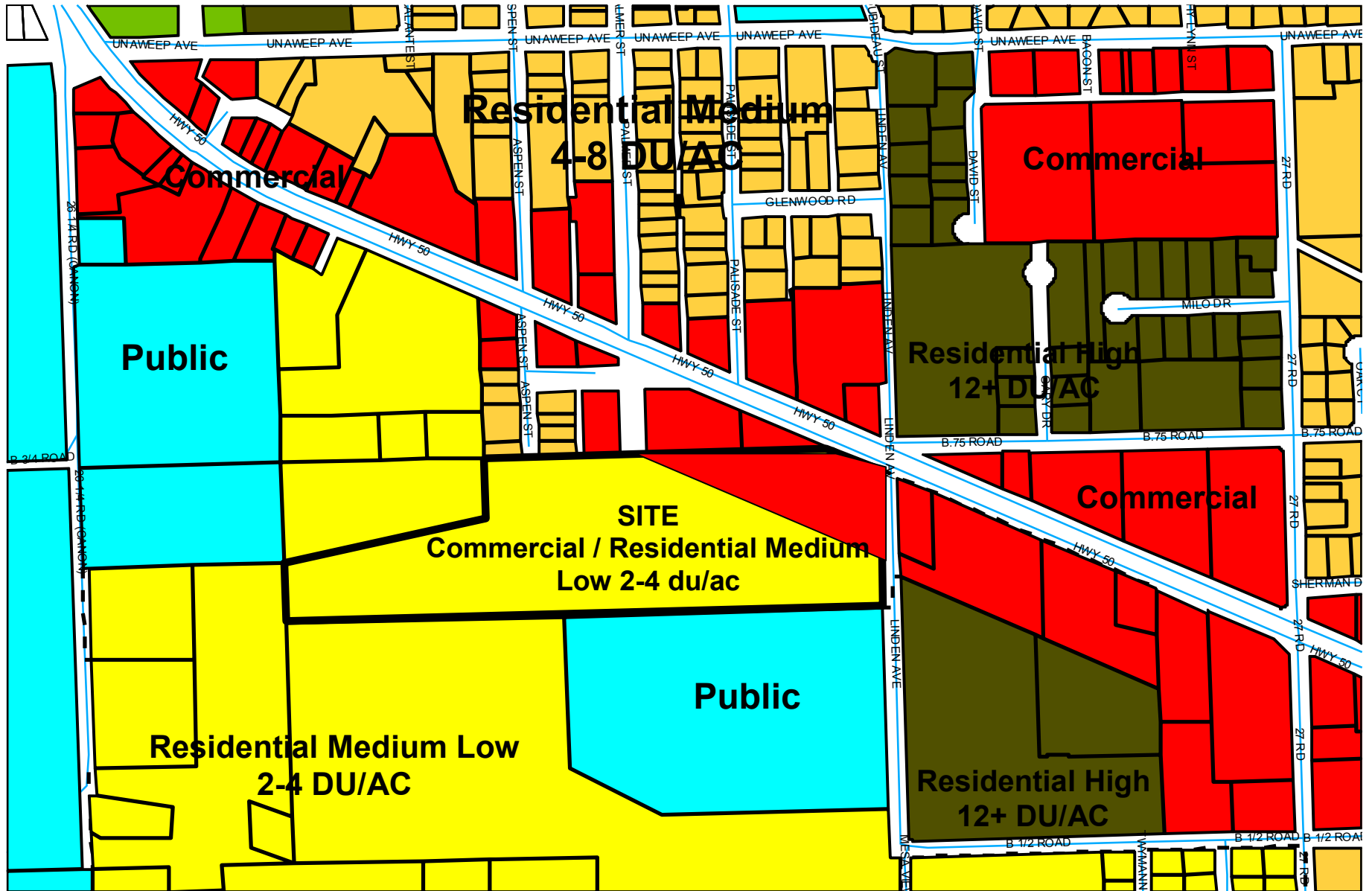
# Aerial Photo Map

Figure 2



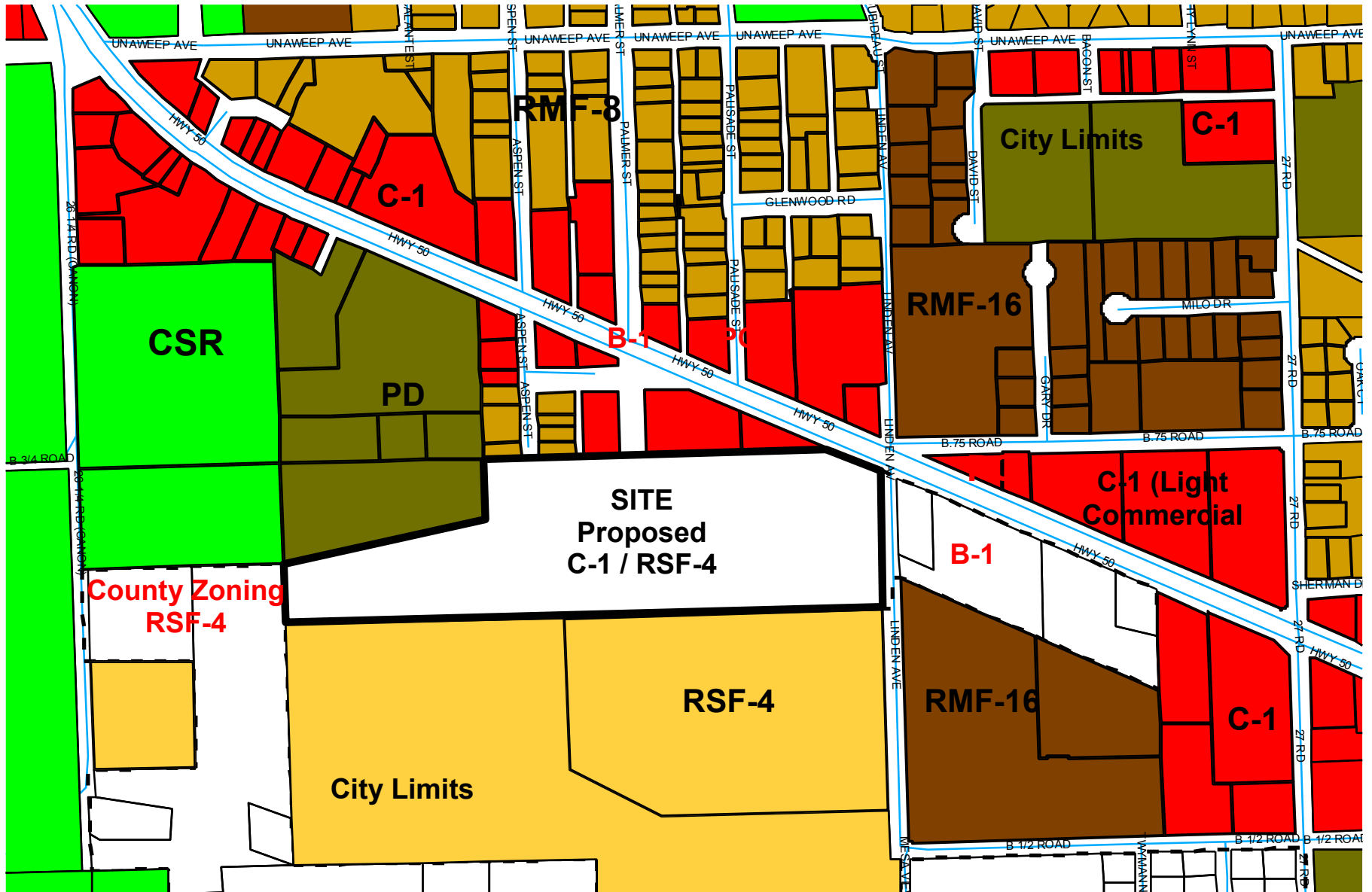
# Future Land Use Map

Figure 3



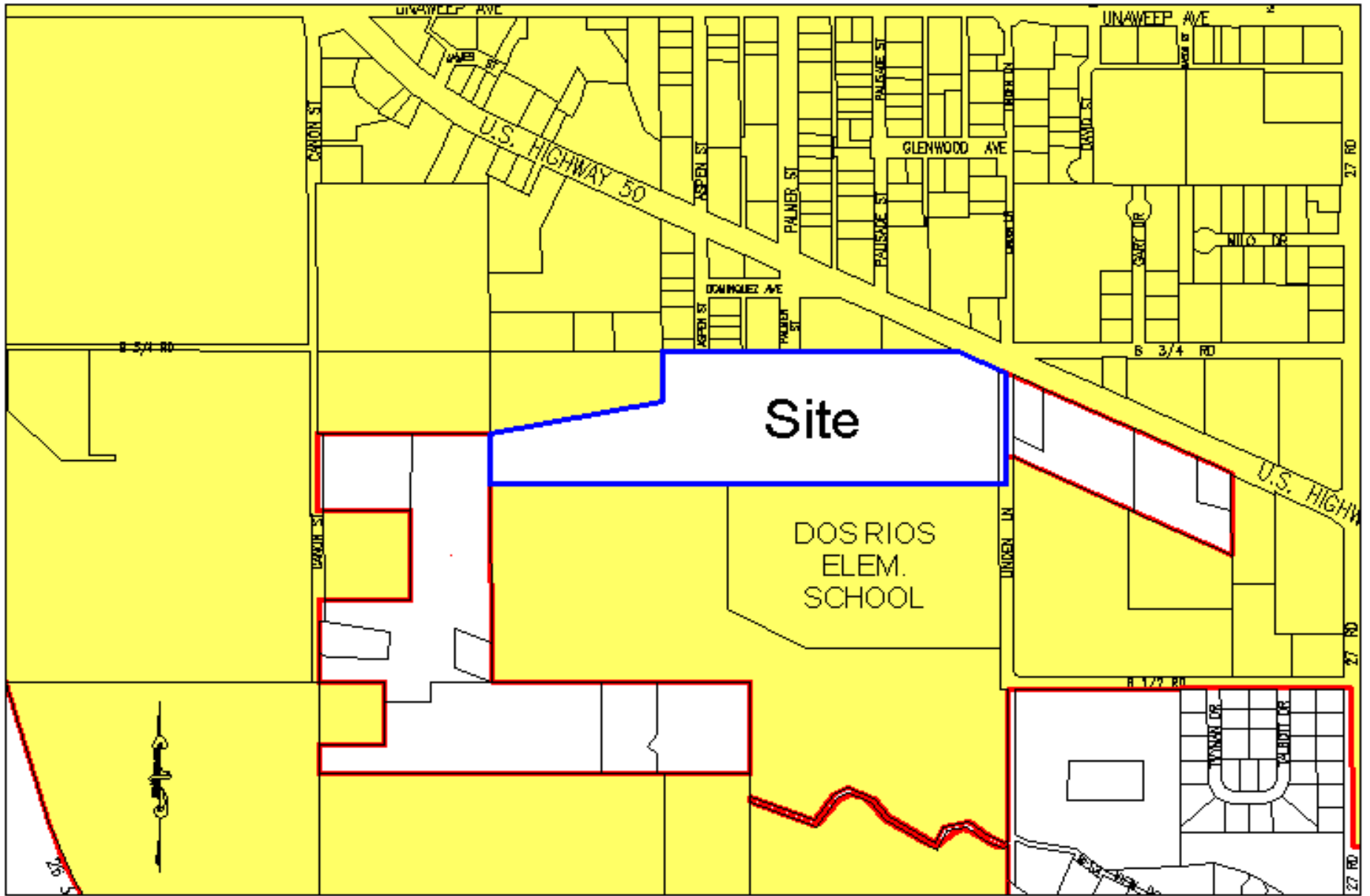
# Existing City and County Zoning

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."

# Carville Annexation Figure 5



 City Limits  Annexation Boundary

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE CARVILLE ANNEXATION TO  
C-1 and RSF-4**

**LOCATED AT 2675 HWY 50**

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 Carville Annexation to the C-1 and RSF-4 zone districts 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 public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 and RSF-4 zone districts be established.

The Planning Commission and City Council find that the C-1 and 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 C-1 and RSF-4 with a density not to exceed 4 units per acre.

**CARVILLE ANNEXATION**

**PROPERTY DESCRIPTION - C-1**

A parcel of land situated in the SW1/4 NE1/4 of Section 26, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at a point on the Southerly right-of-way line of Highway 50 as described in a document recorded in Book 357 at Page 36, at the intersection with the East line of SW1/4 NE1/4 of said Section 26, whence the Northeast one-sixteenth corner (NE corner SW1/4 NE1/4) of said Section 26 bears North 00°05'41" West, a distance of 96.90 feet; Thence along the East line of the SW1/4 NE1/4 of said Section 26, South 00°05'41" East, a distance of 330.00 feet; Thence North 64°56'07" West, a distance of 1011.43 feet to the North line of the SW1/4 NE1/4 of said Section 26; Thence along said North line, South 89°54'03" East, a distance of 707.68 feet to said Southerly right-of-way line of Highway 50; Thence along said right-of-way line, South 64°56'07" East, a distance of 229.58 feet to the Point of Beginning.

Containing 4.255 acres, more or less.

#### PROPERTY DESCRIPTION - RSF-4

A parcel of land situated in the SW1/4 NE1/4 and the SE1/4 NW1/4 of Section 26, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at a point on the East line of the SW1/4 NE1/4 of said Section 26, whence the Northeast one-sixteenth corner (NE corner SW1/4 NE1/4) of said Section 26 bears North 00°05'41" West, a distance of 426.90 feet; Thence along the East line of the SW1/4 NE1/4 of said Section 26, South 00°05'41" East, a distance of 101.28 feet; Thence North 89°52'24" West, a distance of 1978.76 feet to the West line of E1/2 SE1/4 NW1/4 of said Section 26; Thence along said West line, North 00°13'45" West, a distance of 189.05 feet to the Orchard Mesa District Drain;

Thence along said Drain the following eight courses:

North 85°05'02" East, a distance of 16.70 feet;

North 72°41'56" East, a distance of 37.46 feet;

North 58°01'25" East, a distance of 31.07 feet;

North 72°01'34" East, a distance of 348.31 feet;

North 69°36'11" East, a distance of 54.92 feet;

North 71°48'54" East, a distance of 127.42 feet;

North 66°43'18" East, a distance of 53.50 feet;

North 56°15'53" East, a distance of 32.73 feet to the East line of the SE1/4 NW1/4 of said Section 26; Thence North 00°11'04" West, a distance of 102.31 feet to the Center-north one-sixteenth corner (NE corner SE1/4 NW1/4) of said Section 26; Thence along the North line of the SW1/4 NE1/4 of said Section 26, South 89°54'03" East, a distance of 404.51 feet; Thence South 64°56'07" East, a distance of 1011.43 feet to the Point of Beginning.

Containing 16.063 acres, more or less.

Introduced on first reading this **6th** day of **August**, 2003 and ordered published.



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

ATTEST:

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

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

**Attach 15  
2003 LLEBG Grant**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		2003 LLEBG Grant							
<b>Meeting Date</b>		August 20th, 2003							
<b>Date Prepared</b>		August 20, 2003				<b>File #</b>			
<b>Author</b>		Mike Nordine			<b>Police Lieutenant</b>				
<b>Presenter Name</b>		Greg Morrison			<b>Police Chief</b>				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>			
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** The LLEBG Grant Program is an annual grant process in which local jurisdictions receive federal funds based on the three-year average of our reported part one violent crimes. These funds are authorized to be used in support of projects which reduce crime and improve public safety. The program places a strong emphasis on local decision-making and encourages communities to develop their own responses to local crime and drug problems. The Police Department, in cooperation with the Mesa County Sheriff's Office, plans to purchase tasers to be carried by all on duty patrol personnel.

**Budget:** The Grand Junction Police Department has been awarded \$26,057 for the 2003 LLEBG Program. The grant requires a 10% match which we plan to obtain through seized funds.

**Action Requested/Recommendation:** Authorize the City Manager to accept the 2003 LLEBG Grant of \$26,057.

**Attachments:**  
None

**Background Information:** This is an annual grant awarded to the Grand Junction Police Department. Last year the LLEBG grant funds were used to purchase radar guns and a bio hazard dryer for the Lab.

The Police Department has preliminarily identified a need for tasers, a less lethal defensive weapon for patrol, and plans to use the 2003 funds towards that end. The actual decision on what the funds will be used for is dependent upon public input at a community meeting presently scheduled for September 24, 2003.