

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

WEDNESDAY, OCTOBER 1, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Ken Staton, Central Orchard Mesa
Community Church

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING OCTOBER 4, 2003 AS “OKTOBERFEST DAY”

PROCLAIMING OCTOBER 5 THROUGH OCTOBER 11, 2003 AS “FIRE PREVENTION WEEK”

PROCLAIMING OCTOBER 1 THROUGH OCTOBER 31, 2003 AS “KNIGHTS OF COLUMBUS DAYS FOR THE MENTALLY HANDICAPPED”

SCHEDULED CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the September 15, 2003 Noon Workshop, the September 15, 2003 Workshop and the Minutes of the September 17, 2003 Regular Meeting

2. **Setting a Hearing on Rezoning the Sander Property from RSF-R to RSF-E Located at 2611 Kelley Drive** [File #RZ-2003-139]

[Attach 2](#)

Request to rezone 2611 Kelley Drive, comprised of 5.317 acres, from RSF-R (Residential Single Family with a density not to exceed 1 unit per 5 acres) to RSF-E (Residential Single Family Estate with a density not to exceed 1 unit per 2 acres). Planning Commission recommended approval at its September 9, 2003 meeting.

Proposed Ordinance Rezoning a Parcel of Land from Residential Single Family Rural with a Density not to Exceed One Unit per Five Acres (RSF-R to Residential Single Family Estate with a Density not to Exceed One Unit per Two Acres (RSF-E), Located at 2611 Kelley Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for October 15, 2003

Staff Presentation: Ronnie Edwards, Associate Planner

3. **Setting a Hearing on Zoning the Holton Annexation Located at 641 29 1/2 Road** [File #ANX-2003-169] [Attach 3](#)

Introduction of a proposed ordinance to zone the Holton Annexation, Residential Multi-Family-5 (RMF-5), located at 641 29 1/2 Road.

Proposed Ordinance Zoning the Holton Annexation to Residential Multi-Family-5 (RMF-5) Located at 641 29 1/2 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 15, 2003

Staff presentation: Lisa E. Cox, Senior Planner

4. **Vacating a Portion of a 10' Utility Easement Located within Lot 1, Grand Mesa Center, 2464 Hwy. 6 & 50** [File #VE-2003-150] [Attach 4](#)

The petitioner wishes to vacate a 10' wide utility easement located within Lot 1, Grand Mesa Center. The requested portion of the easement to be vacated is under the existing building footprint for Petco. The building footprint was changed due to a larger building square footage required by the prospective tenant (Petco). The utilities were rerouted behind the new building footprint and new easements were dedicated. The Planning Commission recommended approval at its September 23, 2003 meeting.

Resolution No. 90-03 – A Resolution Vacating a Portion of a 10' Wide Utility Easement Lying within Lot 1, Grand Mesa Center Known as 2464 Hwy. 6 & 50

®Action: Adopt Resolution No. 90-03

Staff presentation: Scott D. Peterson, Associate Planner

5. **Setting a Hearing on the Church on the Rock Annexation Located at 2170 Broadway** [File #ANX-2003-197] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.4946 acre Church on the Rock Annexation consists of one (1) parcel of unplatted land along with a portion of the Rio Hondo Road right-of-way. The petitioner's intent is to annex and then submit a Site Plan Review for a new church building with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 91-03 – 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, Church on the Rock Annexation Located at 2170 Broadway and Including a Portion of the Rio Hondo Road Right-of-Way

®Action: *Adopt Resolution No. 91-03*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Church on the Rock Annexation, Approximately 5.4946 Acres, Located at 2170 Broadway and Including a Portion of the Rio Hondo Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003*

Staff presentation: Scott D. Peterson, Associate Planner

6. **Setting a Hearing on the Gowhari Annexation Located at 563 20 ½ Road** [File #GPA-2003-183] [Attach 6](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 25.103 acre Gowhari annexation consists of 3 parcel(s). This annexation is part of a requested Growth Plan Amendment to change 24.503 acres on the Future Land Use Map from Rural 5-35 ac/du to Residential Low 1/2 – 2 ac/du. The Growth Plan Amendment request will be heard at a later date.

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

Resolution No. 92-03 – 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, Gowhari Annexation Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 92-03*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gowhari Annexation, Approximately 25.103 Acres, Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003*

Staff presentation: Senta Costello, Associate Planner

7. **Setting a Hearing on the Grand Bud Annexation Located at 28 ½ Road at Hwy. 50** [File #GPA-2003-184] [Attach 7](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 24.153 acre Grand Bud annexation consists of 1 parcel. This project is part of a requested Growth Plan Amendment for the southwest 9.948 acres of the property to change the Future Land Use Map from Residential Medium 4-8 du/ac to Commercial. The Growth Plan Amendment request will be heard at a later date.

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

Resolution No. 93-03 – 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, Grand Bud Annexation Located at the Northwest Corner of 28 ½ Road and Hwy. 50 and Including a Portion of the 28 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 93-03*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Bud Annexation, Approximately 24.153 Acres, Located at the Northwest Corner of 28 ½ Road and Hwy. 50 and Including a Portion of the 28 ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003*

Staff presentation: Senta Costello, Associate Planner

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

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

8. Ratifying Contract to Construct a Parking Structure [Attach 8](#)

This resolution authorizes the payment of the City's 40% interest in the lots on which the parking garage will be built. In exchange, the County will convey to the City a 40% co-tenancy interest in the lots.

Resolution No. 94-03 – A Resolution Ratifying Contract to Construct a Parking Structure Owned by Mesa County and the City of Grand Junction

®Action: *Adopt Resolution No. 94-03*

Staff presentation: Dan Wilson, City Attorney

9. Communication Equipment for Gateway and Southern Mesa County Areas [Attach 9](#)

Approval is requested for communication equipment to enhance radio coverage in the Gateway area. This is part of the planned expansion of emergency communications throughout Mesa County.

®Action: *Authorize the Purchasing Manager to Purchase Communication Equipment to Enhance Radio Coverage in the Amount of \$ 272,283 from Alcatel USA*

Staff presentation: Mike Kelley, Fire Captain
Paula Creasy, Communication Center Supervisor

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

11. **OTHER BUSINESS**

12. **EXECUTIVE SESSION**

[Attach 10](#)

a. 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 Strategy for Negotiations, and/or Instructing Negotiators under C.R.S. Section 24-6-402(4)(e), Relative to Watershed MOU Negotiations

b. For the Purpose of Determining Positions Relative to Matters that May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators under C.R.S. Section 24-6-402(4)(e), Relative to Land Easements for Future Storm Water Improvements

13. **ADJOURNMENT**

**Attach 1
Minutes from Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

September 15, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, September 15, 2003 at 11:47 a.m. in the Construction/Engineering Lab Building, 2551 River Road, to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **Options for Undergrounding Existing Overhead Utilities:** Public Works and Utilities Director Mark Relph explained that the requirement to underground existing utilities when adjacent to a development project could be a problem in some instances. One particular issue arose when North Avenue Center was being developed, there were major transmission lines adjacent to the project and the requirements would have mandated undergrounding of those lines. Mr. Relph outlined five alternatives. First, he said that Public Works would map out all transmission lines throughout the City and undergrounding of those lines would be exempt regardless of what alternative was selected. The alternatives are: 1 – No requirements for undergrounding, 2. Charge a fee in lieu of undergrounding based on frontage footage, 3. Require the developer to underground the utilities (current code), 4. Require a fee in lieu based on per foot of frontage and require the placement of conduit or 5. Require undergrounding for any project with more than 700 feet of frontage.

Action summary: Council favored a fee in lieu alternative, with the cost based on 700 square foot or more frontage, with the placement of conduit. Since more discussions with XCel Energy and Grand Valley Power were needed, staff was directed to continue those discussions and also to flag this discussion to be included in the franchise discussions with cable tv. Mr. Relph said he would return in two months with more information.

2. **Facilities and Construction in the Rights-of-Way:** Public Works and Utilities Director Mark Relph explained that although Staff does not have the final ordinance ready for consideration, this issue has become quite problematic in some street projects and will become more so with the

upcoming major street projects in the future. The issue is getting the utility companies to relocate their utilities in a timely manner at their cost. Many of the utility companies do not have accurate records for the locations of their utilities. City Attorney Wilson advised that it is the City's intent to have all the utility companies provide accurate locations of their lines 18 months prior to a project being started so that the project can be designed with those locations in mind. One of the obstacles has been that some of the utility companies do not have computer systems compatible with the City's GIS. Mr. Relph noted that the City is offering their assistance and expertise and are trying to convince these other companies of the benefits of having all their lines located on the GIS system. In addition, the City is offering incentives to utility companies that participate in quarterly planning meetings so road construction work valley-wide can be coordinated.

Action summary: Staff was directed to continue to work with the various utility companies, get the contractors' associations to buy in, and bring a finalized ordinance back for adoption once issues have been resolved.

The meeting adjourned at 12:45 p.m. The Council then toured the facilities there and at the nearby Transportation Engineering building.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP
SUMMARY**

September 15, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, September 15, 2003 at 7:05 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold reviewed the brief Strategic Plan update. The request for more information on transients is somewhat duplicative as the Homeless Coalition has some information and so staff is recommending no further action on the request for more information. It is probably appropriate to bring Police Chief Morrison back to wrap that issue up.

Action summary: The City Council accepted the update.

2. **SANTA CLARA AVENUE TRAFFIC CALMING:** The neighborhood has petitioned and gone through the process to request the installation of traffic calming. Public Works & Utilities Director Mark Relph introduced this item and Transportation Engineer Jody Kliska. Ms. Kliska described the area and the results of the traffic survey. Forty-five percent of the traffic is cut-through traffic and eighty-five percent of the traffic is exceeding the speed limit. Enforcement has been stepped up with the police having issued 47 speeding tickets and 16 verbal warnings. Staff is proposing six speed humps.

Councilmember Hill inquired how the data is compiled. Ms. Kliska replied that they used speed tubes that can identify speed and direction. Councilmember Hill asked where the cut-through traffic is going. Ms. Kliska answered that the vehicles are going to Robideaux and to Unawweep.

Councilmember Palmer expressed concern over using speed humps as he felt the neighborhood would not want to deal with them day in and day out. He felt speed humps should be a last resort. He was also concerned that people will drive around them since there is no curb or gutter on that street.

He asked if installing stop signs had been considered. Ms. Kliska said that stop signs should not be used for speed control, that use would breed disrespect. She also noted that posts could be installed at each end of the humps to prevent the drive around option.

Councilmember Hill asked if the installation of speed bumps would merely switch cut through traffic to Grand Mesa Avenue. Ms. Kliska was not sure if that would occur.

Council then asked to hear from the neighborhood.

Linda Kazcimierick, 1680 LaVeta, has lived there 7 Years. She said it is hard to enjoy outdoors due to the noise of the high-speed traffic. She had asked for a stop sign but was told that was not an option.

Keely Sutherland, 555 Santa Clara Ave, has lived there 8 years. When the Crystal Brook development was built, they asked for a stop sign but was told the same thing. She does not think people will turn on Grand Mesa Avenue due to the sight distance problem. She said she would rather have speed bumps and the associated inconvenience than having their road be a racetrack.

Eileen Steinberg, 635 Santa Clara, agreed that speed bumps can be annoying but she would rather have that than the danger of the high speed.

Sandy Mallory, City Traffic System Analyst, advised that the elimination of the cut-through traffic may well reduce the number of accidents because most of the accidents were left hand turns onto Santa Clara in order to go on to areas up Unawep Avenue. She also asked Council to consider a permanent installation to avoid the re-petition process, due to the high response this first time. Ms. Kliska advised that permanent installation would cost the same as the temporary.

Councilmember Kirtland said he would support the request due to the neighborhood support. Councilmember Hill concurred noting that at 25 mph the humps are not a problem. Councilmember McCurry agreed, as did Councilmember Butler.

Councilmember Palmer cautioned the neighborhood representatives to be careful what they wish for; they may be trading one problem for another. He felt there must be a better solution.

Councilmember Enos-Martinez was concerned as to the number of requests Council may get and wondering how many such solutions will cause problems. However, due to the neighborhood support, she will support the request. Council President Spehar agreed with Ms. Enos-Martinez, noting that her neighborhood, Riverside, has a big cut through traffic problem.

Action summary: The Council accepted the information as reported and President of the Council Spehar gave Staff the direction to go ahead and proceed.

President of the Council Spehar announced a break at 8:52 p.m.

The meeting reconvened at 9:01 p.m.

3. **ECONOMIC DEVELOPMENT – ROLE OF THE CITY:** Staff presented a discussion document on the City's changing role in Economic Development efforts as part of the goals and objectives of the Strategic Plan. City Manager Kelly Arnold introduced this item. He discussed how they could change their role by becoming more involved. This change will require additional resources within the Administration, perhaps a new position. The City could participate in placing infrastructure in new areas that would allow such areas to be developed and possible restructuring of the economic development fund.

Council generally agreed and suggested a number of ways the City could take a more proactive approach.

Thea Chase Gilman, Executive Director of the Incubator, noted there has been a shift in economics and community development. With partnerships, they can take a bigger approach. She cautioned the City not to abandon the recruitment approach as that has been beneficial but certainly, the City could be a bigger player in the development strategy.

Debbie Kovalik, VCB Director, noted that facilities like Canyon View Park help bring people here so there are many things to consider.

Councilmember Palmer noted that many existing businesses could do better with a little help. Ms. Gilman said that the existing business expansion fund criteria are patterned after the incentive fund and they shouldn't be. She suggested that be looked at.

City Manager Arnold said based on successes in Greeley, a development coordinator to manage projects, might be a good idea. Council President Spehar noted that it shouldn't be a budget issue as it fits under economic development.

Action summary: It was agreed that the Council and Staff would go to the summit to listen. During budget, they can discuss the coordinator position and other funding. Mr. Arnold will work on a job description for the coordinator position.

The meeting adjourned at 10:05 p.m.

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

SEPTEMBER 17, 2003

The City Council of the City of Grand Junction convened into regular session on the 17th day of September 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers 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. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

Council President Pro Tem Harry Butler called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Steven Fenske, Sonrise Church of God.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING THE WEEK OF SEPTEMBER 17 THROUGH SEPTEMBER 24, 2003 AS "CONSTITUTION WEEK"

PROCLAIMING SEPTEMBER 22 THROUGH SEPTEMBER 27, 2003 AS "UNITED WAY CAMPAIGN KICK-OFF WEEK"

PROCLAIMING SEPTEMBER 24, 2003 AS "WESTERN COLORADO CONTRACTORS ASSOCIATION DAY"

SCHEDULED CITIZEN COMMENTS

Bernie Goss, Chairman of the Parks & Recreation Advisory Board, gave a brief history of Canyon View Park and introduced Russ Means, Mesa County Junior Football Association President, and Rick McVern, Vice President. They presented a check for \$65,000 to the City Council for the new Sport Fields at Canyon View Park.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Hill, and carried by a roll call vote, to approve Consent Calendar Items #1 through #3.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the July 10, 2003 Special Joint Persigo Meeting and the Minutes of the September 3, 2003 Regular Meeting

2. **Applications to Colorado Historical Society State Historical Fund for Historic Structure Assessment and Roof Repair for the Riverside School**

The City is applying for two grants from the Colorado Historical Society State Historical Fund in collaboration with the Riverside Task Force for rehabilitation of the Riverside School. The first grant (total budget \$14,000) is to complete a Historic Structure Assessment of the school. The second grant (total budget \$42,350) is to fund repair work on the roof of the building.

Action: Authorize the City Manager to Sign the Grant Applications to the Colorado Historical Society State Historical Fund for Structural Assessment and Repair Work on the Roof for the Riverside School

3. **Revocable Permit on Glenwood Avenue for a Fence** [File #RVP-2003-104]

The petitioner is requesting approval and issuance of a revocable permit to construct a 3' picket fence within the City right-of-way for Glenwood Avenue.

Resolution No. 85-03 – A Resolution Concerning the Issuance of a Revocable Permit to Dawayne Martin and Neoma Martin

Action: Adopt Resolution No. 85-03

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

Construction Contracts

a. **Bass Street Storm Drainage Improvements**

Award of a construction contract for the Bass Street Storm Drainage Improvements Project to Skyline Construction, Inc. in the amount of \$146,154.60. The project consists of the installation of a storm drain pipe in Bass Street from West Hall Avenue to Independent Avenue, the installation of a diversion pipe from the Buthorn Drain to the new storm drain pipe to route flows to West Lake for aquatic enhancement and the installation of curbs and gutters along portions of Bass Street.

b. **2003 Sewer Interceptor Rehabilitation Change Order No. 2**

Western Slope Utilities has requested a change order for additional bypass pumping for the 2003 Sewer Interceptor Rehabilitation Project in the amount of \$52,072.00. The City has also requested that the contractor complete additional Cured in Place Pipe (CIPP)

work for the 2003 Alley Improvement District for \$11,992.00. The total amount of this change order is \$64,064.00.

Tim Moore, Public Works Manager, reviewed the two contracts. Councilmember Palmer asked for further explanation on the change order. Mr. Moore explained that the contractors encountered soil problems and that caused a longer bypass time frame, thus the change order.

Councilmember Kirtland moved to authorize the City Manager to execute a construction contract for the Bass Street Storm Drainage Improvement Project to Skyline Construction, Inc. in the amount of \$146,154.60, and to authorize the City Manager to execute a Change Order for the 2003 Sewer Interceptor Rehabilitation Project with Western Slope Utilities in the amount of \$64,064.00. Councilmember Palmer seconded the motion. Motion carried.

Eight Subrecipient Contracts for Projects within the City's 2001, 2002 and 2003 Program Years Community Development Block Grant (CDBG) Program

The Subrecipient Contracts formalize the City's award of a total of \$386,100 to various non-profit organizations and agencies allocated from the City's 2001, 2002, and 2003 Program Years CDBG funds as previously approved by Council.

David Varley, Assistant City Manager, explained the process of determining who will receive the funds and that the last step in the process is for the City to enter into a contract with each agency receiving funds to ensure they too comply with federal guidelines. He then briefly described each program recommended for receiving funds. He listed the following agencies and the award amounts as:

- | | |
|--|-----------|
| 1. Grand Valley Catholic Outreach Transitional Housing | \$ 10,000 |
| 2. Grand Valley Catholic Outreach Soup Kitchen Relocation | \$ 50,000 |
| 3. Center for Independence Accessible Van | \$ 20,000 |
| 4. The Treehouse Teen Bistro | \$ 20,000 |
| 5. St. Mary's Foundation - Grey Gourmet | \$ 5,050 |
| 6. St. Mary's Foundation - Foster Grandparent Program | \$ 5,000 |
| 7. St. Mary's Foundation - Senior Companion Program, and | \$ 5,000 |
| 8. Grand Junction Housing Authority Linden Avenue Affordable Housing | \$271,050 |

Councilmember Palmer moved to authorize the City Manager to sign the eight CDBG Subrecipient Contracts. Councilmember McCurry seconded the motion. Motion carried with Councilmember Kirtland abstaining on recipient #2 and #8 as his employer is the general contractor for those projects.

Enterprise Zone Boundary Adjustment Recommendation

When the Enterprise Zone was established in Mesa County in 1986, the Enterprise Zone boundary covered all of the South Downtown area with the exception of the area south of Struthers to the Colorado River. It was assumed at that time that the entire tract would become park area when the City purchased many of the parcels in the area. However, the City does not plan to purchase any additional property in the area and the privately owned parcels were zoned C-2. A letter has been drafted for the Mayor's signature supporting the expansion of the Mesa County Enterprise Zone.

Thea Chase Gilman, Mesa County Enterprise Zone Administrator, explained the reason for the boundary adjustment request and how the south downtown area was originally not included in the Enterprise Zone. She said a project is proposed for the Botanical Gardens area and for the project to go forward, the area south of Struthers Avenue must be located within the Enterprise Zone.

Councilmember Palmer asked Ms. Gilman to list the various types of credits available to businesses within the Enterprise Zone, which she did, noting that these are incentives that will help businesses create jobs in this distressed area. She then presented to Council letters of support received from some of the property owners in the area.

Jim Jeffries, a property owner, said he has a Conditional Use Permit and Site Plan for his property in the area. He stated his intent to start a restaurant that will provide 35 to 40 jobs in that area. He explained that the startup expenses are quite high, and business startup incentives available through the Enterprise Zone Program will help entrepreneurs.

Councilmember Enos-Martinez moved to authorize the Mayor to sign a letter to the Colorado Economic Development Commission in support of expanding the Mesa County Enterprise Zone to include the south side of Struthers Avenue. Councilmember Palmer seconded the motion. Motion carried by a roll call vote with President Pro Tem Butler voting NO, explaining his NO vote was due to the brewery that was being proposed in that area.

Public Hearing – Removing the Files Property from the 201 Sewer Service Area Located on Monument Road

Joint City-County resolution to remove all of the Doyle and Sandra Files property (on Monument Road) from the 201 Sewer Service Area.

The public hearing was opened at 8:19 p.m.

Tim Moore, Public Works Manager, reviewed this item and explained the reason for the request. He said the bulk of the petitioners' property was on the other side of the road, so

the removal of the property from the Sewer District will allow the entire piece of property to be outside the 201 Sewer District area.

There were no public comments.

The public hearing was closed at 8:20 p.m.

Resolution No. 87-03 – A Joint Resolution of the City Council of the City of Grand Junction and the Mesa County Board of County Commissioners Removing a Portion of Parcel No. 2945-291-00-066 (Files Property) from the 201 Sewer Service Area Boundary

Councilmember Hill moved to adopt Resolution No. 87-03. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacating a Portion of the Right-of-Way for 24 ¾ Road [File #VR-2003-162]

The petitioner is requesting approval of a vacation of a portion of the dedicated right-of-way for 24 ¾ Road, located between River Road and the Blue Heron Trail. The Planning Commission reviewed the request on August 26, 2003, and recommended approval of the vacation to the City Council.

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

Pat Cecil, Development Services Supervisor, reviewed this item. He located the area on the overview map and described the vacation. He said that Staff recommends that if the vacation is approved, the utilities easements and multi purpose easements be retained.

There were no public comments.

The public hearing was closed at 8:24 p.m.

Ordinance No. 3571 – An Ordinance Vacating a Portion of the 24 ¾ Road Right-of-Way Located Between River Road and the Blue Heron Trail

Councilmember Palmer moved to adopt Ordinance No. 3571 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing – Elliott Annexation and Zoning Request of the Elliott Annexation Located at 3082 D ½ Road [File #ANX-2003-156]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Elliott Annexation, located at 3082 D ½ Road. The 1.1551-acre Elliott annexation consists of 1 parcel of land.

Hold a public hearing and consider final passage of the zoning ordinance to zone the Elliott Annexation, located at 3082 D ½ Road, to RMF-5 (Residential Multi-Family not to exceed 5 du/ac).

Scott Peterson, Associate Planner, advised Council he would like to review both items as one presentation, the annexation request and the zoning request; if that was acceptable to Council. Council approved his request.

a. Accepting Petition

Resolution No. 88-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Elliott Annexation, Located at 3082 D ½ Road, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3572 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Elliott Annexation, Approximately 1.1551 Acres, Located at 3082 D ½ Road

c. Zoning Ordinance

Ordinance No. 3573 - An Ordinance Zoning the Elliott Annexation to RMF-5, Located at 3082 D ½ Road

The public hearing was opened at 8:25 p.m.

Scott Peterson, Associate Planner, reviewed these items and described the current use, the surrounding uses, and the current zoning. He listed his findings and conclusions and informed Council that the requests met the required criteria.

Councilmember Palmer inquired if the property was enclaved. City Attorney Wilson noted that the right-of-way to the south does not count toward the enclave.

Dan Holycross, representing the petitioner, stated the owner of the property located to the east will be requesting annexation but is not yet ready to do so.

There were no public comments.

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

Councilmember Kirtland moved to adopt Resolution No. 88-03, Ordinances No. 3572 and No. 3573 on Second Reading and ordered them published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing – Antietam Annexation and Zoning Request of the Antietam Annexation Located at 260 & 262 26 ¼ Road [File #ANX-2003-122]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Antietam Annexation, located at 260 & 262 26 ¼ Road. The 9.146-acre 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.

The Antietam Annexation consists of 9.146 acres of land that is located at 260 & 262 26 ¼ Road and currently consists of two (2) parcels of unplatted land that each contains a single family home. The petitioner's intent is to annex and then develop the property as a 25 lot residential subdivision with a density of less than four (4) dwelling units per acre (2.73 density proposed). The proposed zoning is Residential Single Family – 4 (RSF-4). The Planning Commission recommended approval at its August 26, 2003 meeting.

Scott Peterson, Associate Planner, advised Council he would like to review both items as one presentation, the annexation request and zoning request; if that was acceptable to Council. Council approved his request.

a. Accepting Petition

Resolution No. 89-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Antietam Annexation, Located at 260 & 262 26 ¼ Road and Including a Portion of the 26 ¼ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3574 – An 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

c. Zoning Ordinance

Ordinance No. 3575 – An Ordinance Zoning the Antietam Annexation to Residential Single Family – 4 (RSF-4), Located at 260 & 262 26 ¼ Road

The public hearing was opened at 8:29 p.m.

Scott Peterson, Associate Planner, reviewed these items. He described the location of the property, the petitioner’s intent, and the surrounding densities and zoning designations. He listed his findings and conclusions and told Council the requests met the required criteria. He recommended Council annex and zone the property as proposed.

Councilmember Hill asked about access to the property to the south. Mr. Peterson said the property is at a higher elevation there and he is not sure if the only access is from the south.

Councilmember Palmer asked if the existing County zoning designation is RSF-4. Mr. Peterson responded affirmatively.

Frances Blackwell, with the engineering firm representing the petitioner, said a dirt road comes off the back of the property to the other property. She had no other comments.

There were no public comments.

The public hearing was closed at 8:33 p.m.

Councilmember Hill moved to adopt Resolution No. 89-03, Ordinances No. 3574 and No. 3575 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Cinema at the Avalon, Inc. Operation and Use Agreement

On June 30, 2003, a report on possibly expanding Cinema at the Avalon Theatre was reviewed by City Council. Following discussion, City Council directed staff to work on an agreement with Cinema at the Avalon (CAI) that would increase theatre usage, minimize additional expense to the City, and maintain the City’s responsibility, opportunity and commitment to encourage other usage with the ability to preempt CAI scheduled dates for other Avalon user groups and organizations.

Joe Stevens, Director of Parks & Recreation, reviewed this item. He reviewed the history of the proposal and Council’s direction to Staff to present Council with a contract that would increase theatre usage, minimize additional expense to the City, and maintain the

City's responsibility. He explained the proposed contract allows for a maximum use of 330 days with a maximum payment of \$36,000 expiring December 31, 2004. He said the contract does allow a pre-emption for other events with sufficient notice with the exception of the 2nd Saturday of each month. He explained the rent begins January 2004, but the events will start October 15th and the CAI will pay a \$6,000 deposit. He informed Council the City also has twenty days of use per year, which can be booked with the same notice requirements.

Other details including insurance requirements and liabilities of the Operation and Use Agreement were discussed. Council inquired if the primary concert organizer, Sandstone Enterprises, was aware of the contract. Mr. Stevens said the contract has been discussed with Mr. Ron Wilson of Sandstone Enterprises and he is amenable to it.

Assistant City Attorney John Shaver suggested that the option to renew the agreement be for six months rather than twelve months to coincide with the expiration date of the Avalon Foundation Board's Memorandum of Understanding.

Charlie Kerr, President of the Cinema at the Avalon, informed Council that the entire CAI Board was present. He said he hoped the proposed agreement would be the beginning of a good relationship with the Avalon. He thanked all the Staff and parties involved in drafting the agreement. He explained having an independent art film venue in Grand Junction links the City to the world. He said the risks for the organization are becoming a bigger organization with a bigger budget. He asked that the option to renew be for one year.

Councilmember Hill asked Mr. Kerr to review some points of the agreement, like the City's control over the manager and volunteers. Mr. Kerr then reviewed various sections of the agreement. He said that it is a partnership and they accept the terms as stated, and that for the most part, the terms define high standards, which the CAI Board agrees with.

Councilmember Kirtland noted that he heard a number of complexities were addressed in the agreement, but that they may well lend to the success of the project.

Councilmember Hill asked for clarification of the payment dates. Mr. Shaver noted it is the lower of the daily rent, the \$3,000, or the entire payment of \$36,000, with another payment due in nine months.

Councilmember Palmer asked about the renewal option dates coinciding. Mr. Shaver explained the Memorandum of Understanding the City has with the Avalon Board is valid through June 30, 2005, so the suggestion is to have the expiration date coincide for the two agreements. Another method he said is to coincide the agreement term with whatever dates the Memorandum of Understanding with the Avalon Foundation Board Agreement shows.

Ed Lipton, Board Member of the Avalon Theatre, Inc., said that there is a conceptual misconception of the Foundation's function. He explained that all the money raised by the Foundation for the Avalon Theatre is for the benefit of the City. He said the sole purpose of the Foundation is fund-raising and that the City owns the Avalon Theatre. He explained that ten days have been reserved by the Foundation, but in the past only about five days have been used. He said they have reserved five days for 2004. He pointed out that so far they have not exceeded the ten days. He reiterated the Foundation's wish was for the theatre to be used.

Councilmember Hill moved to authorize the City Manager to execute an Operation and Use Agreement with Cinema at the Avalon, Inc., to better program film and film events in the City's Historic Avalon Theatre, while allowing the Theatre to serve other clientele with the additional wording suggested by Assistant City Attorney John Shaver. Councilmember McCurry seconded the motion. Motion carried.

Amending the Transportation Engineering Design Standards

Adopt a resolution that implements proposed text changes to the Transportation Engineering Design Standards (TEDS).

Tim Moore, Public Works Manager, reviewed this item. He advised Council that the manual has been used for two years and the amendments being proposed are based on the practical uses of the manual. He noted that no changes have been made to the traffic-calming section, that further work was needed, and that some changes would be presented to Council in the future.

Councilmember Kirtland noted that some of the TEDS' requirements become an issue at the end of a development review, which then gives the perception of the City slowing down the development process. Mr. Moore said this part of compliance was discussed early on, that the manual is available on the Web, and it is integrated throughout the process.

Councilmember Kirtland asked if the infill/redevelopment projects have the most problems with the Transportation Engineering Design Standards. Mr. Moore replied that this was correct and he deferred Councilmember Kirtland's question to Community Development Director Bob Blanchard. Mr. Blanchard explained that there is a conflict with the old platting versus the new platting pattern, like access spacing. Mr. Blanchard said problems also come up because a developer does not design his project in accordance with the requirements and the non-compliance isn't caught early on. A developer should identify where there will be an issue and apply for a TEDS exception if needed.

Resolution No. 86-03 – A Resolution Adopting the Revised Transportation Engineering Design Standards (TEDS) Manual

Councilmember Kirtland moved to adopt Resolution No. 86-03. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

OTHER BUSINESS

Council Appointment to the CML Policy Committee

Councilmember Hill was nominated. His nomination was seconded and the motion carried for Bruce Hill to represent the Council on the CML Policy Committee.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

ADJOURNMENT

The President of the Council Pro Tem Butler called the meeting adjourned at 9:50 p.m.

Stephanie Tuin, MMC
City Clerk

**Attach 2
Setting a Hearing Rezoning the Sander Property**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Sander Rezone located at 2611 Kelley Drive						
Meeting Date	October 1, 2003						
Date Prepared	September 12, 2003			File #RZ-2003-139			
Author	Ronnie Edwards		Associate Planner				
Presenter Name	Ronnie Edwards		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to rezone 2611 Kelley Drive, comprised of 5.317 acres, from RSF-R (Residential Single Family with a density not to exceed 1 unit per 5 acres) to RSF-E (Residential Single Family Estate with a density not to exceed 1 unit per 2 acres). Planning Commission recommended approval at its September 9, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and schedule a public hearing for the second reading of the ordinance for October 15, 2003.

Attachments:

1. Vicinity Map
2. Aerial Map
3. Growth Plan Map
4. Zoning Map
5. Planning Commission Minutes of September 9, 2003
6. Zoning Ordinance

BACKGROUND INFORMATION			
Location:		2611 Kelley Drive	
Applicants:		Dieter and Carina Sander	
Existing Land Use:		Residential Single Family	
Proposed Land Use:		Residential Single Family	
Surrounding Land Use:	North	Residential Single Family	
	South	Residential Single Family	
	East	Residential Single Family	
	West	Residential Single Family	
Existing Zoning:		RSF-R	
Proposed Zoning:		RSF-1	
Surrounding Zoning:	North	RSF-R and RSF-1	
	South	PD (average lot size of 1.29 acres)	
	East	RSF-R	
	West	RSF-R	
Growth Plan Designation:		Residential Low (1/2 – 2 ac/du)	
Zoning within density range?		X	Yes
			No

BACKGROUND:

Property is currently zoned RSF-R (Residential Single Family Rural with a density not to exceed 1 unit per 5 acres). The property was annexed in September of 2000 and was zoned with an identical zoning designation that the property had in the County, as requested by property owners.

The RSF-R zone district has a minimum lot size of five acres. This is one of the few properties in this area that meets this minimum requirement. Surrounding adjacent property owners have less than five acres. The existing home and driveway resides close enough to the 50' side yard setback line to possibly prohibit the construction of a carport in a potentially desirable site orientation with existing conditions. The applicant requested the RSF-1 zone district to allow more flexibility for structure locations.

NEIGHBORHOOD CONCERNS:

Adjacent property owners were concerned with other implications of the rezone to RSF-1. The main concern was that this five acre parcel could be subdivided in the

future. The neighbors did not think that smaller lots would be consistent with surrounding properties and wished to have any future development restricted.

1. STAFF PROJECT ANALYSIS: (Note: The staff analysis is of the original request for RSF-1 zoning, but would also apply to the RSF-E zoning.)

A. Consistency with the Growth Plan:

Policy 1.3 states that City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies. RSF-1 is in conformance as this particular area is designated as Residential Low (1/2 – 2 ac/du).

Policy 5.2 states that the City will encourage development that uses existing facilities and is compatible with existing development. Existing facilities for the single family residential uses are adequate and no change in existing uses are proposed.

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

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

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

The RSF-R zoning was applied at the time of annexation to match the County zoning. It was anticipated that individual rezoning requests in the future would be consistent with the Growth Plan.

- 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 character of the neighborhood has not changed, but the zoning that occurred at the time of annexation is not consistent with existing parcel size and improvements.

- 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 does not create adverse impacts. Future subdivision proposals would have to meet all infrastructure standards.

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

The proposal is within the density range of the Future Land Use Map. The RSF-1 zone district can be considered compatible with surrounding properties as parcels directly adjacent are zoned both RSF-R and RSF-1. This occurred because this area was annexed in two different annexations. One occurred in May 1995 and the other in September 2000.

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

Adequate facilities and services are existing for the single family residential uses. There are no impacts associated with this rezone request. Future subdivision would require public facility upgrades.

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

A zoning within the density range recommended in the Growth Plan will better meet the goals of the Plan.

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

The benefit of the rezone is in allowing more flexibility in site design.

STAFF FINDINGS OF FACT/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 been met.

STAFF RECOMMENDATION:

Staff recommended that the Planning Commission forward a recommendation of approval of the requested rezone to RSF-1 to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

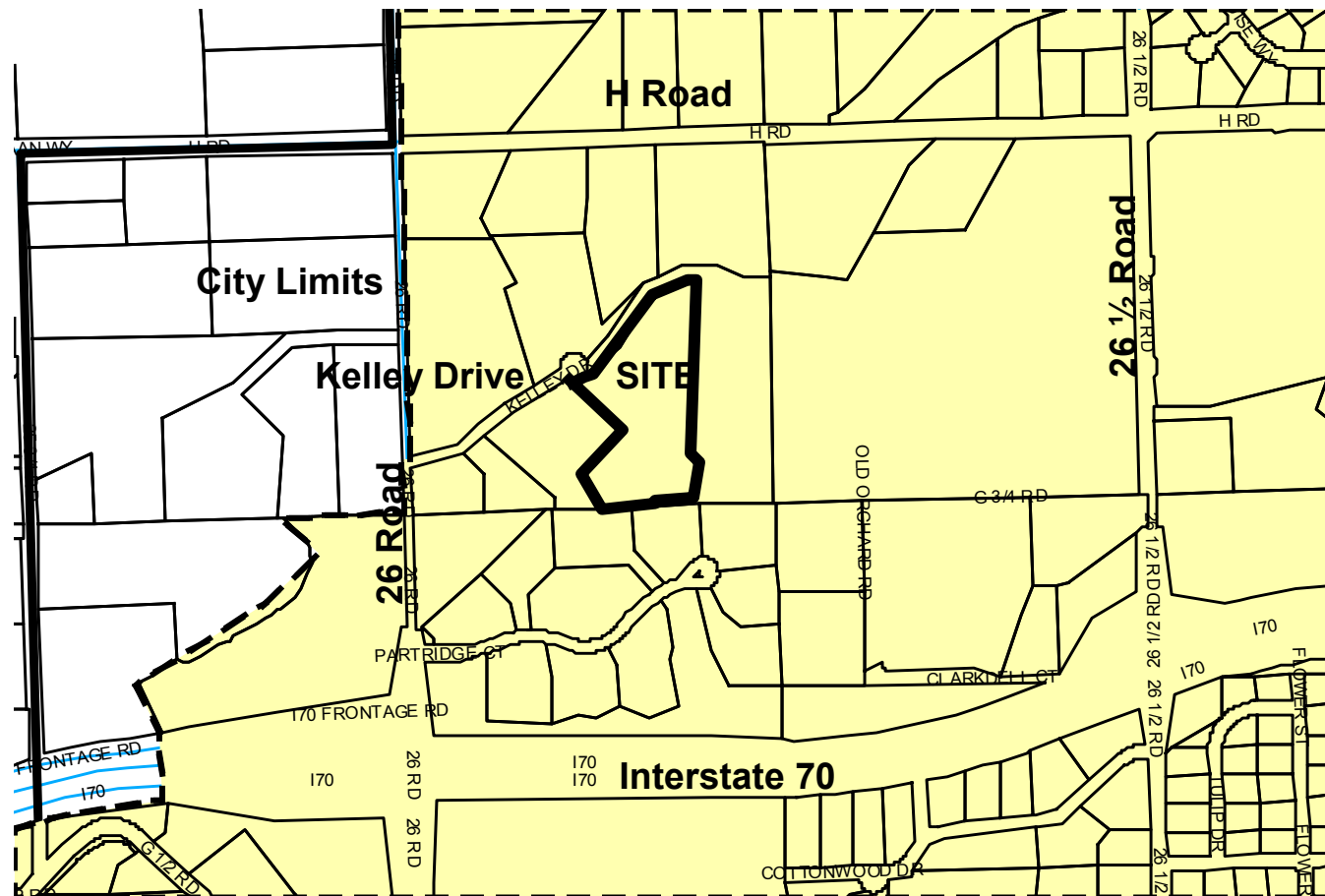
After hearing testimony from the neighborhood regarding the proposed rezone to RSF-1, the Planning Commission recommended RSF-E (Residential Single Family – Estate, 2 acres per unit) zoning. The RSF-E zoning is within the density range recommended by the Growth Plan and would limit the possibility of future subdivision to only one additional lot. The setbacks for the RSF-E zoning are the same as those for RSF-1, so still allows for the building location flexibility the applicant wanted.

The recommendation to rezone from RSF-R to RSF-E is consistent with the Growth Plan and the review criteria in Section 2.6.A of the Zoning and Development Code.

The Planning Commission Draft Minutes of September 9, 2003 have been attached for your review of the meeting discussion.

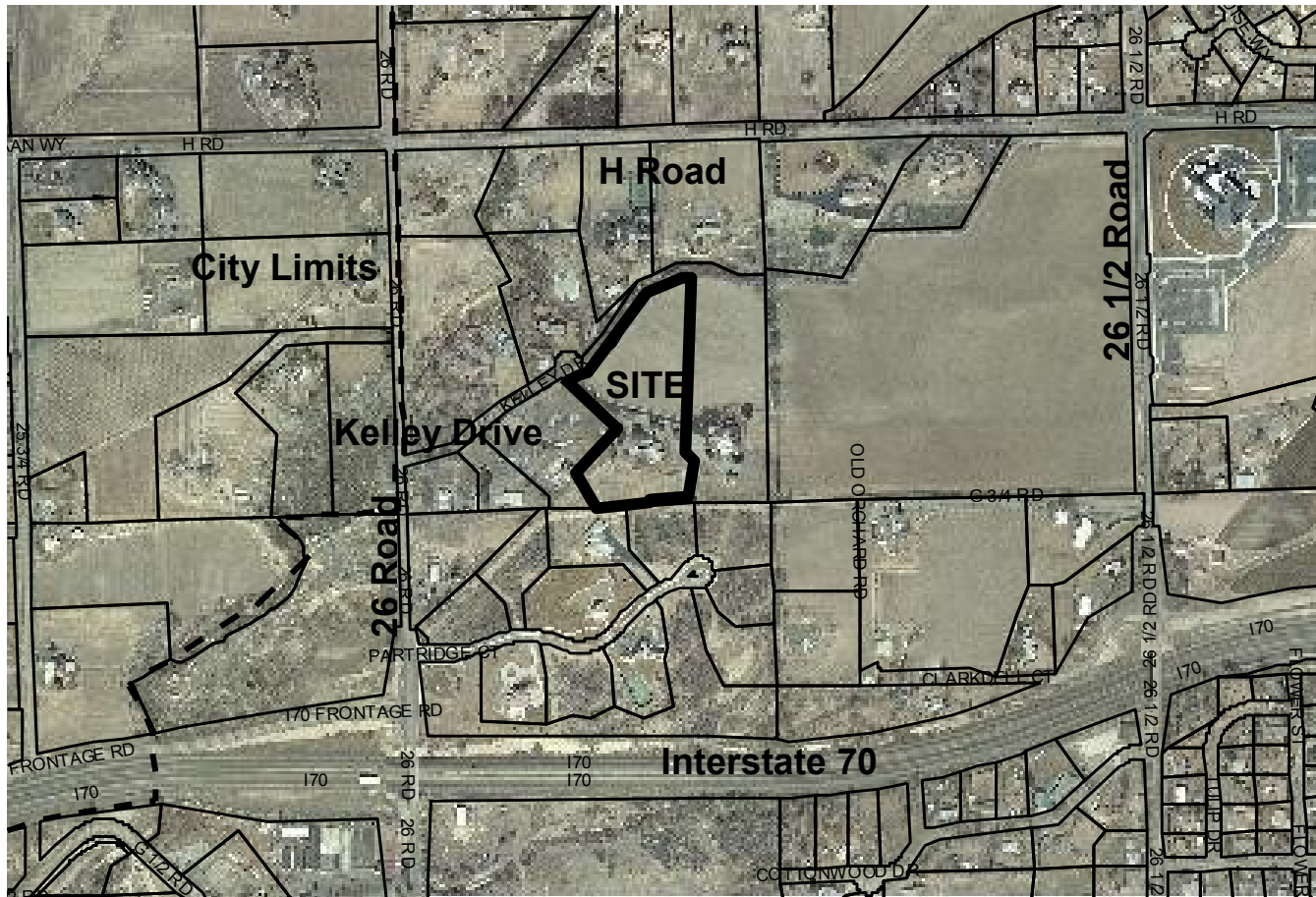
Site Location Map

Figure 1



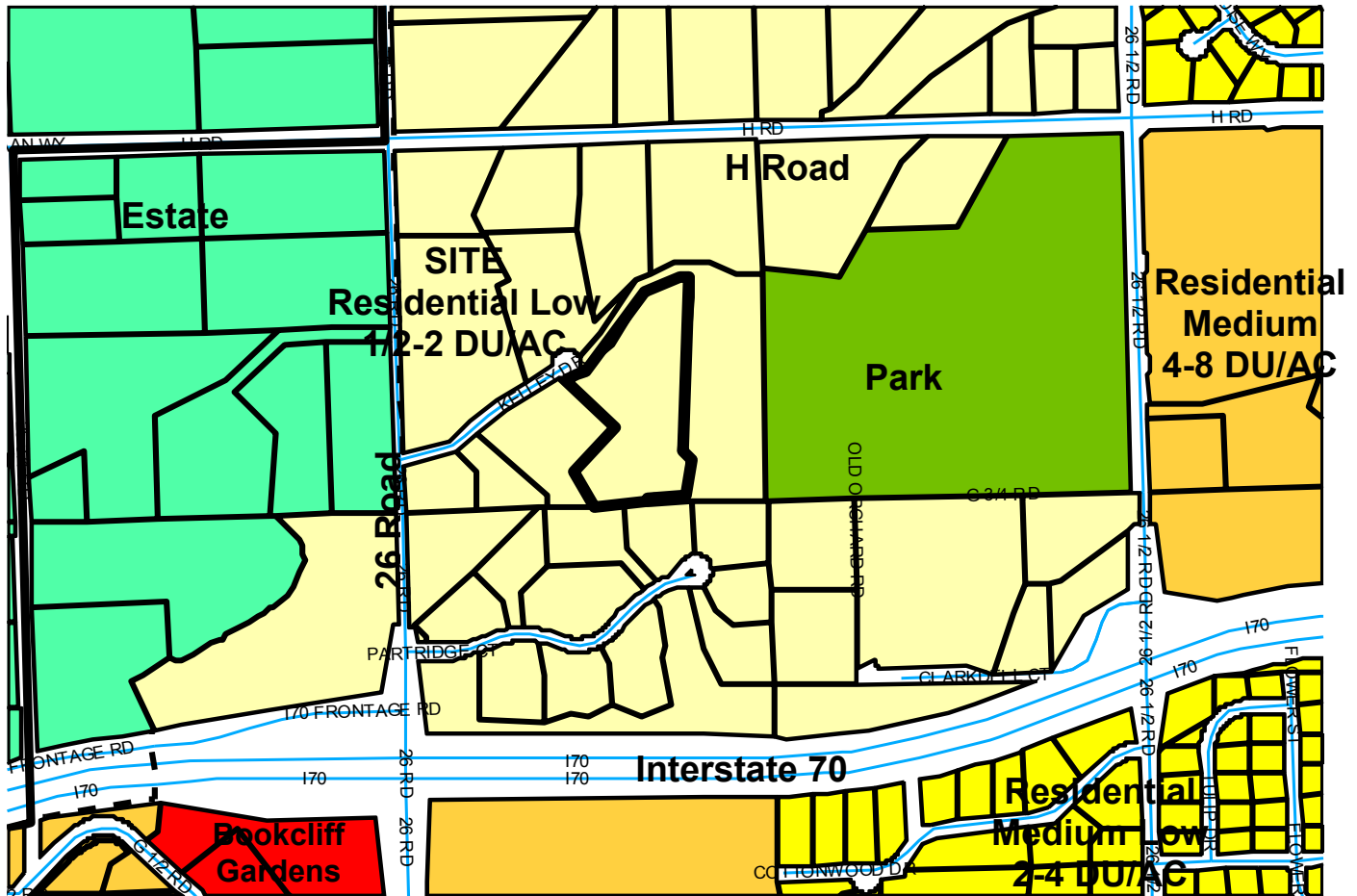
Aerial Photo Map

Figure 2



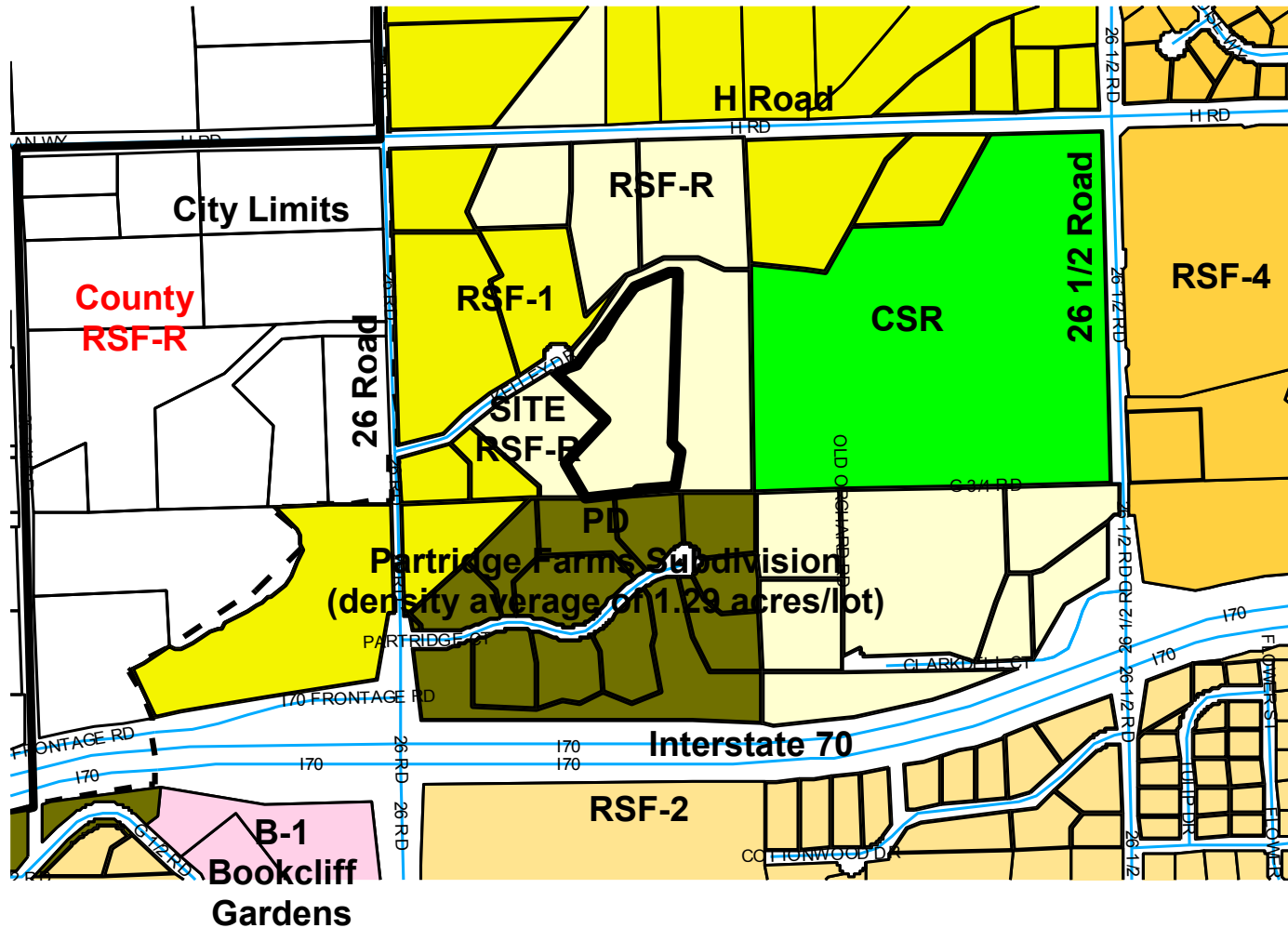
Future Land Use Map

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."

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 9, 2003 MINUTES
7:00 P.M. to 8:22 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), John Redifer, Richard Blosser, Bill Pitts, John Evans, Travis Cox and Roland Cole. William Putnam was absent.

In attendance, representing the City's Community Development Department, were Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Ronnie Edwards (Associate Planner), and Lisa Cox (Senior Planner).

Also present was John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 13 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the August 12, 2003 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move we approve the August 12 minutes as written.

Commissioner Redifer seconded the motion.

A vote was called and the motion passed by a vote of 5-0, with Commissioners Cole and Evans abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

The proposed Consent Agenda items were read: FP-2003-074 (Revised Preliminary Plan--Rocky Heights Estates). No objection was raised from the audience, planning commissioners or staff on this item.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the Consent Agenda as submitted."

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

IV. FULL HEARING

RZ-2003-139 REZONE--SANDER REZONE

A request for approval to rezone 5.317 acres from RSF-R (Residential Single-Family Rural, with a density not to exceed one unit per five acres) to RSF-1 (Residential Single-Family, with a density not to exceed one unit/acre).

Petitioner: Dieter Sander

Location: 2611 Kelley Drive

PETITIONER'S PRESENTATION

Craig Roberts, representing the petitioner, said that what had started out to be a request for construction of a carport ended up being a request for a rezone. Mr. Roberts elaborated by saying that the petitioner wanted to build a carport near his home on his property; however, RSF-R zone setback restrictions prevented him from placing the carport where it would be most convenient. A neighborhood meeting had been held and the single biggest concern expressed by surrounding residents was the possibility that, with an RSF-1 zone, the petitioner's parcel could be further subdivided and developed. Mr. Roberts provided a brief history of the area's zoning and its annexation into the City. He said the property directly to the west and northwest of the subject parcel had already been zoned RSF-1, so the request would be compatible with the surrounding area. The request also met Code criteria and Growth Plan recommendations; he asked that approval be granted.

STAFF'S PRESENTATION

Ronnie Edwards offered a Powerpoint presentation which included the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) findings and conclusions. She said that the subject parcel was one of very few in the area which met the minimum 5-acre requirement for an RSF-R zone. She concurred that the existing home and driveway were located close enough to the current 50-foot side yard setback that it could very well prohibit construction of the carport in the petitioner's preferred location. Ms. Edwards also said that the RSF-R zone was inconsistent with Growth Plan recommendations and had been assigned to the property at the time of annexation since that was the zone district that was closest to the County zoning for the area. The RSF-1 zone would be consistent with Growth Plan recommendations, would provide sufficient setbacks to allow construction of the petitioner's carport, and it would not impact the surrounding neighborhood. Staff recommended approval of the request.

QUESTIONS

Commissioner Cox asked how many and how large the parcels directly to the north are? Ms. Edwards said that two parcels containing approximately 5 acres and 8 acres, respectively, were situated directly north. When asked how many lots, realistically, could be subdivided from the petitioner's parcel, Ms. Edwards said that given site constraints and the location of the petitioner's home on the property, she didn't feel that any more than 1-2 additional lots would be possible.

Commissioner Blosser asked if Kelley Drive would provide sole access to any additional lots created; Ms. Edwards answered affirmatively. She added that upon subdivision of any new lots, major improvements to Kelley Drive would be required. Ms. Edwards advised that for the addition of 1-2 lots, such development would be cost-prohibitive.

Chairman Dibble asked if both the RSF-R and RSF-1 zones complied equally with Growth Plan requirements, to which Ms. Edwards replied negatively. She said that the RSF-R zone category was non-compliant with both the Growth Plan and Future Land Use Map.

Commissioner Cox asked if the smallest a lot could be within an RSF-R zone was 5 acres; Ms. Edwards responded affirmatively.

Commissioner Pitts wondered why the petitioner hadn't pursued a variance instead of a rezone. Ms. Edwards said that while a variance may be an option, one of the primary criterion for approval of a variance is demonstration of a non self-imposed hardship or some distinctly unique characteristic of the land which warranted special consideration. Neither was evident with the current request.

PUBLIC COMMENTS

FOR:

Dieter Sander, petitioner, reiterated that all he wanted to do is build a carport next to his home and that the rezone request seemed to be the only way available for him to do so without tearing out a good portion of existing landscaping and mature trees. The carport, he said, would be unobtrusive and he predicted that likely very little of it would be visible from Kelley Drive. He understood the concerns of the neighbors but said that he had no intention of ever subdividing the property. To that end, he offered to draft covenants or enter into some other legal agreement with the neighbors to restrict any future development of his property. He noted that several neighbors opposing the request also had RSF-1 zoning on their properties.

AGAINST:

Herb Mooney (2613 Kelley Drive, Grand Junction), owner of property directly to the east, said that he and others were not trying to be unneighborly; however, regardless of Mr. Sander's good intentions, anyone purchasing the property in the future may have a different intent. Area residents are most concerned about future impacts to their neighborhood should future development occur. He agreed that while other nearby parcels were also zoned RSF-1, the two largest had site constraints that would make subdivision virtually impossible.

Commissioner Cox asked if the neighbors would favor the kind of development restriction offered by Mr. Sander; Dr. Mooney responded affirmatively. He added that he'd approached the petitioner and offered to buy his "open field" just to keep it from being developed; however, there had been no conclusion to those conversations. Dr. Mooney said there are plenty of examples where parcels with homes on them continued to subdivide even when others viewed such subdivision as impractical.

Commissioner Cox asked Dr. Mooney where he derived access to his property. Dr. Mooney noted the location of his driveway on an available map. He said that the legal easement extended from the Kelley Drive cul-de-sac and bisected Mr. Sander's property.

Commissioner Cole said that the presence and protection of legal right-of-way would factor into any future subdivision request.

Chris Cameron (2605 Kelley Drive, Grand Junction) said that with only 6 homes currently located along Kelley Drive, even the addition of another 2-3 homes would negatively impact the neighborhood. None of the neighbors were opposed to Mr. Sander's carport; however, they hoped there were other ways of achieving the same end without rezoning the property. Mr. Sander's property, he continued, was the only one in the vicinity that could reasonably be subdivided if the zoning permitted it.

Vernon King (2610 Kelley Drive, Grand Junction) agreed with Mr. Cameron's comments. If the street were widened, he predicted that his property's value would diminish because the neighborhood's "rural appeal" would be gone. And with a widened street and additional homes would come additional traffic and its resultant impacts. He urged City staff to find another way to allow Mr. Sander to have his carport without rezoning the property.

Stella Shanks (2606 Kelley Drive, Grand Junction) said that although her property had been rezoned to RSF-1, it had been imposed upon her by the City. While opposed to the Sander rezone request, she did not oppose the petitioner's desire for a carport. She would be in favor of the petitioner's suggestion to enter into some type of agreement to restrict future development of his property.

PETITIONER'S REBUTTAL

Mr. Roberts said that if one looked at the property from a developer's perspective, development of so few additional lots would be impractical. There is too little frontage available from the cul-de-sac to even consider more than 2 additional lots. Kelley Drive improvements would cost an estimated \$150 per linear foot to construct. Factor into that equation the costs of drainage mitigation, sewer hookup, etc., total improvements before construction of actual homes could easily exceed \$900K. If Dr. Mooney were to acquire an additional portion of Mr. Sander's property and add it to his own, Dr. Mooney would then, himself, be in a position to more feasibly subdivide and develop the 8 acres he would then have. At the present time, there should be no concern that further subdivision could occur on Mr. Sander's parcel. Mr. Roberts said that the request does not meet variance criteria; this rezone seemed to be the only way that the petitioner could have his carport in the place he deemed most logical and convenient to him.

QUESTIONS

Commissioner Pitts asked if there is any other location available next to the house for placement of the carport without setback encroachment. Mr. Roberts said that the existing driveway could be extended to other locations on the property; however, doing so would not be convenient for the petitioner.

DISCUSSION

Chairman Dibble asked John Shaver if it were possible for the Planning Commission to grant a variance. Mr. Shaver replied negatively, saying that variances are the purview of the Board of Appeals; all variance requests are heard by that board. He said that without a demonstrated hardship or unique characteristic of the land, it was unlikely that variance approval would be granted.

Commissioner Cox asked Mr. Shaver if a deed restriction placed on Mr. Sander's property would be a practical means of addressing neighbor concerns. Mr. Shaver affirmed that a deed restriction could adequately encumber the property and be something that would transfer to future purchasers. When asked if approval could be contingent upon the petitioner's recording such a restriction, Mr. Shaver advised against it because it "presumed" the property would be developed at some future point. He suggested that Planning Commission address strictly the appropriateness of the proposed zoning.

Mr. Shaver mentioned that Ms. Portner concluded that the Planning Commission consider the RSF-E zone because it offered the same setback advantages as an RSF-1 zone while limiting the density to 1 lot per 2 acres. In the case of the petitioner's property, the RSF-E zone would potentially allow only one additional lot. Given the cost factors pointed out by Mr. Roberts, it would be even less likely that development of a single additional lot would ever occur. An RSF-E zone, she felt, would address the needs of the petitioner while mitigating neighbor concerns.

The RSF-E zone suggestion elicited a great deal of discussion. Mr. Shaver advised that no additional advertising or posting would be required because the proposed/advertised RSF-1 zone was a higher intensity. Mr. Shaver explained that RSF-E would not constitute spot zoning because with that zone there would be a reciprocal expectation; that the Future Land Use Map provided for zoning possibilities anywhere from RSF-E to RSF-2; that the RSF-E zone would address the needs and concerns of both the petitioner and surrounding residents; and that the RSF-E zone still met Code criteria and Growth Plan requirements. Planning Commissioners, staff, legal counsel, the petitioner and general public all agreed that the RSF-E zone represented an acceptable alternative.

MOTION: (Commissioner Cox) "Mr. Chairman, on the Sander Rezone, #RZ-2003-139, I move that the Planning Commission forward a recommendation of approval to the City Council on the request to rezone from RSF-R (Residential Single-Family, with a density not to exceed one unit per five acres) to RSF-E (Residential Single-Family Estate, with a density not to exceed one unit per two acres) with the findings and conditions listed in the staff report."

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

With no further business to discuss, the public hearing was adjourned at 8:22 P.M.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING A PARCEL OF LAND FROM RESIDENTIAL SINGLE FAMILY RURAL WITH A DENSITY NOT TO EXCEED ONE UNIT PER FIVE ACRES (RSF-R) TO RESIDENTIAL SINGLE FAMILY ESTATE WITH A DENSITY NOT TO EXCEED ONE UNIT PER TWO ACRES (RSF-E)

LOCATED AT 2611 KELLEY DRIVE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from RSF-R district to the RSF-E zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as forth by the Growth Plan, Residential Low (1/2 – 2 acres/du). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied for the following reasons:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RSF-E (RESIDENTIAL SINGLE FAMILY ESTATE WITH A DENSITY NOT TO EXCEED ONE UNIT PER TWO ACRES) DISTRICT:

A part of the NW 1/4 NW 1/4 of Section 35, T1N, R1W of the U.M. and being particularly described as follows:

Beginning at a point on the south line of said NW 1/4 NW 1/4 from whence the SE corner of said NW 1/4 NW 1/4 bears S89°43'E 412.00'; thence N89°43'W along said south line 365.38'; thence North 36.64'; thence N52°16'E 133.60'; thence N44°10'E 208.10'; thence N45°23'W 268.50' to the arc of a curve to the left from whence the radius point thereof bears N30°E 50.00'; thence along said arc 132.90'; thence N47°45'14"E 322.01'; thence N66°08'E 133.94'; thence N88°15'E 41.98'; thence S00°10'W 531.94'; thence S31°15'01"W 313.61' to POB; and a parcel of land located in the NW 1/4 NW 1/4 of Section 35, T1N, R1W, of the U.M. and being more particularly described as follows: Commencing at a point on the south line of the NW 1/4 NW 1/4 of said Section 35 from the SE corner bears

S89°45'07"E 412' with all bearings contained herein relative thereto: thence N31°13'35"E 29.23' to the true POB; thence N31°13'35"E 185.98'; thence S51°30'E 39.68'; thence S04°39'05"W 135.28'; thence N89°45'07"W 116.50' to the true POB. EXCEPT Commencing at a point on the South line of the NW 1/4 NW 1/4 of said Section 35, from which the SE corner bears S89°45'07"E 412' with all bearings contained herein relative thereto; thence N31°13'35"E 215.21' to the true POB; thence N05°34'31"E 539.59'; thence S00°10'W 452.70'; thence S31°13'35"W 98.62' to the true POB; and EXCEPT beginning at the SE corner of Lot 3 in Sunny Knoll Subdivision, a found No. 4 rebar from whence the SE corner of the NW 1/4 NW 1/4 of Section 35, T1N, R1W of the U.M. bears S79°41'08"E 682.74'; thence S28°23'06"E 135.54' to the south line of Section 35; thence along said south line N89°43'W 170.10'; thence N 36.64' to the SW corner of Lot 3 in Sunny Knoll Subdivision; thence N52°16'E 133.60' to the SE corner of said Lot 3 and the POB; and EXCEPT commencing as a point of reference at the NW corner of said Section 35, said monument being a Mesa County Surveyor's Monument from whence the N 1/4 corner, said Quarter corner also being a Mesa County Surveyor's Monument, bears S89°55'00"E 2631.25'; thence S40°05'48"E 1029.24' to a point on the ROW of Kelley Drive, said point being the POB; thence along an existing boundary line N47°45'14"E 320.32'; thence S34°10'58"W 216.34'; thence S52°18'24"W 157.03' to the ROW of said Kelley Drive; thence along said ROW 64.67' along the arc of a curve concave to the SW, having a radius of 50.00', a central angle of 74°06'16" and a chord bearing N08°17'14"E 60.25' to the POB. Together with easements for the installation, maintenance and repair of irrigation ditches, head gates, diversion boxes and pipelines as described in instrument recorded August 27, 1979 in Book 1216 Page 61; Together with a 50' easement for underground utility purposes as described in instrument recorded June 17, 1981 in Book 1318 Page 874 and re-recorded February 3, 1984 in Book 1477 Page 425.

CONTAINING 5.317 Acres more or less, as described.

Introduced on first reading on the _____ day October, 2003.

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

Attest:

City Clerk

President of the Council

**Attach 3
Setting a Hearing on Zoning the Holton Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Holton Annexation, located at 641 29 1/2 Road					
Meeting Date	October 1, 2003					
Date Prepared	September 24, 2003				File # ANX-2003-169	
Author	Lisa E. Cox			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to zone the Holton Annexation, Residential Multi-Family-5 (RMF-5), located at 641 29 1/2 Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance and setting a public hearing for October 15, 2003.

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:		641 29 1/2 Road			
Applicants:		James and Rosalee Holton			
Existing Land Use:		Single Family Residence/Agricultural			
Proposed Land Use:		Residential			
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 (Mesa County)			
	South	RSF-4 (Mesa Cty), PD approx. 4 du/ac			
	East	RSF-4 (Mesa County), RMF-5 (City)			
	West	RMF-5 (City)			
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 Holton Annexation 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.

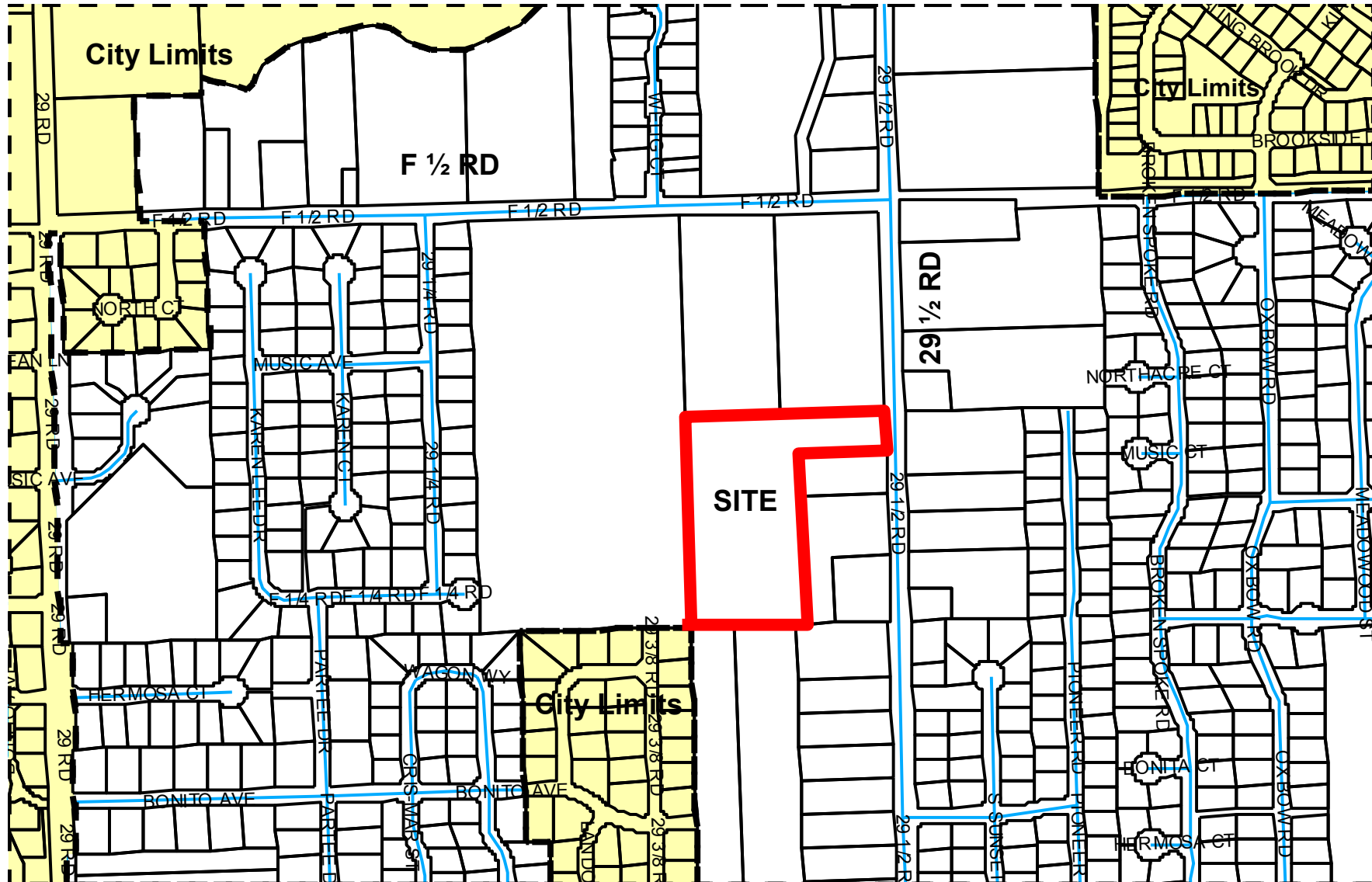
Attachments:

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-2003-169\HoltonCityZord1

Site Location Map

Figure 1



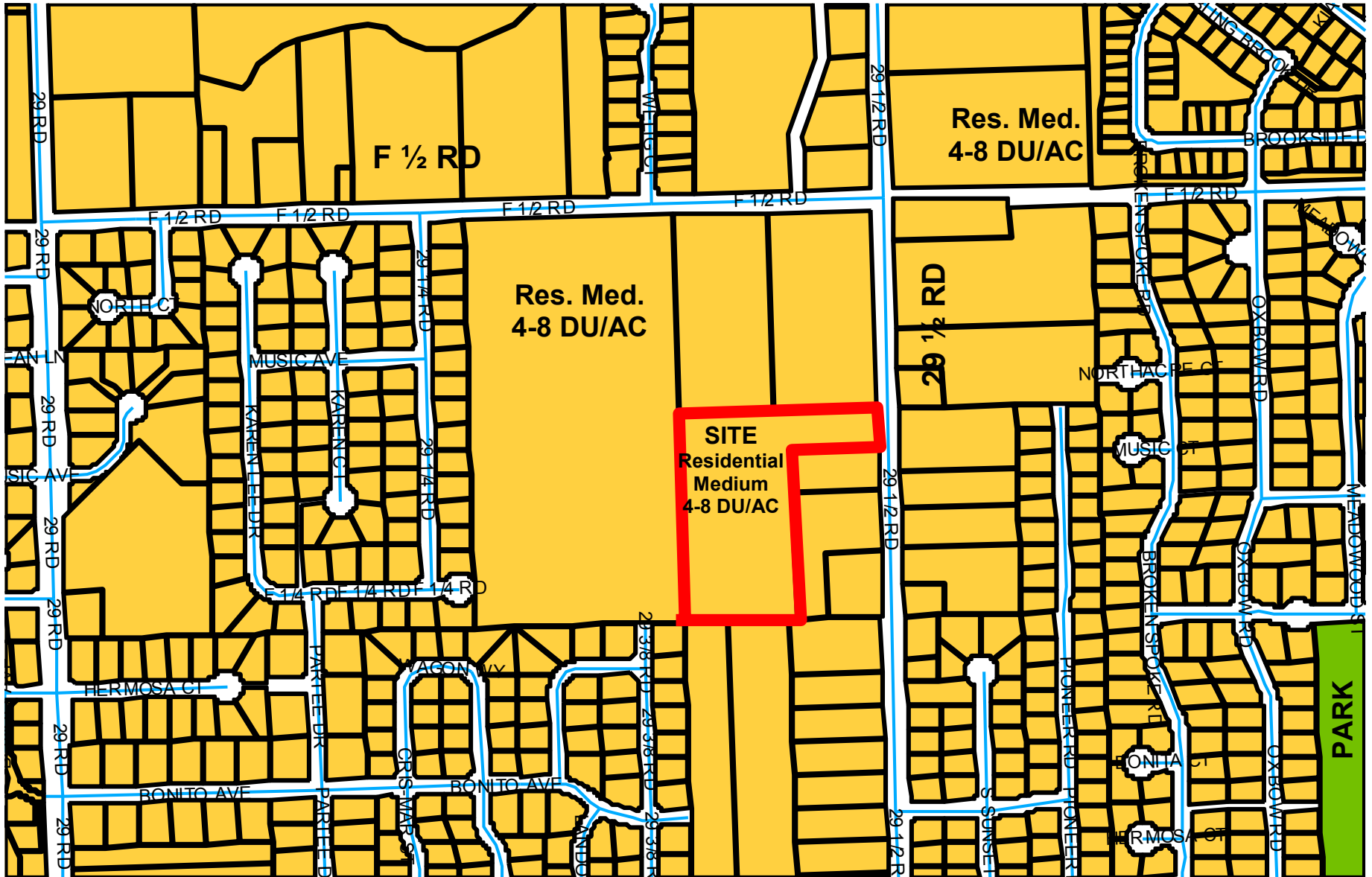
Aerial Photo Map

Figure 2



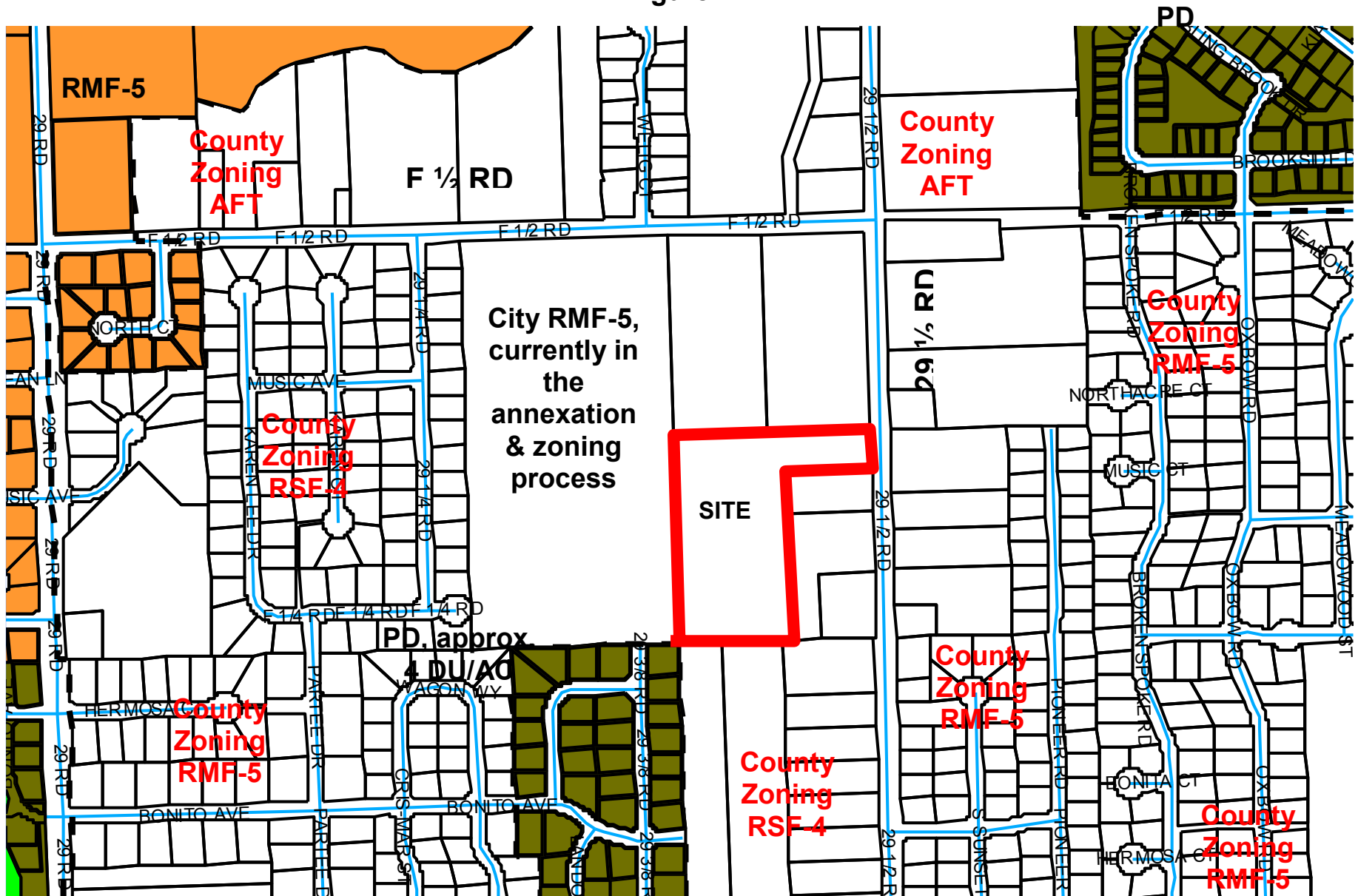
Future Land Use Map

Figure 3



Existing City and County Zoning

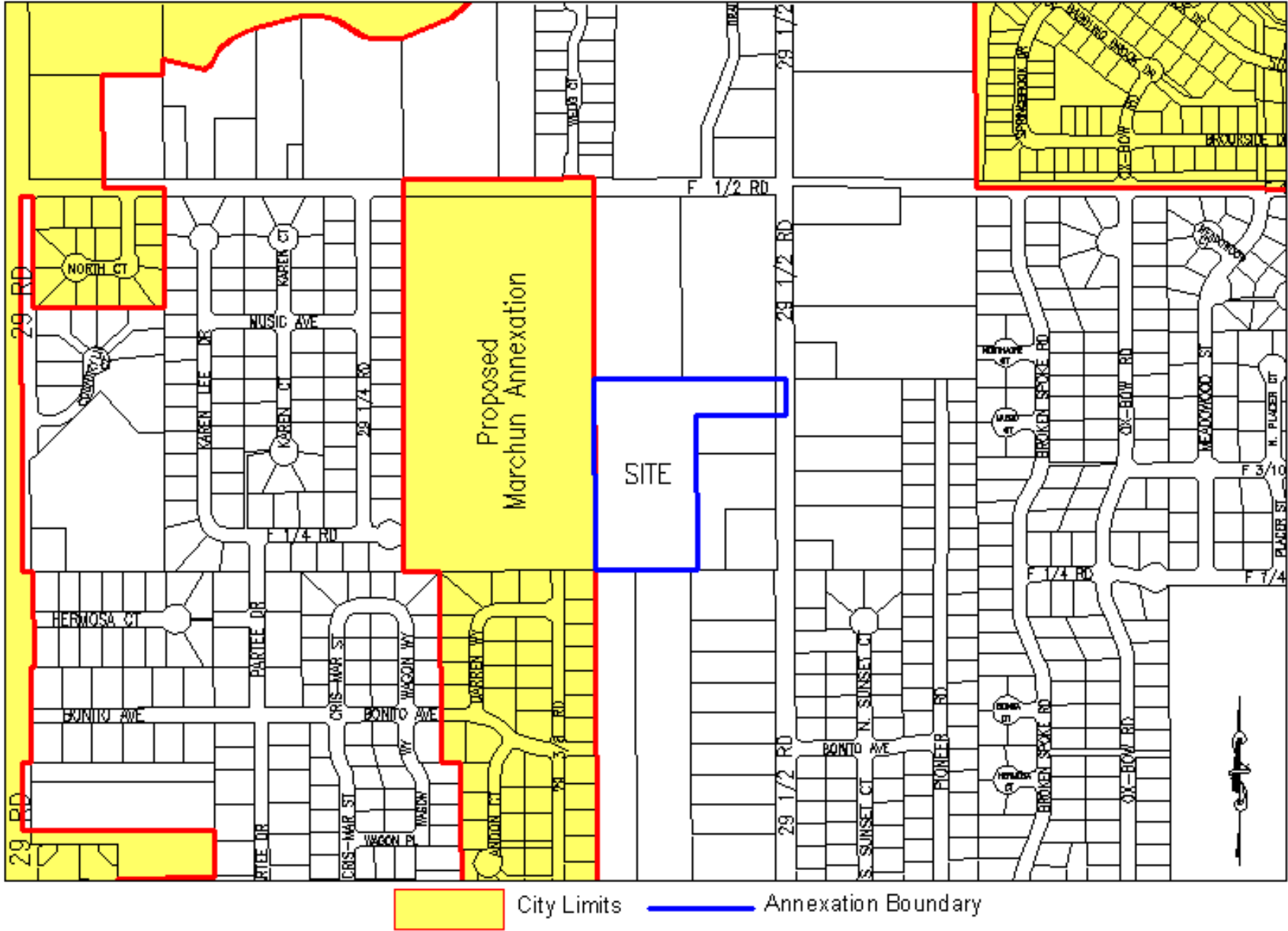
Figure 4



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."

Holton Annexation

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Zoning the Holton Annexation to
Residential Multi-Family-5 (RMF-5),
Located at 641 29 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 Holton Annexation 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:

HOLTON ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

ALL of Lot 1, Plat of Holton's Hacienda, as same is recorded in Plat Book 13, Page 485, Public Records of Mesa County, Colorado, TOGETHER WITH, that certain portion of the 29-1/2 Road right of way, being described as the East 33.00 feet of the NE 1/4 SW 1/4 of said Section 5 lying between the Easterly extension of the North line of said Lot 1 and the Easterly extension of the North line of Lot 2, said Plat of Holton's Hacienda.

CONTAINING 6.2142 Acres (270,689.935 Sq. Ft.) more or less, as described.

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

Introduced on first reading this 1st day of October, 2003

PASSED and ADOPTED on second reading this ____ day of October, 2003.

Mayor

ATTEST:

City Clerk

**Attach 4
Vacating 10' Utility Easement, Lot 1, Grand Mesa Center**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacation of a portion of a 10' Utility Easement – Located within Lot 1, Grand Mesa Center, 2464 Hwy. 6 & 50					
Meeting Date	October 1, 2003					
Date Prepared	September 24, 2003			File #VE-2003-150		
Author	Scott D. Peterson		Associate Planner			
Presenter Name	Scott D. Peterson		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The petitioner wishes to vacate a 10' wide utility easement located within Lot 1, Grand Mesa Center. The requested portion of the easement to be vacated is under the existing building footprint for Petco. This easement was dedicated to accommodate utilities that were proposed to be located behind tenant buildings in the Grand Mesa Center complex and was dedicated at the time with the filing of the Subdivision Plat. Later, in the course of building development and construction to suit individual tenant needs, the building footprint was changed due to a larger building square footage required by the prospective tenant (Petco). The utilities were rerouted behind the new building footprint and new easements were dedicated by separate instrument and filed at the Mesa County Courthouse. There are no utilities within the requested easement vacation. The Planning Commission recommended approval at its September 23, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution vacating a portion of a 10' Utility Easement located within Lot 1, Grand Mesa Center, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

7. Background Information/Staff Analysis
8. Site Location Map

- 9. Aerial Photo Map
- 10. Future Land Use Map
- 11. Existing City Zoning Map
- 12. Resolution & Exhibit A

BACKGROUND INFORMATION				
Location:		2464 Hwy. 6 & 50		
Applicant:		AIG Baker Grand Junction LLC		
Existing Land Use:		Retail Shopping Center		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	General Commercial		
	South	General Commercial		
	East	General Commercial		
	West	Commercial		
Existing Zoning:		C-2, General Commercial		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	C-2, General Commercial		
	South	C-2, General Commercial		
	East	C-2, General Commercial		
	West	C-1, Light Commercial		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		N/A	Yes	No

Staff Analysis: Grand Mesa Center was constructed in 2001 with various utility easements dedicated on the Final Plat for the benefit of serving the commercial retail development. Today, with Grand Mesa Center fully constructed and developed and in the process of an ownership change, it was discovered by the prospective new owners that this portion of the 10’ wide utility easement which lies under the Petco building had never been vacated. The petitioner’s are requesting this partial easement vacation so that this issue can be resolved.

Consistency with the Growth Plan:

The site is currently zoned C-2, General Commercial with the Growth Plan Future Land Use Map showing this area as Commercial/Industrial.

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:

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

Granting this request to vacate a portion of the existing utility easement does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

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

No parcel will be landlocked as a result of this partial easement vacation.

3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access will not be restricted.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the partial vacation request.

5. 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.

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the utilities have been located on the property to be within a new easement that was previously dedicated by a separate instrument and filed at the Mesa County Courthouse. No adverse comments were received from the utility review agencies.

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

Maintenance requirements to the City will not change as a result of the proposed partial vacation as the utilities have been located within a new easement dedication.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Grand Mesa Center application, VE-2003-150 for the vacation of a portion of a 10' wide Utility Easement, the Planning Commission at their September 23, 2003 meeting made the following findings of fact and conclusions:

1. The requested vacation of a portion of a 10' Utility Easement is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.

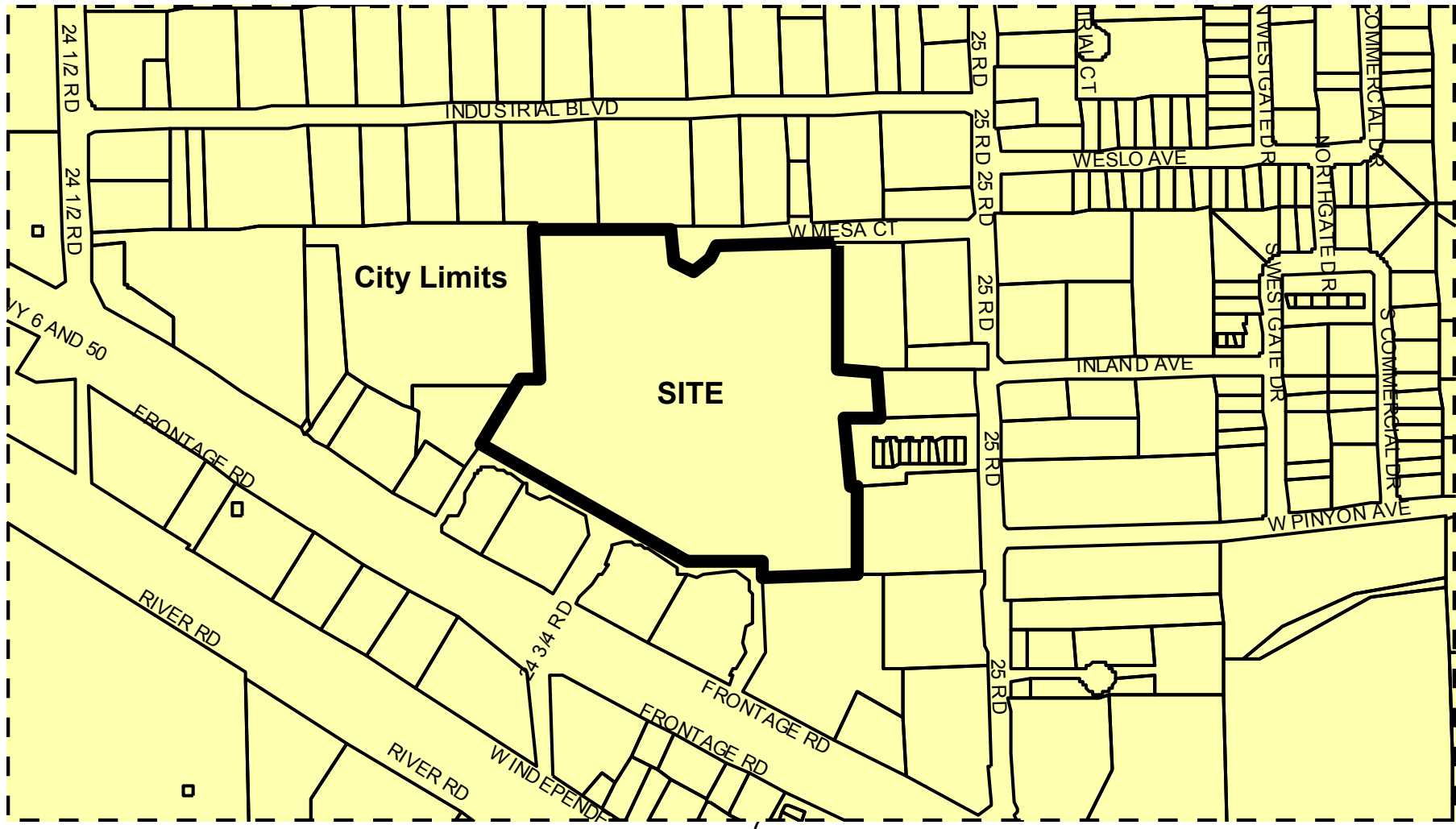
Action Requested/Recommendation: Approval of the Resolution vacating a portion of a 10' Utility Easement located within Lot 1, Grand Mesa Center, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. Easement Vacation Exhibit
6. Resolution & Exhibit A

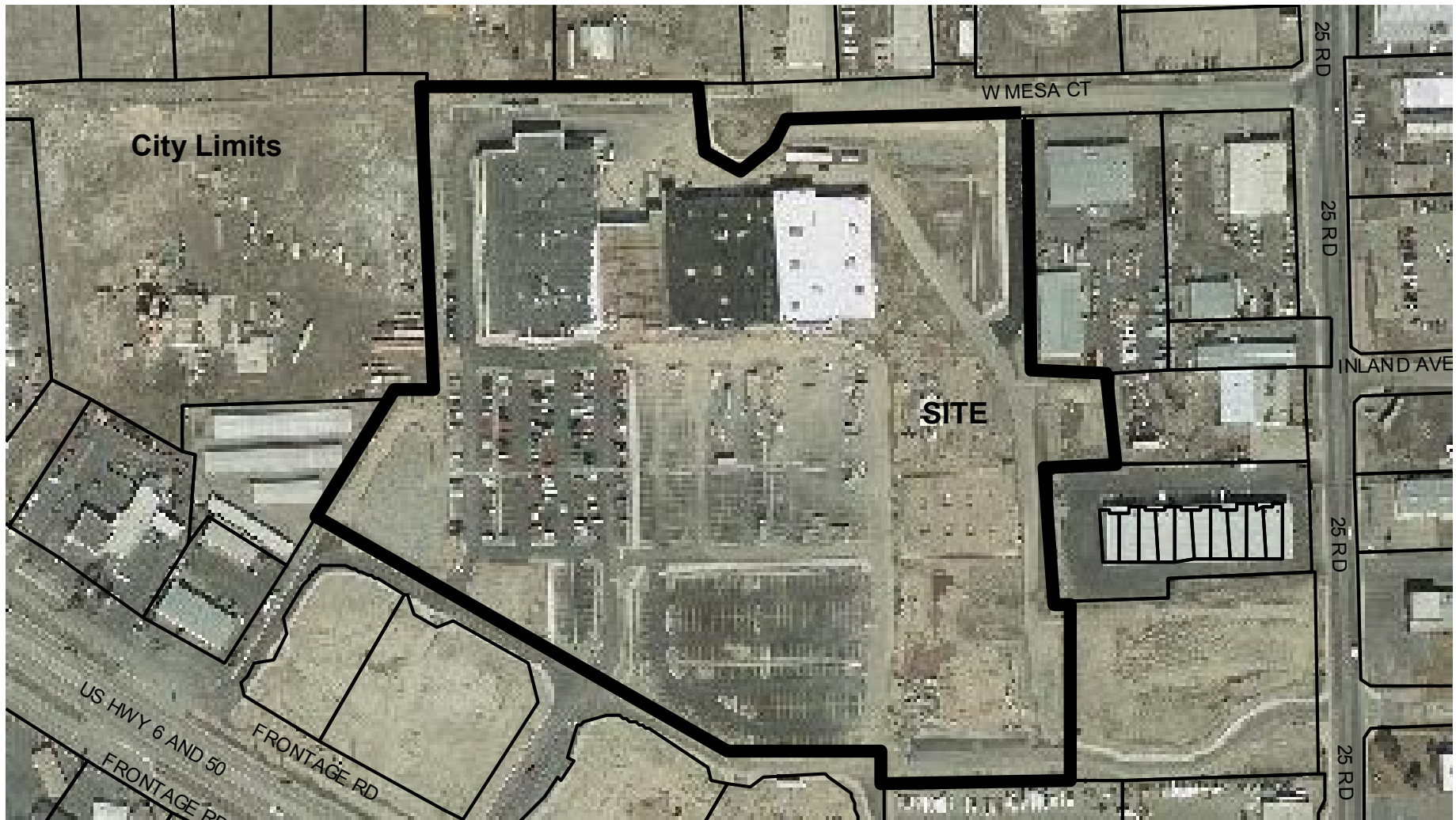
Site Location Map – 2464 Hwy. 6 & 50 - Easement Vacation

Figure 1



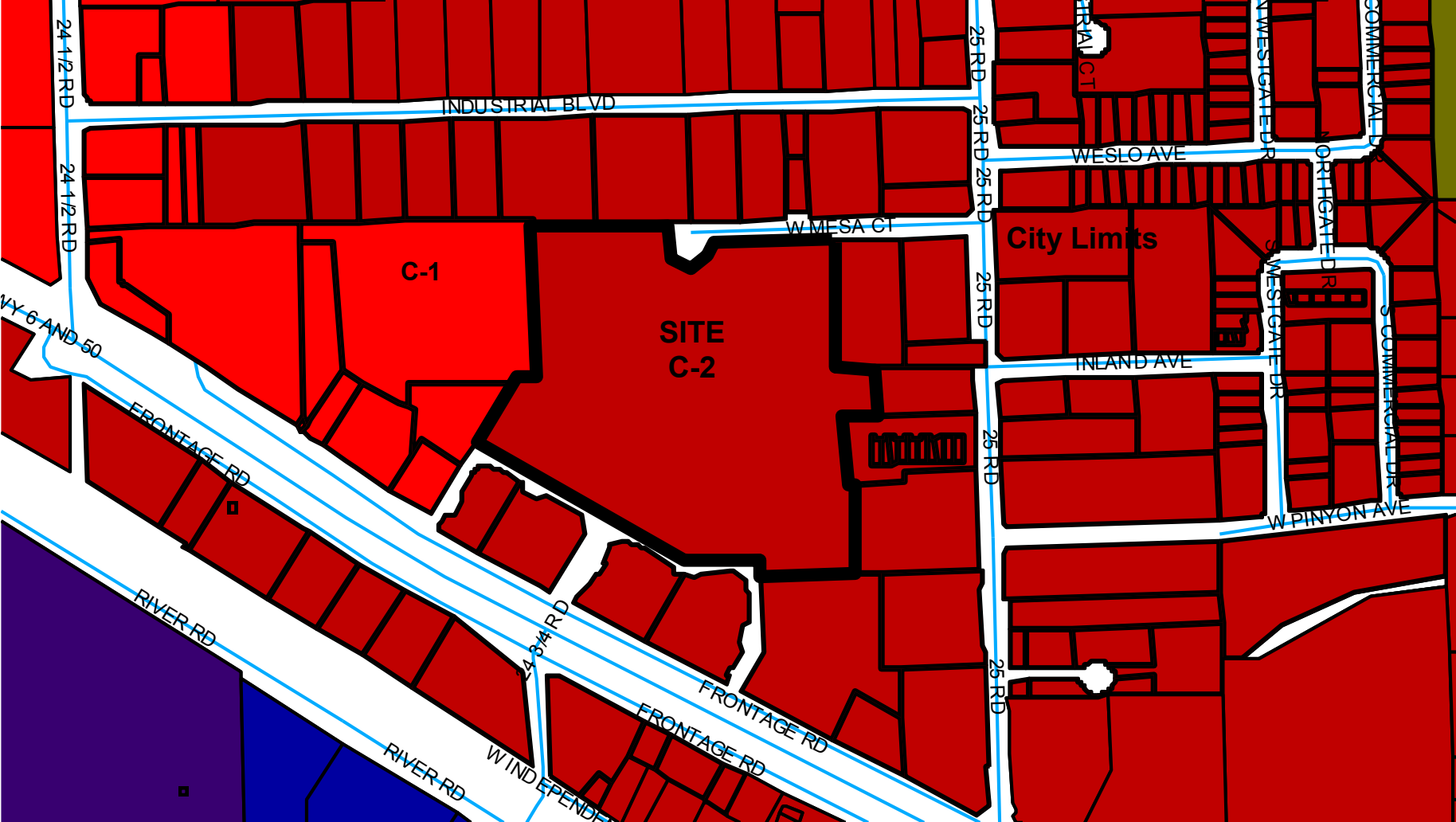
Aerial Photo Map – 2464 Hwy. 6 & 50 – Easement Vacation

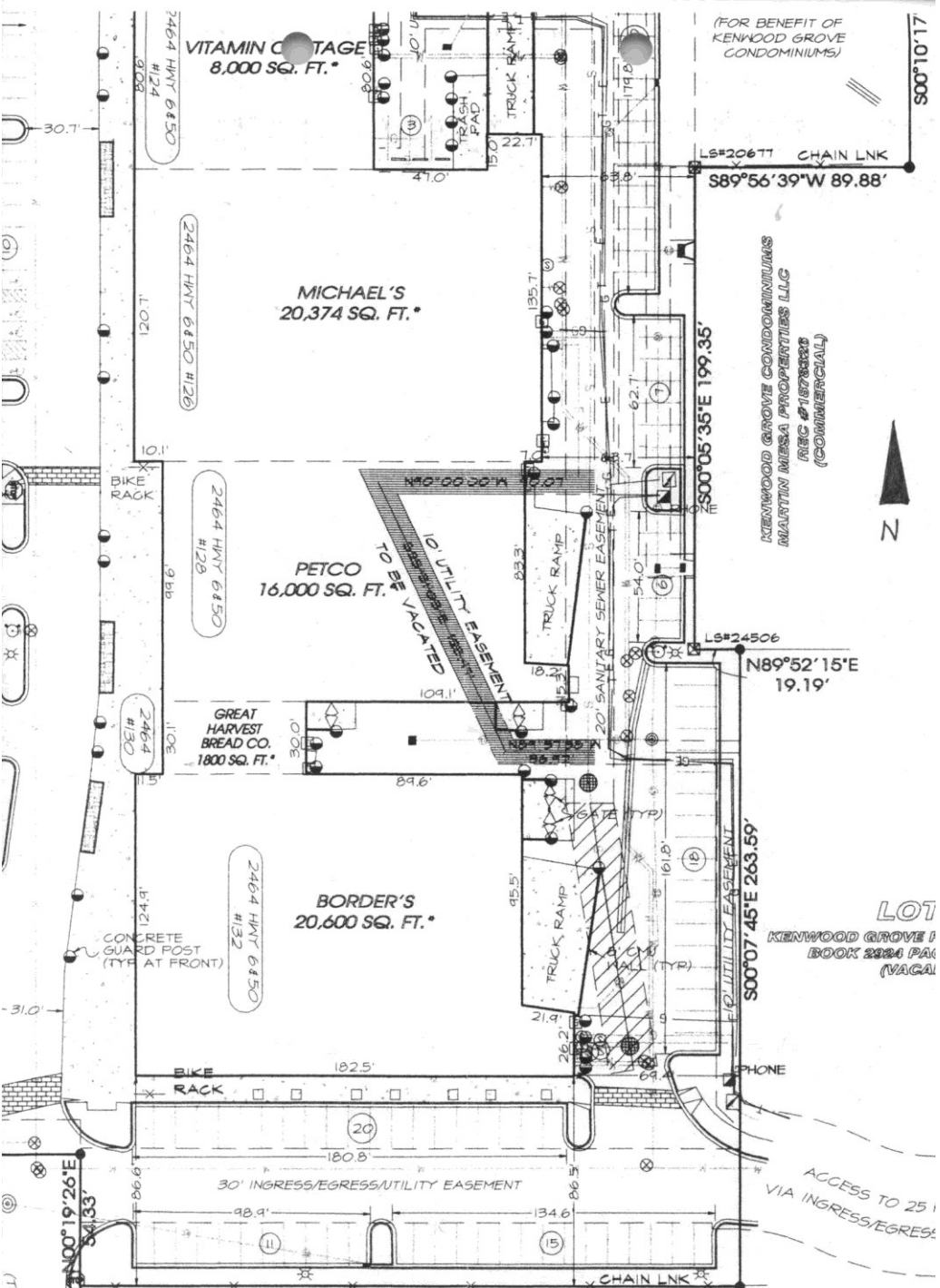
Figure 2



Existing City Zoning – 2464 Hwy. 6 & 50 – Easement Vac.

Figure 4





(FOR BENEFIT OF
KENWOOD GROVE
CONDOMINIUMS)

LS#20677 CHAIN LNK
S89°56'39"W 89.88'

KENWOOD GROVE CONDOMINIUMS
MARTIN MESA PROPERTIES LLC
REC #71078333
(COMMERCIAL)

LS#24506
N89°52'15"E
19.19'

LOT 1
KENWOOD GROVE I
BOOK 2324 PAGE
(VACANT)

LS#20745'E 263.59'

ACCESS TO 25 I
VIA INGRESS/EGRESS

CITY OF GRAND JUNCTION

Resolution No. _____

A RESOLUTION VACATING A PORTION OF A 10' WIDE UTILITY EASEMENT
LYING WITHIN LOT 1, GRAND MESA CENTER
KNOWN AS: 2464 HWY. 6 & 50

RECITALS:

The applicant proposes to vacate a 10' wide Utility Easement located within Lot 1, Grand Mesa Center that is no longer needed due to the relocation of utility lines and the filing of new 10' Utility Easement and Sanitary Sewer Easements within Lot 1, Grand Mesa Center.

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

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

1. The following described utility easement is hereby vacated:

A portion of a ten (10.00) foot wide easement across Lot 1 of Grand Mesa Center, according to the plat recorded at Reception No. 2010354, Mesa County Colorado; lying five feet each side of the following described centerline:

Beginning at a point on the centerline of an existing ten foot wide utility easement as shown and dedicated on the plat of said Grand Mesa Center, whence the Southeast corner of said Lot 1 bears South 10°29'30" East, a distance of 338.19 feet, and with all bearings herein being relative to the plat of said Grand Mesa Center;

Thence North 90°00'00" West, a distance of 90.07 feet;

Thence South 25°31'03" East, a distance of 123.97 feet;

Thence South 89°57'58" East, a distance of 36.92 feet to the Point of Termination.

See attached Exhibit A.

PASSED and ADOPTED this 1st day of October, 2003.

ATTEST:

City Clerk

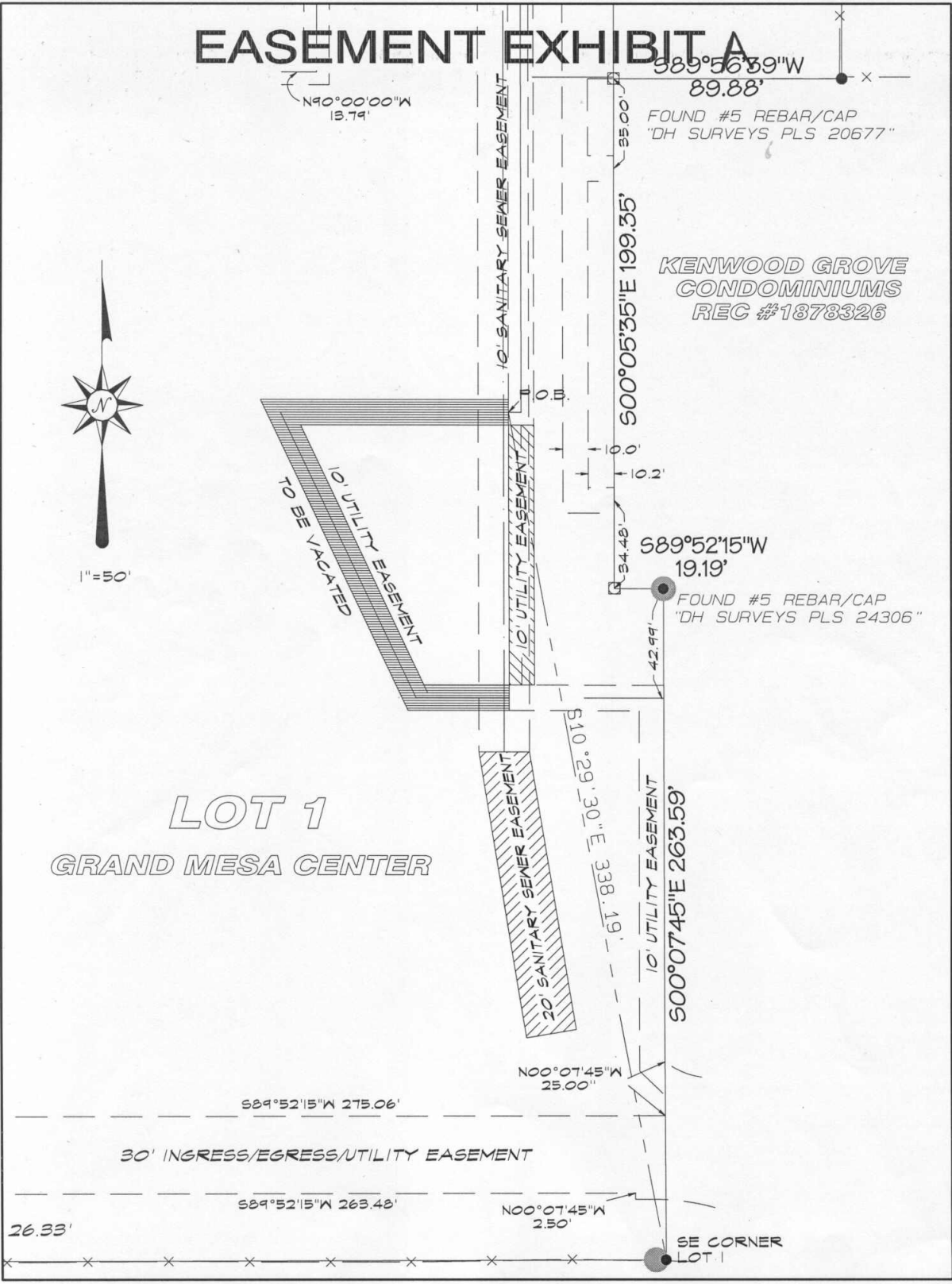
President of City Council

EASEMENT EXHIBIT A



LOT 1
GRAND MESA CENTER

KENWOOD GROVE
CONDOMINIUMS
REC #1878326



**Attach 5
Setting a Hearing Church on the Rock Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Church on the Rock Annexation located at 2170 Broadway						
Meeting Date	October 1, 2003						
Date Prepared	September 24, 2003				File #ANX-2003-197		
Author	Scott D. Peterson		Associate Planner				
Presenter Name	Scott D. Peterson		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.4946 acre Church on the Rock Annexation consists of one (1) parcel of unplatted land along with a portion of the Rio Hondo Road right-of-way. The petitioner’s intent is to annex and then submit a Site Plan Review for a new church building with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer district.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Church on the Rock Annexation petition and introduce the proposed Church on the Rock Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for November 5th, 2003.

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. Resolution Referring Petition
- 7. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2170 Broadway		
Applicant:		Church on the Rock, Inc. (a Colo. Non-profit Corp.)		
Existing Land Use:		Church sanctuary		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential and Vacant Commercial		
Existing Zoning:		Residential Single Family – 4 (RSF-4) (County)		
Proposed Zoning:		Residential Single Family – 2 (RSF-2)		
Surrounding Zoning:	North	Residential Single Family – 4 (RSF-4) (County)		
	South	Residential Single Family – 4 (RSF-4) (County) & Comm. Services & Rec. (CSR) (City)		
	East	Residential Single Family – 4 (RSF-4) (County)		
	West	Residential Single Family – 4 (RSF-4) (County) & Commercial (County)		
Growth Plan Designation:		Residential Medium Low (2 – 4 DU/Ac.)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.4946 acres of land and is comprised of one (1) parcel of land. The property owners have requested annexation into the City in anticipation of developing a second building on the property. Under the 1998 Persigo Agreement all new development requires annexation and processing in the City.

It is staff’s 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

Church on the Rock Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

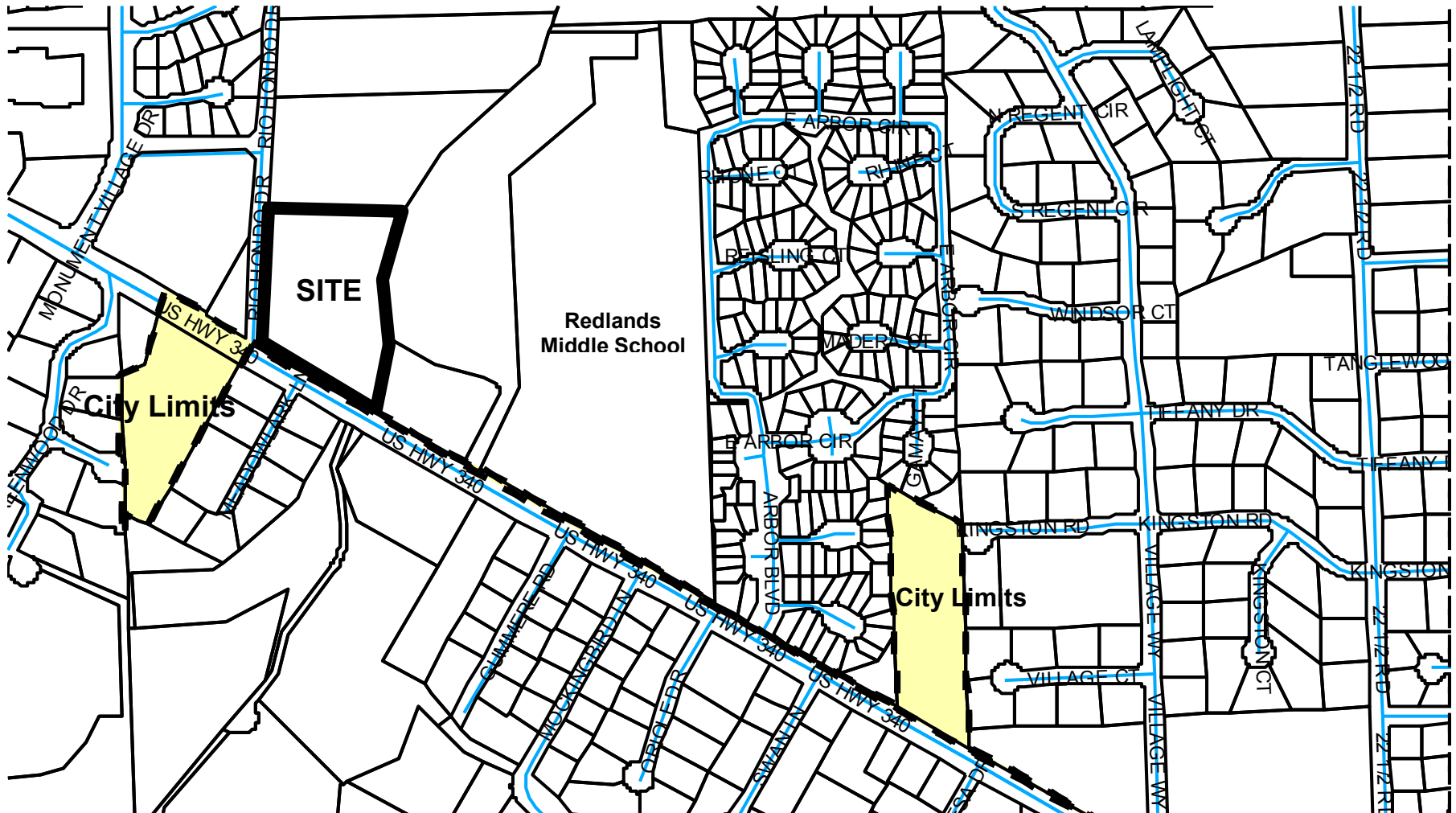
<u>ANNEXATION SCHEDULE</u>	
October 1, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
October 14, 2003	Planning Commission considers Zone of Annexation
October 15, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council
November 5, 2003	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 7, 2003	Effective date of Annexation and Zoning

CHURCH ON THE ROCK ANNEXATION SUMMARY

File Number:	ANX-2003-197	
Location:	2170 Broadway	
Tax ID Number:	2947-231-00-950	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	5.4946	
Developable Acres Remaining:	5.0148	
Right-of-way in Annexation:	0.4798	
Previous County Zoning:	Residential Single Family – 4 (RSF-4)	
Proposed City Zoning:	Residential Single Family – 2 (RSF-2)	
Current Land Use:	Church sanctuary	
Future Land Use:	N/A	
Values:	Assessed:	\$163,300
	Actual:	\$563,090
Census Tract:	1402	
Address Ranges:	2170	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	City
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Redlands Irrigation & Drainage District
	School:	School District 51
	Pest:	Redlands Mosquito Control

Site Location Map – Church on the Rock – 2170 Broadway

Figure 1



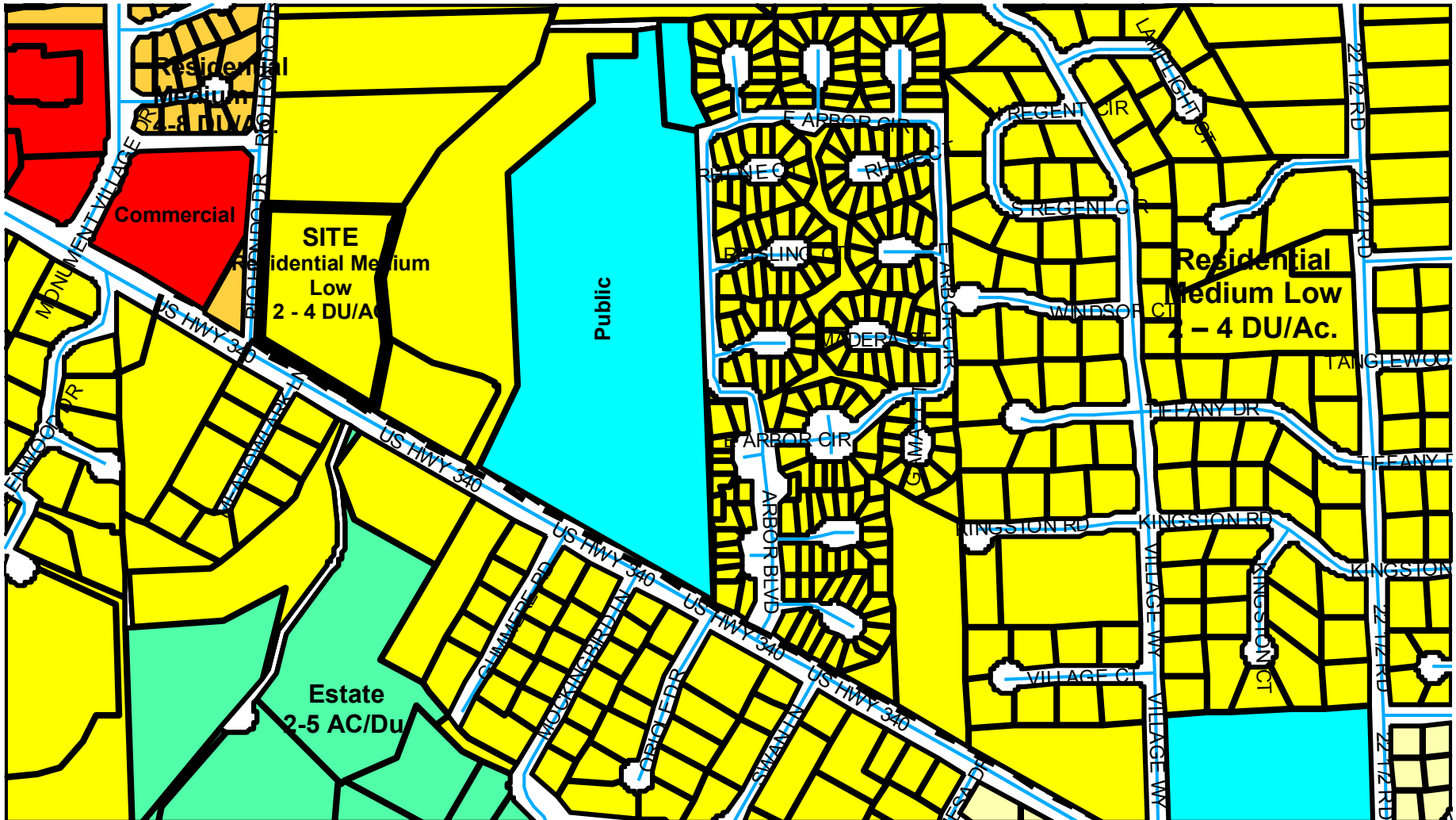
Aerial Photo Map – Church on the Rock – 2170 Broadway

Figure 2



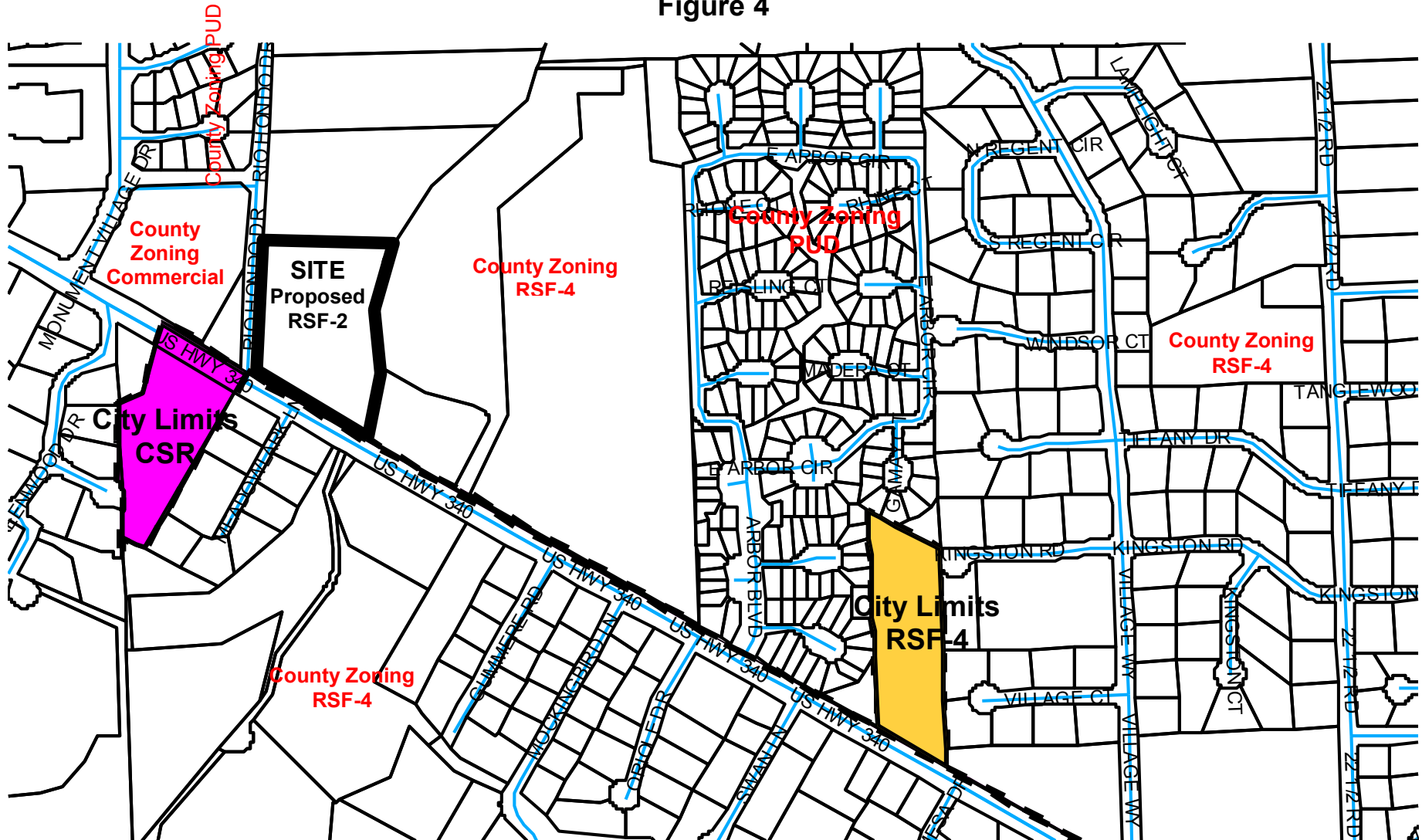
Future Land Use Map – Church on the Rock – 2170 Broad.

Figure 3



Existing City and County Zoning – Church on the Rock

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."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st day of October, 2003, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

CHURCH ON THE ROCK ANNEXATION

**LOCATED at 2170 Broadway and including a portion
of the Rio Hondo Road right-of-way**

WHEREAS, on the 1st day of October 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:

CHURCH ON THE ROCK ANNEXATION

A certain parcel of land lying in the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the point of intersection of the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), and the East line of the 50' right of way for Rio Hondo Road, as same is recorded in Book 945, Page 602, Public Records of Mesa County, Colorado and depicted on the Plat of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado, being the Southwest corner of that certain parcel of land, Parcel Control Number 2947-231-00-950, Mesa County, Colorado, and considering the East line of said Rio Hondo Road to bear N 05°01'52" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 59°01'04" W along the North line of said Colorado Highway 340 (Broadway) a distance of 55.61 feet to a point on the West right of way for said Rio Hondo Road; thence N 05°01'52" E along the West line of said Rio Hondo Road and the East line of said Monument Village Commercial Center, a distance of 403.74 feet; thence S 89°50'04" E a distance of 491.91 feet; thence S 33°53'56" W a distance of 75.24 feet; thence S 13°15'56" W a distance of 180.80 feet; thence S 06°19'04" E a distance of 229.00 feet; thence S 18°52'58" W a distance of 189.71 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway);

thence N 59°01'04" W along said Northerly right of way, a distance of 419.90 feet, more or less, to the Point of Beginning.

CONTAINS 5.4946 Acres (239,346.95 Square Feet) more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 5th day of November, 2003, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 1st day of October, 2003.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
October 3, 2003
October 10, 2003
October 17, 2003
October 24, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CHURCH ON THE ROCK ANNEXATION

APPROXIMATELY 5.4946 ACRES

**LOCATED AT 2170 Broadway and including a portion of the
Rio Hondo Road right-of-way**

WHEREAS, on the 1st day of October, 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 5th day of November, 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:

CHURCH ON THE ROCK ANNEXATION

A certain parcel of land lying in the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the point of intersection of the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), and the East line of the 50' right of way for Rio Hondo Road, as same is recorded in Book 945, Page 602, Public

Records of Mesa County, Colorado and depicted on the Plat of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado, being the Southwest corner of that certain parcel of land, Parcel Control Number 2947-231-00-950, Mesa County, Colorado, and considering the East line of said Rio Hondo Road to bear N 05°01'52" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 59°01'04" W along the North line of said Colorado Highway 340 (Broadway) a distance of 55.61 feet to a point on the West right of way for said Rio Hondo Road; thence N 05°01'52" E along the West line of said Rio Hondo Road and the East line of said Monument Village Commercial Center, a distance of 403.74 feet; thence S 89°50'04" E a distance of 491.91 feet; thence S 33°53'56" W a distance of 75.24 feet; thence S 13°15'56" W a distance of 180.80 feet; thence S 06°19'04" E a distance of 229.00 feet; thence S 18°52'58" W a distance of 189.71 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence N 59°01'04" W along said Northerly right of way, a distance of 419.90 feet, more or less, to the Point of Beginning.

CONTAINS 5.4946 Acres (239,346.95 Square Feet) more or less, as described.

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

INTRODUCED on first reading on the 1st day of October, 2003 and ordered published.

ADOPTED on second reading this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 6
Setting a Hearing Gowhari Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Gowhari Annexation located at 563 20 ½ Rd					
Meeting Date	October 1, 2003					
Date Prepared	September 24, 2003			File #GPA-2003-183		
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 25.103 acre Gowhari annexation consists of 3 parcel(s). This annexation is part of a requested Growth Plan Amendment to change 24.503 acres on the Future Land Use Map from Rural 5-35 ac/du to Residential Low 1/2 – 2 ac/du. The Growth Plan Amendment request will be heard at a later date.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral of the Gowhari Annexation petition and introduce the proposed Gowhari Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for November 5, 2003.

Background Information: See attached Staff Report/Background Information

Attachments:

8. Staff report/Background information
9. General Location Map
10. Aerial Photo
11. Growth Plan Map
12. Zoning Map
13. Annexation map
14. Resolution Referring Petition
15. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway			
Applicants:		Owner: Elizabeth Gowhari; Representative: Thompson-Langford – Doug Thies			
Existing Land Use:		Irrigated pasture and Single Family Homes			
Proposed Land Use:		Future residential uses			
Surrounding Land Use:	North	Single Family Residential average 5 acre lots			
	South	Single Family Residential .5 to 1 acre lots			
	East	Single Family Residential .25 to .5 acre lots			
	West	New church site			
Existing Zoning:		RSF-R: 1 du/5 ac			
Proposed Zoning:		Applicant request is for RSF-2; Final zoning to be determined after GPA is reviewed.			
Surrounding Zoning:	North	RSF-R			
	South	PD/RSF-4			
	East	RSF-R			
	West	RSF-R			
Growth Plan Designation:		Rural			
Zoning within density range?		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 25.103 acres of land and is comprised of 3 parcel(s). The property owners have requested annexation into the City as the result of needing a Rezone in the County. A Growth Plan Amendment to change 24.503 acres of the property from Rural 5 - 35 ac/du to Residential Low ½ -2 ac/du has also been submitted. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

It is staff's 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 Gowhari Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

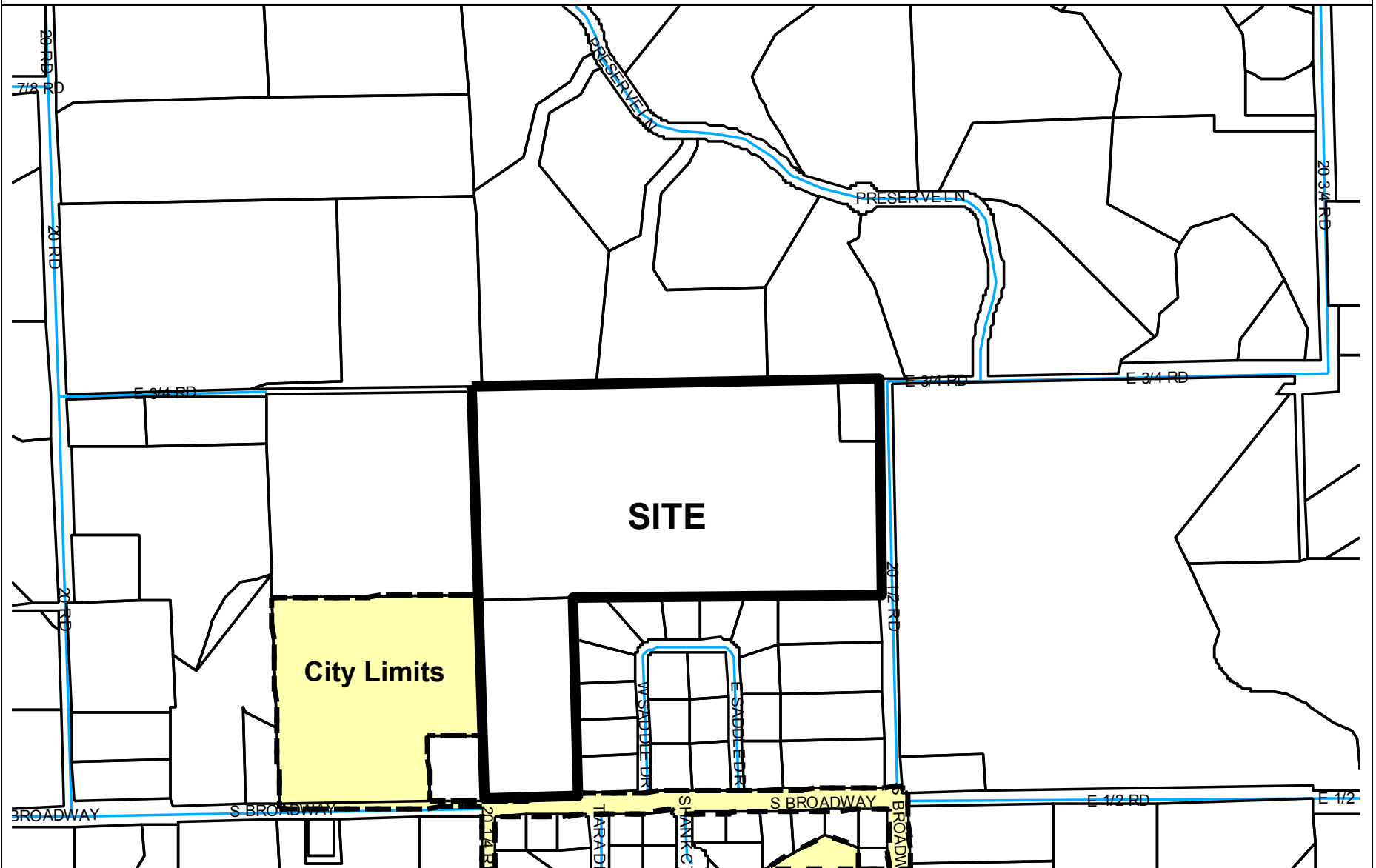
<u>ANNEXATION SCHEDULE</u>	
October 1, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 5, 2003	Acceptance of Petition and Public Hearing on Annexation City Council
December 7, 2003	Effective date of Annexation

<u>ZONING SCHEDULE</u>
Zoning for this project will be proposed following the Planning Commission and City Council review and consideration of the proposed Growth Plan Amendment.

GOWHARI ANNEXATION SUMMARY		
File Number:	GPA-2003-183	
Location:	563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway	
Tax ID Number:	2947-222-00-184; 2947-222-40-001; 2947-222-40-002	
Parcels:	3	
Estimated Population:	7	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	3	
Acres land annexed:	25.103 acres	
Developable Acres Remaining:	24.473 acres	
Right-of-way in Annexation:	0.630 acres – 687’ of 20 ½ Rd (full width of ROW)	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	Applicant request is for RSF-2; Final zoning to be determined after GPA is reviewed.	
Current Land Use:	Irrigated pasture and Single Family Homes	
Future Land Use:	Future residential uses	
Values:	Assessed:	\$17,960
	Actual:	\$225,640
	Assessed:	\$28,020
	Actual:	\$301,490
	Assessed:	\$13,560
	Actual:	\$170,280
Address Ranges:	563 – 573 20 ½ Rd (odd only); 2026 S. Broadway	
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Redlands Water & Power
	School:	Mesa County School District #51
	Pest:	

Site Location Map

Figure 1



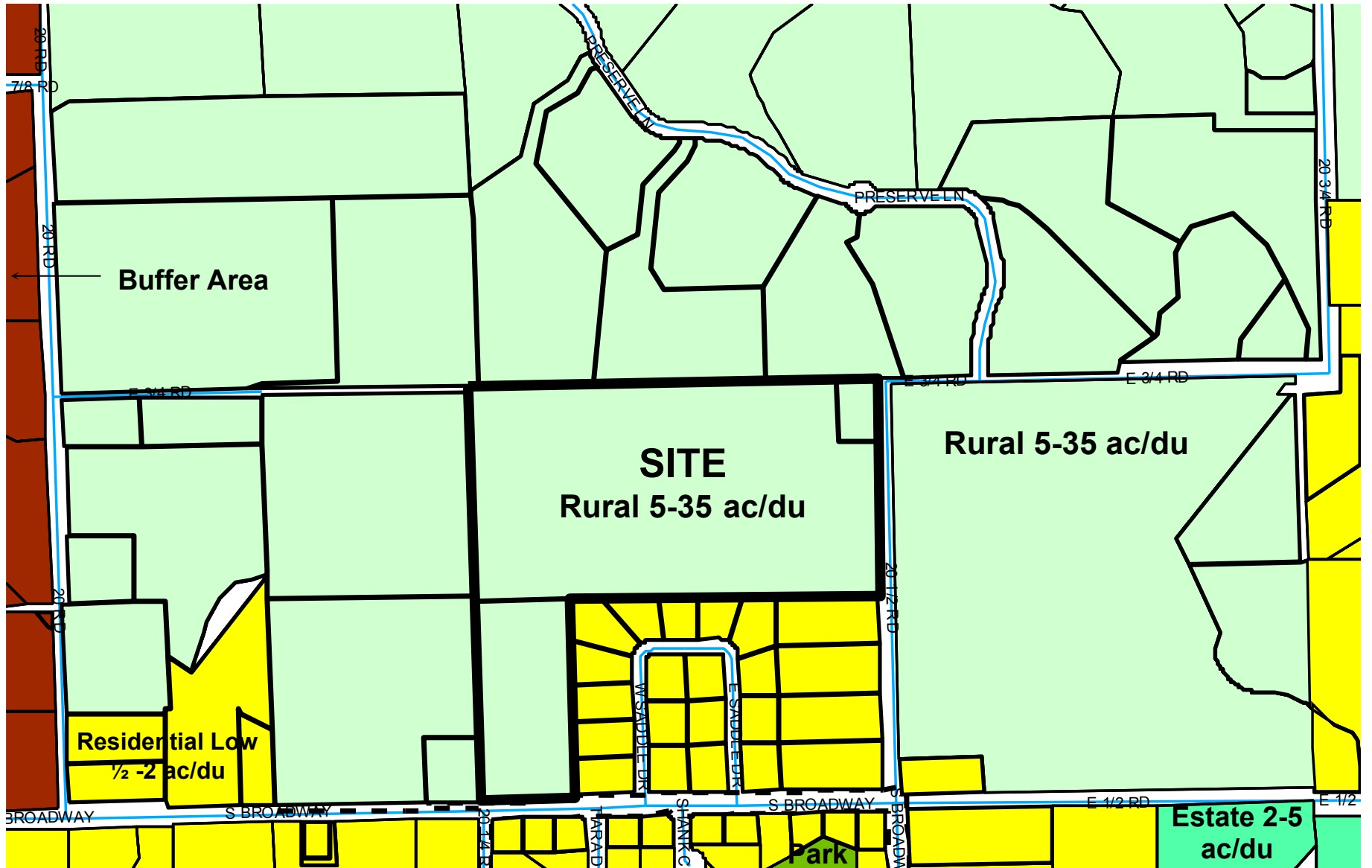
Aerial Photo Map

Figure 2



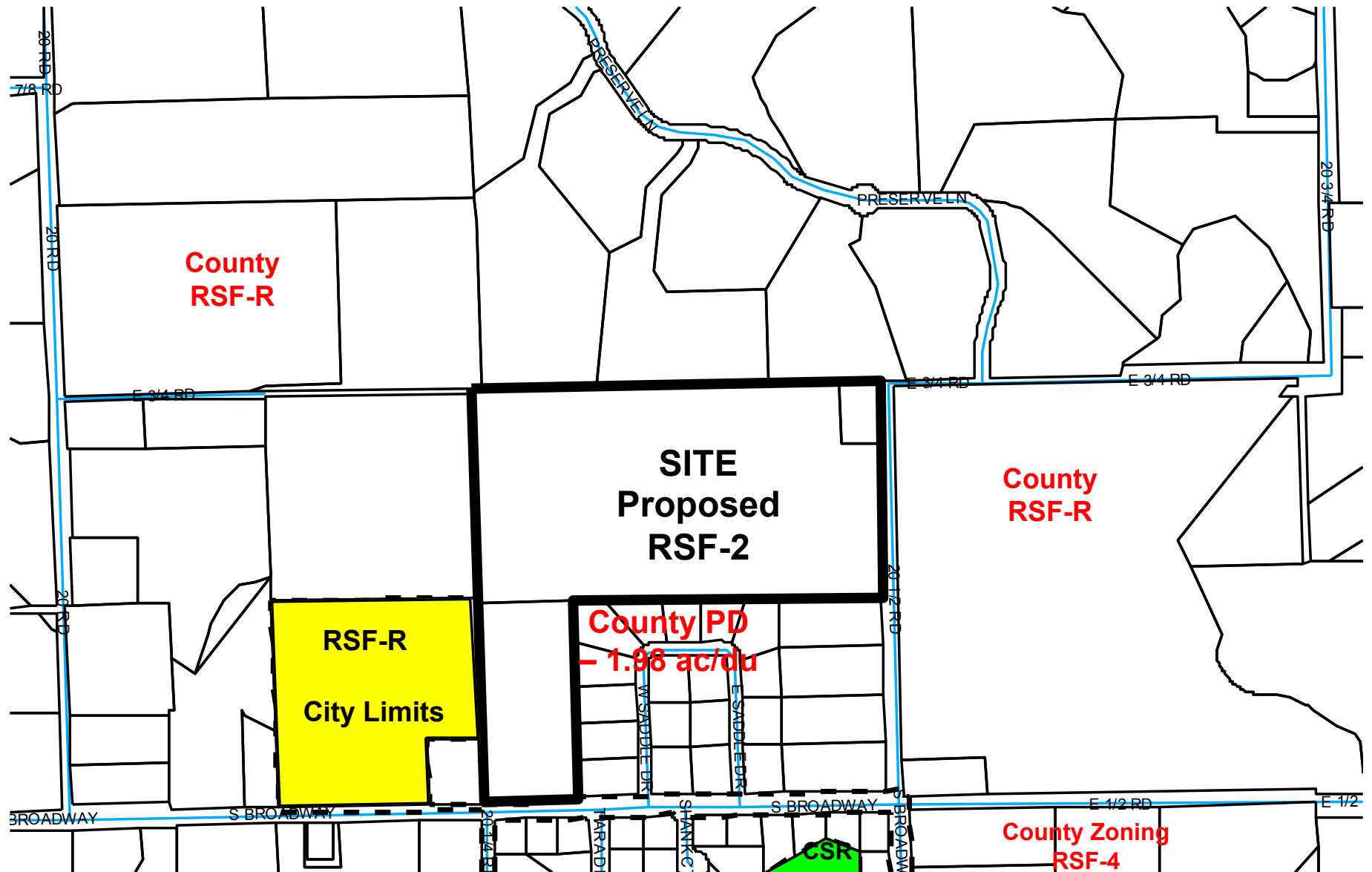
Future Land Use Map

Figure 3



Existing City and County Zoning

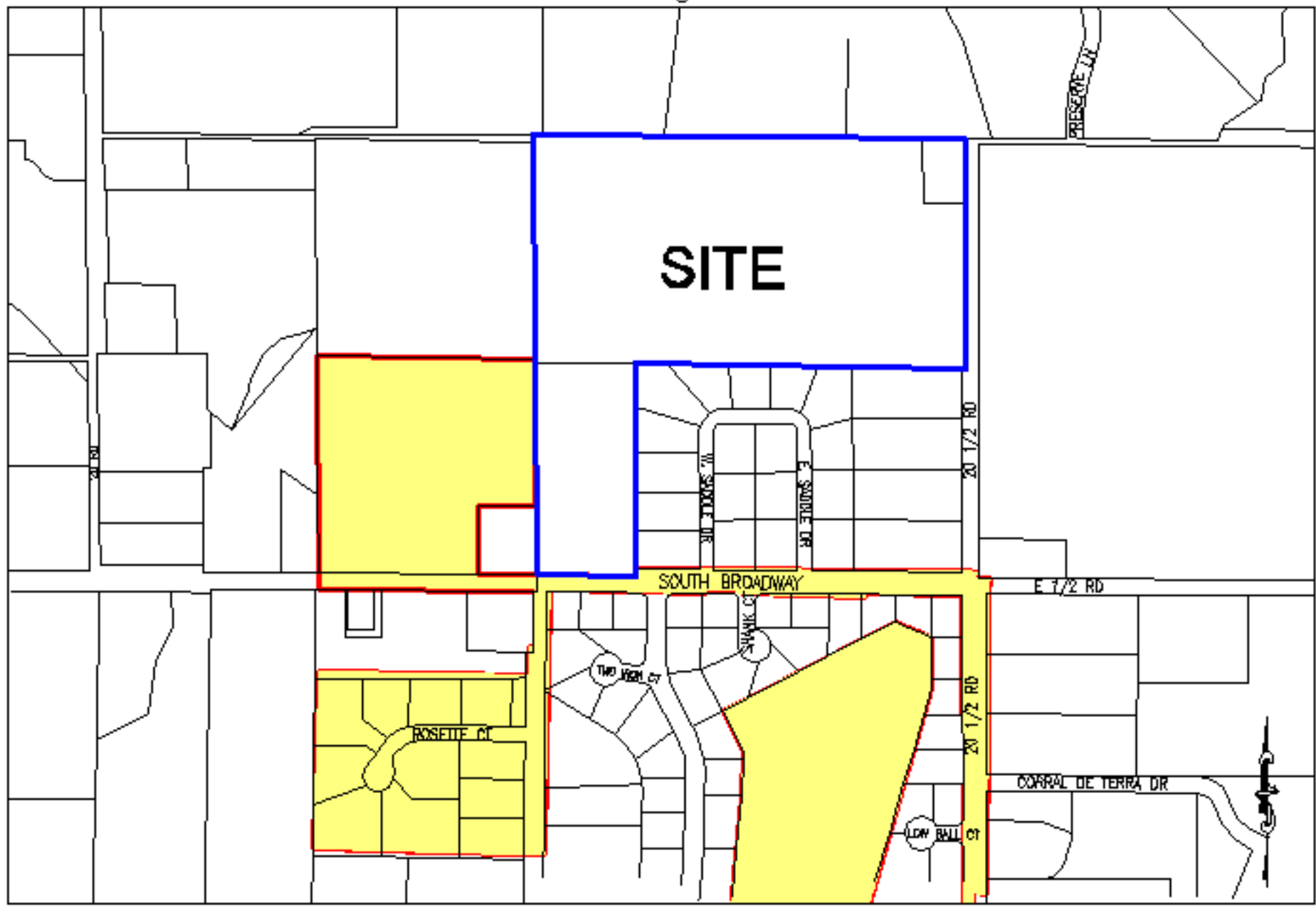
Figure 4



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."

Gowhari Annexation

Figure 5



City Limits Annexation Boundary

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of October, 2003, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

GOWHARI ANNEXATION

**LOCATED at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and including a portion of
the 20 ½ Road right-of-way.**

WHEREAS, on the 1st day of October, 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:

GOWHARI ANNEXATION

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

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 20.00 feet to a point on the North right of way for South Broadway and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22, a distance of 1310.96 feet, more or less, to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 1306.37 feet, more or less, to a point being the Northeast corner of the SE 1/4 NW 1/4 of said Section 22; thence N 89°35'28" E along the North line of the SW 1/4 NE 1/4 of said Section 22, a distance of 20.00 feet; thence S 00°53'16" E along a line 20.00 feet East of and parallel to the West line of the SW 1/4 NE 1/4 of said Section 22, being the East right of way for 20-1/2 Road, a distance

of 686.71 feet, more or less, to a point on the Easterly extension of the North line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado; thence S 89°59'40" W along the North line of said Saddleback Subdivision, a distance of 1026.57 feet, more or less, to a point being the Northwest corner of said Saddleback Subdivision; thence S 00°53'16" E along the West line of said Saddleback Subdivision, a distance of 632.08 feet, more or less, to a point on the North right of way for South Broadway; thence S 89°40'40" W along the said North right of way, being a line 20.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 22, a distance of 298.67 feet, more or less, to the Point of Beginning.

CONTAINS 25.103 Acres (1,093,505 Sq. Ft.) more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

3. That a hearing will be held on the 5th day of November, 2003, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
4. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 1st day of October, 2003.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
October 3, 2003
October 10, 2003
October 17, 2003
October 24, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GOWHARI ANNEXATION

APPROXIMATELY 25.103 ACRES

**LOCATED AT 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and including a portion
of the 20 ½ Road right-of-way**

WHEREAS, on the 1st day of October, 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 5th day of November, 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:

GOWHARI ANNEXATION

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

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 20.00 feet to a point on the North right of way for South Broadway and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22, a distance of 1310.96 feet, more or less, to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 1306.37 feet, more or less, to a point being the Northeast corner of the SE 1/4 NW 1/4 of said Section 22; thence N 89°35'28" E along the North line of the SW 1/4 NE 1/4 of said Section 22, a distance of 20.00 feet; thence S 00°53'16" E along a line 20.00 feet East of and parallel to the West line of the SW 1/4 NE 1/4 of said Section 22, being the East right of way for 20-1/2 Road, a distance of 686.71 feet, more or less, to a point on the Easterly extension of the North line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado; thence S 89°59'40" W along the North line of said Saddleback Subdivision, a distance of 1026.57 feet, more or less, to a point being the Northwest corner of said Saddleback Subdivision; thence S 00°53'16" E along the West line of said Saddleback Subdivision, a distance of 632.08 feet, more or less, to a point on the North right of way for South Broadway; thence S 89°40'40" W along the said North right of way, being a line 20.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 22, a distance of 298.67 feet, more or less, to the Point of Beginning.

CONTAINS 25.103 Acres (1,093,505 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 1st day of October, 2003 and ordered published.

ADOPTED on second reading this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 7
Setting a Hearing on Grand Bud Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Grand Bud annexation located at 28 ½ Rd @ Hwy 50					
Meeting Date	October 1, 2003					
Date Prepared	September 24, 2003			File #GPA-2003-184		
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 24.153 acre Grand Bud annexation consists of 1 parcel. This project is part of a requested Growth Plan Amendment for the southwest 9.948 acres of the property to change the Future Land Use Map from Residential Medium 4-8 du/ac to Commercial. The Growth Plan Amendment request will be heard at a later date.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral of the Grand Bud Annexation petition and introduce the proposed Grand Bud Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for November 5, 2003.

Background Information: See attached Staff Report/Background Information

Attachments:

- 16. Staff report/Background information
- 17. General Location Map
- 18. Aerial Photo
- 19. Growth Plan Map
- 20. Zoning Map
- 21. Resolution Referring Petition
- 22. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		NW corner of 28 ½ Rd & Hwy 50			
Applicants:		Owner/Developer: Grand Bud LLC – Mike & Marc Cadez; Representative: Development Concepts Inc. - Mike Joyce			
Existing Land Use:		Vacant			
Proposed Land Use:		Future residential & commercial uses			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Construction Company			
Existing Zoning:		RSF-4 (Residential Single Family 4 du/ac)			
Proposed Zoning:		RMF-5 (Residential Multi-Family 5 du/ac) & C-2 (General Commercial)			
Surrounding Zoning:	North	RSF-4 (Residential Single Family 4 du/ac) & RMF-5 (Residential Multi-Family 5 du/ac)			
	South	RSF-4 (Residential Single Family 4 du/ac)			
	East	RSF-4 (Residential Single Family 4 du/ac)			
	West	PC (Planned Commercial) & C-2 (Commercial)			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 24.153 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a Rezone in the County. A Growth Plan Amendment to change 9.948 acres of the property from Residential Medium 4-8 du/ac to Commercial has also been submitted. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

It is staff's 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 Grand Bud Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedules are being proposed.

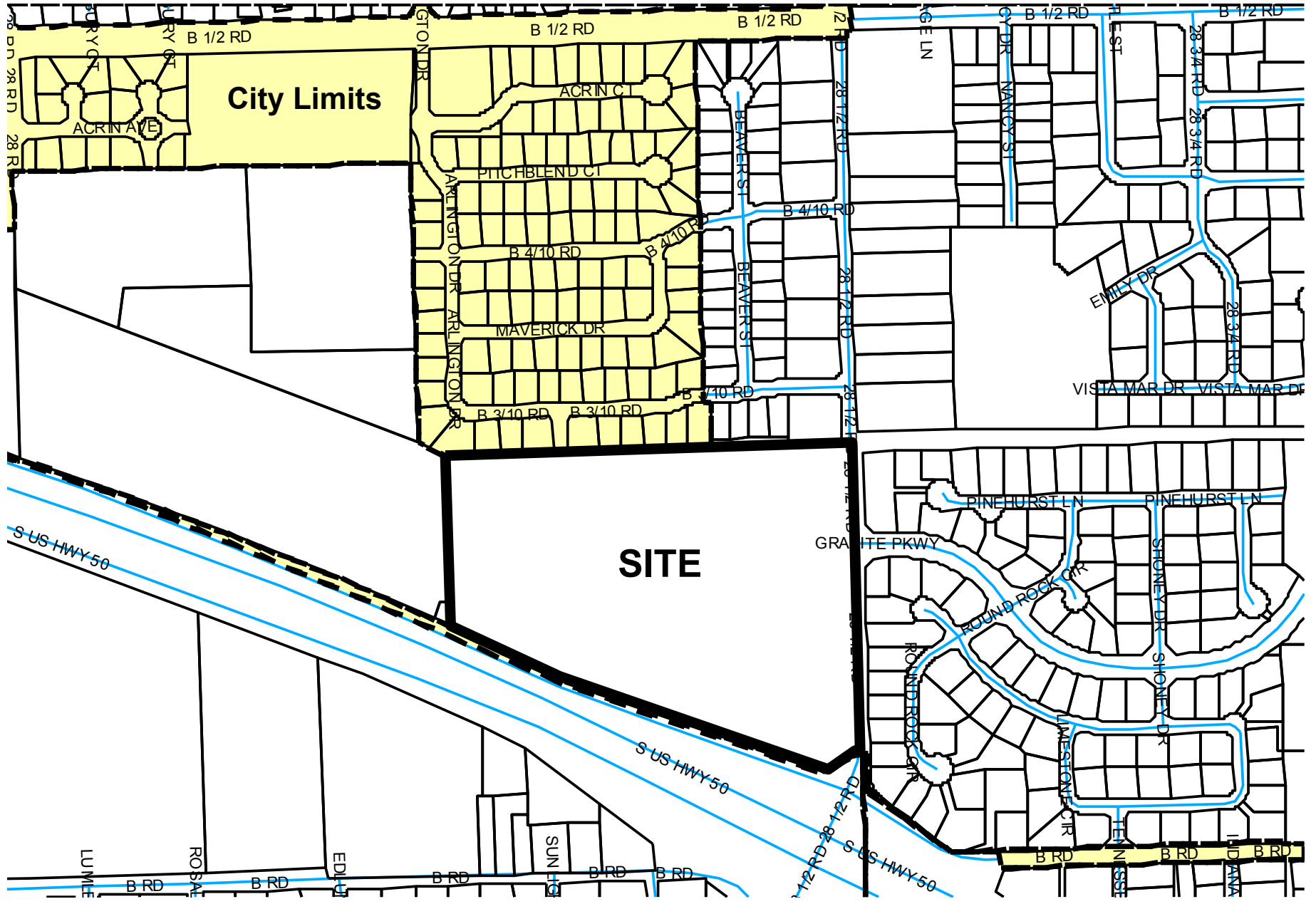
<u>ANNEXATION SCHEDULE</u>	
October 1, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 5, 2003	Acceptance of Petition and Public Hearing on Annexation City Council
December 7, 2003	Effective date of Annexation

<u>ZONING SCHEDULE</u>
Zoning for this project will be proposed following the Planning Commission and City Council review and consideration of the proposed Growth Plan Amendment.

GRAND BUD ANNEXATION SUMMARY	
File Number:	GPA-2003-184
Location:	NW corner of 28 ½ Rd & Hwy 50
Tax ID Number:	2943-303-00-045
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	24.153 acres
Developable Acres Remaining:	23.043 acres
Right-of-way in Annexation:	1.11
Previous County Zoning:	RSF-4 (Residential Single Family 4 du/ac)
Proposed City Zoning:	RMF-5 (Residential Multi-Family 5 du/ac) & C-2 (General Commercial) (Need GPA to Commercial land use)
Current Land Use:	Vacant
Future Land Use:	Residential Medium 4-8 du/ac
Values:	Assessed: \$26,360
	Actual: \$90,900
Address Ranges:	2826 to 2848 Hwy 50 even only & 201 to 223 28 ½ Rd odd only
Special Districts:	Water: Ute Water
	Sewer: Orchard Mesa Sanitation District
	Fire: City of Grand Junction
	Irrigation/ Drainage: Orchard Mesa Irrigation & Drainage District
	School: Mesa County School District #51

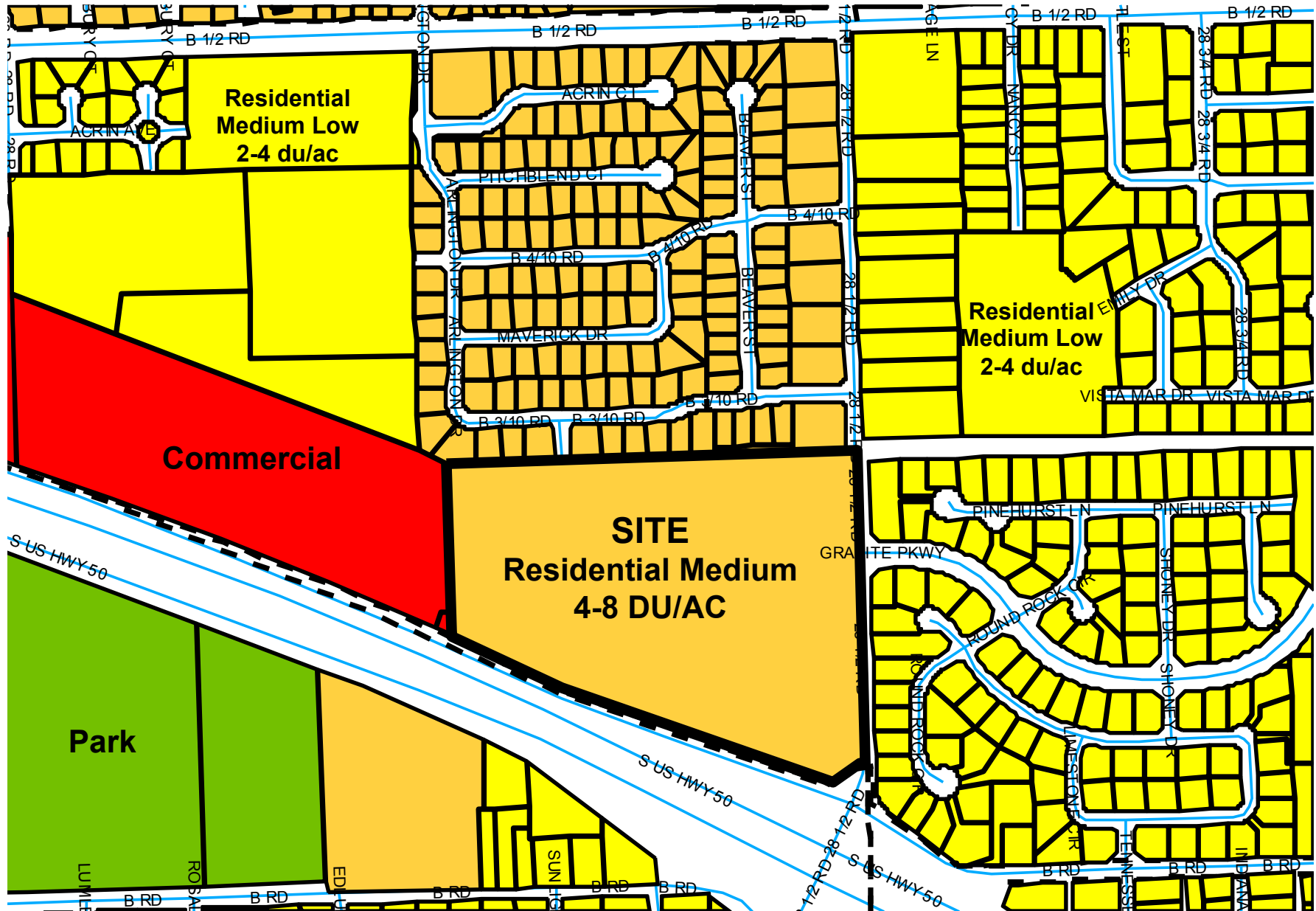
Site Location Map

Figure 1



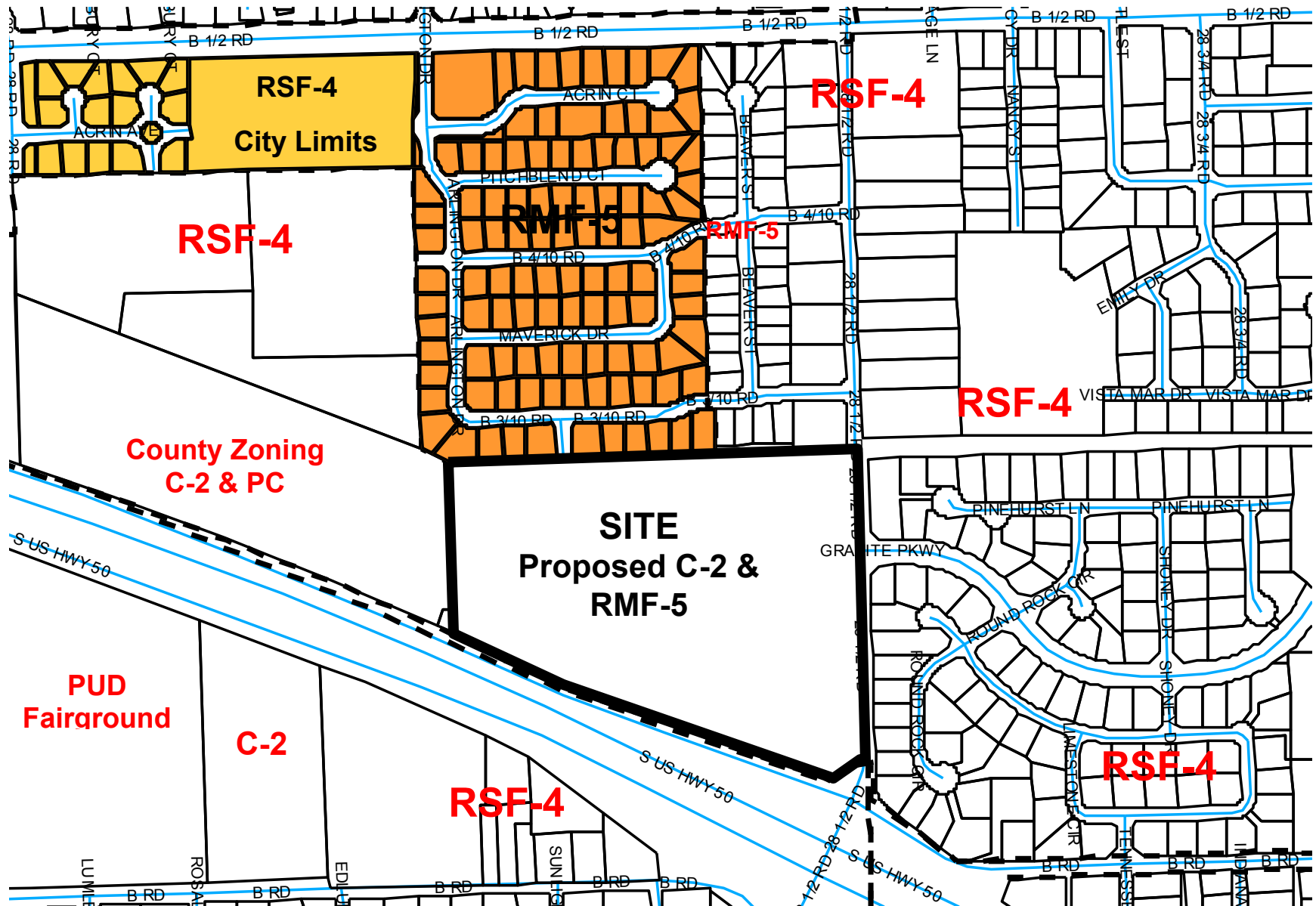
Future Land Use Map

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."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of October, 2003, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

GRAND BUD ANNEXATION

**LOCATED at the Northwest corner of 28 ½ Road and Hwy 50 and including a portion
of the 28 ½ Road right-of-way**

WHEREAS, on the 1st day of October, 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:

GRAND BUD ANNEXATION

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

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 30, and assuming the East line of the SE 1/4 SW 1/4 bears N 00°04'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°04'01" E along the East line of the SE 1/4 SW 1/4 of said Section 30, a distance of 346.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°55'59" W a distance of 20.00 feet; thence S 83°51'30" W a distance of 91.53 feet to a point on the Northerly right of way for U.S. Highway 50, as laid out and now in use; thence N 69°37'00" W, along said North right of way, a distance of 883.90 feet to a point being the beginning of a 11,585.00 radius, non-tangent curve, concave Southwest, whose long chord bears N 62°54'49" W with a long chord length of 381.99 feet; thence 382.01 feet Northwesterly along the arc of said curve, through a central angle of 01°53'21" to a point; thence N 00°04'43" W along a line 55.00 feet East of and parallel to, the West line of the SE 1/4 SW 1/4, a distance of 534.71 feet, more or less, to a point on the North line of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'39" E along the North line of the SE 1/4 SW 1/4 of said Section 30, a distance of 1268.85 feet, more or less, to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'17" E along the

North line of the SW 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet to a point; thence S 00°04'01" W along a line 30.00 feet East of and parallel to, the East line of the SE 1/4 SW 1/4 of said Section 30, being the East right of way for 28-1/2 Road, as shown on the Plat of Grand Springs Filing No. 1, as recorded in Plat Book 16, Page 13 and Grand Springs Filing No. 3, as recorded in Plat Book 18, Page 352, both of the Public Records of Mesa County, Colorado, a distance of 968.34 feet; thence N 89°55'59" W a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 24.153 Acres (1,052,120.6 Sq. Ft.) more or less, as described

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

5. That a hearing will be held on the 5th day of November, 2003, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
6. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 1st day of October, 2003.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
October 3, 2003
October 10, 2003
October 17, 2003
October 24, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GRAND BUD ANNEXATION

APPROXIMATELY 24.153 ACRES

**LOCATED AT THE
NORTHWEST CORNER OF 28 ½ ROAD AND HWY 50 and including a portion of the
28 ½ Road right-of-way**

WHEREAS, on the 1st day of October, 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 5th day of November, 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:

GRAND BUD ANNEXATION

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

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 30, and assuming the East line of the SE 1/4 SW 1/4 bears N 00°04'01" E with all other bearings

contained herein being relative thereto; thence from said Point of Commencement, N 00°04'01" E along the East line of the SE 1/4 SW 1/4 of said Section 30, a distance of 346.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°55'59" W a distance of 20.00 feet; thence S 83°51'30" W a distance of 91.53 feet to a point on the Northerly right of way for U.S. Highway 50, as laid out and now in use; thence N 69°37'00" W, along said North right of way, a distance of 883.90 feet to a point being the beginning of a 11,585.00 radius, non-tangent curve, concave Southwest, whose long chord bears N 62°54'49" W with a long chord length of 381.99 feet; thence 382.01 feet Northwesterly along the arc of said curve, through a central angle of 01°53'21" to a point; thence N 00°04'43" W along a line 55.00 feet East of and parallel to, the West line of the SE 1/4 SW 1/4, a distance of 534.71 feet, more or less, to a point on the North line of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'39" E along the North line of the SE 1/4 SW 1/4 of said Section 30, a distance of 1268.85 feet, more or less, to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'17" E along the North line of the SW 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet to a point; thence S 00°04'01" W along a line 30.00 feet East of and parallel to, the East line of the SE 1/4 SW 1/4 of said Section 30, being the East right of way for 28-1/2 Road, as shown on the Plat of Grand Springs Filing No. 1, as recorded in Plat Book 16, Page 13 and Grand Springs Filing No. 3, as recorded in Plat Book 18, Page 352, both of the Public Records of Mesa County, Colorado, a distance of 968.34 feet; thence N 89°55'59" W a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 24.153 Acres (1,052,120.6 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 1st day of October, 2003 and ordered published.

ADOPTED on second reading this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 8
Contract to Construct Parking Structure**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Parking Garage Resolution					
Meeting Date	October 1, 2003					
Date Prepared	September 23, 2003				File #	
Author	Dan Wilson			City Attorney		
Presenter Name	Dan Wilson			City Attorney		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: This resolution authorizes the payment of the City's 40% interest in the lots on which the parking garage will be built. In exchange, the County will convey to the City a 40% co-tenancy interest in the lots.

Budget: Already approved when the contract between the City and County was authorized.

Action Requested/Recommendation: Adoption of the resolution.

Attachments: Resolution

Background Information: As a first implementation step leading to the construction of the parking structure, title needs to be conveyed to the City and the City needs to pay the County for the 40% interest in the lots. Closing on this transfer will be accomplished within 2 weeks after adoption of the resolution.

**RESOLUTION NO. _____-03
RATIFYING CONTRACT TO CONSTRUCT
A PARKING STRUCTURE OWNED BY MESA COUNTY
AND THE CITY OF GRAND JUNCTION**

Recitals.

- A. The City of Grand Junction and Mesa County have agreed to jointly pay for a four story parking structure, to be constructed by Mesa County. The City will have 40% ownership and the County 60%.
- B. The structure will be constructed on lots currently owned by the County. The parties agree that the lots on which the structure will be built has a fair market value of \$185,000. The City will pay 40% of such value to the County in exchange for a special warranty deed.
- C. Prior to the County beginning construction on behalf of the City and the County, both parties agree that the City should pay the county said value of a 40% interest, and the County will contemporaneously convey its fee simple absolute title, subject to no liens or encumbrances, to Mesa County as to an undivided 60% interest as a co-tenant and to the City of Grand Junction as to an undivided 40% interest as a co-tenant, all in accordance with the agreement between the parties dated September 8, 2003.
- D. The Board of County Commissioners has taken similar authorizing action. See, Mesa County Agreement # 2003-111 in the official records of the Clerk to the Board of County Commissioners of Mesa County.

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

The City Manager is authorized to pay to the Board of County Commissioners of Mesa County the amount of \$74,000 in exchange for a special warranty deed to the City as a co-tenant grantee of an undivided 40% owner, with the Board of County Commissioners being the other co-tenant grantee as to a 60% undivided interest.

This Resolution is PASSED on this _____ day of _____, 2003

ATTEST:

City Clerk

President of the Council

**Attach 9
Communication Equipment for Gateway and Southern Mesa County**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Communication Equipment for Gateway and Southern Mesa County Areas					
Meeting Date	10/01/03					
Date Prepared	09/24/03				File #	
Author	Susan Hyatt Ron Watkins			Senior Buyer Purchasing Manager		
Presenter Name	Mike Kelley Paula Creasy			Fire Captain Communication Center Supervisor		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: Approval is requested for communication equipment to enhance radio coverage in the Gateway area. This is part of the planned expansion of emergency communications throughout Mesa County.

Budget: Funds are available in the E-9-1-1 account 405-442-81100-D01900 in the amount of \$272,283. Total available funding in the 2003 FY Revised Budget is \$368,000.

Action Requested/Recommendation: Authorize the Purchasing Manager to procure the necessary communications equipment from Alcatel USA for an amount of \$272,283.

Attachments:

1. Pricing Summary
2. Feasibility Study

Background Information: As the first step in the Phase II process, this equipment will allow communication in areas of the County that presently have none. This equipment, microwave radio, will pass a two way radio signal across three mountain tops from Lee's Point (Gateway) through Uncompahgre Butte through Mesa Point, and back to the

Communications Center. Three “hops” are needed in order to clear the rough terrain, elevation differences and tree heights. The price includes all the equipment, antenna systems and Path Studies for the project. Prices are obtained through a cooperative purchase with the State of Colorado.



August 20, 2003

Pricing Summary

To:

Grand Junction Fire Department
Attn: Michael Kelley

Grand Junction, CO
Tel:

From:

Alcatel USA
Barry D Jones
3400 West Plano Pkwy, WLS 35
Plano, TX 75075
Tel: 972-477-4351

Grand Junction Comm Center to Lee's Point MDR-8000 Radio Project

Alcatel Proposal # F27815B

*Please reference this proposal number when ordering

Site	Description	Total
Grand Junction CC	MDR-8506-4-29-HS 4 x DS1 Radio	\$28,470
Mesa Point	MDR-8506-4-23/29-HS 4 x DS1 Radios	\$55,226
U-Butte	MDR-8506-4-23-HS 4 x DS1 Radios	\$54,516
Lee's Point	MDR-8506-4-23-HS 4 x DS1 Radio	\$27,686
	Radio Spares	\$13,249
Grand Junction CC	Antenna System	\$7,269
Mesa Point	Antenna System	\$11,511
U-Butte	Antenna System	\$11,902
Lee's Point	Antenna System	\$6,638
Grand Junction CC	Charles Industries Channel Bank Equipment	\$5,214
Mesa Point	Charles Industries Channel Bank Equipment	\$4,174
U-Butte	Charles Industries Channel Bank Equipment	\$0
Lee's Point	Charles Industries Channel Bank Equipment	\$4,174
	Channel Bank Spares	\$7,044
Grand Junction CC	DSX Cross Connect	\$589
Mesa Point	DSX Cross Connect	\$689
U-Butte	DSX Cross Connect	\$689
Lee's Point	DSX Cross Connect	\$589
	DSX Spares	\$100
Grand Junction CC	Battery & Charger Equipment	\$0
Mesa Point	Battery & Charger Equipment ³	\$10,764
U-Butte	Battery & Charger Equipment	\$10,764
Lee's Point	Battery & Charger Equipment	\$10,764
	Charger Spares	\$1,391
Hot Standby Grand Total:		\$273,410

MEMORANDUM

Date: August 20, 2003 cc: Mac Evans

To: Barry Jones

From: Pete Lampo

Subject: Preliminary Path *Feasibility Study* for the **Grand Junction County Fire Department**
Bid #F27815A

Attached is the subject feasibility study in the form of a system map, path profile and performance calculations, for the following paths:

- 1) ***U-Butte to Lees Point*** (MDR-8506-8 HS MP +23dBm),
- 2) ***Mesa Point to U-Butte*** (MDR-8506-8 HS MP +23dBm), and
- 3) ***Grand Junction to Mesa Point*** (MDR-8506-8 HS).

This design is based on the following parameters/assumptions:

Site coordinates are from the customer. The site coordinates are assumed to be the North American Datum of 1983 (NAD83)

Profile data is from the USGS 7.5-minute terrain database

Path roughness factors were calculated from the terrain database based on the provided coordinates

Ground elevations at each site are provided by the customer

Tree heights are 50 feet + 10 feet of future growth

Paths were designed for a good propagation area

Centerlines shown were selected by Alcatel

Clearance criteria for the antennas is the greater of:

a full first fresnel zone at $K=4/3$, or Grazing at $K=1/2$ to $2/3$ depending on location

These designs reflect the requirements for the capacities shown and do not consider expansion.

(Cont.)

Memorandum to Barry Jones

August 20, 2003

Page 2

Parameters/assumptions *(Cont.)*

Antenna systems used are standard Cablewave PAD Series with radomes and the appropriate waveguide. Antenna sizes and types may be subject to change as a result of the frequency coordination process and the cost of required antenna upgrades will be the responsibility of the customer. Waveguide lengths are the centerline height +30 feet.

Paths were designed in a hot-standby configuration and meet an industry-standard outage objective of 99.999% (315.4 secs./yr. 2-way) using a 10^{-6} bit error rate threshold. Paths were also designed using a minimum fade margin of 35 dB to protect against obstruction fading and ducting conditions.

Calculations assume that sufficient clearance exists for reliable transmission over all terrain features, vegetation and man-made obstructions underlying the path line. **Alcatel strongly recommends that a field survey be performed to verify site coordinates, path clearances and obstruction heights.**

The data contained in this study reflects designs based on these assumptions and may not reflect subsequent or final designs dictated by other factors or contingencies such as environmental, construction, tower/zoning restrictions, FAA clearance, frequency selection/coordination and anomalous fading conditions, etc.

Attached is a copy of the Alcatel 'Microwave Path Engineering Warranty' which should be included with any transmittals of feasibility studies, proposals and/or final designs and frequency coordination.

If you have any questions please call.

Thanks,

Pete Lampo

Transmission Engineering

Microwave Path Engineering WARRANTY

Page 1 of 2 6/28/02

Alcatel, 1000 Coit Rd, Plano, Texas 75075-5802

MICROWAVE PATH ENGINEERING WARRANTY

FEASIBILITY STUDIES

Alcatel USA, Inc. ("Alcatel") provides feasibility studies of microwave radio paths in support of bidding efforts or when purchased by the Customer. Feasibility studies are performed using information provided by or on behalf of the Customer. Results of the feasibility study are provided to the Customer and may include (i) a system map, (ii) a path profile, (iii) path calculations, (iv) availability calculations, and (v) a technical report.

Feasibility studies are preliminary in nature and are not intended to represent a final design. Therefore, no guarantee is provided, and the Customer assumes all risks associated with installing any equipment based on a feasibility study.

PATH SURVEYS

Alcatel offers microwave path surveying services to determine or verify site coordinates, ground elevation, on-path obstruction location and height, tower information, and other parameters required to engineer and implement a microwave radio link. The present and anticipated future effect of on-path obstructions, such as tree growth, is evaluated and incorporated into the path design where applicable. The results of the path survey are documented and a formal survey report or technical report, as required, is delivered to the Customer.

Alcatel warrants that the geodetic coordinates are accurate to within 1-second of latitude and 1-second of longitude, that ground elevations are accurate to within 5-feet, and that on-path obstructions at critical points are identified and present heights are accurate to within 5-feet. Alcatel warrants only the actual paths surveyed.

PATH DESIGN

Alcatel offers path design services. The path design is based on formal field survey data gathered by Alcatel path surveyors. Path designs include profiling a path to determine antenna centerline requirements, and path calculations to determine the antenna and radio types necessary to meet the Customer's availability objective.

Alcatel will recommend antenna centerlines based on the range of K-factors expected to occur during an average year. The Fresnel zone clearance criteria used by Alcatel for various K-factors are in line with current industry standards. In addition, paths are checked for susceptibility to obstruction fading outages using a standard Obstruction Fading model. Paths are also analyzed for ground-based reflections. After these calculations are completed, if the Customer's path availability objective has not been met, various countermeasures are recommended to improve path availability.

Path availability is determined using current industry accepted models for predicting outage times and diversity improvement factors associated with normal atmospheric multipath fading, up-fading, rain fading, and obstruction fading. Every effort is made by Alcatel to anticipate the probable occurrence of abnormal propagation conditions based on historical documentation, experience, geographical location, and field survey data.

Page 2 of 2 6/28/02





Alcatel, 1000 Coit Rd, Plano, Texas 75075-5802

The final path design documentation will include one or more of the following, depending on the services purchased by the Customer: (i) a system map, (ii) a final path profile, (iii) final path calculations, (iv) final availability

calculations, and (v) a technical report.

If a radio path using Alcatel equipment is installed based on Alcatel's recommended path design, then Alcatel warrants that the radio path shall conform to the Customer's availability requirement for normal atmospheric multipath fading. Alcatel will not be held responsible for excessive outages or degraded performance due to abnormal fading conditions. Abnormal fading conditions include, but are not limited to:

Formation of extreme radio refractivity gradients associated with:

-  Exceptionally large temperature inversions
-  Abnormal temperature/humidity layers
-  Fog formation
-  Signal trapping caused by surface or atmospheric ducting

Reflections from unidentifiable off-path terrain features or physical structures

Rain fading due to rainfall rates that are in excess of the published rates or charts used to predict rain induced outages.

If Alcatel suspects that abnormal propagation conditions are the cause of degraded system performance, Alcatel will assist the Customer in verifying the conditions leading to the degraded system performance. After the problem has been identified, Alcatel will support the Customer in identifying possible solutions to the problem and assess the incremental improvement expected from corrective actions. Implementation of corrective action to remedy this type of problem shall be the sole responsibility of the Customer.

FREQUENCY PLANNING

Alcatel offers frequency planning services, including frequency selection, prior coordination, interference case resolution, and FCC license application documentation preparation. Alcatel warrants that the interference studies will be conducted using industry-accepted methods, hardware, and software; and that the frequency database will be maintained as accurately as possible at the time of the study. Alcatel will not be held responsible for interference cases that arise due to errors or omissions in the database. Upon completion of the frequency planning services, some or all of the following documentation is provided to the Customer:

Prior Coordination Notice

Frequency Coordination Data Sheet

Supplemental Showing pursuant to FCC Rules Part 101.103(d)

Completed FCC Form 601 License Application

In the event harmful frequency interference is detected during the acceptance testing of a radio installation and Alcatel provided the frequency planning services, Alcatel's total responsibility for correcting the problem is limited to selecting another frequency. If harmful interference occurs after the radio system has been installed and accepted, corrective action is the sole responsibility of the Customer.

WARRANTY

Alcatel warrants its path surveys and path designs for a period of 12 months from the date of delivery of the study to the Customer. Alcatel warrants its frequency planning for a period of 6 months from the date the path was prior coordinated. Except as further limited above, in the event of a proven breach of warranty, the Customer's sole remedy under this warranty shall be that Alcatel will provide the labor and material to correct the error in the path survey or path design. In the event that such error is not directly related to Alcatel's path engineering efforts, expenses for such labor and material shall be borne by the Customer.

Attach 10
Executive Session

**SEE THE INSIDE COVER OF YOUR
NOTEBOOKS
FOR CONFIDENTIAL ENVELOPE**