

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

WEDNESDAY, MARCH 3, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Eldon Coffey, Central Orchard Mesa
Community Church

PRESENTATION OF CERTIFICATES OF APPOINTMENT

To the Commission on Arts and Culture

APPOINTMENTS

To the Airport Authority

PROCLAMATION

Proclaiming March 7 through March 13, 2004 as “Women in Construction Week” in the
City of Grand Junction

Proclaiming the Month of March 2004 as “Purchasing Month” in the City of Grand
Junction

SCHEDULED CITIZEN COMMENTS

Dennis Dupont Regarding the Annual Christmas Tree Recycling Program

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

*** *Indicates New Item*

® *Requires Roll Call Vote*

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

Action: Approve the Minutes of the February 18, 2004 Noon Special Meeting, the February 18, 2004 Evening Special Meeting and the February 18, 2004 Regular Meeting

2. Assignment of Agreement Regarding Transit Shelters and Benches from Outdoor Promotions to Colorado West Outdoor Advertising [Attach 2](#)

Outdoor Promotions, the current owner of the bus benches that provides all of the GVT bus shelters is selling their Grand Junction business. They are requesting that the existing contract between the City of Grand Junction and Outdoor Promotions be transferred to a local company, Colorado West Outdoor Advertising, who is purchasing the Grand Junction business.

Action: Authorize the City Manager to Sign the Consent to Assignment Transferring the Contract with Outdoor Promotions to Colorado West Outdoor Advertising

Staff presentation: Kelly Arnold, City Manager

3. Vacation of a Portion of a Utility and Irrigation Easement Located 3010 Cloverdale Court [File # VE-2003-201] [Attach 3](#)

The applicant proposes to vacate the north 6.2 feet of an existing 15 foot utility & irrigation easement for a length of 39.4 feet. This will rectify the existing encroachment that occurred in 1993 with a residential addition. The Planning Commission recommended approval of the easement vacation on February 24, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 19-04 - A Resolution Vacating the North 6.2 Feet of a Fifteen Foot Utility and Irrigation Easement (for a Length of 39.4 Feet) Located at 3010 Cloverdale Court

®Action: Adopt Resolution No. 19-04

Staff presentation: Ronnie Edwards, Associate Planner

4. **Setting a Hearing on Rezoning the Geske Property Located at 2656 Patterson Road** [File #RZ-2003-233] [Attach 4](#)

Request to rezone 2656 Patterson Road, comprised of 2.068 acres, from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to RO (Residential Office). Planning Commission recommended denial at its February 10, 2004 meeting.

Proposed Ordinance Rezoning a Parcel of Land from Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) to Residential Office (RO) Located at 2656 Patterson Road (Geske Property)

Action: Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing on Zoning the Summit View Estates Annexation Located at 649 29 ½ Road** [File #ANX-2003-271] [Attach 5](#)

First reading of the zoning ordinance to zone the Summit View Estates Annexation Residential Multi-Family-8 (RMF-8), located at 649 29 ½ Road.

Proposed Ordinance Zoning the Summit View Estates Annexation to Residential Multi-Family-8 (RMF-8), Located at 649 29 1/2 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004

Staff presentation: Lisa E. Cox, Senior Planner

6. **Setting a Hearing on Zoning the Pellam Annexation Located at 3136 E Road** [File #ANX-2004-011] [Attach 6](#)

Introduction of a proposed zoning ordinance to zone the Pellam Annexation to RMF-8 (Residential Multi-Family 8 du/ac), located at 3136 E Road.

Proposed Ordinance Zoning the Pellam Annexation to RMF-8 Located at 3136 E Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004*

Staff presentation: Senta Costello, Associate Planner

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

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

7. **Purchase of Asphaltic Road Material (Road Oil)** [Attach 7](#)

Utilize the State of Colorado contract to purchase road oil for the City chip seal projects for the year 2004. It is estimated that 135,000 gallons of Road Oil will be required. The State allows for cooperative use of this bid by local governments and political subdivisions in the state.

Action: *Authorize the Purchase of Asphaltic Road Materials on an As-needed Basis not to Exceed the Budgeted Amount of \$113,740.00 from Koch Performance Asphalt of Grand Junction Utilizing the CDOT Asphaltic Road Material Contract*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Funding Recommendations for Arts and Cultural Events and Projects** [Attach 8](#)

Recommendations to City Council to support cultural events, projects, and programs in Grand Junction as a means of improving both the quality and quantity of cultural activities and opportunities for local citizens.

Organizations & Events/Projects	Award
Mesa Co. Valley School District #51 Artists-In-Residence Program	\$8,000
KAFM Public Radio Arts & Entertainment Calendar/Radio Room	\$3,200
KRMJ-TV Rocky Mt. PBS "Western Bounty" programs	\$2,500
Western Colo. Center for the Arts Summer Art Camp	\$2,000
MESA Youth "Fiddler on the Roof" children's production	\$2,000
GJ Musical Arts Association/GJ Symphony music purchase	\$1,500
Downtown Association/DDA Art & Jazz Festival	\$1,500
St. Andrews Guild Grand Valley Renaissance Festival	\$1,000
Mesa State College Unity Fest Native American Day	\$1,000
Mesa State Foundation Music at Mesa Guest Artist Series concert	\$1,000

Mesa County Public Library “One Book One Community”	\$1,000
Western CO Botanical Gardens Friday Night Concert Series	\$1,000
Cinema at the Avalon Senior Matinee Film Series	\$1,000
JABOA (Just A Bunch Of Artists) Artists Studio Tour	\$300

Action: Approve Recommendations from the Commission on Arts and Culture for Funding of Arts and Cultural Events and Projects

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

9. **Public Hearing – Create Alley Improvement District No. ST-2004, Phase B**

[Attach 9](#)

A successful petition has been submitted requesting the creation of an Alley Improvement District to reconstruct the East-West Alley from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue.

Resolution No. 20-04 – A Resolution Creating and Establishing Alley Improvement District No. ST-04, Phase B within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for Payment Thereof

®Action: Hold a Public Hearing and Consider Passage of Resolution No. 20-04

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **Public Hearing – Vacation of 10’ of the 100’ Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision at 638/640 Horizon Drive** [File #VR-2003-182]

[Attach 10](#)

The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10’) of a 100’ width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lots for their proposed Bed & Breakfast Inn. A 20’ Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Ordinance No. 3607 – An Ordinance Vacating 10’ of the 100’ Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision Known as 638 & 640 Horizon Drive

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3607

Staff presentation: Scott D. Peterson, Associate Planner

11. **Public Hearing – Rezoning the Proietti Property Located at 2558 & 2560 Patterson Road** [File #RZ-2003-278] [Attach 11](#)

The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Ordinance No. 3608 – An Ordinance Rezoning the Property Known as the Proietti Rezone Located at 2558 & 2560 Patterson Road from Residential Multi-Family (RMF-8) to Residential Office (RO)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3608

Staff presentation: Scott D. Peterson, Associate Planner

12. **Public Hearing – Amending the Ordinance on Activity Permits in the Downtown Shopping Park** [Attach 12](#)

Amending the Code in regards to activities in the Downtown Shopping Park relative to types of permits and fees charged. Some of the fees are being reduced to encourage more outdoor activity along Main St. during the summer months.

Ordinance No. 3609 – An Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Permits for Activities in the Downtown

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3609

Staff presentation: Harold Stalf, DDA Executive Director

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

14. **OTHER BUSINESS**

Final Report on Riverside Park Bond Issue

15. **EXECUTIVE SESSION**

- a. TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER C.R.S. SECTION 24-6-402(4)(A) RELATIVE TO RIVERSIDE PARKWAY
- b. FOR A CONFERENCE WITH LEGAL COUNSEL FOR THE PURPOSE OF RECEIVING LEGAL ADVICE CONCERNING THE CONTRACT WITH THE RURAL FIRE PROTECTION DISTRICT UNDER C.R.S. SECTION 24-6-402(4)(B)

16. **ADJOURNMENT**

**Attach 1
Minutes from Previous Meetings**

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

February 18, 2004

The City Council of the City of Grand Junction convened into regular session on the 18th day of February 2004, at 11:37 a.m. at the Riverside Parkway Office, 2529 High Country Court. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Dennis Kirtland was absent. Also present were City Manager Kelly Arnold, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Public Works & Utilities Director Mark Relph introduced Lee Satterfield with HC Peck and Jay Brasher with Carter Burgess.

Councilmember Hill moved to go into Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. section 24-6-402(4)(a) relative to Riverside Parkway and stated they will not return to open session. Councilmember Enos-Martinez seconded. Motion carried.

The City Council went into Executive Session.

Stephanie Tuin, MMC
City Clerk

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

February 18, 2004

The City Council of the City of Grand Junction convened into regular session on the 18th day of February 2004, at 6:13 p.m. in the Administration Conference Room, 2nd Floor, City Hall. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Dennis Kirtland was absent. Also present were Municipal Judge David Palmer and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order.

Councilmember Enos-Martinez moved to go into Executive Session for the purposes of discussion of personnel matters under Section 402(4)(f)(i) of the open meeting law relative to City Council employee Judge David Palmer and stated they will not be returning to open session. Councilmember Hill seconded. Motion carried.

The City Council went into Executive Session.

Stephanie Tuin, MMC
City Clerk

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

February 18, 2004

The City Council of the City of Grand Junction convened into regular session on the 18th day of February 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Dennis Kirtland was absent. Also present were City Manager Kelly Arnold, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Councilmember McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Howard Hays, First Church of the Nazarene.

APPOINTMENTS

To the Commission on Arts and Culture

Councilmember Butler moved to reappoint Karen Kiefer and Joan Meyers and appoint Lora Quesenberry to the Commission on Arts and Culture for three year terms until February, 2007. Councilmember Enos-Martinez seconded. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

To Planning Commission

Tom Lowery was present to receive his certificate.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Butler, and carried by a roll call vote, to approve Consent Calendar Items #1 through #8 except for items #2 and #7 which were moved to items under Individual Consideration.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the February 2, 2004 Workshop and the Minutes of the February 4, 2004 Regular Meeting

2. **Purchase of 1% for the Arts Sculpture for Fire Station #5**

THIS WAS MOVED TO INDIVIDUAL CONSIDERATION

The Commission on Arts and Culture recommends that the City Council approve commissioning a bronze sculpture for the new Redlands Fire Station #5 through the 1% for the Arts Program.

3. **Setting a Hearing for the Vacation of 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision at 638 Horizon Drive** [File #VR-2003-182]

The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lot(s) for their proposed Bed & Breakfast Inn. A 20' Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Proposed Ordinance Vacating 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision Known as: 638 & 640 Horizon Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004

4. **Setting a Hearing to Rezone 0.95 Acres from PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Located at 2558 & 2560 Patterson Road** [File #RZ-2003-278]

The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Proposed Ordinance Rezoning the Property Known as the Proietti Rezone Located at 2558 & 2560 Patterson Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004

5. **Setting a Hearing on the Landmark Baptist Church Annexation Located at 3015 D Road** [File # ANX-2004-016]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.779 acre Landmark Baptist Church annexation consists of 1 parcel.

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

Resolution No. 15-04 – 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, Landmark Baptist Church Annexation, Located at 3015 D Road

Action: Adopt Resolution No. 15-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Landmark Baptist Church Annexation, Approximately 4.779 Acres Located at 3015 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004

6. **Setting a Hearing on the Intent to Create Music Lane Area Sanitary Sewer Improvement District No. SS-46-04**

A majority of the owners of real estate located west of 26 Road between Meander Drive and F ½ Road (including Music Lane) have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the Septic Sewer Elimination Program (SSEP) to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district. A Public Hearing is scheduled for April 7, 2004

Resolution No. 16-04 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Music Lane Area Sanitary Sewer Improvement District No. SS-46-04, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

Action: Adopt Resolution No. 16-04

7. **Resolution for GOCO Grant Application – Wingate Park**

THIS ITEM WAS MOVED TO INDIVIDUAL CONSIDERATION

Adoption of resolution authorizing a \$200,000 grant application to be submitted to Great Outdoors Colorado (GOCO) for development at Wingate Park.

8. **Setting a Hearing for Amending the Ordinance on Sidewalk Permits in the Downtown Shopping Park**

This amendment to the ordinance will result in a reduction of many of the fee's charged and collected by the DDA with the expectation that it will result in an increase in outdoor activity along Main Street during the summer months.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Permits for Activities in the Downtown

Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004

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

Purchase of 1% for the Arts Sculpture for Fire Station #5

The Commission on Arts and Culture recommends that the City Council approve commissioning a bronze sculpture for the new Redlands Fire Station #5 through the 1% for the Arts Program.

Allison Sarmo, Cultural Arts Coordinator, displayed and described the recommended sculpture for selection. Doug Clary, Chairman for the Commission on Arts and Culture, echoed Ms. Sarmo and stated that the sculpture is a beautiful piece of art.

Councilmember Butler asked if there will be an agreement stating there will be no other similar piece within 200 miles. Mr. Clary confirmed such a stipulation will be on the commission.

Councilmember McCurry moved to authorize the City Manager, City Attorney, and the Commission on Arts and Culture to Negotiate a Contract with Colette Pitcher to Create

and Install a Life-sized Bronze Fire Fighter at the Redlands Fire Station. Councilmember Palmer seconded. Motion carried.

Design and Construction Contracts (Items a – c may be awarded under one motion)

a. Signal Communications Design Contract

Award of a Professional Services Design Contract for Signal Communications Design Phase 1C to Kimley-Horn & Associates, Inc. in the amount of \$60,700.00. Phase 1C will connect traffic signals on Patterson Road from 25 Road to 30 Road to the existing fiber optic cable network that was constructed for phases 1A and 1B.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the purpose of a Professional Services Design Contract for Signal Communications Design Phase 1C. This project will be designed to reduce congestion. The contract tonight is just for the design.

Councilmember Enos-Martinez asked if all of the signals in the system can be monitored from the City Shops. Mr. Relph confirmed that all signals on the system will be.

Councilmember Hill asked if additional fiber-optic is being laid at the same time for communication. Mr. Relph replied affirmatively.

It was moved by Councilmember Enos-Martinez to authorize the City Manager to Execute a Design Contract for Signal Communications Design Phase 1C to Kimley-Horn and Associates, Inc. in the Amount Not to Exceed \$60,700.00. Councilmember Butler seconded. Motion carried.

b. 25 ½ Road Reconstruction Phase 1 Utilities

Award of a Construction Contract for the 25 ½ Road Reconstruction Phase I Utilities to M. A. Concrete Construction in the amount of \$785,551.47. The 25 ½ Road Reconstruction Phase I Utilities project is the first phase of a project that will improve 25 ½ Road from the north side of Independent Avenue to the south side of Patterson Road. A new City storm drain will be constructed, existing City sewer and water lines will be replaced as needed, and all irrigation crossings will be replaced.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that the project has been on the City's CIP budget for ten years. It is a significant project. The hill on 25 ½ Road at Orchard Avenue will be cut down by seven feet. The road will be closed for a period of time, about two months. He explained how the new storm drain will be replaced as well as other utilities at the same time. Mr. Relph described some of the issues the department is facing with this project; the road being closed will affect

emergency access which is important with the fire station located on that road and the school as well as the ball fields. A temporary road with recycled asphalt will be constructed to allow for additional access. October 2004 is the projected completion date.

Mr. Relph said that in communicating with the affected property owners, they have had very positive feedback. Face to face communication has occurred with every property owner but one. Newsletters have been distributed and two open houses have been held.

In speaking to Sam's Club, the City has offered to rebuild the entrance and facilitate truck traffic. The owner of the trailer park has been very accommodating. One trailer will need to be moved slightly. The landlord of Independent Plaza has been involved in the discussions. Every effort is being made to avoid disruption of irrigation and access.

Councilmember Enos-Martinez asked about the tennis club owners. Mr. Relph did not have specific information on discussions with them but they will have access.

Councilmember McCurry inquired about the daycare operation. Mr. Relph assured Council that discussions have occurred with that facility.

Council acknowledged and appreciated the efforts made by the department to contact all affected owners.

Councilmember Hill asked how the new road will look. Mr. Relph said it will be three lanes with bike lanes on each side. At the intersection there will be a left-turn pocket. Parking at and adjacent to the school will also be improved.

Councilmember Hill inquired about additional storm drainage being incorporated into the project. Mr. Relph said that measures are being taken to be able to accommodate more drainage as determined.

It was moved by Councilmember Butler to authorize the City Manager to Execute a Construction Contract for 25 ½ Road Reconstruction, Phase 1 Utilities to M.A. Concrete Construction in the Amount of \$785,551.47. Councilmember Enos-Martinez seconded. Motion carried.

c. Design and Construction of Wingate Park

The Design/Build Contractor shall be responsible for the complete design and construction of Wingate Park. The selected contractor shall meet with the Parks Planner to review the conceptual idea of the park, participate in meetings as requested, complete subsurface investigation and provide Landscape Architectural and Engineering design

services and complete construction of the park. The City will be responsible for land use and sharing agreements with the School District.

Joe Stevens, Parks and Recreation Director, reviewed this item. He explained how the process worked and how the neighborhood and the school representatives were involved. It was decided that the park would be built as a design-build process. The City has had several successful projects built using this process. Two finalists were selected from the RFP process, one local and one from Littleton. The reason the Littleton firm was selected was due to their experience and resources, along with a list of other items. The selection of the Littleton firm was unanimous. A guaranteed maximum price will still need to be negotiated. The firm's fees are reviewed prior to selection. The final engineering and design is not complete which is why the maximum price has not been finalized.

Councilmember Hill inquired why all four respondents were not in the final interview. Mr. Stevens explained that there was a clear demarcation between the two firms selected and the two not selected. The two selected were very qualified. Had their presentation not been adequate, the other two not selected would have been brought in.

Council President Spehar asked if all firms were privy to the maximum budget. Mr. Stevens replied that they were, with the caveat that a grant would be applied for, and if they were awarded the grant, there may be additional budget available.

Councilmember Palmer asked how the budget for this park was determined. Mr. Stevens said the plan developed in the mid-1990's was updated by the elements by the Parks Planner. The main changes to the original design were the interpretive programs, working with the schools and the buffer needed between the park and the homes. Additional requests in the area meetings were a skate park, additional parking, tennis courts and restrooms.

Mr. Stevens said they went into the process stating that there was \$580,000 in the budget to build a park. The design-build process will also allow the heavy construction to take place in the summer when school is not in session. The school/park share concept will require an intergovernmental agreement with the school.

Councilmember Hill expressed concern about the local contractor who was not selected but appeared to be capable and had been used in the past.

Councilmember Enos-Martinez suggested that Council should direct Staff to look hard at any local contractors that have the expertise required when possible.

Council President Spehar said that message has not been sent to staff and that most money has been spent with local contractors but staff needs to be allowed to take advantage of particular expertise required on certain projects if the best contractor is not

local. Contractors have stated that they do not want local preference because then they will be subject to that preference in other communities. To change the contractor preference, it would have to be done for all projects and not just a particular project. Mr. Stevens advised that one member of the team is a local firm and American Civil Contractors will be using local contractors. American Civil Contractors really excels in the finishing work. He stated his high regard for the other firm, Clark and Company.

Councilmember Palmer noted the process as a double-edged sword. Council has the charge to get the best expertise and there are advantages to having global companies as well as local companies.

Council President Spehar said that the subject of local contractor bids versus non-local contractor bids can certainly be a matter of discussion but not at this time in awarding this contract. It is not known how much of this contract will actually go out of town. Mr. Stevens said he can share the spread of local versus non-local when they come back with the guaranteed maximum price.

It was moved by Councilmember Enos-Martinez to authorize the City Manager to Execute a Contract with American Civil Constructors (ACC) to Design and Build the City of Grand Junction Wingate Park in an Amount Not to Exceed \$580,000. Councilmember McCurry seconded. Motion carried with Councilmember Hill and Councilmember Palmer voting **NO**.

Resolution for GOCO Grant Application – Wingate Park

Adoption of resolution authorizing a \$200,000 grant application to be submitted to Great Outdoors Colorado (GOCO) for development at Wingate Park.

Joe Stevens, Parks & Recreation Director, reviewed the grant request and what it will be used for. He explained that it may give the City some more funding for some of the additional items being requested.

He stated that usually with GOCO grants, there are very strong partnerships. Although the partnerships are not as strong as the Legacy/Riverfront GOCO grants, there are a number of groups such as soccer clubs and tennis clubs that support it. The deadline for the grant application is March 3, 2004 and the City will not be advised of the award of the grant until mid June. If successful, the guaranteed maximum price will probably have to be amended in order to include those additional elements. There is some stiff competition in Mesa County for this round of applications although the department is very hopeful. Balancing the match can be tricky. A shift of resources may have to occur to make it work.

City Manager Kelly Arnold asked for confirmation that this grant application will not delay the park construction. Mr. Stevens said there would be no delay except for any new elements if the grant is awarded.

Resolution No. 17-04 – A Resolution Supporting and Authorizing the Submittal of a Grant Application Between Great Outdoors Colorado (GOCO) and the City of Grand Junction for the Development of Wingate Park

Councilmember Palmer moved to adopt Resolution No. 17-04. Councilmember McCurry seconded. Motion carried by roll call vote.

Consider the Rehearing of the Valley Meadows North Rezone

Consideration of a request for a rehearing of the rezone application for the Valley Meadows North property located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Bob Blanchard, Community Development Director, reviewed the request for the rehearing received on January 30, 2004 from Bob Knight, Co-President for the Valley Meadows East Homeowners Association. The original hearing was on January 21, 2004. The Zoning and Development Code requires three criteria must be met in order for the rehearing to be granted. The request must be from an attendee at the original public hearing for zoning. Bob Knight was present. The request must be within ten days and the request was received on January 30th, so it was timely. The response from the developer's attorney Rich Livingston argued that the request was not filed within the ten days but it is date stamped as being received on January 30, 2004. The last criterion is that the Council must find that they may have failed to consider or misunderstood or information was not provided that would have been required for the decision to be made.

Councilmember Butler asked if a Councilmember voting in the majority must make the motion to consider. Acting City Attorney Shaver confirmed and advised that if any public testimony is considered that only be taken in regard to rehearing criteria. No motion is required to kill the request.

The Council determined that no public testimony is required and that the written material is sufficient.

No motion was made which denied the request for rehearing.

Consider the Repeal of Resolution No. 75-02 and Adopt Guidelines for Use of City Hall Grounds for Limited Public Forums

City Council has reconsidered the limitations on public speech and assembly resulting from the adoption of Resolution 75-02 in July of 2002.

John Shaver, Acting City Attorney, reviewed the revised facilities guidelines that will allow a limited public forum to occur on the front area of City Hall being designated as the Outdoor Assembly Area. He advised that the guidelines have been reviewed with the City Clerk. The resolution does not specifically adopt the guidelines but does repeal the previous resolution and designates the Outdoor Public Assembly Area.

Councilmember Palmer inquired if there are laws and regulations in place right now that would prohibit any unauthorized use or activity. Mr. Shaver said that there are references now in place in the resolution and the adoption of this resolution will make the area a designated public forum.

Councilmember Hill asked about the area on the west side of the building. Mr. Shaver responded that the sidewalk has never been excluded. Councilmember Hill would like it expanded to all hardscape area. Mr. Shaver said the purpose of the designated area was to eliminate the Cornerstone area specifically.

Council President Spehar clarified that they are repealing the resolution and the map is part of the administrative policy only. Mr. Shaver concurred.

City Manager Arnold asked the Council to advise him now if there is any change to be made to the Administrative Policy.

Resolution No. 18-04 - A Resolution Repealing Resolution 75-02 and Adopting a Policy for the Use of City Hall Facilities and the Designated Outdoor Assembly Area

It was moved by Councilmember Hill, carried by Councilmember Spehar and carried by a roll call vote to adopt Resolution No. 18-04.

Councilmember Hill then asked the City Manager to amend the policy to include the hardscape area on the west side of the building.

Council President Spehar asked if there is any objection.

Councilmember Butler objected but no others were voiced so an additional map of the west area will be incorporated into the policies.

City Manager Arnold asked for confirmation that there is no objection to Policy #17 which encourages for-profit users to use other facilities. There were no objections from Council.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

To Planning Commission

Travis Cox was now present to receive his certificate of appointment.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Attach 2
Agreement Regarding Transit Shelters and Benches
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Assignment of Agreement Regarding Transit Shelters and Benches from Outdoor Promotions to Colorado West Outdoor Advertising							
Meeting Date		March 3, 2004							
Date Prepared		February 25, 2004					File #		
Author		Kelly Arnold			City Manager				
Presenter Name		Kelly Arnold			City Manager				
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			
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: Outdoor Promotions, the current owner of the bus benches that provides all of the GVT bus shelters is selling their Grand Junction business. They are requesting that the existing contract between the City of Grand Junction and Outdoor Promotions be transferred to a local company, Colorado West Outdoor Advertising, who is purchasing the Grand Junction business.

Budget: N/A

Action Requested/Recommendation: Authorize the City Manager to sign the Consent to Assignment transferring the contract with Outdoor Promotions to Colorado West Outdoor Advertising.

On February 23rd, Mesa County approved the transfer. This transfer was on City Council's agenda in December, but staff recommended waiting until Mesa County took care of their approval. In addition, during this time, we discovered that there were eleven bus benches that were technically in City right-of-way on Patterson Avenue from 29 Road to almost 31 Road, but they were adjacent to private properties located in the County. The City had not included these benches in the original revocable permit, thus they were never considered in the residential to commercial (five to one) calculation for bus benches in the City of Grand Junction. All eleven of these benches have advertising on them. Mesa County does not care if they have advertising or not. As a result, we are recommending that these benches are grand fathered in for purposes of not counting in the formula. But staff is recommending that all eleven bus benches

have concrete pads placed under them. Outdoor Promotions is amenable to this provision and will have pads placed within ninety days of approval of this transfer.

Attachments: The Consent to Assignment
Consent to Assignment

The City of Grand Junction, Colorado (“City”) hereby consents to the assignment to Colorado West Outdoor Advertising, Inc. (“Assignee”) by Outdoor Promotions, Inc., of all its right, title, interest in and to the Agreement dated July 1, 2002, between Outdoor Promotions, Inc., a Colorado Corporation (“OP”) and the City, for the installation and maintenance of certain advertising and non-advertising transit shelters and benches in accordance with the Agreement with the City, the City Council’s Resolution No. 64-02 and related documents, the Assignment Agreement with Mesa County a copy of which is attached and pursuant to applicable law.

As of the date of execution hereof, the City acknowledges that it has no knowledge of any act or omission of OP that would constitute a breach under the Agreement with OP; provided that nothing herein shall constitute a waiver of any claims the City has or may have against OP or its Assignee(s).

Kelly Arnold, City Manager

Date

Assignor Representation

The undersigned acknowledges that as of the date of execution hereof by OP, its President has no knowledge of any act or omission on the part of OP that would constitute a breach under the Agreement or under the Revocable Permits and related Agreement(s).

Gary Young, President

Date

Attest: _____
Secretary, OP

Acceptance and Assumption

Colorado West Outdoor Advertising, Inc. hereby agrees to assume all of the obligations, duties and liabilities of OP that are set forth or that result from the

Agreement between OP and the City signed July 1, 2002, along with the related Revocable Permits, Agreements to Indemnify the City, the terms and provisions of the City Council Resolution 64-02 and the Assignment Agreement with Mesa County.

Mark Gamble, President
Colorado West Outdoor Advertising, Inc.

Date

Attest: _____
Secretary, Colorado West Outdoor Advertising, Inc.

City Council Ratification

As required by Section 11 of the Revocable Permit dated July 17, 2002, the City Council has this ____ day of _____, 2004 ratified the City Manager's consent to this assignment.

MCA 2004-021

**AGREEMENT BETWEEN MESA COUNTY AND
OUTDOOR PROMOTIONS, Inc.
ASSIGNMENT AUTHORIZATION**

This Agreement is made and entered into this 23rd day of February, 2004, by and between the COUNTY OF MESA, COLORADO ("County") and OUTDOOR PROMOTIONS, Inc., a Colorado Corporation ("Promotions").

WITNESSETH:

WHEREAS the Mesa County Board of County Commissioners is authorized and empowered by provision of the County to execute Agreements; and

WHEREAS public transit plays an important role in transporting large numbers of people to and from work places, social service organizations, public events and activity centers in an energy conscious manner; and

WHEREAS the County and Promotions has entered into a prior Agreement (February 12, 2001 (MCA 2001-13)) with two Addendums (May 13, 2001 (MCA 2001-13a), and October 8, 2001 (MCA 2001-13b)) to provide a mechanism to fund infrastructure which will provide for the safety, comfort and convenience of its public transit passengers, and to provide revenue for the operations of Grand Valley Transit (GVT); and

WHEREAS Promotions now wishes to assign that Agreement and Amendments to CWOA, Inc., a Colorado corporation in good standing; and

WHEREAS, pursuant to the Agreement, Paragraph 13.1, prior express written consent must be obtained from the County in order to assign the Agreement and Amendments to CWOA, Inc., Promotions.; and

WHEREAS, there have been several items outstanding between the County and Promotions that must be addressed in some manner prior to the assignment.

NOW, THEREFORE, in consideration of the foregoing mutual covenants and considerations hereinafter contained, it is agreed by and between the County and Promotions as follows:

1. The County will provide Promotions with a written consent to the assignment of the Agreement and two Addendums to CWOA, Inc.
2. Promotions agrees to do the following:

a. The Shelter located at approximately 845 North Avenue, Grand Junction, 81501, which was destroyed, will be replaced.

b. New Shelters will be placed at the following approximate locations:

- i. 2545 Rimrock Avenue, Grand Junction 81505
- ii. 2635 North 7th Street, Grand Junction 81502
- iii. 2424 US Hwy 6&50, Grand Junction 81505
- iv. 605 Grand Avenue, Grand Junction 81501

c. Safety Rails will be placed around the benches located at the following approximate locations:

- i. 521 32 Road, Clifton 81520
- ii. 530 32 Road, Clifton 81520

d. City permits shall be required for each bench and/or shelter at each of the following locations. Each transit bench and/or transit shelter ("transit amenity") within the City shall be constructed in compliance with the City of Grand Junction's standards. It's the parties understanding and agreement that the following locations will be approved for advertising upon issuance of a City permit for a specific transit amenity at each location and construction or a suitable guarantee for construction, of the required pad or access way to the transit amenity(ies). Any change of location and/or change of type of the permitted transit amenity(ies) at a location (i-xi below) will require compliance with City standards in effect at that time. Those standards may include but are not limited to the transit amenity not being allowed to display advertising:

- i. F Road and Broken Spoke Road, Grand Junction 81504
- ii. F Road and Cris-Mar Street, Grand Junction 81504
- iii. F Road and Indian Creek Drive, Grand Junction 81504
- iv. F Road and Mesa Valley Drive, Grand Junction 81504
- v. F Road and Placer Street, Grand Junction 81504
- vi. F Road and Round Table Road, Grand Junction 81504
- vii. F Road and 29 ¼ Road, Grand Junction 81504
- viii. F Road and 29 ½ Road, Grand Junction 81504
- ix. F Road and 30 Road, Grand Junction 81504 (north side of road)
- x. F Road and 30 Road, Grand Junction 81504 (south side of road)
- xi. F Road and east of 30 Road, Grand Junction 81504

e. Bicycle Ballard's will be provided at the transfer station located on the Mesa State College campus.

f. Work with the City of Fruita, Town of Palisade, Mesa County, and the City of Grand Junction to meet their bench and shelter needs.

g. Comply with all zoning codes associated with the City of Fruita, Town of Palisade, Mesa County, and the City of Grand Junction.

3. Promotions agrees to complete the above changes or improvements within 120 days of approval of this Agreement, with the exception of the permit requirements in paragraph 2.d. above. For the permit requirements in paragraph 2.d. above, Promotions agrees to complete the changes and improvements within 90 days of approval of this Agreement.

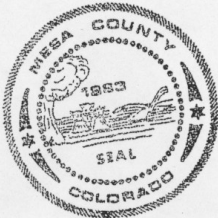
4. If Promotions does not complete the changes or improvements set out in paragraph 2 above, all items must be assigned to CWOA, Inc. for completion within the time frame defined in paragraph 3 above.

5. Paragraph 2.f. and 2.g. shall survive termination of this Agreement.

6. Todd Hollenbeck, Mesa County Transit Coordinator is hereby authorized to act as the agent for Mesa County and may approve and sign any appropriate assignment documents which fulfill the intent of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for Assignment Authorization on this 23rd day of February, 2004.

MESA COUNTY



ATTEST:

Janice Ward
Janice Ward,
Mesa County Clerk and Recorder

By: Doralyn B. Genova
Doralyn B. Genova, Chair
Mesa County Commissioners

APPROVED AS TO FORM:

Valerie Robison
County Attorney

CWOA Inc.

By: [Signature]
Title: President

OUTDOOR PROMOTIONS Inc.

By: [Signature]
Title: President

Attach 3
Easement Vacation at 3010 Cloverdale Court
CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject	Easement Vacation – 3010 Cloverdale Court					
Meeting Date	March 3, 2004					
Date Prepared	February 25, 2004			File #VE-2003-201		
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: The applicant proposes to vacate the north 6.2 feet of an existing 15 foot utility & irrigation easement for a length of 39.4 feet. This will rectify the existing encroachment that occurred in 1993 with a residential addition. The Planning Commission recommended approval of the easement vacation on February 24, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Budget: N/A

Action Requested/Recommendation: The Planning Commission recommends that the City Council approve the resolution vacating the requested partial easement vacation.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City and County Zoning Map
5. Resolution with exhibit map

Background Information: See attached

BACKGROUND INFORMATION					
Location:		3010 Cloverdale Court			
Applicants:		Charles Pabst			
Existing Land Use:		Single family residence			
Proposed Land Use:		Single family residence			
Surrounding Land Use:	North	Single family residence			
	South	Vacant			
	East	Vacant			
	West	Single family residence			
Existing Zoning:		RSF-4			
Proposed Zoning:		RSF-4			
Surrounding Zoning:	North	RSF-4			
	South	RSF-4			
	East	RSF-4			
	West	RSF-4			
Growth Plan Designation:		Residential Medium (4 – 8 du/ac)			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Applicant is requesting approval to vacate the north 6.2 feet of an existing 15 foot utility & irrigation easement for a length of 39.4 feet to rectify a residential encroachment that occurred in 1993.

ANALYSIS:

1. Background:

The subject property applied for a variance in 1992 in order to build an addition to the south side of the existing residence in order to expand the garage area. The variance was to appeal an administrative decision requiring a front yard setback on the south property line which is located adjacent to the future extension of Kingswood Drive. The variance was approved to allow a 7' side yard setback in lieu of a 20' on December 8,

1993. The Improvements Location Certificate that was prepared by QED Surveying as a site plan for the applicant depicted a 7.5' access easement located on this south property line, which was recorded December 13, 1971. The site plan did not include the 15' utility & irrigation easement that was dedicated and recorded January 3, 1978.

The previous owner applied for a planning clearance for some interior renovation to the residence on February 18, 2003. A new Improvements Location Certificate prepared by QED Surveying as a site plan showed both easements and the encroachment. Due to the time frame of our review process to apply for an easement vacation, the new owner bought the property knowing about the nonconformancy in November of 2003. At that time he contacted Staff for an application packet to begin the review process.

2. Consistency with the Growth Plan:

Policy 10.2 states that the City will consider the needs of the community at large and the needs of the individual neighborhoods when making development decisions.

By allowing a portion of the subject easement to be vacated, an existing structure will come into conformance and will not affect the individual neighborhood.

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

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

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

Granting the easement vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with this vacation. The southern 8.8' of the easement will remain as is and is adjacent to dedicated right-of-way should Kingswood Drive ever be developed for access to the vacant land to the east.

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

Access to any parcel is not restricted. The proposed vacation is only affecting the applicant's parcel.

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation. The southern 8.8' will remain as a utility easement as there is a communication line and an Excel gas line located approximately 3' from the structure.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of the Code.

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

Proposal provides a benefit to the City by correcting the residential encroachment, which occurred without the previous owner's knowledge.

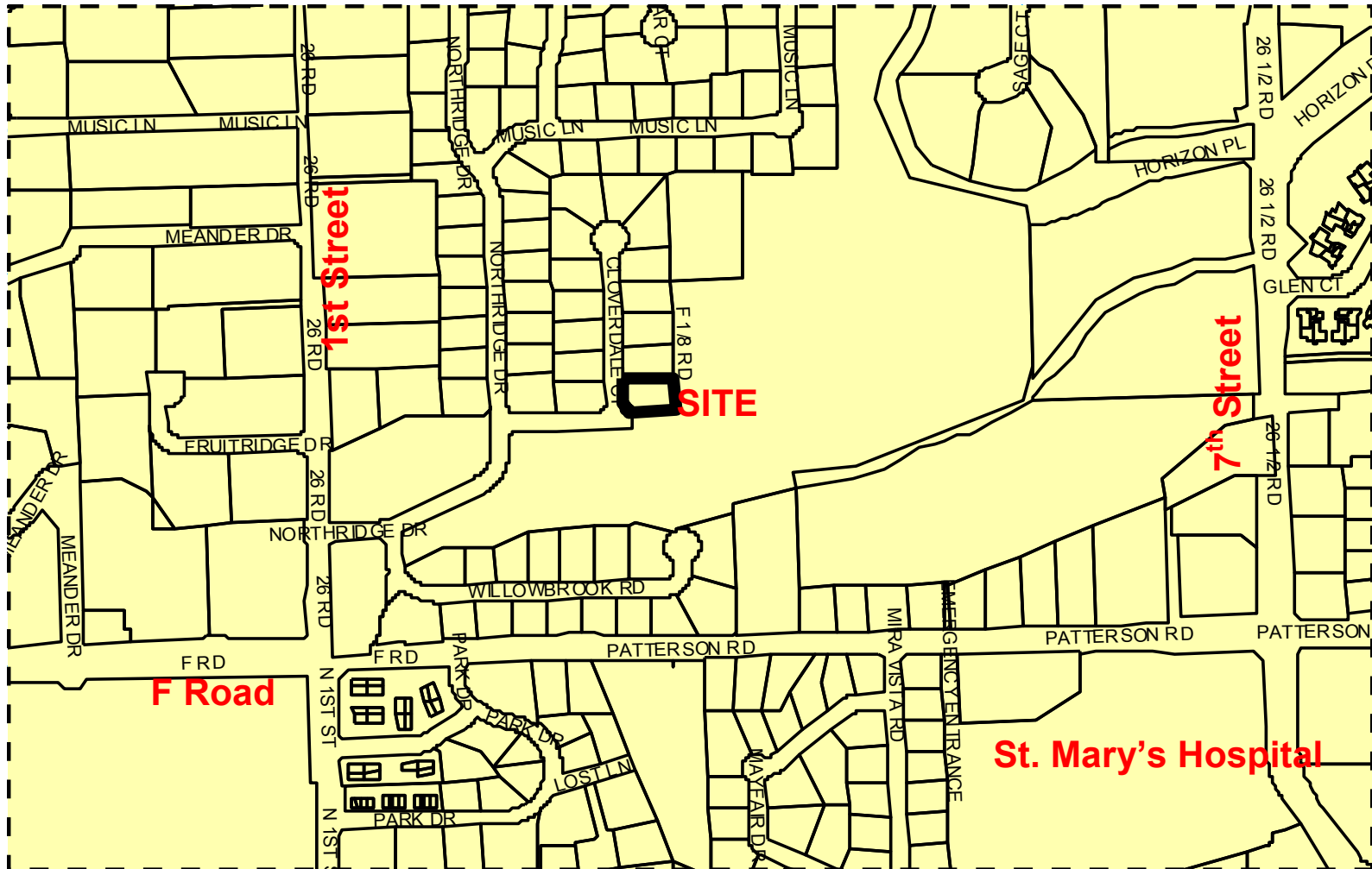
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Easement Vacation application, VE-2003-201, City Council makes the following findings of fact and conclusions:

- The requested partial easement vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.

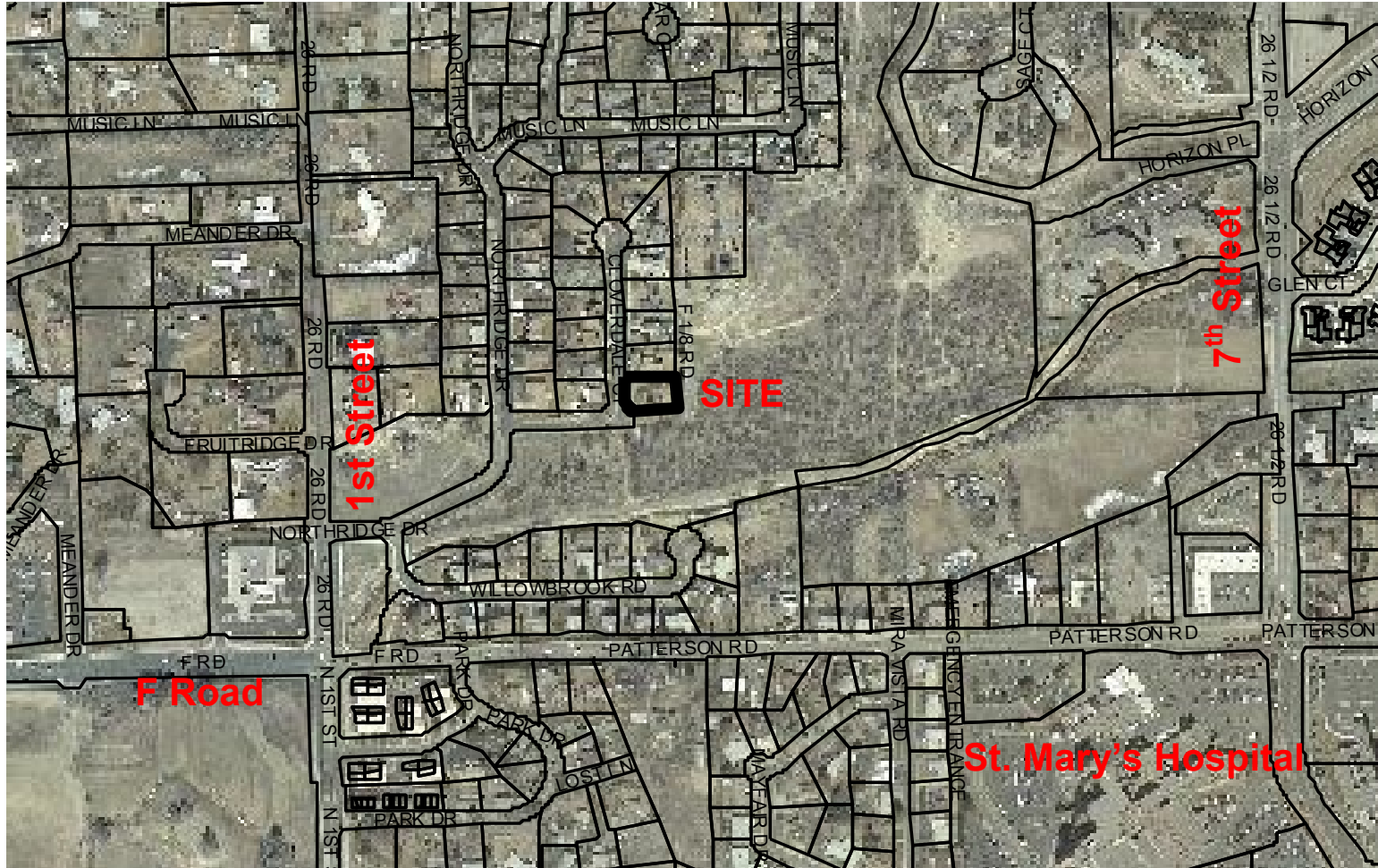
Site Location Map

Figure 1



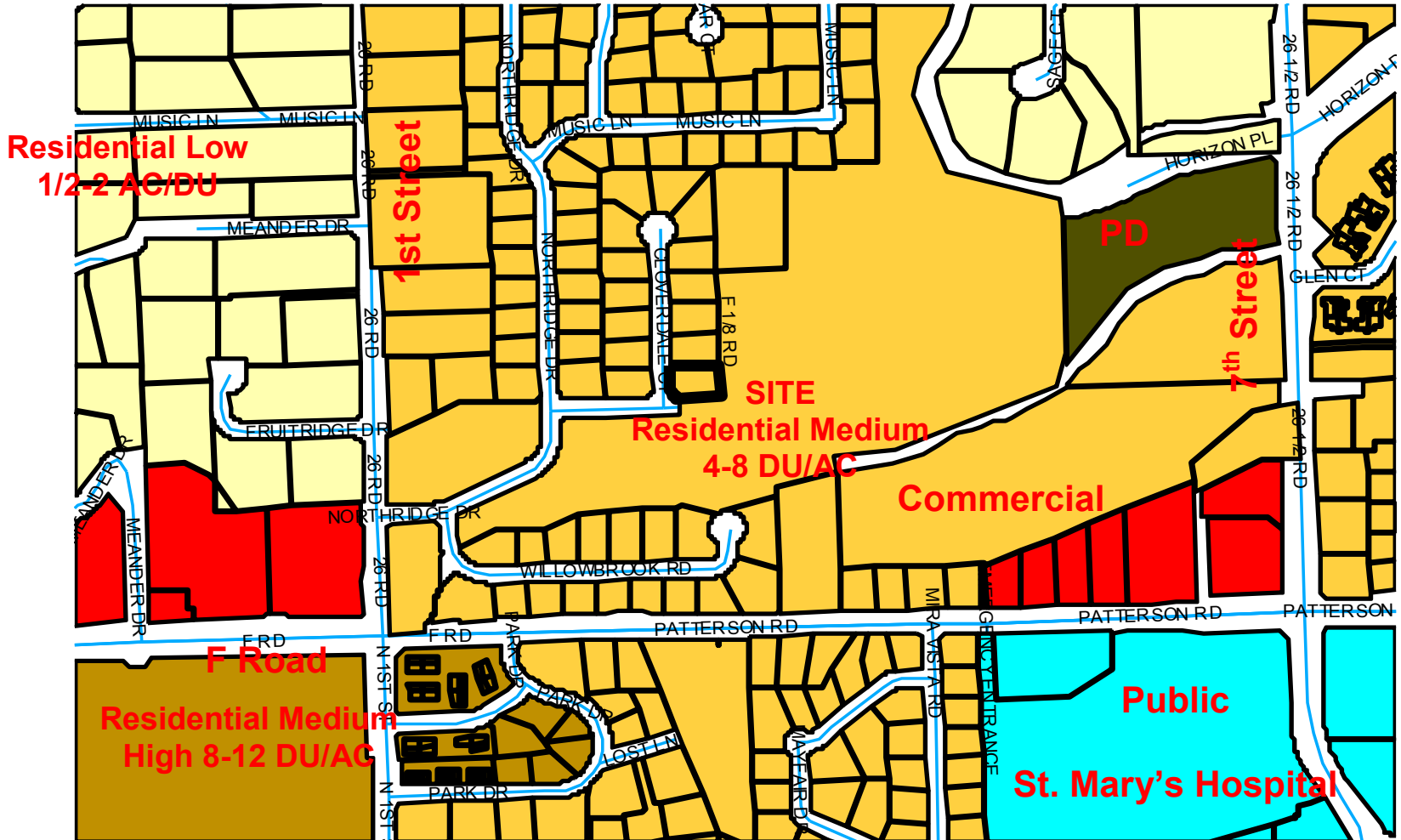
Aerial Photo Map

Figure 2



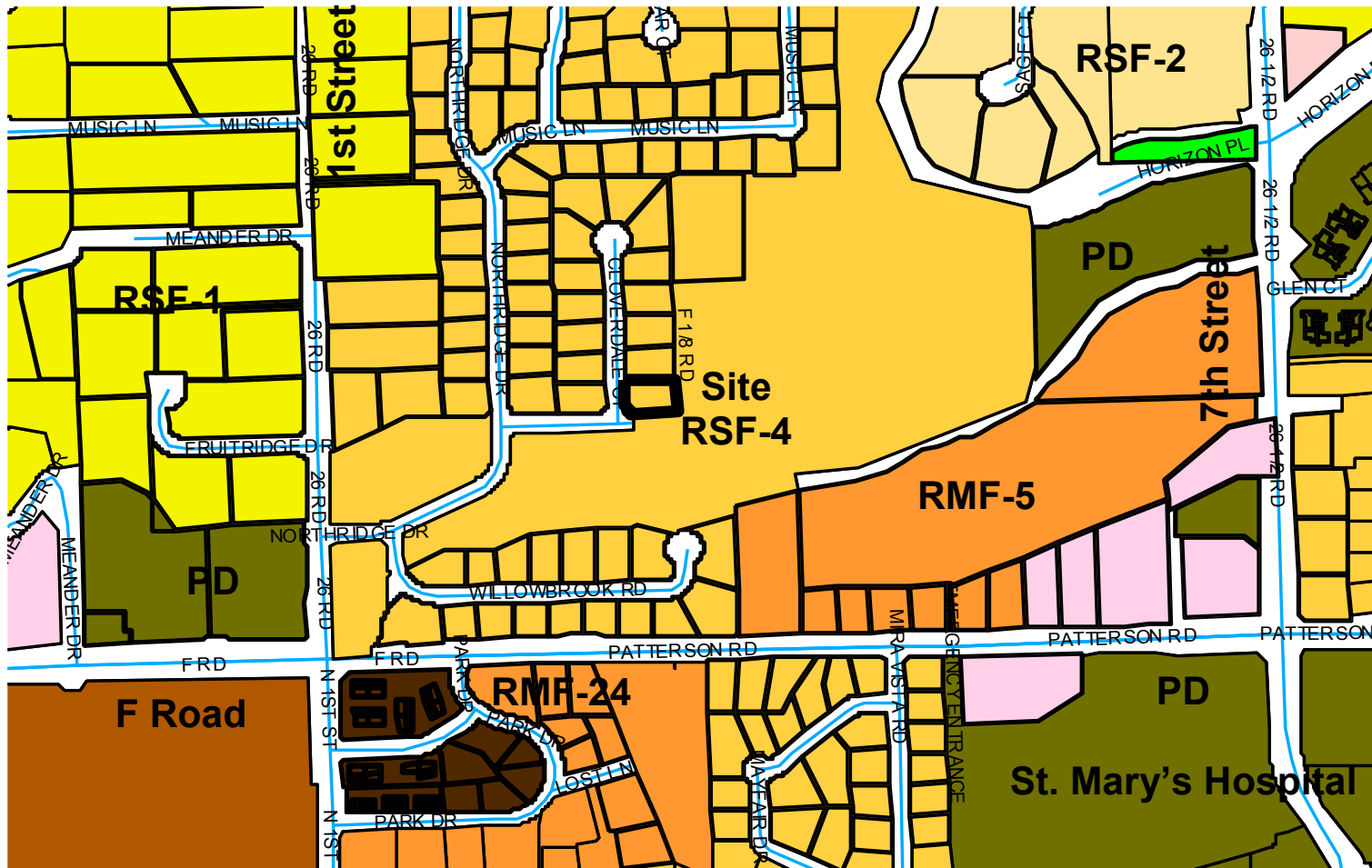
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION

Resolution No. _____

**A RESOLUTION VACATING THE NORTH 6.2 FEET OF A FIFTEEN FOOT
UTILITY AND IRRIGATION EASEMENT (FOR A LENGTH OF 39.4 FEET)
LOCATED AT 3010 CLOVERDALE COURT**

RECITALS:

Charles Pabst has requested to vacate the North 6.2' for a length of 39.4' of a 15' utility and irrigation easement. The easement is described in Book 1132 Page 679. The 15' easement crosses Lot 14 of the Northridge Estates subdivision. There are no utilities in the area requested to be vacated.

At its February 24, 2004 hearing the Planning Commission found that the review criteria as set forth in Section 2.11.C of the Code are satisfied and recommended approval of the vacation.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described area of the easement is hereby vacated:

Partial Easement Vacation

A portion of that certain 15.0 foot Utility and Irrigation Easement, as described in Book 1132, Page 679, Public Records of Mesa County, Colorado and lying within Lot 14, Block Five, Plat of Northridge Estates Filing No. Two, as same is recorded in Plat Book 11, Page 289, Public Records of Mesa County, Colorado lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 14, Block Five and assuming the South line of said Lot 14, Block Five bears N 89°58'12" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 75°28'36" W a distance of 59.69 feet to a point on the North line of said 15.0 foot Utility and Irrigation Easement and the POINT OF BEGINNING; thence from said Point of Beginning, S 00°01'48" E a distance of 6.20 feet; thence S 89°58'12" W a distance of 39.40 feet; thence N 00°01'48" W a distance of 6.20 feet to a point on the North line of said 15.0 foot Utility and Irrigation Easement; thence N 89°58'12" E along the North line of said 15.0 foot Utility and Irrigation Easement a distance of 39.40 feet, more or less, to the Point of Beginning.

The above description is based upon an Improvement Location Certificate as prepared by Q.E.D. Surveying Systems, Inc., dated 9/25/2001. It is the intent of this description that a

portion of the above referenced Utility and Irrigation Easement lying under and 1.0 foot outside of, the 'footprint' of the existing residential structure and its attached patio be vacated.

CONTAINING 244.3 Sq. Ft., more or less, as described.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

City Clerk

President of City Council

Attach 4
Setting a Hearing – Rezoning Geske Property
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Geske Rezone located at 2656 Patterson Road						
Meeting Date	March 3, 2004						
Date Prepared	February 13, 2004				File #RZ-2003-233		
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 2656 Patterson Road, comprised of 2.068 acres, from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to RO (Residential Office). Planning Commission recommended denial at its February 10, 2004 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 March 17, 2004.

Attachments:

1. Vicinity Map
2. Aerial Map
3. Growth Plan Map
4. Zoning Map
5. Patterson Road Corridor Guidelines
6. Section 3.4 and Table 3.5
7. Planning Commission Minutes of February 10, 2004
8. Neighborhood Letters and Petition
9. Zoning Ordinance

BACKGROUND INFORMATION				
Location:		2656 Patterson Road		
Applicants:		Grant, Eva and Judith Geske		
Existing Land Use:		Residential Single Family and Vacant		
Proposed Land Use:		Optometrist Office		
Surrounding Land Use:	North	Residential Single Family		
	South	Medical facility and parking lot		
	East	Residential Single Family		
	West	Residential Single Family		
Existing Zoning:		RSF-4		
Proposed Zoning:		RO		
Surrounding Zoning:	North	RSF-4		
	South	PD (Planned Development)		
	East	RSF-4		
	West	RSF-4		
Growth Plan Designation:		Residential Medium (4 – 8 ac/du)		
Zoning within density range?		N/A	Yes	No

BACKGROUND:

Property consists of two parcels, one of which is vacant, and is currently zoned RSF-4 (Residential Single Family with a density not to exceed 4 units per acre). The property was annexed in August of 1970 and was zoned R1A (One-Family Residence), which was equivalent to the current County zoning and agreed with the existing conditions at that time.

The RO zone district, see attached Section 3.4 Residential Office zone district standards, was established to provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. The minimum lot size is 5,000 square feet and also allows residential uses with a maximum density of up to 16 units per acre, which in this case would be limited to 8 units per acre based on the Growth Plan. The RO zone district would give the property owners more flexibility as to the type of uses allowed on these two properties.

The original application contained two additional properties that were eventually removed from the rezone consideration (See letters from Gene Taylor and Terrill Ann Rutter). Their removal limited the scope of this application to the two properties east of 8th Court.

On Tuesday, February 10, 2004, the Planning Commission held a public hearing on this rezone request. The request was forwarded to City Council with a recommendation of denial by a 6 – 0 vote. The Planning Commission disagreed with the staff's analysis and found that six of the seven review criteria had not been met. In addition, Planning Commission relied on the Patterson Road Corridor Guidelines, which were adopted January 29, 1991 and never rescinded. (See attachment).

NEIGHBORHOOD CONCERNS:

There are eleven letters, one email and one two-page petition in opposition from adjacent property owners in your packets, which are concerned with other implications that could come with this rezone. A variety of uses are allowed within the RO zone district, as shown in the attached Use/Zone Matrix. Summarizing their concerns, the main issues are excessive traffic congestion, uncontrolled access on Patterson Road and the creation of adverse impacts on the capacity and safety of the overall street network that could result from some of the uses that are allowed in this particular zone district. Most area home owners felt this was a benefit for the applicants only and not for the neighborhood and community.

PUBLIC WORKS ISSUES:

The development engineer on this project stated that the current accesses would be allowed to remain as-is while the uses remain residential. Any existing access may be required to be closed, relocated, or combined when new uses are proposed. Any impacts of potential uses to the road network must be mitigated and would be one of the issues to be resolved during the Site Plan Review process.

1. STAFF PROJECT ANALYSIS: The following analysis represents staff's interpretation of the criteria as presented to the Planning Commission. At their February 10, 2004 hearing, they disagreed with staff and found that criteria two through seven had not been met.

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. The RO zone district could be implemented with the residential medium density land use classifications of the Growth Plan in transitional corridors between single-family residential and more intensive uses.

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

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

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

The existing zone district supported the existing uses and was not in error at the time of annexation occurred in 1970. However, the RO zone district was developed in the year 2000 and was not available when this property was originally zoned.

- 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 on the west across 7th Street and south across Patterson Road has changed to Medical uses and B-1 (Neighborhood Business). This started occurring in 1975 through the 1980's. The St. Mary's Medical Center to the south, has continued its expansion through a Master Plan that was first reviewed in 1995 and is continuing today. Directly south of the site across Patterson Road, a surgical center and associated parking lot expansions have occurred. While the neighborhood has changed, these changes have all been consistent with the Growth Plan.

- 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

Adjoining properties to the north, west and east are single family residential uses. The petitioner has not provided Staff with any definite proposal of anticipated changes except the possibility of the east parcel being utilized for an optometrist office with low customer volume. The proposed rezone could allow future developments that could create impacts concerning access and street network, but these issues could be resolved at the time of the Site Plan Review process. (See attached copy of Table 3.5 Use/Zone Matrix and the following discussion of Public Works Issues). Development within the RO zone district has specific performance standards, as architectural considerations, site design and layout, restricted signage and hours of business operations that could mitigate some compatibility issues.

- 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 proposed zoning district of RO implements the Residential Medium land use classifications of the Growth Plan. The RO zone is considered compatible with surrounding properties as part of the transitional corridor between residential and more intensive uses.

- 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. Any proposed development would address projected impacts during a site plan review process. However, concerns exist regarding the ability of the street network to address potential impacts.

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

The land available in the neighborhood and surrounding area could accommodate the RO zone district, as it is a new designation adopted in 2000. The remaining RO districts are east of this area approximately 8th Street to 15th Street on the north side of Patterson Road, west side of 7th Street from Orchard Avenue to Bunting Avenue and a concentrated amount in the downtown area being the buffer zone between business and residential zones.

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

Potential benefits may accrue to the neighborhood, if this application is considered as a transitional opportunity where limited intensity non-residential uses may better buffer the remaining residences from the roadways, as Patterson Road, and development to the south and west.

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 RO to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

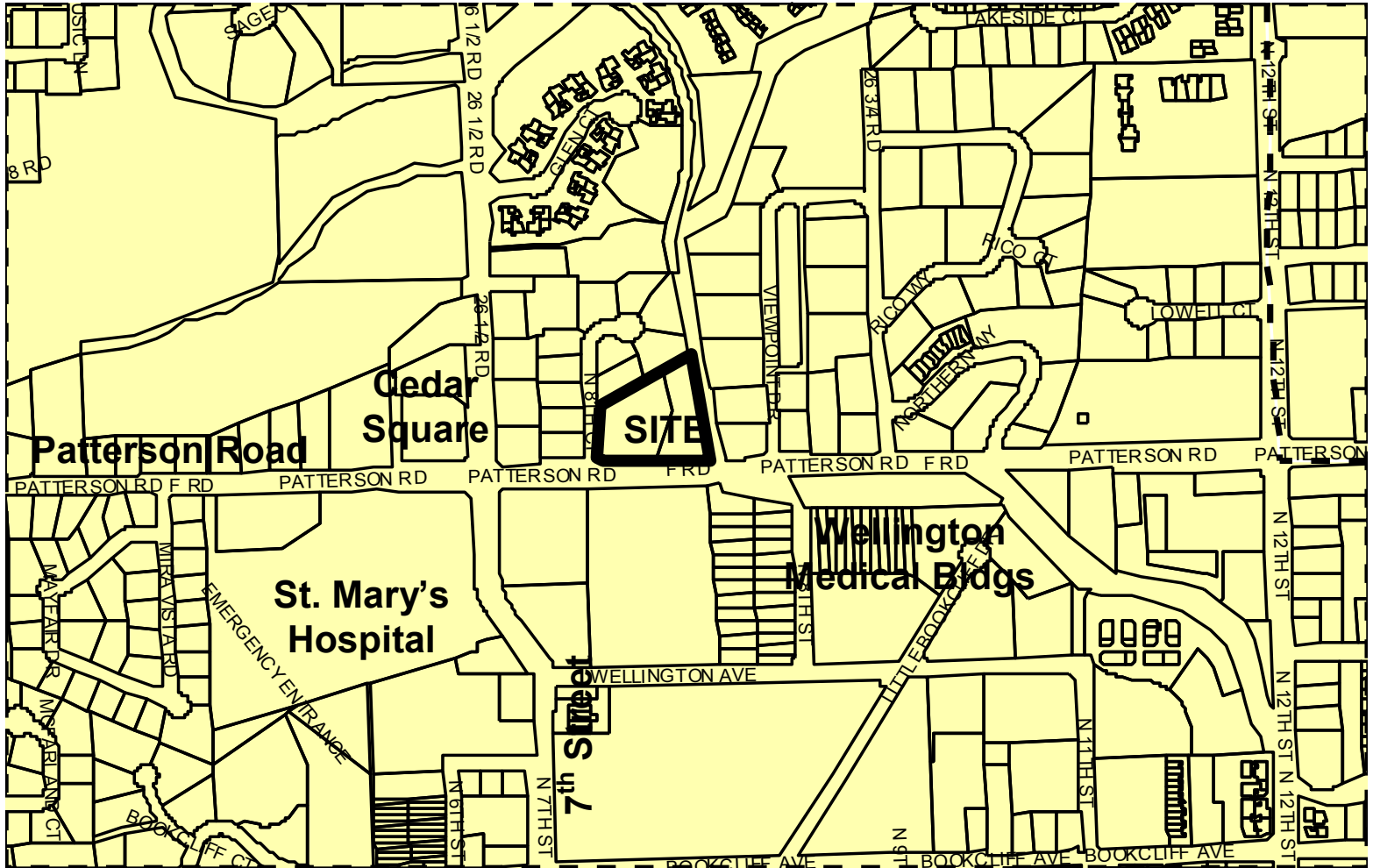
After hearing testimony from the neighborhood regarding the proposed rezone to RO, the Planning Commission concluded that criteria items 2 through 7 of the Zoning and Development Code had not been met and recommended denial with a vote of 6 – 0. In addition, Planning Commission relied on the Patterson Road Corridor Guidelines, which were adopted January 29, 1991 and never rescinded. (See attachment).

The Planning Commission Minutes of February 10, 2004 have been attached for your review

Site Location Map

Figure 1

Glen at Horizon



Aerial Photo Map

Figure 2

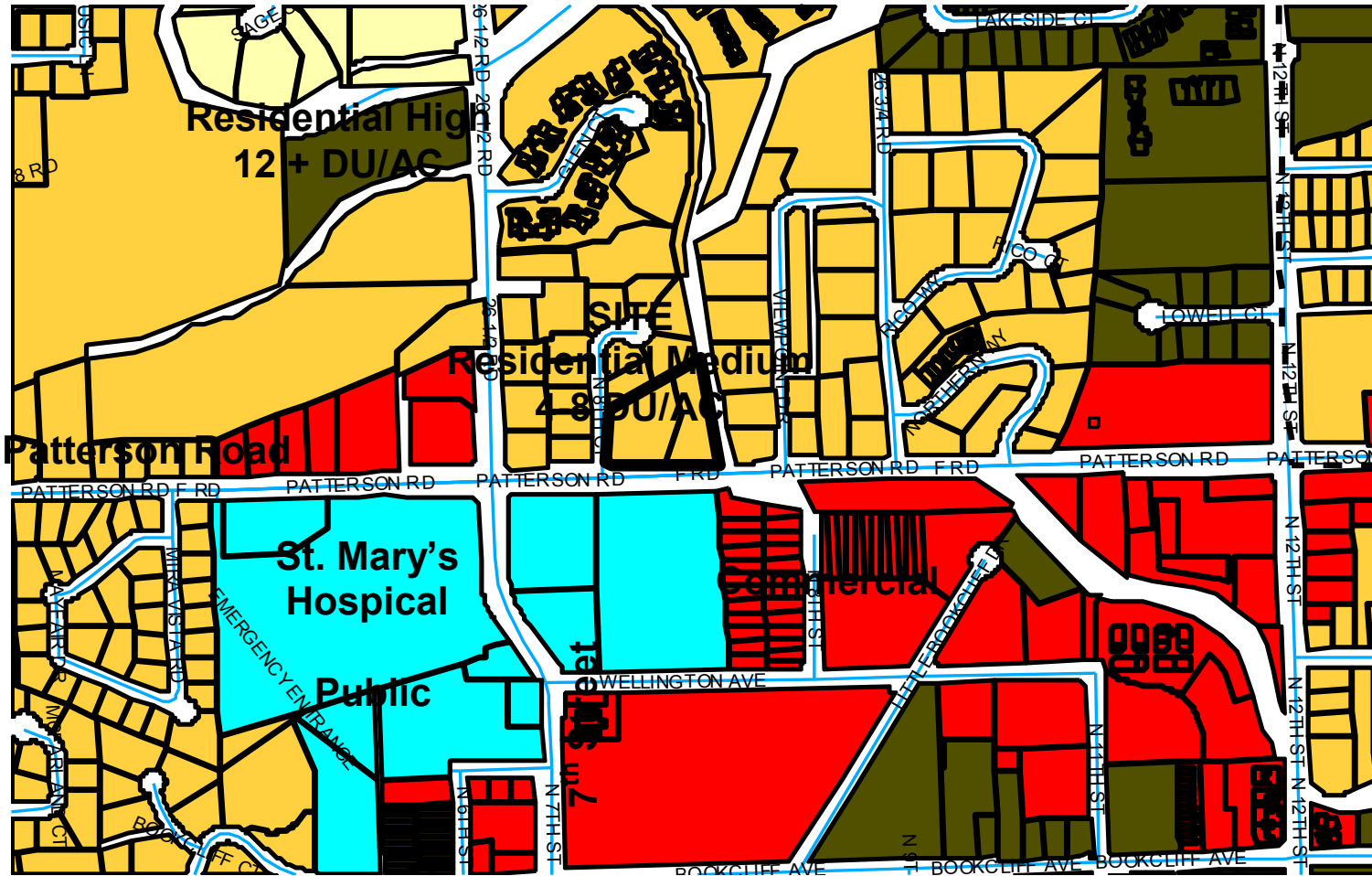
Glen at Horizon



Future Land Use Map

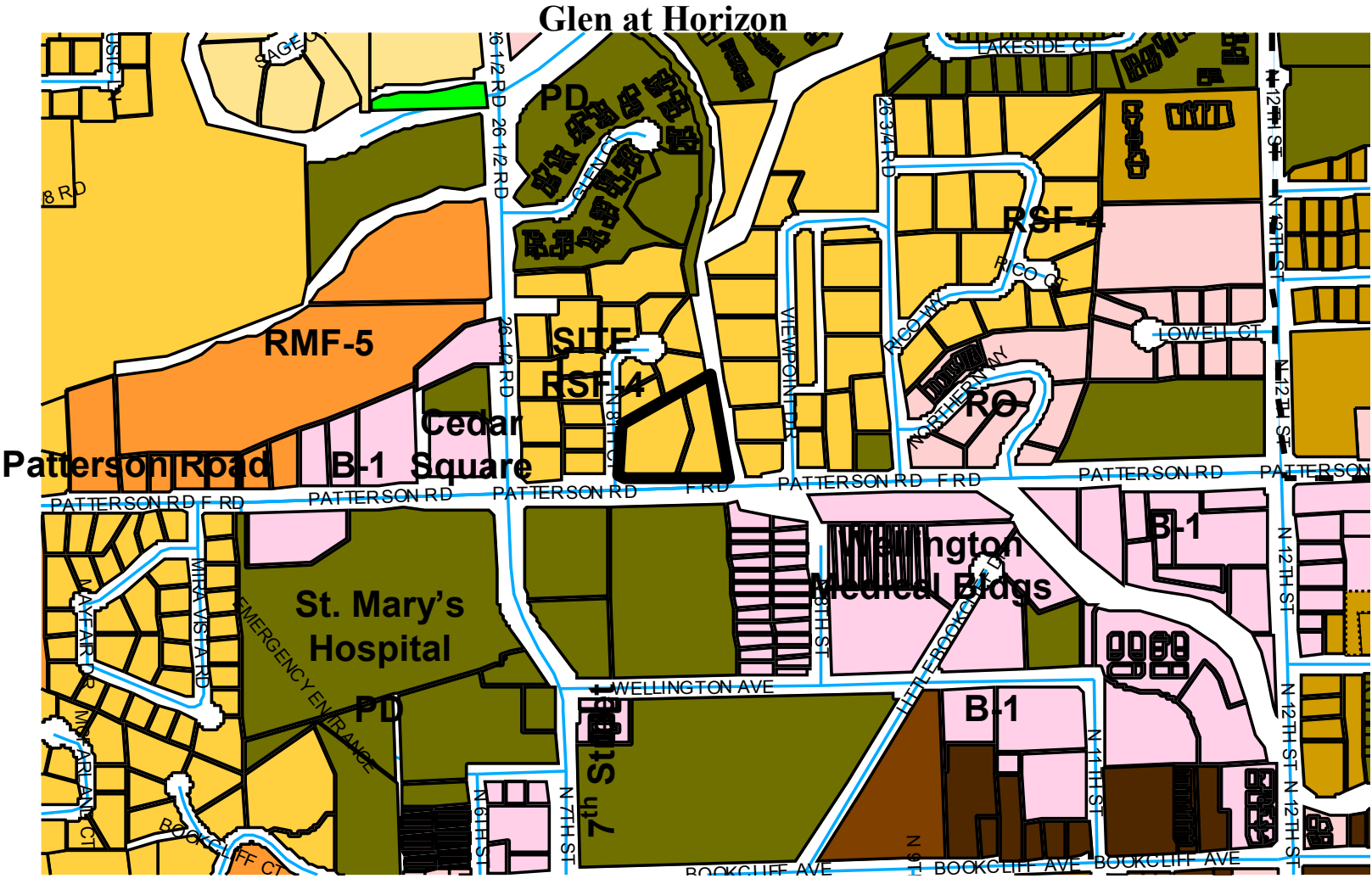
Figure 3

Glen at Horizon



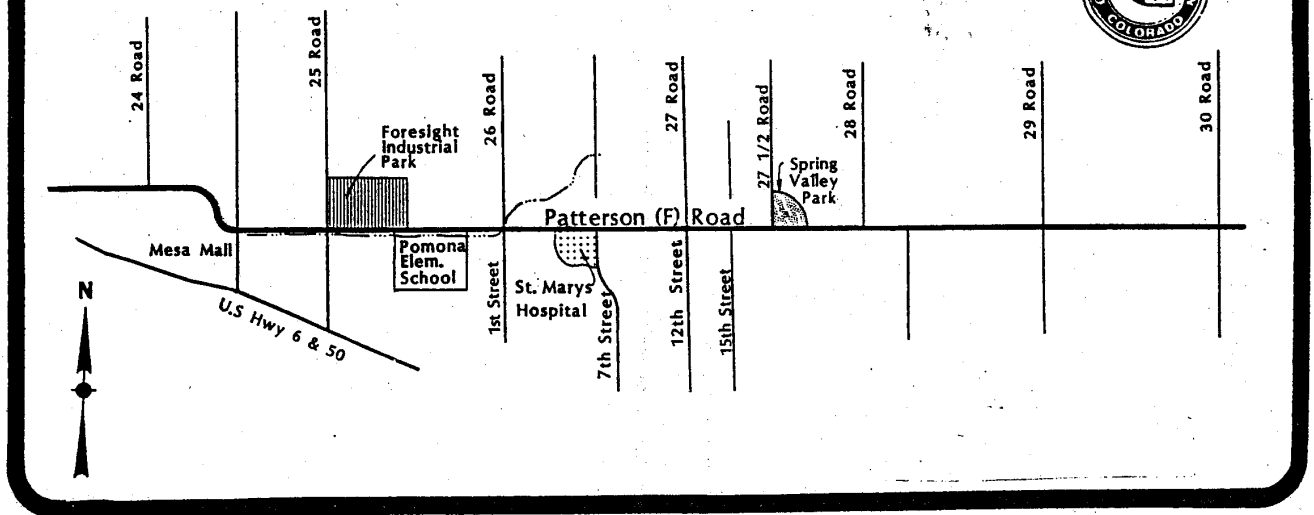
Existing City and County Zoning

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."

Patterson (F) Road Corridor Guideline



BOOK 1718 PAGE 319

Patterson (F) Road Status

According to the Functional Urban Classification System, Patterson (F) Road is classified as a major arterial from Highway 6 & 50 to I-70 Business Loop.

This means:

- It requires 100 feet of right of way (maximum).
- It will have continuity of several miles.
- It will be posted with speed limits greater than or equal to 35 mph.
- It will have limited access.
- It serves as a major east-west traffic carrier.
- It will not have on-street parking.

For this corridor guideline, Patterson (F) Road is split into three sections:

- 1) Highway 6 & 50 east to 1st Street.
- 2) 1st Street east to 15th Street.
- 3) 15th Street east to 30 Road.

General Guidelines

Anywhere along Patterson (F) Road, regardless of the type or scale of development, any development should accommodate the following:

- 1) Development should be done in a planned development (PD) context to help ensure good site planning.
- 2) Developers must provide the necessary right-of-way and improvements guarantees to assist the City in their capital improvements.
- 3) Existing single family housing and neighborhoods should be respected and protected whenever possible.

Patterson (F) Road Corridor Guideline

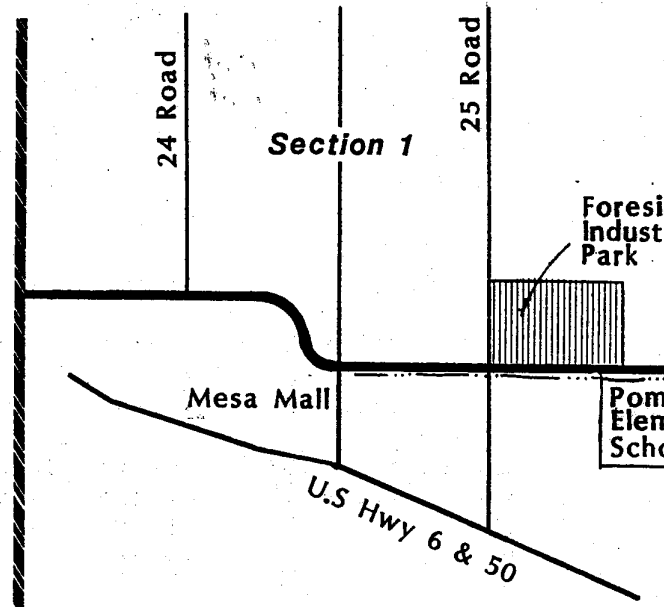
Intent: The intent of this corridor guideline is to address the existing and future land uses along Patterson (F) Road. As a primary transportation route transgressing the city, consideration for the existing residential, business and commercial uses in terms of future uses is necessary.

Goal: The goal is to carry traffic in the most efficient manner possible, minimizing access, traffic hazards and encroachment into established residential neighborhoods.

Policy: The policy is to establish guidelines for land use of new development or redevelopment, to help ensure consistent decisions and direction along Patterson (F) Road.

General Guidelines (continued)

- 4) New commercial and business development and redevelopment should not adversely affect the existing neighborhoods with traffic, parking, lighting or noise. Good site planning can help mitigate these concerns.
- 5) In cases where parcels have frontages on roads in addition to F Road, those frontages will be considered preferred access points, unless it is shown that such access points would have an undesirable impact on the neighborhood or area.
- 6) Curb cuts and access points on Patterson (F) Road should be limited and consolidated to encourage the concept of shared access for proposed and future development. Wherever possible, accesses should align with any existing accesses on the opposite side of the roadway to minimize traffic hazards and help the flow of traffic entering the roadway.
- 7) When development which may create a traffic hazard is proposed near an intersection, turning movements will be controlled to allow for the best traffic flow.
- 8) Access points must be designed to maintain a clear site distance for vehicular, bike and pedestrian traffic safety.
- 9) Adequate walkways should be provided to encourage and accommodate pedestrian use along F Road.
- 10) Development should provide adequate setbacks for structures from the public right of way, to be used in part for landscaping. The intent is to provide attractive surroundings for the tenants, residents, motorists and pedestrians throughout the corridor. Within the setbacks landscaping amenities such as berming, buffering and streetscapes should be included.
- 11) Drainage considerations to adequately accommodate run-off should be addressed with all new developments or redevelopments.
- 12) Neighborhood discussion is encouraged with the petitioner throughout the development process.
- 13) The undergrounding of utilities should occur wherever feasible along this corridor.



BOOK 1718 PAGE 320

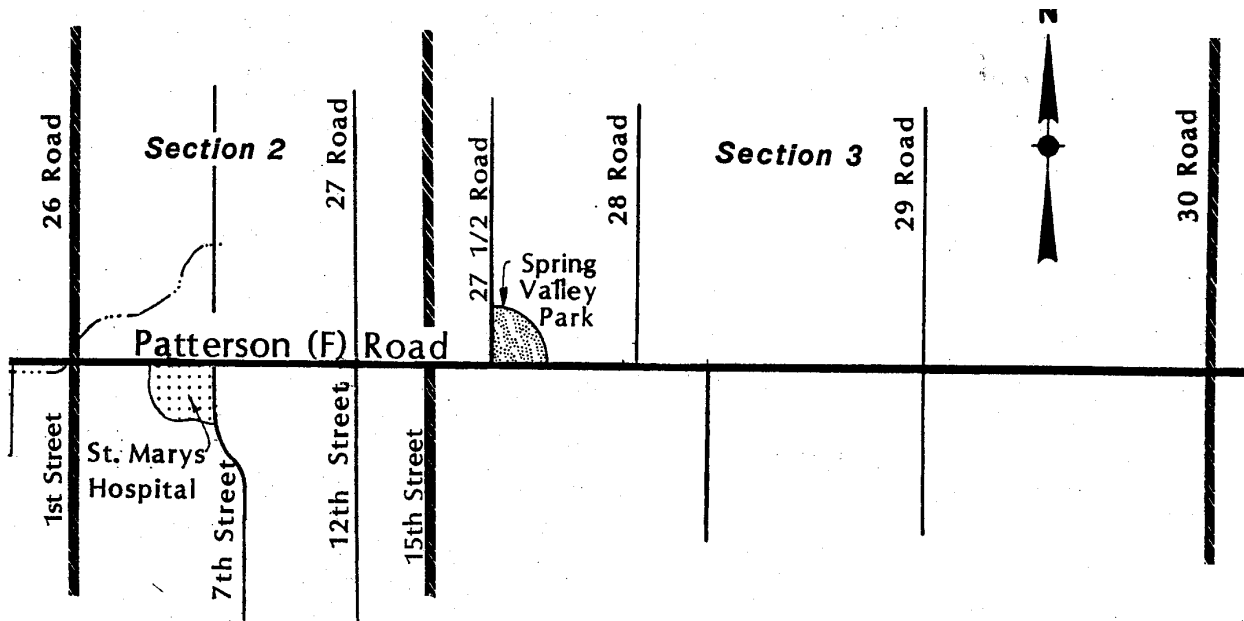
- 14) Other corridor guidelines may also be applicable and should be considered in the review of new development.

Highway 6 & 50 to First Street

The intent of this section of the corridor guideline is to provide a parkway atmosphere and also accommodate pedestrian access. Because of the existing mixed uses, landscaping, berming and buffering are encouraged along Patterson (F) Road to help minimize the adverse effects of the high traffic volume associated with this corridor.

In keeping with the existing uses and zoning:

- New commercial development is appropriate on the south side of Patterson (F) Road from Highway 6 & 50 to 25 1/4 Road.
- Commercial and mixed-use development is appropriate on the north side of Patterson (F) Road from 24 1/2 to 25 1/2 Road.
- Residential development is appropriate on the north and south sides of Patterson (F) Road from 25 1/2 Road to 1st Street.



BOOK 1718 PAGE 321

First Street to Fifteenth Street

- 1) Access points should be designed to serve more than one lot - if possible. Shared ingress/egress can be accommodated for adjacent parcels by accessing at joint property lines.
- 2) Meandering pedestrian walks can be considered as an alternative to standard City sidewalk requirements. This can be designed in conjunction with the landscape plan.

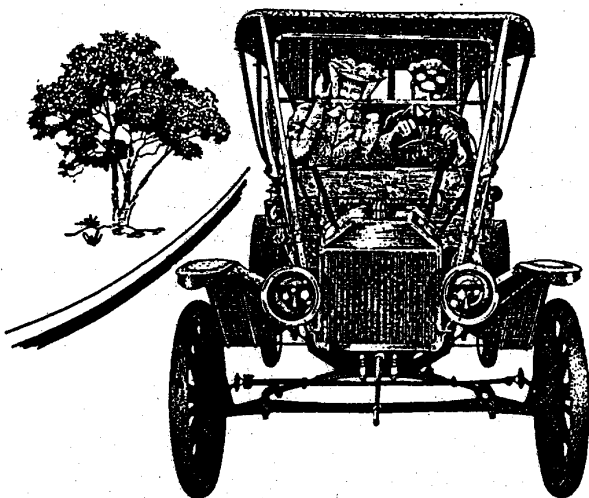
The intent of this section of the corridor guideline is to protect existing residential development, and to consider low-volume business and medical oriented development. Aggregating parcels for larger scale development is encouraged.

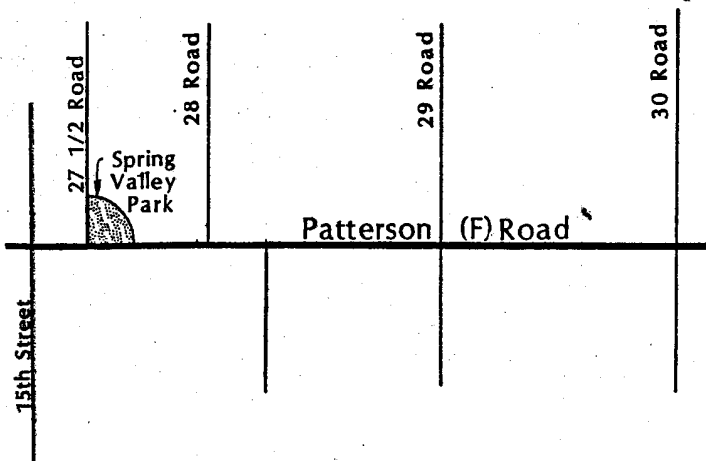
In keeping with the natural constraints and existing uses:

- Low volume business and medical offices are appropriate on the north side of Patterson (F) Road between 26 1/4 Road and 7th Street, and also on the south side of Patterson (F) Road from 7th Street to 12th Street, including the southeast corner of 12th and Patterson.

- 1) Aggregating parcels is encouraged where smaller lot configurations exist. This will help provide more flexibility of site design with new developments.

- 2) Based on neighborhood input, encroachment into the established residential areas is discouraged. Therefore, when a request to change the use or zone may impact the adjacent properties, a neighborhood meeting is recommended to help address those individual concerns.





15th Street to 30 Road

The intent of this section of the corridor guideline is to encourage residential development only. Encroachment of new business is discouraged.

In keeping with existing residential zoning and uses:

- New residential development with 10 units per acre is the most compatible and appropriate density.

- 1) This density will help minimize the need for further commercial development. The existing commercial uses are adequate to serve 10 units per acre without the need for additional commercial development in this section of the corridor.
- 2) Existing developments should be protected. New residential development is encouraged to be planned with a designed density compatible with adjacent uses.
- 3) All new developments should be compatible with the County Patterson (F) Road Corridor Policy east of 30 Road.



NOTE:

It is important to note that goals, objectives, policies and guidelines are informational in nature and represent only one of the many factors which must be considered in the decision making process. The Planning Commission and City Council shall determine the applicability of any goal, objective, policy or guideline to any specific development situation.

1004

3.4 NON-RESIDENTIAL ZONING DISTRICTS

A. RO: Residential Office

1. **Purpose.** To provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. RO implements the medium, medium-high and high residential density and *Commercial* future land use classifications of the GROWTH PLAN in transitional corridors between single-family residential and more intensive uses.

RO Summary	
Primary Uses	Professional Offices, Attached and Detached Single Family, Duplex, Townhouse, Multifamily, Civic
Max. Intensity	0.4 FAR, 16 units/acre
Max. Bldg. Size	10,000 sq. ft.
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RO District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed 16 dwellings per acre;
 - b. Minimum lot size shall be 5,000 square feet for all non-residential uses and for an initial dwelling unit plus 1,500 square feet for each additional dwelling on the same lot;
 - c. Non-residential intensity shall not exceed a floor area ratio (FAR) of 0.4;
 - d. Maximum building size shall not exceed 10,000 square feet, unless a conditional use permit is issued.
 - e. Minimum net density shall not be less than four dwellings per acre if the property is developed exclusively for residential use. Minimum density does not apply to mixed use properties.
4. **Performance Standards.** New construction, including additions and rehabilitation's, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. "Consistent" means the operational, site design and layout, and architectural considerations described in the next subsections.

5. **Site Design, Layout and Operational Considerations.**

- a. **Parking.** Business uses in the RO District shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four (4) feet nor more than six (6) feet (vegetation may exceed six (6) feet in height).
- b. **Service Entrances.** Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.
- c. **Use of Front Yard.** Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.
- d. **Hours of Business.** No uses in this district shall open earlier than 7:30 a.m. and shall close no later than 8:00 p.m.
- e. **Outdoor Storage and Display.** Outdoor storage and display areas associated with non-residential uses are prohibited.
- f. **Mixed Use.** Any mix of residential and non-residential uses on the same lot shall be located in the same structure.
- g. **Outdoor Lighting.** Outdoor lighting shall comply with the lighting provisions in this Code.

6. **Architectural Considerations.**

- a. **Building Alignment along Streets.** Every new building and addition shall be located so that it aligns with existing neighborhood buildings. "Aligns" means elevation (*e.g.*, horizontal lines of peaks of roofs, cornices, window sills) and plan (*e.g.*, setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).
- b. **Building Orientation/Style.** Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many RO areas, raised foundations and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 10, 2004 MINUTES
7:00 P.M. to 9:05 P.M.**

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

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, John Evans, William Putnam, Bill Pitts, Travis Cox (alternate) and Thomas Lowry (alternate). Commissioner Lowry arrived following consideration of the minutes.

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

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

Terri Troutner was present to record the minutes.

There were approximately 46 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the December 16, 2003 and January 13, 2004 public hearings.

MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the December 16th minutes as presented."

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioner Cox abstaining.

MOTION: (Commissioner Cole) "Mr. Chairman, I move we approve the January 13th minutes as presented."

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioner Cox abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Items RZ-2003-278 (Rezone--Proietti Rezone), VR-2003-182 (Vacation of Right-of-Way/Horizon Drive ROW Vacation), CUP-2003-053 (Conditional Use Permit--Castle Creek B&B), and PP-2003-163

(Preliminary Plan--Garden Grove Townhomes, Phase III) were placed on the consent agenda. No objections were expressed by the citizenry, planning commissioners or staff.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the approval of the Consent Agenda as presented."

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

IV. FULL HEARING

RZ-2003-233 REZONE--GESKE REZONE

A request for approval to rezone two adjoining properties consisting of 2.068 acres from an RSF-4 (Residential Single-Family, 4 units/acre) zone district to an RO (Residential Office) zone district.

Petitioner: Grant, Eva & Judith Geske

Location: 2656 F Road

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, offered a Powerpoint presentation containing the following slides: 1) project description; 2) outline/description of the RO zone district; 3) Growth Plan map; 4) surrounding zoning map; 5) surrounding land uses outline; 6) photos of the property and surrounding area; 7) outline of Code rezone criteria 2.6.A; 8) drawing of the St. Mary's Hospital property in relation to the petitioner's property; and 9) conclusions and recommendations.

Mr. Joyce noted the presence of a single-family home on one of the lots; the other lot is presently vacant.

Mr. Joyce said that the RO zone provided for low intensity, non-retail, neighborhood services and offices uses. He felt that an eye care center represented an appropriate transition between adjacent residential and nearby medical uses. St. Mary's Hospital and the Wellington Street medical buildings are located directly across Patterson Road and at the 7th Street/Patterson Road intersection. The rezone request, he said, is supported by both the Code's rezone criteria and Growth Plan recommendations. The Growth Plan's designation of 4-8 units/acre would allow construction of up to another 7 homes on the 2-acre site, resulting in an expected increase in traffic of 200 ADT (average daily trips). Mr. Joyce pointed out that even with an additional 200 ADT, the carrying capacity for North 8th Court would still not be exceeded. Any traffic impacts arising from development of the site would be mitigated during site plan review. He noted in one particular area photograph the departure of a St. Mary's air life helicopter. This, he said, demonstrated nearby activity and existing noise levels.

Mr. Joyce said that the screening requirements of the RO zone would adequately buffer residential uses from the eye center's parking lot and the business itself; onsite lighting would be downcast; hours of operation would not extend past 8 p.m. (with 8 a.m. to 5 p.m. the norm); and the building's size would be limited to not more than 10,000 square feet. Infrastructure and utilities were present. Staff, he said, had recommended approval of the request. He, on behalf of the petitioner, expressed agreement with staff's recommendations and conditions.

QUESTIONS

Commissioner Cole asked for the distance between the North 8th Court entrance and the 7th Street/Patterson Road intersection. Mr. Joyce thought the distance to be approximately 250-300 feet.

STAFF'S PRESENTATION

Ronnie Edwards offered a Powerpoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) findings and conclusions; and 6) photos of the site and nearby vicinity. She confirmed that the request met both Code requirements and Growth Plan recommendations, and staff recommended approval.

QUESTIONS

Commissioner Cole asked staff how far the North 8th Court entrance was from the 7th Street/Patterson Road intersection. When Ms. Edwards replied that it was approximately 360 feet, Commissioner Cole then asked how far apart intersections must be according to the TEDS manual. Ms. Edwards said that the TEDS manual required a separation of at least 300 feet on principal arterials.

Commissioner Putnam asked what uses the eye center was transitioning. Ms. Edwards clarified that the RO zone district represented a "transitional opportunity" to provide buffering between adjacent residential uses and the more intense business uses represented by St. Mary's and the medical buildings located south of Patterson Road.

Chairman Dibble asked what the expected community benefit of the RO zone would be. Ms. Edwards reiterated that its benefit would be in providing a possible transition between residential and business uses. She added that site and access constraints would limit the type and scale of uses that could be placed on the site.

Chairman Dibble asked about the problems that could potentially arise if an RO zone were approved for the site. Ms. Edwards responded that impacts were dependent upon the use. She said that it was difficult to ascertain impacts without an actual plan.

Chairman Dibble referenced Mr. Joyce's comment regarding the possibility of another 7 homes on the property. He asked "How many curb cuts were present there now?" Eric Hahn, City Development Engineer, said that locations of existing accesses were somewhat irrelevant at this point. When asked if access to the site would be derived from Patterson Road or via North 8th Court, Mr. Hahn reiterated that without knowing the intended use, the primary access point could not be determined. Mr. Hahn added that the petitioner could find that mitigating traffic and other impacts would be quite difficult. He reiterated that site constraints may limit the actual number of appropriate uses to only one or two.

Commissioner Pitts observed that Patterson Road itself already served as a buffer between neighborhood residential and business uses. Ms. Edwards concurred with his observation.

Chairman Dibble noted in his review packet copies of two previous rezone requests for a larger property located directly adjacent to the petitioner's. He asked "Why would staff support approval for the current rezone request when they had recommended denial of the former rezone requests?" Mr. Hahn said that the former commercial rezone request would allow uses which could not meet the City's access standards. Chairman Dibble asked if the additional property could ever be rezoned for anything other than residential given access constraints. Mr. Hahn replied that the likelihood of it ever being developed as anything other than residential was remote, unless it was part of a group of properties that were combined and redeveloped.

Ms. Edwards said that she'd spoken at length with some of the residents objecting to the current rezone request. She'd explained to them that site constraints could prevent the location of an eye center on the petitioner's property.

When Commissioner Cox asked where parking for the eye center would be located, Ms. Edwards referenced an aerial photo of the site and pointed to the northernmost portion of the property.

Commissioner Cole asked what would happen to the existing home if a commercial use were constructed. Ms. Edwards said that her understanding from the petitioner was that the existing home would remain and be used as a rental. The eye center would be constructed on the lot presently vacant. When asked why staff hadn't recommended a PD zone for the site, Ms. Edwards said that a PD designation required a minimum lot size of 5 acres.

Commissioner Cox remarked that the current rezone request and expected use failed to show due consideration to the existing adjacent neighborhood. Ms. Edwards said that it was up to the Planning Commission to determine the appropriateness of the request.

PUBLIC COMMENTS

FOR:

George Dunham (608 and 610 26 1/2 Road, Grand Junction) said that redevelopment of the site would greatly improve its current appearance. The property's frontage is currently very unsightly. Commercial development of the property would likely enhance the area's property values.

Robert Rigg (843 19 Road, Fruita) said that the sisters of St. Mary's Hospital had originally purchased the subject property as a place for them to live, plans which had not come to fruition. He felt a medical use would be appropriate for the site given the presence of so many other medical uses in the area.

AGAINST:

Mary McPherson (2712 North 8th Court, Grand Junction) said that during the neighborhood meeting held by the petitioner, all of the North 8th Court residents had come out in opposition to the request. Her concerns included adverse impacts to the quality of life currently enjoyed by she and her neighbors and negative impacts to their property values. Hers is a special neighborhood, one where neighbors were also family and friends, where people took pride in the appearance of their properties and there is no crime. The only exception to that was the petitioner's property, where landscaping had been left to deteriorate because the Geskes hadn't wanted to invest any time or money in its upkeep. She said that a 6-foot shrub would inadequately buffer her property from the petitioner's parking lot. Referencing Mr. Joyce's photo of the St. Mary's air life helicopter, she said that comparing that noise with the ongoing noise of a commercial business was erroneous. She had no objection to noise made by the helicopter and she surmised that many, if not all, of her neighbors felt similarly.

Ms. McPherson said that she would soon be moving from the area but had been told by several realtors that even the possibility of the rezone's approval had negatively affected the marketability of her home. They'd told her that her home's value would be approximately \$50K less than other comparable homes in the area. The most appropriate buffering of residential uses, she said, was another residential use. She urged planning commissioners not to reward the petitioner for allowing his property to deteriorate when he was attempting to use that deterioration as justification for his rezone.

Robert Lubinski (2709 North 8th Court, Grand Junction) began by saying that he and his wife lived directly adjacent to the subject property. He said that the petitioner had in the year 2000 requested a property line adjustment on the two parcels in preparation for a rezone and ultimate construction of an eye center. At that time, he, his wife and Steve Lambert (a resident of the Viewpoint Subdivision) met with City planner Bill Nebeker, who had told them unequivocally that no access would be allowed to the site from Patterson Road for any purpose other than residential. Mr. Nebeker had also said that the only access to the site from North 8th Court would be on the north end of the west parcel, and that that would be difficult and highly unlikely. The overriding concern of the planning agencies at that time had been that Patterson Road was not to become another North Avenue. Mr. Nebeker told them that the opinions of the residents of the local neighborhood were of the "utmost concern" and would be given great consideration in any rezone request.

At the neighborhood meeting prior to the current rezone request, staff became very aware of the neighborhood's strong opposition to the petitioner's rezone and proposed use. Staff's assessment and recommendation on the current request, however, failed to give due consideration to the neighborhood's opinions. The only persons being adequately represented by the City's Community Development Department, he said, were the Geskes.

Referencing staff's analysis of the request as it pertained to rezone criteria found in Code section 2.6.A., Mr. Lubinski said that the Code required compliance with all seven criteria before any approval could be given. He felt that the request failed to meet criteria subsections 2, 3, 4, 5, 6 and 7. With regard to subsection 2, change in character to the neighborhood, he pointed out that the St. Mary's development occurred concurrent with many if not most of the homes built north of Patterson Road. Thus, since the middle 70's, the north and south sides of Patterson Road have continued developing in very distinctly different ways. The north side of Patterson Road had remained residential in character while the south side of Patterson Road had accommodated an expanding medical community. Mr. Lubinski contended that the north and south sides of Patterson Road should not be compared similarly when determining changes in character to the neighborhood. Staff's conclusion that there has been an overall change in the area's character was untrue.

Referencing subsection 3, the rezone's compatibility with the surrounding neighborhood and associated adverse impacts, Mr. Lubinski said that the rezone would create significant impacts to the existing neighborhood and decrease the safety and capacity of the existing street network. Approval of the rezone and subsequent commercial development would result in significant noise and air/light pollution problems, parking problems, access problems and other nuisances such as trash dumpsters and after-hours maintenance vehicles and noise. That particular Code subsection, he said, had been written in the future tense to imply that no adverse impacts "will be" created as a result of the rezone. Staff's own conclusions indicated that such impacts could occur as a result of rezone approval. Staff's assertion that mitigation of such impacts may be possible should be viewed as irrelevant, since the Code criterion clearly required that no adverse impacts could be created in the first place.

Referencing subsection 4, conformance with policies and goals of the Growth Plan, Mr. Lubinski said that the Growth Plan's Land Use Map, adopted in June 2003, designated both the Walker Heights and Viewpoint subdivisions as residential. Further, he felt that staff's assertion that the RO zone was appropriate for the site and that it would serve as a transition was erroneous. Given that the rezone would adversely affect the majority of residents living along North 8th Court and no one else, what was this rezone intended to transition them from?

Referencing subsection 5, available and adequate public facilities and services, Mr. Lubinski said that the adverse impacts referenced in subsection 3 also applied to this section. Significant impacts to the street network and infrastructure were expected. Thus, this criterion too had not been met.

In subsection 6, adequate supply of land availability to accommodate the zoning, the staff report asserted that RO zones existed from approximately 8th Street to 15th Street, north of Patterson Road. This was untrue, because the RO zone on Patterson Road didn't begin until approximately 11th Street and laid well to the east of both the Walker Heights and Viewpoint subdivisions. Mention was made of RO zones existing along North 7th Street and in downtown areas; however, none of those areas had any bearing on the North 8th Court community whatsoever. Mr. Lubinski felt that this was representative of staff researching a wide area in an attempt to justify an unjustifiable position.

With regard to subsection 7, community benefit, Mr. Lubinski read that criterion into the record. He noted that the proposed rezone criteria says "will" benefit the community or neighborhood, not "may." He maintained that the current rezone request would not benefit the community or neighborhood in any way. The only persons who would benefit from the rezone would be the Geskes and that their benefit would be strictly financial.

Mr. Lubinski said that the current rezone request was far from benign. Its approval would have long-term and far-reaching ramifications for the existing residents of North 8th Court. As an aside, he thought it a shame to lose one of Grand Junction's premier historical homes, the Walter Walker home currently located on the site. He strongly urged planning commissioners to deny the request because it failed to meet both Code and Growth Plan criteria.

Steve Lambert (609 Viewpoint Drive, Grand Junction) agreed that the historic value of the Walter Walker home and site should be considered and preserved. Referencing the City's published Strategic Plan drafted by City Council regarding the preservation of the City's historic places, the City's stated goal was to "facilitate efforts that sustained the historic character of the community." The document, he said, further stated that "both the City Council and administrative staff would value the City's small-town character, promote vital neighborhoods in a well-planned high-quality environment, and enhance the attractiveness and character of the community." The current rezone and subsequent commercial development would not only be inconsistent with this goal but would also be contradictory to City's Council's position. He urged planning commissioners not to recommend to City Council that it take a position which would be seen by the public as a violation and mockery of its own stated goals. The City's February 2004 newsletter said that the City recently received a grant from the Colorado Historical Society, to be used for continued inventorying of the community's historic resources. City Council had subsequently approved a \$100K contract in pursuit of that goal, \$40K of which were from the City's revenues.

Mr. Lambert agreed that he and his neighbors' quality of life would not be preserved nor enhanced by the rezone's approval and would likely represent the first step of continued commercial encroachment into an established residential neighborhood.

Norman Craig (no address given) urged planning commissioners to consider the human element and the impacts approval of the rezone request would have on existing residents. Unfurling a banner with the acronym R.A.G.E. (Residents Against the Geskes' Encroachment), he said that he and other residents

would be installing similar banners on their properties as a means of protesting the rezone request. He also intended to coordinate a video and leaflet campaign apprising the community of the current issue. He urged denial of the request, saying that resultant impacts would greatly and adversely affect the existing neighborhood.

Ray Meacham (611 Viewpoint Drive, Grand Junction) said that as a long-time resident in his neighborhood, he and others had learned to successfully access Patterson Road from North 8th Court. Left turns were especially tricky, he said, and not something that patrons of the eye center were likely to figure out easily. Existing problems would surely be exacerbated as a result of added traffic originating from commercial development. The concerns of residents, he said, should be both heard and respected. The only benefit to the rezone would be financial gain to the petitioner. It wasn't worth the diminished quality of life that would affect an entire neighborhood.

Georgia Meacham (615 Viewpoint Drive, Grand Junction) said that existing residents had been there a long time. Relationships had been formed. If the rezone were approved, it was likely that the north side of Patterson Road would begin developing as had the south side.

Karen and Richard Troester (2714 North 8th Court, Grand Junction) said that both made their livings in commercial lending. Referencing a photo of the Walter Walker home, Ms. Troester said that it wasn't the home that was deteriorating; rather, the site's landscaping was being neglected. She'd understood that the petitioner had not wanted to invest any time or money in upkeep of the irrigation system or the site's vegetation.

She said that Mr. Joyce's presentation indicated that the petitioner had served over 7,000 clientele in 2003. Since the rezone was being requested to accommodate a business expansion, she couldn't fathom the magnitude of traffic impacts resulting from that many and more people accessing the business via North 8th Court. Already there was limited sight distance at the end of the street near the cul-de-sac. Ms. Troester presented photos of her and neighboring properties. She said that she and other residents are raising children. The safety of those children would be at risk with so many additional vehicles using their residential street for commercial access. Homes in the neighborhood were custom-built and well-kept. Residents were justified in their concerns over impacts to property values.

Ms. Troester said that one of those speaking for the request was a realtor who'd sold the property to the petitioner. It was likely that he had some personal and/or financial interest in the success of the rezone request.

Mark Madison (1010 Rico and 2525 North 8th Court, Grand Junction) said that as an owner of two properties in the area, he walked there every day. He agreed with all previous comments in opposition and felt that there was no need to place a commercial development in a historically residential community.

Amelia Danbury (620 Viewpoint Drive, Grand Junction) also concurred with previous comments in opposition and expressed concern for the safety of her children. The development, she said, would not only exacerbate existing traffic and access problems, it would result in a variety of new impacts. Commercial development in their neighborhood wasn't wanted nor was it needed.

PETITIONER'S REBUTTAL

Mr. Joyce reiterated his assertion, supported by staff, that the request did in fact meet both Code criteria and Growth Plan recommendations. Those documents considered overall benefits to an entire community, not just the preferences of a single neighborhood. He pointed out that the petitioner had already invested between \$40K and \$50K in renovating the home. No money had been spent on site landscaping because the irrigation system was damaged. Construction of an additional 7 homes would result in additional children. The presence of the canal already represented an unsafe situation. Mr. Joyce stood by his presentation's facts and figures and said that the site's constraints would limit the use. It was unfair to deny a justifiable rezone based on a use that had yet to be established.

DISCUSSION

Commissioner Cole said that anyone owning property had a right to come before staff or the Planning Commission to request a change, just as anyone wanting to support or oppose that requested change had a similar right to do so. He noted the close proximity of the North 8th Court entrance to the 7th Street/Patterson Road intersection and felt that added commercial traffic from the petitioner's property would only exacerbate existing traffic and access problems. Left turns from North 8th Court onto Patterson Road would be virtually impossible and could ultimately result in a restriction of left turns from that street altogether. Such a restriction would only force both residential and commercial traffic to travel through an established neighborhood. He agreed with neighbor comments that the request would create a number of adverse impacts if approved and that Code criteria 2.6.A. subsections 2, 3, 4, and 7 had not been met.

Commissioner Putnam cited Code section 3.1.E., which stated that the purpose of establishing zones was to "protect and maintain the integrity and character of established neighborhoods." The City's charge was very clear, one which was also supported by the Colorado State Supreme Court. Since the request failed to meet Code and Growth Plan requirements, he could not support it.

Bob Blanchard asked planning commissioners to be clear on their findings, since they disagreed with those of staff. John Shaver agreed that specific findings were important, but they need not be reiterated in a motion.

Commissioner Putnam agreed with the content of Mr. Lubinski's presentation which asserted that 6 of the 7 established criteria had not been met.

Commissioner Pitts said that Patterson Road itself served as an adequate buffer between the residential uses to the north and the medical uses to the south. The presence of an irrigation canal served as an additional buffer to the residents of Viewpoint Drive. He agreed with neighbor input that undue adverse impacts would be created if the rezone were approved, and agreed too that the integrity and character of existing neighborhoods should be preserved. He felt that denial of the request was warranted.

Commissioner Cox said that resident presentations were very comprehensive. He agreed that rezone criterion 2.6.A.2 had not been met since North 8th Court and Viewpoint Drive neighborhoods were not part of the St. Mary's development. No change to the neighborhood had occurred as a result of the St. Mary's expansion. Referencing the Patterson Road Corridor Guidelines, he read an excerpt which stated that "low volume business and medical offices are appropriate on the north side of Patterson between 26 1/4 Road and 7th Street and also on the south side of Patterson from 7th Street to 12th Street, including the southeast corner of 12th and Patterson." That reference did not specify those uses as appropriate for the area north of Patterson between 7th and 12th Streets; thus, the request failed to comply with criterion

2.6.A.4. Criterion 2.6.A.7 clearly had not been met since the rezone would have no benefit to the existing neighborhood and may or may not benefit the community as a whole. Commissioner Cox felt that he could not support the rezone request.

Commissioner Evans concurred with previous planning commissioner and neighbor comments opposing the request. He said that the rezone failed to meet Code and Growth Plan requirements and would in no way benefit the existing neighborhood. It was just the wrong place for a commercial use.

Chairman Dibble said that in his mind there must be a compelling reason to change a property's existing zoning. Approval of the current rezone request would likely and adversely impact safety, traffic, lighting, etc. There was also no compelling evidence to support the rezone's community benefit. He did not believe that the area was in transition, so staff's assertion that the commercial use may provide a transitional opportunity was, in his opinion, not substantiated. The north side of Patterson Road in that area had historically and consistently been developed as residential. He agreed with the public's assertion that anything which appeared to be problematic now would probably continue to be so in the future. He agreed that 2.6.A. subsections 2, 4, and 7 definitely had not been satisfied.

MOTION: (Commissioner Cox) "Mr. Chairman, on the Geske Rezone, #RZ-2003-233, I move that the Planning Commission forward a recommendation of approval to City Council on the request to rezone from RSF-4 (Residential Single-Family with a density not to exceed 4 units per acre) zone district to RO (Residential Office) zone district, with the findings and conclusions listed in the staff report."

Commissioner Pitts seconded the motion.

A vote was called and the motion failed by a unanimous vote of 0-6.

With no further business to discuss, the public hearing was adjourned at 9:05 P.M.

Terrill Ann Rutter
2705 N. 8th Court
Grand Junction, CO 81506
970-241-2694

Ronnie Edwards Planner
Community Development
250 N. 5th St
Grand Junction, CO 81501

December 17, 2003

Dear Ms Edwards:

I wish to withdraw my property at 2705 North 8th Court from consideration for a reclassification/rezone. At this time I do not feel that it is in the best interest of the neighborhood.

Thank you,



Terrill Ann Rutter
2705 N. 8th Court

RECEIVED
DEC 17 2003
COMMUNITY DEVELOPMENT
CITY

To: Ronnie Edwards
Community Development Office

From: Stephen P. Lambert
609 Viewpoint Drive
Grand Junction, Colorado 81506

Re: Geske Rezone request

RECEIVED
JAN 14 2004
COMMUNITY DEVELOPMENT
DEPT.

Dear Ms. Edwards,

As a resident of the Viewpoint Drive area, I would like to represent my concerns as well as those of my wife in relation to the proposed "Geske rezone" of several properties bordering Patterson Road east of 7th Street.

Primarily, our objections to this proposal are: (a) the encroachment of commercial enterprises into an established and substantial residential area would be detrimental to the character of a neighborhood of homes that residents have spent years and great amounts of money in maintaining; property values can do nothing but fall as a result of a rezone and subsequent business use. and (b) the enormous impact on traffic flow would exacerbate an already critical problem along Patterson; ingress and egress from N.8th Ct, Viewpoint Drive and 26 ¾ Road would be even more difficult and dangerous.

Zoning exists for the purposes of separating incompatible uses from one another and to promote the welfare of the community. I believe a denial of this request would further both of those purposes.

Sincerely,

STEVE LAMBERT

*Planning Commission Presentation
on 2/10/04*

My name is Steve Lambert. I live at 609 Viewpoint Drive, Grand Jct. in a home adjacent to the property in question tonight.

I would like to comment on the rezone as it relates to the historical aspects of the former Walter Walker property. There can be no question as to the historic value of a property that was the home of a man whose name is attached to so many things in the valley (airport, wildlife preserve, subdivision, Mesa State building). There can also be no question regarding its prominent location and wide recognition. This is one of Grand Junction's most important historic sites.

Now, I would like to remind this commission of the published position of the city council with regard to local historic entities.

The city's "Strategic Plan" (2002-2012) states that a goal of the city shall be to "FACILITATE EFFORTS THAT SUSTAIN THE HISTORIC CHARACTER OF THE COMMUNITY". The plan further states that the Council and Administrative Staff will value our "small town character", promote "vital neighborhoods" in a "well planned, high quality environment" and "enhance the attractiveness and CHARACTER of the community".

I feel that a rezone and subsequent commercial development of the Geske property would be unsupportive of if not a contradiction of these stated positions.

In the "City Mission and Values" statement I find the promise (posed as "we WILL") to "PRESERVE AND PROMOTE QUALITY OF LIFE". The quality of my life and those of my neighbors will NOT be preserved OR promoted if this commercial intrusion is allowed to go through. It doesn't take much imagination to see this as a first step toward the further expansion of business in this well established neighborhood.

The Council also promises an "adherence to adopted plans". Looking at the Future Land Use map one sees no intentions for the property being discussed here other than residential (RSF-4). Aren't published land uses to be considered "adopted plans"?? If so, where is the promised "adherence" if a rezone is allowed?

The City of Grand Junction newsletter for February claims that the city has received a grant from the Colorado Historical Society to continue to inventory the "historic resources in our community" Council has approved a \$100,000 contract for this in pursuit of its goal to "sustain the historic character of the community"--- expending \$40,000 in city revenues to do so. The newsletter goes on to state that the Council will be involved in "ongoing neighborhood enhancement and improvement efforts.

Please don't recommend to the Council that they take a position that would appear to the public to be a violation and a mockery of its own stated goals

Also, please don't allow us to get swept up in the headlong rush to put Grand Junction on the economic map at the expense of our quality of life. IT IS NOT NOR SHOULD IT BE, ALL ABOUT MONEY.

THANK YOU.

November 12, 2003

Grand Junction Community Development Department
250 N 5th Street
Grand Junction Colorado 81501

Re: Geske Rezone-2656 F Road, 2705 N 8th Court, 602 26 ½ Road

This letter is to oppose the above-mentioned rezone for the above properties. This rezone will primarily benefit the Geske property located at 2705 N 8th Court and 2656 F Road, which lie on the residential cul-de-sac where we presently own a home. Both of these properties hold access through the 8th Court cul-de-sac only. (8th Court is a cul-de-sac, with only Residential Custom Homes.)

We have a very nice residential subdivision on what is now a quiet cul-de-sac as it should be. The obvious upset of rezoning these properties so the Getke's and the Rutter property on the opposite corner of the cul-de-sac, can be developed as a clinic or clinics with uncontrolled access to Patterson is frightening to most of the property owners in this development as well as the adjoining development. The result of UNCONTROLLED ACCESS TO PATTERSON would create a potential life-threatening hazard to our children and families. Cul-de-sacs are not intended for excessive traffic and this is just one of the problems that will arise from a possible rezone of these property's.

The potential rezone would not only add increased traffic to 8th Court it would also add a increased hazard to what is already a difficult process; accessing Patterson from **both 8th Court and Viewpoint subdivisions**. This potential rezone would negatively affect our property values. In 8th Court many of the property owners have done costly maintenance and upgrades to our homes to keep and increase our values, and make the area an exclusive neighborhood to live in. The potential rezone would grossly devalue our properties regardless of alternative use other than residential to the proposed properties. Residential Office designation provides for professional offices, among other uses. One of the criteria for consideration of a rezone is a change in the character of a neighborhood do to deterioration. The only property allowed to deteriorate has been the Geske property, which at a recent meeting it was stated by the owner this has been intentional due to not knowing what they wanted to do. As we know they have recently purchased a nice home on the Redlands and now want to commercialize this home they have on 8th Court.

At a recent meeting the owner asked all those opposing the rezone "who would buy this property in its present condition?" indicating that it was not marketable as a residence with its present non-maintained yard. When we purchased our home 1-year ago on 8th Court just two houses down from this property, I stated, "If that home would be up for sale I would purchase it." I know the historical background of this beautiful home and would love to see the yard restored to its original state. I have no doubt this is a marketable residence. Of course the cost of not maintaining your home will prevent you from getting top dollar in selling but still it is a very marketable residential property. All three of these properties are nice homes.

I appeal to this Community Development Committee to oppose the rezone application requests of the above properties. Because of the traffic hazard that rezoning will create, due to the uncontrolled access to Patterson, the hazard within the cul-de-sac and the decrease in property value's that will affect both the 8th Court subdivision (The Walker Heights Subdivision) and Viewpoint. My husband and I both are in commercial and residential finance and I know it is unnecessary to rezone these three residential properties for RO uses. There is plenty of medical and office space available and open to purchase on the market without rezoning these three residential properties, as well as vacant property already zoned for businesses such as these.

Sincerely,

Richard and Karen Troester
2714 8th Court
Grand Junction Co. 81506

Cc:
City Council
Viewpoint Residents
8th Court Residents

Members of the planning Commission;

Subject; RZ-2003-233 GESKE REZONE

In regard to the proposal of a zoning change of property along Patterson Road, we would like to make it known that we are dead set against this zoning change for the following reasons; The idea of the proposed rezoning this area for the purposes stated is primarily for the benefit of the Geske property at 2705 N 8th Court and 2656 F road, which is the residential cul-de-sac where we presently own our home. The access to Patterson from 8th. Ct. is at times very difficult and should this zoning change take place it would be a mad house situation and become an even more dangerous intersection. We would have triple the traffic on 8th, Ct. making a u-turn at the end of the cul-de-sac where you often find children playing.

This potential rezone would put all the home owners well on the way for a property de-valuation and the deterioration of a very nice, well kept residential area.

We hope that the Planning Commission will consider the concerns of all the residents that want to keep this area intact as a quiet residential neighborhood.

Thanks,

Walt And Viki Bledsoe
2719 8th Ct.
Grand Junction, Co.81506

RECEIVED
NOV 17 2003
COMMUNITY DEVELOPMENT
DEPT.

November 15th, 2003

Grand Junction Community Development Department
250 North 5th Street
Grand Junction, CO 81501

Re: RZ-2003-233-Geske Rezone

This letter is to oppose the rezone of 2656 F Road, 2705 N 8th Court and 602 26 ½ Road.

We are one of the families with small children in the 8th Court cul-de-sac.

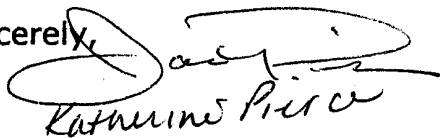
We have enjoyed a quiet neighborhood for 8 years. The neighborhood kids enjoy playing basketball in our driveway, catch on our front lawn, and riding their bikes up and down 8th Court. The thought of excessive traffic volume due to business traffic is saddening and frightening. As you can see, our greatest concern is the UNCONTROLLED ACCESS TO PATTERSON, which could be potentially life threatening.

With the traffic on Patterson already so busy, it is difficult for the property owners to access Patterson. Increasing the traffic on 8th Court would make this neighborhood an undesirable place to live and no longer safe for our children.

We, like many others, have invested much time and money into our homes. We have taken care of our property, and love this neighborhood.

Please hear our plea to keep this neighborhood residential.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Pierce". The signature is written in a cursive style with a large loop at the beginning.

James and Katherine Pierce
2720 N 8th Court
Grand Junction, CO 81506

Mark D. Madison

1010 Rico Court
Grand Junction, Colorado 81506

Phone 970-256-9500

December 07, 2003

Ronnie Edwards
Community Development Dept.
City of Grand Junction

Dear Ms. Edwards,

This letter is to express my opposition to the rezoning of the properties near my house and my business. Specifically I am opposed to RZ-2003-233-GESKE REZONE. The area has been an upscale residential neighborhood and in my opinion the rezone would degrade property values of the adjoining homes. It would also add to the traffic that is already a problem on Patterson Road. The minibank on 26&3/4 Road had a detrimental effect on the traffic flow and new businesses would only add to the problem. I hope that the Planning Commission will decline the proposed rezone and maintain the integrity of the neighborhood.

Sincerely,

Mark D. Madison DDS
Mark D. Madison DDS

January 11, 2004
2712 N. 8th Court
Grand Junction, CO 81506

Community Development Center

RE: Geske Rezone: RZ-2003-233

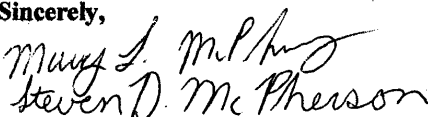
Dear Zoning Commission:

As the residents and property owners immediately adjacent to the Geske property, we are among those most highly impacted by this proposed rezoning. We are opposed to their request and would never have purchased our home had we known of their intentions with regard to their property and their obvious lack of stewardship over it. What was once an historic landmark known as the "Walker Mansion" has now become an eyesore to those that need and don't need eye surgery alike. This intentional destruction of a formerly showcase historic property is a disgrace and will impact the values of all adjacent properties regardless of future use, particularly ours. I have included a few images of what the Geskes have killed to gain your approval of their request since we bought our home in early 2001.

Given the denial of constructing a new grocery store at 12th and Patterson during 2003 due to traffic concerns, we would view approval of the Geske's rezoning request to be duplicitous at best on the part of the City. While the view of a parking lot next to our deck may actually be an improvement over what the Geskes have already rendered of their property, the idea of piling business related traffic on to North 8th Court's entrance to Patterson is exasperating. It is already incredibly difficult to enter (left -turn) and exit (right or left-turn) 8th Court. The cul-de-sac simply can't take it and this neighborhood will be ruined if you allow it. Your consideration of our property interests is requested.

Our taxes are current and our voter registrations are valid.

Sincerely,


Steven & Mary McPherson

RECEIVED

JAN 12 2004

COMMUNITY DEVELOPMENT
DEPT.

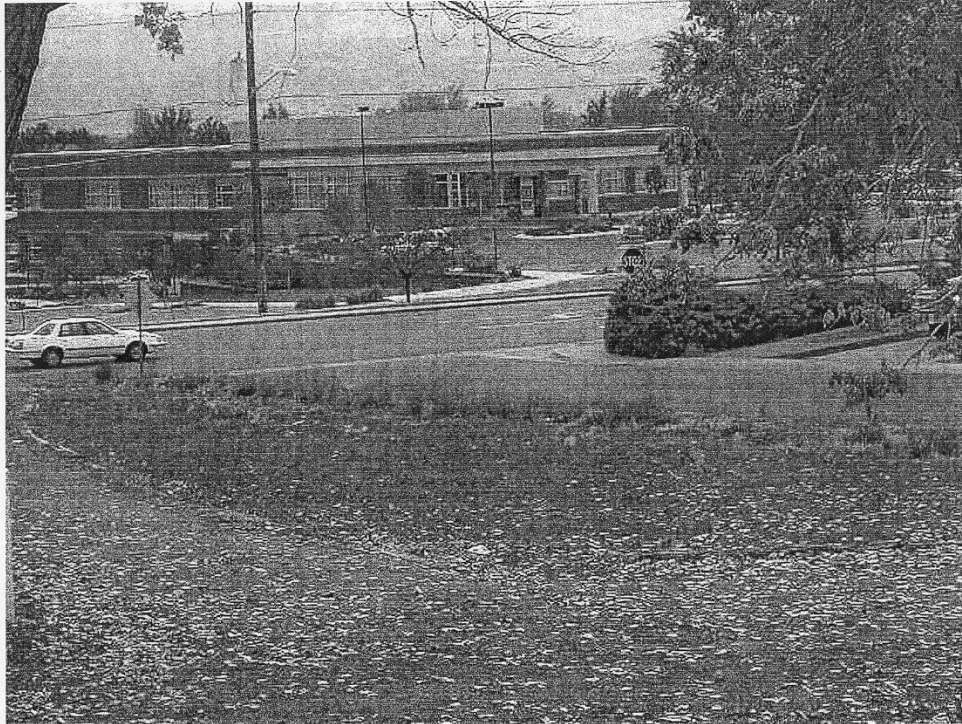


Figure 2. View from our kitchen.



Figure 3. View from our deck.



Figure 1. View from our breakfast room.

We the residents in the areas north of Patterson Road and East of 7th Street do hereby state our opposition to any rezone concerning properties in our neighborhoods. Our present zoning is for single family residences, RS 4, and we strongly oppose any other designation.

Our opposition is based on the fact that we feel our residential areas are long-standing and well maintained and that there is a need to preserve the residential areas in this location.

We believe that under Section 2.6.A.2 of the Zoning and Development Code, there has been no change in the character of the neighborhood due to any of the items listed other than the deterioration of the properties being considered for rezoning. Such deterioration has only taken place at the hands of those requesting the rezone themselves. Also under Section 2.6.A.3, the proposed rezone is not compatible with the neighborhood and will create adverse impacts on the capacity and safety of the street network. We are concerned that given the already congested nature of the 7th Street, 8th Court, and Viewpoint intersections on Patterson, any rezoning to other than single family residence would create a nightmare of traffic patterns. We also believe that under section 2.6.A.7 that the neighborhood will most certainly not benefit from the proposed rezone, as property values will decline and selling a residential property in the area will become next to impossible.

For the above reasons we the undersigned petition the Planning Commission to deny the proposed rezone request on the properties at 626 Patterson Road, 2705 N. 8th Court, and 602 26 1/2 Road.

265 to
 Sherry Zubinski
 12/18/03

RECEIVED
 NOV 10 2003
 COMMUNITY DEVELOPMENT
 DEPT.

NAME	ADDRESS
Robert & Gretchen Zubinski	2709 N. 8 th Ct.
John M. Ahearn	2711 N 8 th Ct.
Mary A. Robinson	2715 N 8 th Ct.
Harrnett Craig	2721 N-8 th Ct.
Norman Craig	" " "
Mary J. McMurphy	2712 N. 8 th Ct.
Gene and Katherine Purca	2720 N. 8 th Ct.
Baron Straetzle	2714 8 th Ct
Richard A. Trostler	2714 8 th Court
Eliza Spedden	2719 8 th Ct
W.D. Blinson	2719 8 th Ct
Mark Madison and Madison	1010 Rice Ct and 2525 N 8 th St. #109
Cott Hayden - Scott Hayden	7078 Capra Way, GT 81500
Robert C. Bishop	612 Viewpoint Drive
LORI FERGUSON Jani Ferg	608 VIEW POINT DR 81506
Ruth C. Edger	604 26 1/2 Rd 81506
Sherry Zubinski	2709 8 th Ct.
Roger C. Head	2713 8 th Ct

January 12, 2004

Grand Junction Planning Commission
City Hall
250 North 5th Street
Grand Junction, Colorado

Dear Commission Members,

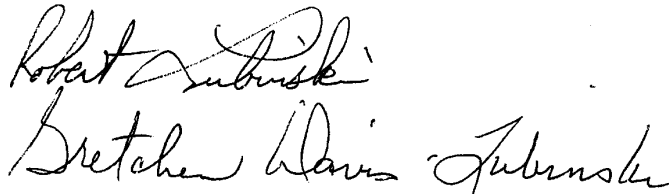
We are writing this letter with regard to the Geske rezone RZ-2003-233 application on the property located at 2656 F Road. My wife and I own a residence at 2709 North 8th Court, directly across 8th Court from one of the proposed properties and adjoining the other property. We would like to express our adamant opposition to the proposed rezone.

Our opposition is based primarily on the issue of the uncontrolled access to Patterson Road. Exiting 8th Court now is difficult particularly when trying to go East on Patterson. It is our opinion that if the properties in question were developed, even under a residential office zone, that the increase in traffic at the 8th Court and Patterson intersection would be a nightmare. The 8th Court intersection is much too close to the 7th and Patterson intersection to accommodate business traffic and would most certainly make entering or exiting 8th Court impossible. A traffic light on 8th Court and Patterson would not be feasible either. We therefore believe that the proposed rezone is definitely not compatible with the neighborhood and will create an adverse impact on the capacity and safety of 8th Court.

In view of all the commercial development in this area of town, it is important that the residential integrity of the Walker Heights and Viewpoint Subdivisions be maintained.

It is our belief that several properties are available in the 7th and Patterson vicinity appropriate for the building of an eye clinic as alternatives to invading a well established, long standing residential area.

Sincerely,



Robert and Gretchen Lubinski

RECEIVED

JAN 12 2004

**COMMUNITY DEVELOPMENT
DEPT.**

January 11, 2004

Community Development Office
250 N. 5th Street
Grand Jct, CO 81501
ATTN: Ronnie Edwards

RE: Zoning for property at 2656 F Road

To Whom It May Concern:

We have lived at 606 Rico Way for almost 28 years. We oppose the rezoning request by the Geskes to establish a medical facility of any sort in the area of 8th Court and Patterson Road.

Those of us who live on 8th Court, Viewpoint Drive, Capra Way and Rico Way have tried hard to maintain the residential status for all the years my husband and I have lived in this area, and this request would add to the problems we see in keeping our quality of life.


I have to drive from my home to work at least 3 times a day, accessing Patterson Road from 26-3/4 Road and traveling west to N. 7th Street. It is difficult at the times of day I leave my house to get onto Patterson, and then the left turn lane westbound to go south on 7th Street is regularly a mess. I do not leave at high traffic times for regular business hours, but I often have had to sit at the left turn signal on Patterson for almost 2 complete traffic light changes to get onto N. 7th Street. The traffic in that turn lane backs up beyond 8th Court and often almost to Viewpoint Drive around 9:00-9:15 a.m. and again 12:45-1:00 p.m. as the left turn arrow sometimes lets only 3 cars through. The people trying to leave 8th Court going east or turning left into 8th Court from Patterson can sit for a long time. Someone trying to turn into 8th Court from 7th Street direction cannot always get into their turn lane, because we are backed up into it. To leave my car at a standstill in the main traffic area of Patterson because I have not been able to get into the left turn lane is also a hazzard. Occasionally as I approach that intersection I see evidence of glass on the road where someone has rear-ended a car stopped and waiting to get to the turn lane.

My concern is the amount of traffic a medical facility of any sort would add to an already messy intersection. The fact that clients would be trying to make a left turn onto 8th Court immediately after the traffic light on 7th Street and/or leaving the facility to get onto Patterson Road would add to traffic congestion. I also feel that a rezoning that increases any non-resident traffic to come and go from our quiet neighborhoods would compromise the quality of our neighborhoods and our lifestyle.

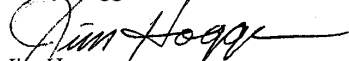
My last concern is about the Walker/Hatmaker house and what the Geskes' plans for that would be. It has been a landmark in this area my entire life. I think if anything should happen on that property it should be to designate it as a historical landmark, not turn the area into another medical facility.

Please add our names again to the list of people who oppose any rezoning away from residential for that property.

Sincerely,



Kathy Hogge



Jim Hogge
606 Rico Way
Grand Jct., CO 81506

FROM THE DESK OF RAY MEACHAM

611 Viewpoint Drive • Grand Junction, Colo. 81506 • 970-242-2115

To: Grand Junction Planning Commission
Re: Your notice of Public Hearing
RZ 2003-233--Geske

RECEIVED
FEB 06 2004
COMMUNITY DEVELOPMENT
DEPT.

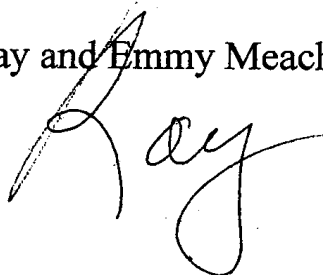
Please take note that as a resident of the Area in question living at 611 Viewpoint Drive I should like to go on record along with ALL other residents of this neighborhood as being STRONGLY OPPOSED to the Geske Rezone designed to accommodate a Residential Office District. As you are no doubt aware, area meetings have been held in the past with objections to this proposal being almost one hundred percent.

Among these objections would certainly include the amount of traffic already on Patterson Road with left turns almost an impossibility at certain hours of the day...the ingress and egress to this proposal available only on 8th St. Court, and, last but not least the commercialization of more and more of our area which is bound to follow. We who live here feel strongly compelled to protect the neighborhood (ours), the park, which we own and take care of by ourselves, and the ambience that living in an older, upscale area affords.

We ask you therefore respectfully to decline THIS request for what amounts to a less restrictive zoning and all future applications for commercialism.

Kindest Regards

Ray and Emmy Meacham



#####

Feb. 4 2004

Ronnie Edwards
Community Development Council
250 North 5th Dt.
Grand Junction CO 81502

RECEIVED

FEB 06 2004

COMMUNITY DEVELOPMENT
DEPT.

004

Dear Ms. Edwards"

My wife and I are residents of North 8th
Court. We are one of the four senior citizens among the residents.

We oppose the proposed re-zoning of this area proposed
by Dr. and Mrs Geske for the following reasons"

1. We believe conversion of the area as commercial
residential will lower the possible sale price of our home. As is
the case with most senior citizens we view our home as a part of the legacy to
our children and grandchildren/ Our estate has already
suffered a severe loss as a result of the catastrophic
losses in the stock market. I am sure you will understand why we wish
to avoid further blows;

2. You must have had opportunity to witness the high-speed
flow of Patterson Road traffic past the entrance to
north 8th Court. At present any attempt to get out or
into our Court between 7:00 a.m. and 6:00 p.m.
is a hazardous undertaking for any skilled driver and much more so for
seniors who tend to be hesitant in any traffic.
I understand that under present rules entry to the proposed clinic
would have to be from 8th Court. This would
add more stress to an already intolerable traffic situation.

We therefore plea that the Geske petition be denied.

Norman and Harriett Craig
2721 North 8th Court

Grand Junction CO 81506

Sorry about the typo errors. I have impaired vision and don't see
the keys very well. No, I don't drive I leave that to
my wife!

Harriett Craig

tion
feel
the

hat it
imes
ng to
nails

for
ld

ne
e
laces
u

From: "ROGER C HEAD" <rogerhead@msn.com>
To: <rhondae@ci.grandjct.co.us>
Date: Tuesday, February 10, 2004 1:30PM
Subject: RZ-2003-233-GESKE REZONE

Community Development Department:

Attn: Ronnie Edwards

My name is Roger Head and I live at 2713 N. 8th Court and am opposed to any form of business which will put more traffic and more parking on N. 8th Court which is a short dead-end cul-de-sac serving 13 residences. The proposed rezone is not compatible with the with the present family status now enjoyed by the present owners.

If the access to the rezoned property is intended to come off 8th court it would also increase the congestion of ingress and egress off of Patterson.

The zoning change to any of the various businesses is not compatible and I am in strong opposition to the rezoning..

Sincerely, Roger C. Head

To: Bob Blanchard

Individual ltrs. to each CC member

cc: Kelly A. Johns

am 2/25/04

Dear Members of the City Council,

We were notified at the Planning Commission meeting that the final decision regarding the rezoning of the Geske property on Patterson will be decided at your meeting on March 17th. Because of a conflict on the evening, we will be unable to attend, and for this reason decided to send a letter listing some of our objections to the approval of RZ 2003-233-Geske for rezoning

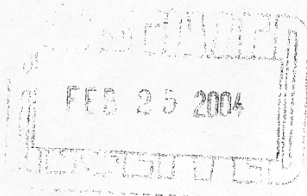
We have resided at 619 Viewpoint Drive for thirty five years. During this time we have seen the traffic increase to the degree that it is almost impossible to turn off Viewpoint on to Patterson Road many times during the day. The heavy traffic pattern is a direct result of people going to work or shopping at Mesa Mall, the employees and visitors arriving and leaving St. Mary's Hospital and Rehabilitation facilities, the shopping malls at 7th and Patterson and 12th and Patterson, plus the business activities at the smaller stores along Patterson.

We know that your job is not an easy one, and that you cannot please everyone. But, please, take into consideration our request for denial of the Geske property change.

We wish to express our appreciation ^{for consideration} of our request.

Respectfully yours,

*William G. Bush
Colleen Bush*
William G. and Colleen Bush



Jim Spehar 3/1/04 10:02:35 AM

Bob:

Thanks for your comments, which we will make part of the record. I am very familiar with the neighborhood, but will make time to drive through again prior to the hearing and look forward to your comments at that time.

Jim

"Bob Lubinski" <bolubi@bresnan.net> 03/01/04 07:44AM

Dear Mr Spehar,

My wife Gretchen and I reside at 2709 N. 8th Ct. We would like to let you know of our concern regarding an item you will be considering at your March 17th meeting, the proposed Geske rezone of the property located at 2656 Patterson Road.

We will certainly be present at the meeting on the 17th to speak to all of our concerns, but we would like to ask you to consider visiting the Walker Heights and Viewpoint Subdivisions prior to the meeting to observe first hand the impacts that a rezone would have on our neighborhoods. Some of the issues we are highly concerned about are as follows:

- * Uncontrolled access to Patterson Road and the resulting impacts on traffic in an already congested area, particularly being so close to the 7th and Patterson intersection.
- * Increased traffic to the 8th Court cul-de-sac posing safety concerns especially for the children and elderly residents.
- * Increased air and noise pollution, nighttime lighting, and other nuisances.
- * Lack of adherence to the Future Land Use Map and the Patterson Road Corridor Guideline.
- * Encroachment of a business into the heart of the neighborhood (rather than providing a buffer as alleged by the petitioners)
- * Decline in property values of the existing homes in the neighborhoods.
- * Potential loss of a highly valuable historic landmark, the Walter Walker Estate.

We also would encourage you to review the minutes of the February 10, 2004 Planning Commission meeting which denote the Commissioners' unanimous recommendation for denial of this rezone request and their

justifications for their decision.

The residents of these neighborhoods believe that this rezone would harm our quality of life and have voiced overwhelming opposition through petitions, letters, personal contacts, and presentations at the Planning Commission meeting.

We know that you will give this matter the serious consideration it is due, and we appreciate your time and effort to this end.

Bob Lubinski

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING A PARCEL OF LAND FROM
RESIDENTIAL SINGLE FAMILY WITH A DENSITY NOT TO EXCEED
FOUR UNITS PER ACRE (RSF-4) TO RESIDENTIAL OFFICE (RO)**

LOCATED AT 2656 PATTERSON ROAD (GESKE PROPERTY)

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended denial of the rezone request from RSF-4 district to the RO 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 set forth by the Growth Plan, Residential Medium (4 – 8 du/ac). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied 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 RO (RESIDENTIAL OFFICE) ZONE DISTRICT:

Parcel 1, Lot 12 of Walker Heights, and; Parcel 2, Lot 13 of Walker Heights Subdivision.

CONTAINING 2.068 Acres more or less, as described.

Introduced on first reading on the 3rd day of March, 2004.

PASSED and ADOPTED on second reading this _____ day of _____, 2004.

Attest:

City Clerk

President of the Council

Attach 5
Setting a Hearing - Zoning the Summit View Estates Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Summit View Estates Annexation, located at 649 29 ½ Road					
Meeting Date	March 3, 2004					
Date Prepared	February 20, 2004				File # ANX-2003-271	
Author	Lisa E. Cox, AICP		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: First reading of the Zoning ordinance to zone the Summit View Estates Annexation Residential Multi-Family-8 (RMF-8), located at 649 29 ½ Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance and set a public hearing for March 17, 2004.

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 (Figure 4)
6. Annexation Map (Figure 5)
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		649 29 1/2 Road			
Applicant:		Carl Marchun, Executor of the John Marchun Estate; Joseph W. Marchun; H.E. Marchun; Raymond Marchun; Brian Marchun			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential/Agricultural			
	South	Residential/Agricultural			
	East	Residential/Agricultural			
	West	Agricultural			
Existing Zoning:		RSF-R (Mesa County)			
Proposed Zoning:		RMF-8 (Residential Multi-Family, not to exceed 8 units/acre)			
Surrounding Zoning:	North	RSF-4 (Mesa County)			
	South	RMF-5 (City)			
	East	RSF-4 (Mesa County)			
	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 Summit View Estates Annexation is the Residential Multi-family, 8 dwelling units per acre (RMF-8) 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-8 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, 8 units/acre (RMF-8) 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-8 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 currently available and can address the impacts consistent with the RMF-8 zone district.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. 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, 8 units/acre (RMF-8) 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.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission made a recommendation of approval of the Residential Multi-Family-8 (RMF-8) zone district for the following reasons:

- RMF-8 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-8 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

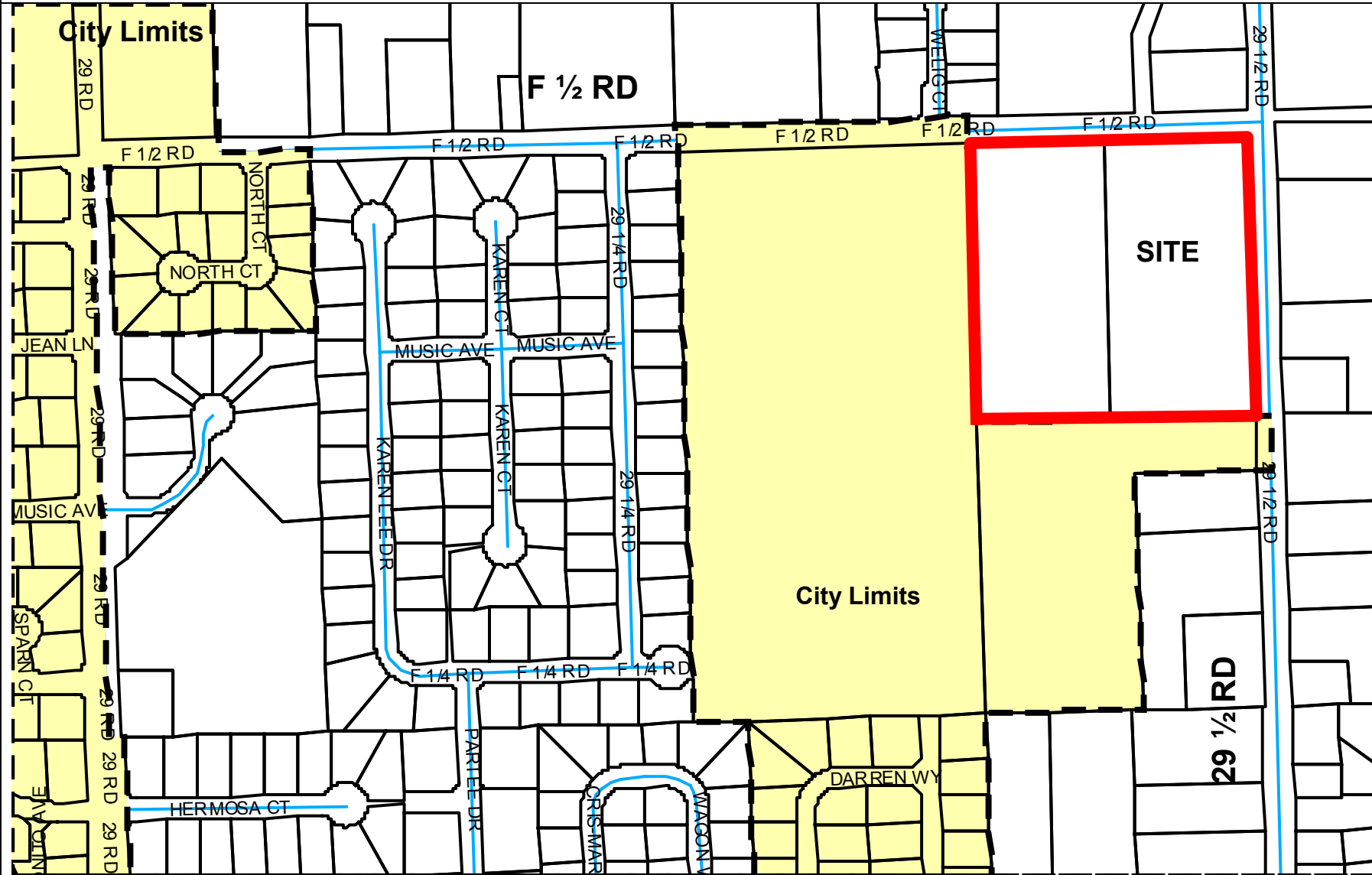
Attachments:

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 Map (Figure 5)
6. Zoning Ordinance

H:Projects2003/ANX-2003-271/SVECITYZORD1

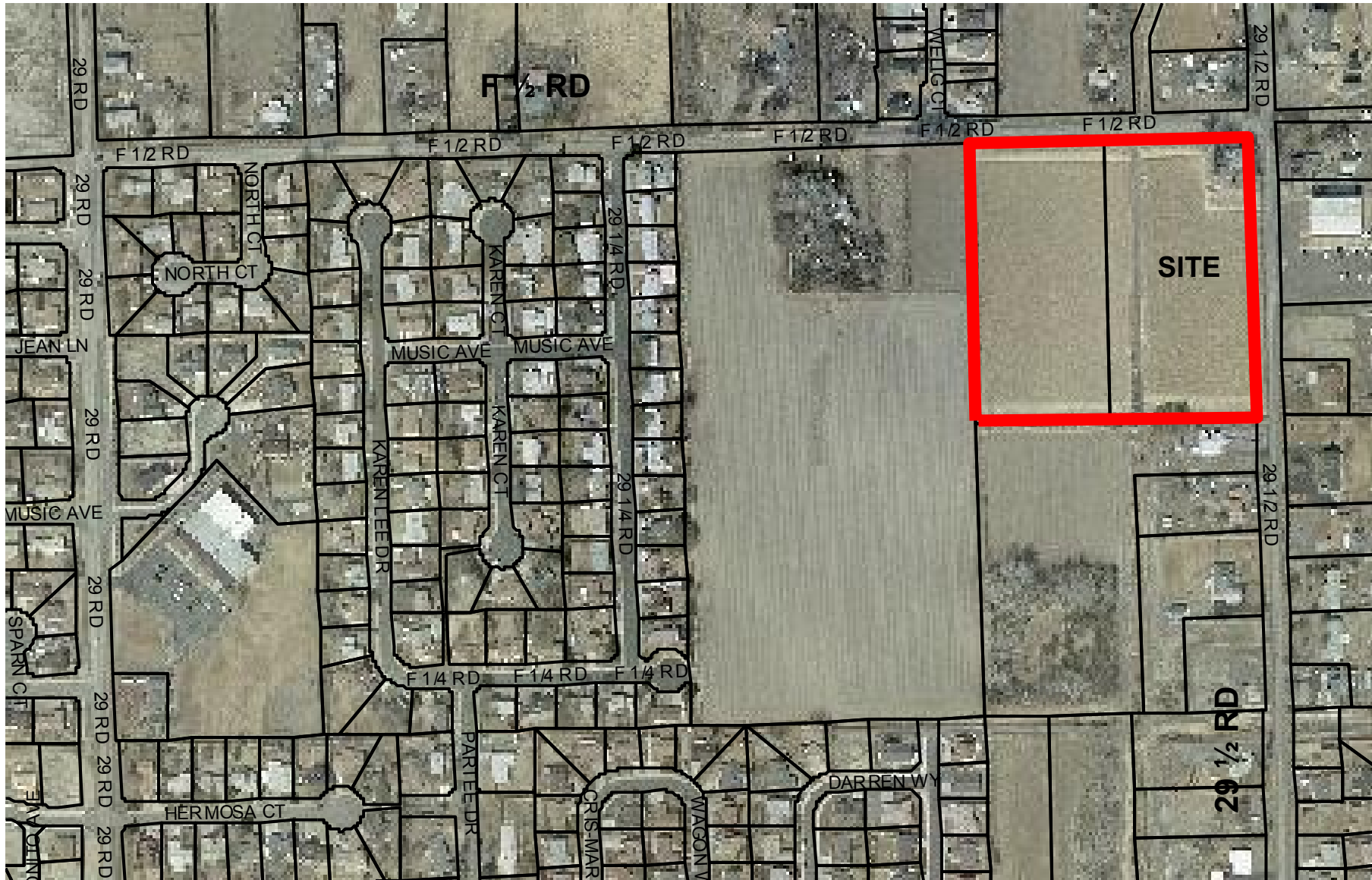
Site Location Map

Figure 1



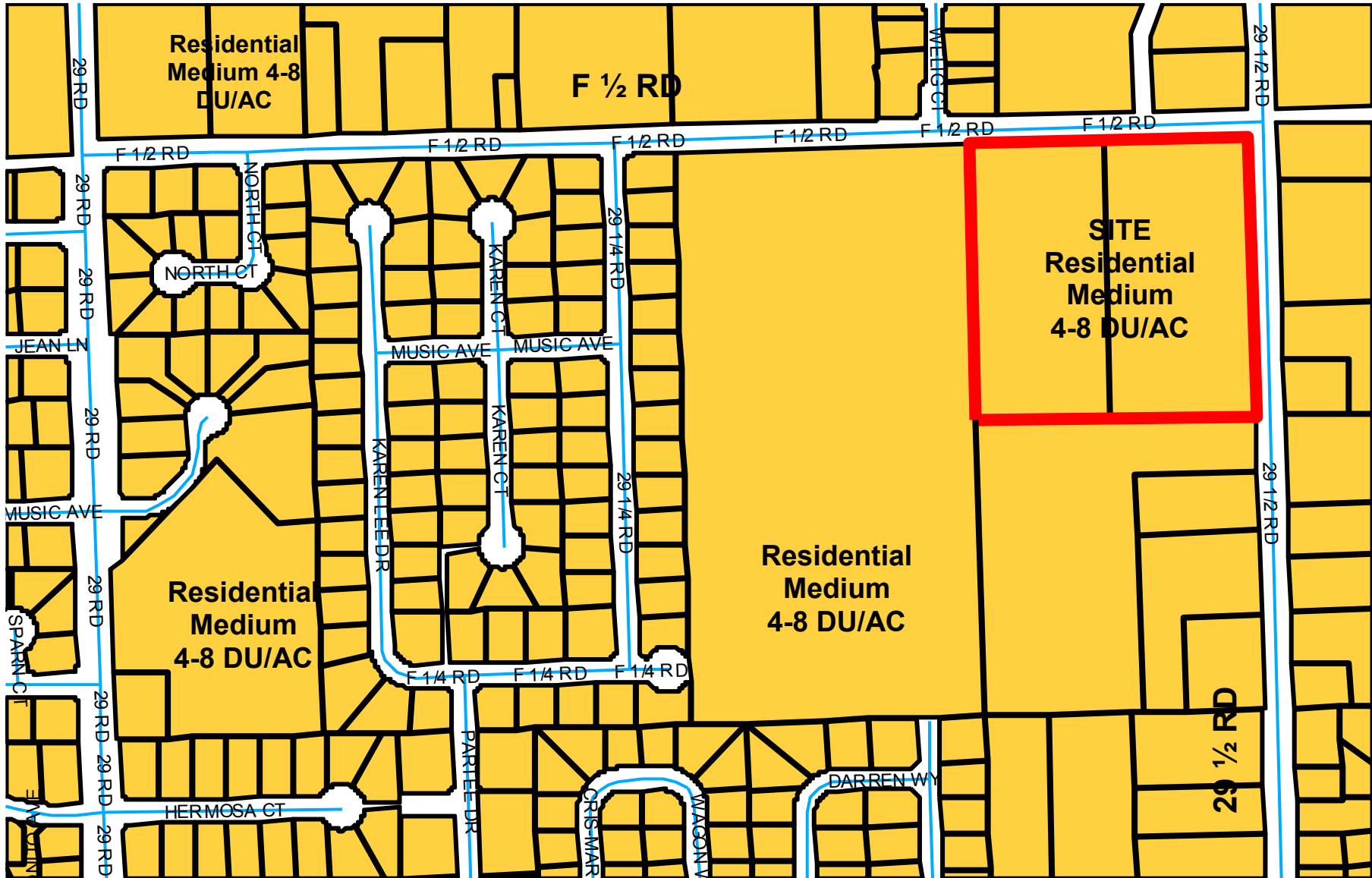
Aerial Photo Map

Figure 2



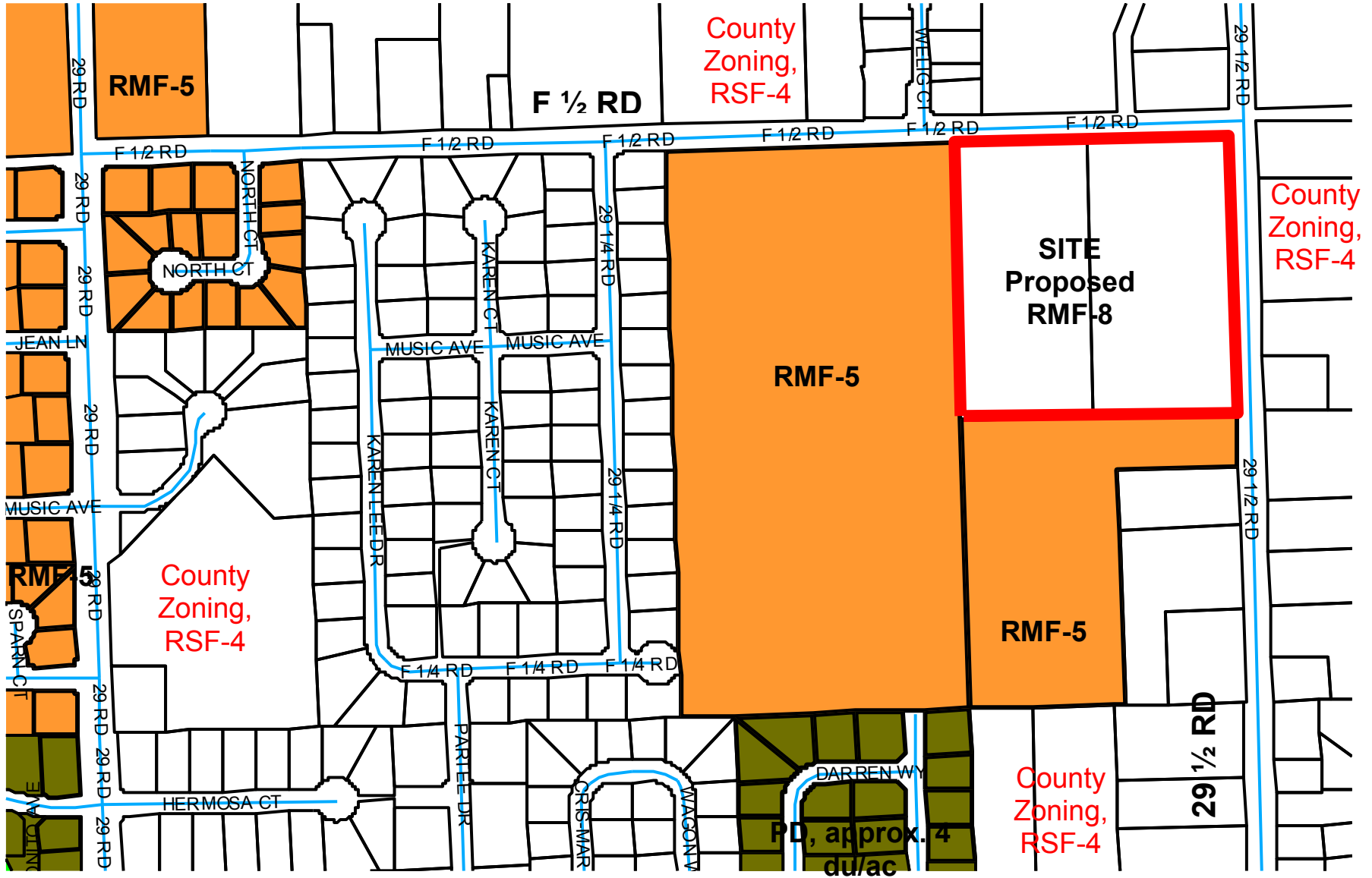
Future Land Use Map

Figure 3



Existing City and County Zoning

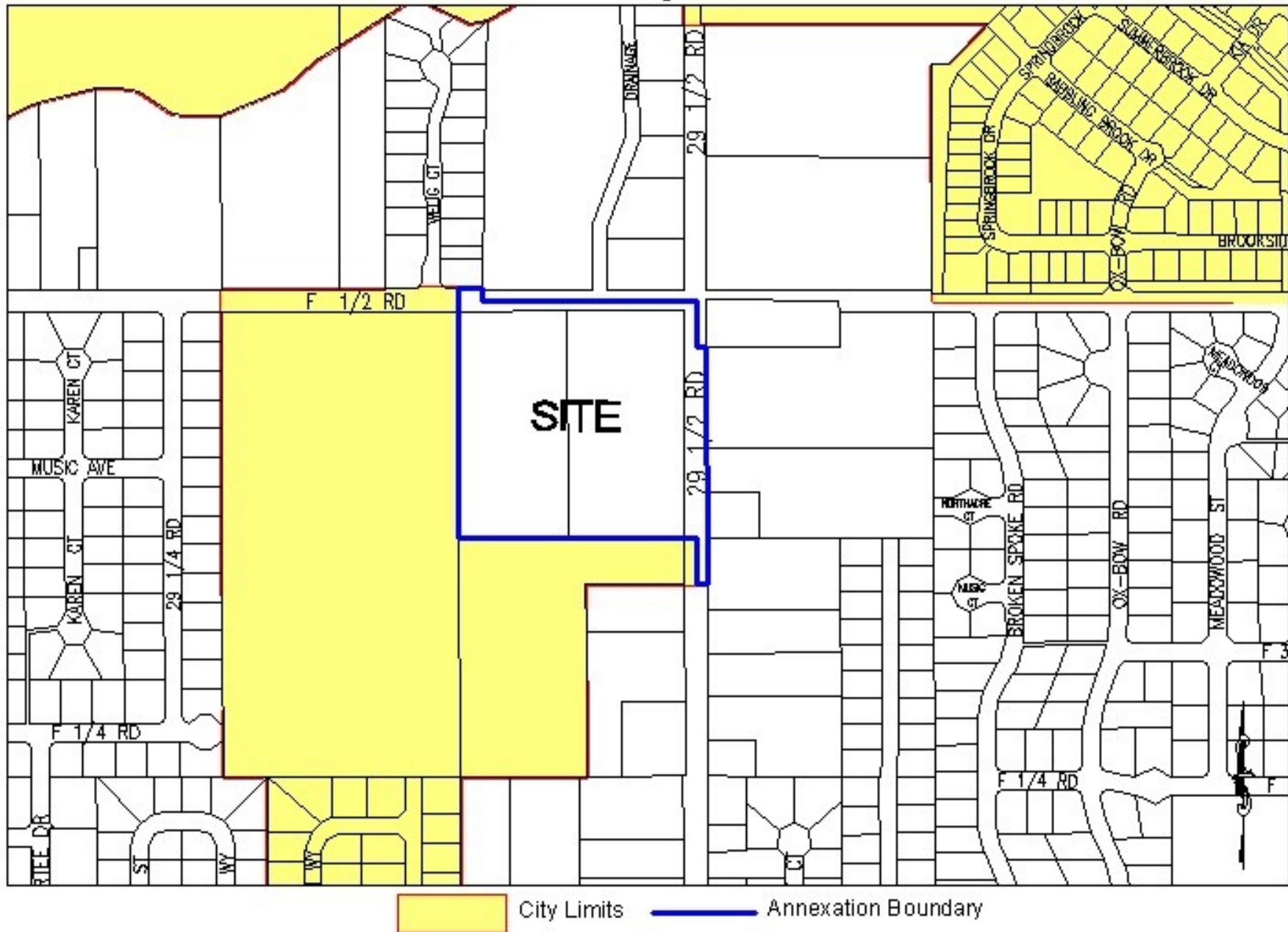
Figure 4



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."

Summit View Estates Annexation

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Zoning the Summit View Estates Annexation to
Residential Multi-Family-8 (RMF-8),
Located at 649 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 Summit View Estates Annexation to the RMF-8 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-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 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-8, Residential Single Family with a density not to exceed 8 units per acre, zone district:

SUMMIT VIEW ESTATES 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 Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE 1/4 NE 1/4 SW 1/4) of said Section 5 and assuming the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5 bears S 89°47'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°01'41" E a distance of 33.00 feet to a point on the North right of way

for F-1/2 Road, as shown on the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence S 89°47'43" E along said North right of way, a distance of 66.78 feet, more or less, to a point being the Southeast corner of said Replat of Willow Glen; thence S 01°23'17" W along the Southerly projection of the East line of said Replat of Willow Glen, a distance of 33.01 feet to a point on the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5; thence S 89°47'43" E along the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5, a distance of 593.52 feet, more or less, to a point being the Northeast corner of the NE 1/4 SW 1/4 of said Section 5; thence S 00°00'01" W, along the East line of the NE 1/4 SW 1/4 of said Section 5, a distance of 130.01 feet; thence S 89°32'19" E along the Westerly projection of the North line of Lot 1, Barslund Subdivision, as same is recorded in Plat Book 12, Page 114, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point being the Northwest corner of said Barslund Subdivision; thence S 00°00'01" W along the West line of said Barslund Subdivision, being the East right of way for 29-1/2 Road, a distance of 657.61 feet; thence N 89°48'04" W along the Easterly projection of the North line of Lot 2, Taylor Place Minor Subdivision, as same is recorded in Plat Book 14, Page 98, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point on the East line of the NE 1/4 SW 1/4 of said Section 5; thence N 00°00'01" E along said East line, a distance of 128.01 feet; thence N 89°48'04" W along the North line and its Easterly projection, of Holtons Haciendas, as same is recorded in Plat Book 13, Page 485, Public Records of Mesa County, Colorado, a distance of 659.84 feet, more or less, to a point being the Northwest corner of said Holtons Haciendas; thence N 00°01'41" E along the East line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5, a distance of 659.81 feet, more or less, to the Point of Beginning.

CONTAINING 10.495 Acres (457,157.43 Sq. Ft), more or less, as described

Housing type, density and bulk standards shall be for the RMF-8 zone district.

Introduced on first reading this 3rd day of March, 2004.

PASSED and ADOPTED on second reading this ___ day of March, 2004.

Mayor

ATTEST:

City Clerk

Attach 6
Setting a Hearing – Zoning the Pellam Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Pellam Annexation, located at 3136 E Road.					
Meeting Date	March 3, 2004					
Date Prepared	February 23, 2004				File #ANX-2004-011	
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. 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: Introduction of a proposed zoning ordinance to zone the Pellam Annexation to RMF-8 (Residential Multi-Family 8 du/ac), located at 3136 E Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for March 17, 2004.

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. Annexation map
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		3136 E Road	
Applicants:		Carl & Sharon Pellam	
Existing Land Use:		Single Family Residential / Agricultural	
Proposed Land Use:		Single Family Residential / Agricultural	
Surrounding Land Use:	North	Manufactured Housing Park	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential / Agricultural	
Existing Zoning:		RSF-R	
Proposed Zoning:		RMF-8	
Surrounding Zoning:	North	PC – Planned Commercial (County)	
	South	PD – Planned Development 4.84 du/ac (County)	
	East	RMF-8 (County)	
	West	RSF-R (County)	
Growth Plan Designation:		Residential Medium 4-8 du/ac	
Zoning within density range?		X	Yes
			No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RMF-8 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

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

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

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

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

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

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

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

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

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

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

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

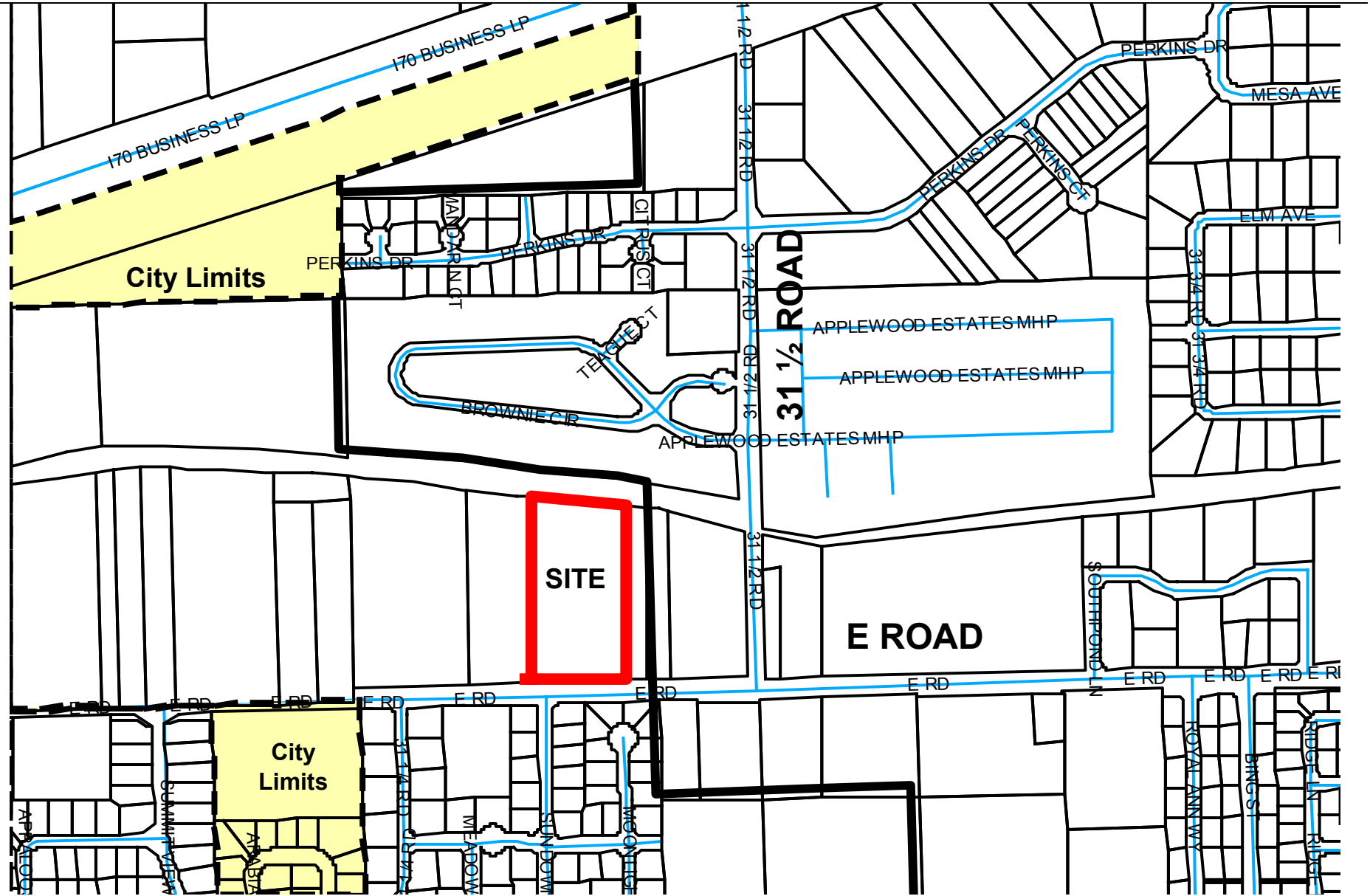
STAFF RECOMMENDATION

Staff recommends approval of the RNF-8 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

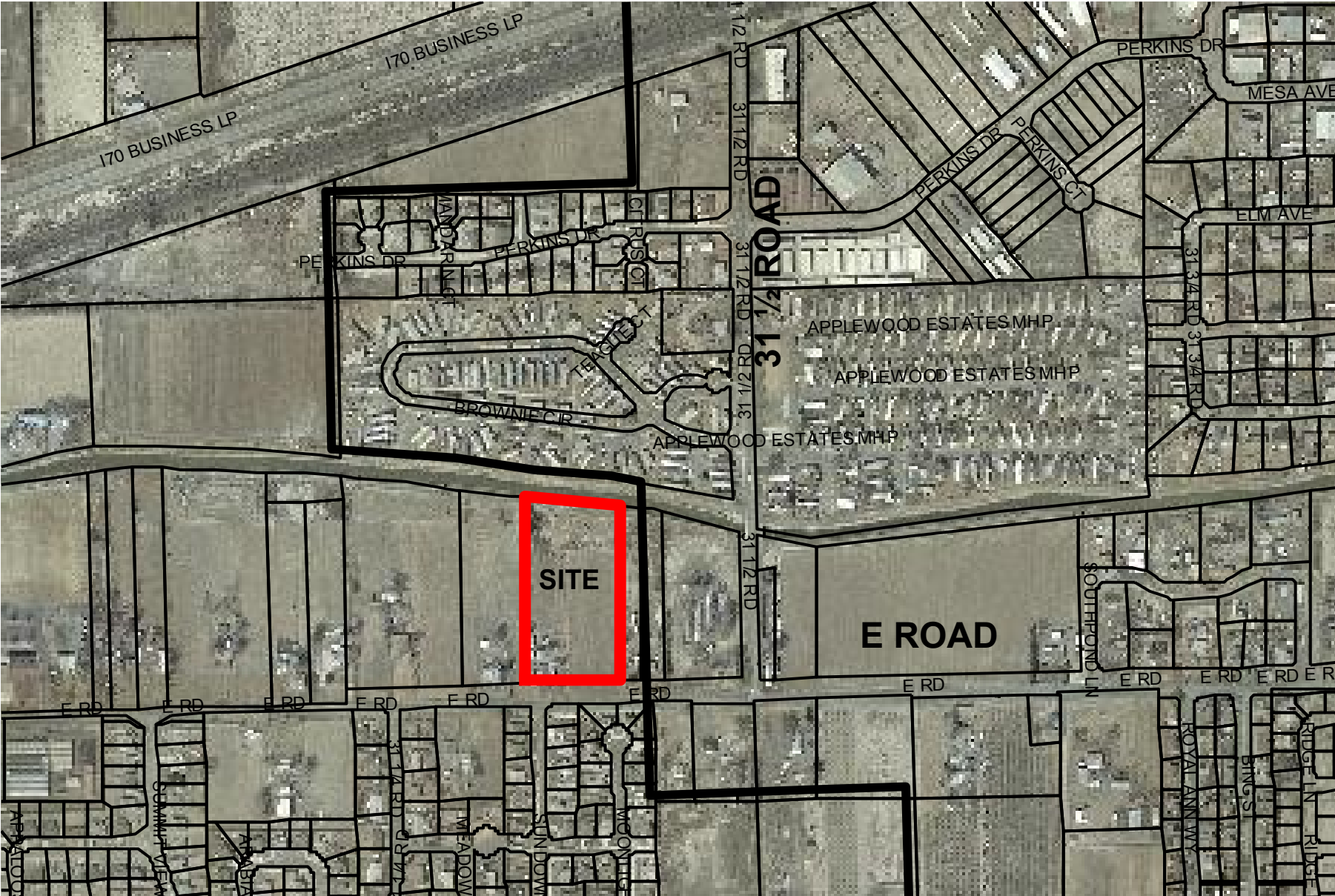
Site Location Map

Figure 1



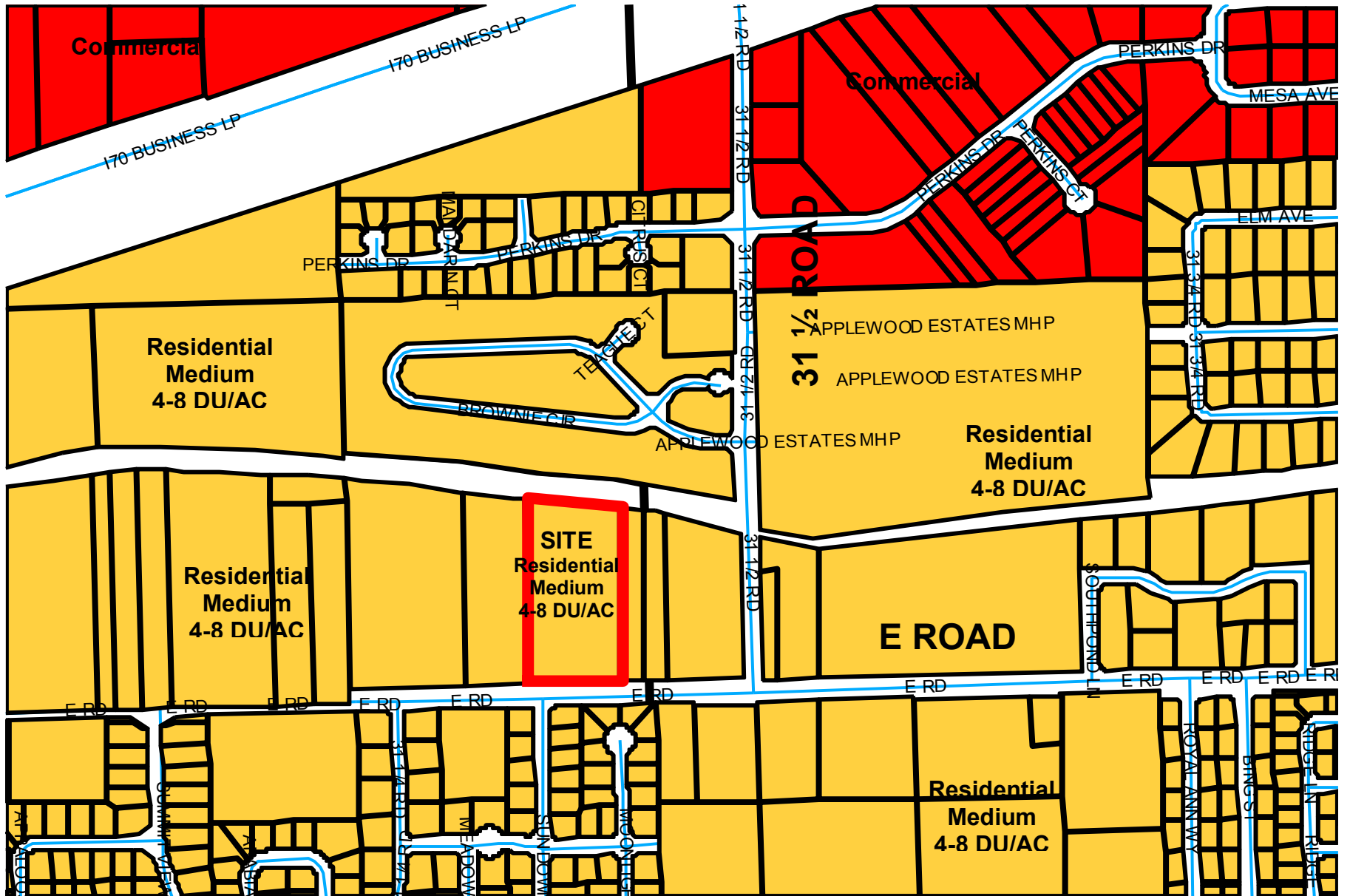
Aerial Photo Map

Figure 2



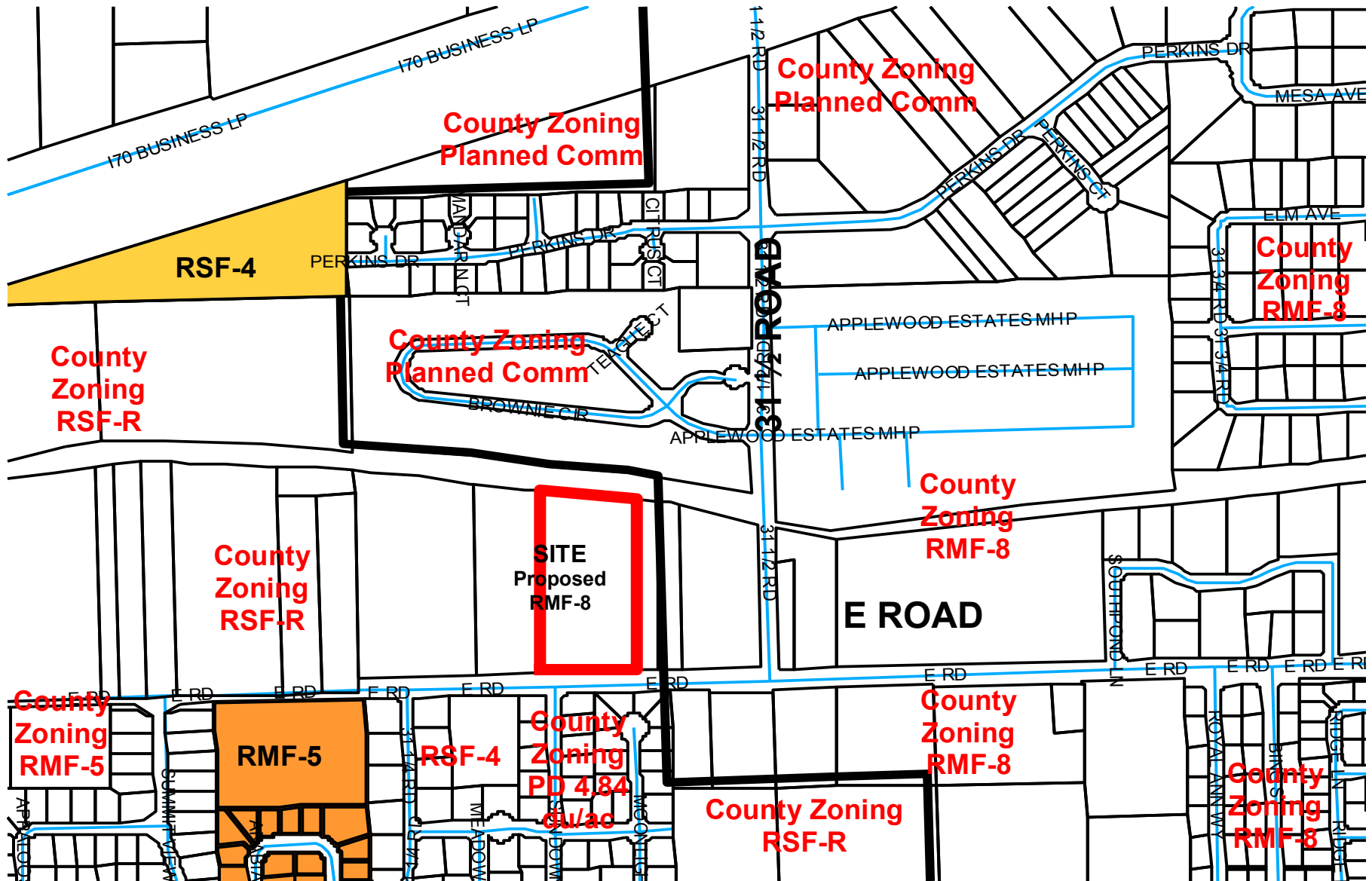
Future Land Use Map

Figure 3



Existing City and County Zoning

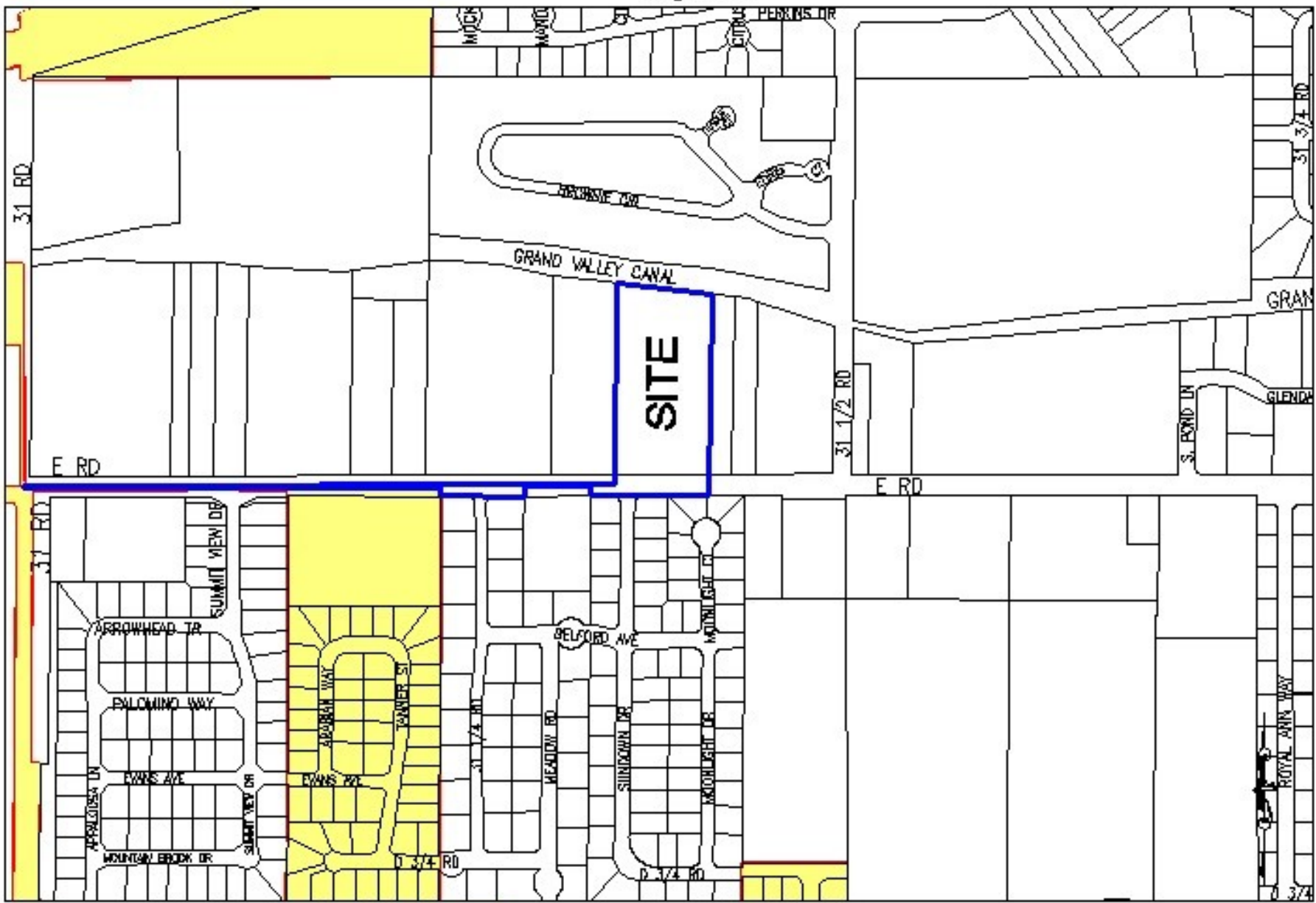
Figure 4



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

Pellam Annexation

Figure 5



 City Limits  Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PELLAM ANNEXATION TO
RMF-8**

LOCATED AT 3136 E 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 Pellam Annexation to the RMF-8 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 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-8 with a density not to exceed 8 units per acre.

PELLAM ANNEXATION

A certain parcel of land lying in the South half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10 and assuming the South line of the SW 1/4 of said Section 10 bears N 90°00'00" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°18'17" W along the West line of the SW 1/4 of said Section 10, a distance of 6.00

feet; thence N 90°00'00" E along a line 6.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 90°00'00" E along said parallel line, a distance of 1886.09 feet, more or less, to a point on the West line of that certain parcel of land as described in Book 2538, Page 871, Public Records of Mesa County, Colorado; thence N 00°00'00" E, along the West line of said parcel of land, a distance of 647.00 feet, more or less, to a point being the Northwest corner of said parcel; thence S 82°15'00" E, along the North line of said parcel, a distance of 290.40 feet, more or less, to a point being the Northeast corner of said parcel; thence S 00°00'00" E, along the East line of said parcel, a distance of 643.84 feet, more or less, to a point on the South right of way for E Road, and being a point on the North line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado; thence S 90°00'00" W along the South right of way for E Road, being a line 30.00 feet South of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 377.19 feet, more or less, to a point being the Northwest corner of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado; thence N 00°07'00" W along the Northerly projection of the West line of said Sundown Village, a distance of 30.00 feet to a point on the South line of the SW 1/4 of said Section 10; thence S 90°00'00" W along the South line of the SW 1/4 of said Section 10, a distance of 218.55 feet; thence S 00°07'00" E along a line being the Northerly projection of the East line of Meadowood Subdivision, as same is recorded in Plat Book 11, Page 165, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point being the Northeast corner of said Meadowood Subdivision; thence S 90°00'00" W along the North line of said Meadowood Subdivision, a distance of 272.01 feet, more or less, to a point being the Northwest corner of said Meadowood Subdivision; thence N 00°07'33" W, along the Northerly projection of the East line of said Meadowood Subdivision, a distance of 32.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 806.01 feet; thence N 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W, along a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 500.00 feet; thence N 00°18'17" W, along a line 2.00 feet East of and parallel to, the West line of the SW 1/4 of said Section 10, a distance of 2.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.808 Acres (209,447.8 Sq. Ft.), more or less, as described

Introduced on first reading this 4th day of February, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

Mayor

ATTEST:

City Clerk

Attach 7
Purchase of Asphaltic Road Material (Road Oil)
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Asphaltic Road Material (Road Oil)					
Meeting Date		March 3, 2004					
Date Prepared		February 20, 2004				File #	
Author		Rex Sellers			Senior Buyer		
Presenter Name		Mark Relph			Public Works and Utilities Director		
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes		No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: Utilize the State of Colorado contract to purchase road oil for the City chip seal projects for the year 2004. It is estimated that 135,000 gallons of Road Oil (HFMS-2P and SS-1) will be required. The State allows for cooperative use of this bid by local governments and political subdivisions in the state.

Budget: Funding of \$113,740.00 is approved in the Public Works Department/ Street Division for 2004.

Action Requested/Recommendation: It is recommended that the City Council authorize the purchase of asphaltic road materials on an as-needed basis not to exceed the budgeted amount of \$113,740.00 from Koch Performance Asphalt of Grand Junction utilizing the CDOT Asphaltic Road Material Contract.

Attachments: N/A

Background Information: The State of Colorado Department of Transportation (CDOT) awarded Koch Asphalt the 2001 contract HAA 01-057-TW for ASPHALTIC ROAD MATERIAL for the Grand Junction Area (Zone 15). The contract allowed four (4) one year renewals. Koch has kept the 2001 prices firm and CDOT has renewed the contract again this year.

**Attach 8
Funding Recommendations for Arts and Cultural Events and Projects
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Grand Junction Commission on Arts and Culture funding recommendations for arts and cultural events and projects.					
Meeting Date	March 3, 2004					
Date Prepared	February 19, 2004				File #	
Author	Allison Sarmo		Cultural Arts Coordinator			
Presenter Name	Allison Sarmo		Cultural Arts Coordinator			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: Recommendations to City Council to support cultural events, projects, and programs in Grand Junction as a means of improving both the quality and quantity of cultural activities and opportunities for local citizens.

Budget: \$27,000 (in Arts Commission annual budget)

Action Requested/Recommendation: Approve recommendations as follows:

Organizations & Events/Projects	Award
Mesa Co. Valley School District #51 Artists-In-Residence Program	\$8,000
KAFM Public Radio Arts & Entertainment Calendar/Radio Room	\$3,200
KRMJ-TV Rocky Mt. PBS "Western Bounty" programs	\$2,500
Western Colo. Center for the Arts Summer Art Camp	\$2,000
MESA Youth "Fiddler on the Roof" children's production	\$2,000
GJ Musical Arts Association/GJ Symphony music purchase	\$1,500
Downtown Association/DDA Art & Jazz Festival	\$1,500
St. Andrews Guild Grand Valley Renaissance Festival	\$1,000
Mesa State College Unity Fest Native American Day	\$1,000
Mesa State Foundation Music at Mesa Guest Artist Series concert	\$1,000
Mesa County Public Library "One Book One Community"	\$1,000
Western CO Botanical Gardens Friday Night Concert Series	\$1,000
Cinema at the Avalon Senior Matinee Film Series	\$1,000
JABOA (Just A Bunch Of Artists) Artists Studio Tour	\$300

Attachments: None

Background Information: This annual granting program has been in place since 1992 and was instituted in lieu of the Arts Commission presenting or producing its own cultural events. Through an application and presentation process, the Commission makes funding available to local groups. The Commission reviewed requests from 17 cultural groups on February 24 and 25 asking for a total of \$43,900, and recommends that the above organizations receive funding to help underwrite arts and cultural events/projects.

Attach 9
Public Hearing – Create Alley Improvement District No. ST-2004, Phase B
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public Hearing and A Resolution Creating Alley Improvement District NO. ST-04, Phase B					
Meeting Date	March 3, 2004					
Date Prepared	February 25, 2004				File #	
Author	Michael Grizenko		Real Estate Technician			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Any Interested Citizen
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: A successful petition has been submitted requesting the creation of an Alley Improvement District to reconstruct the East-West Alley from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue.

Budget:

2004 Alley Budget	\$350,000
Carry in from 2003 Budget	\$ <u>62,666</u>
Total Available Funds	\$412,666
Estimated Cost to construct Alleys in ST-04, Phase A	\$319,200
Estimated cost to construct Alley ST-04, Phase B	\$ <u>68,875</u>
Estimated Balance	\$ 24,591

Action Requested/Recommendation: Conduct public hearing; Adopt a Resolution Creating Alley Improvement District No. ST-04, Phase B.

Attachments: 1) Letter from Kent Kast, representing the Seventh Day Adventist Association; 2) Summary Sheet; 3) District Map; 4) Proposed Resolution.

Background Information: People’s Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. The submitted petition was signed by 62% of the property owners. Council may also establish assessment rates by resolution. The present rates for alleys are \$8.00 per abutting foot for residential single-family uses, \$15.00 per abutting foot for residential multi-family uses, and \$31.50 per abutting foot for all other uses.

At the November 19th, 2003 City Council meeting, representatives from the Seventh Day Adventist Association of Colorado presented concerns regarding their property at 1704 N 8th Street being included in the 2004 Alley Improvement District. Issues raised included the extent the property would or would not benefit from the proposed improvements and the financial impact the applicable assessment of \$17,365.95 would have on their school budget. The City Council continued the discussions of this particular alley to allow staff and representatives of the Seventh Day Adventist Association to develop and review potential alternatives.

City staff and Seventh Day Adventist representatives each recommend that this alley be included in an Improvement District with the understanding that both parties will evaluate the special benefits and consequential special assessment that should be levied as a result of the requested improvements. Under current policies and rates adopted by the City Council in 1999, the Church would be assessed the sum of \$17,365.95 for 551.3 feet of alley frontage based on the non-residential rate of \$31.50 per foot. Under current policy, the Church may pay this amount in full following construction and Council's adoption of the assessing ordinance, or the assessment could be amortized over a 10-year period. Amortized assessments include a one-time charge of 6% for costs of collection and other incidentals with simple interest at the rate of 8% being charged against the declining balance. The Church's annual payments under the 10-year amortization would be as follows:

Base Assessment: \$17,365.95
One-time 6% Charge: \$ 1,041.96
Beginning Principal: \$18,407.91

Payment Due Date	Yearly Assessment	Declining Balance	8% Interest	Total Annual Payment
01/01/05	\$1,840.79	\$18,407.91	\$1,472.62	\$3,313.41
01/01/06	\$1,840.79	\$16,567.12	\$1,325.37	\$3,166.16
01/01/07	\$1,840.79	\$14,726.33	\$1,178.11	\$3,018.90
01/01/08	\$1,840.79	\$12,885.54	\$1,030.84	\$2,871.63
01/01/09	\$1,840.79	\$11,044.75	\$ 883.58	\$2,724.37
01/01/10	\$1,840.79	\$ 9,203.96	\$ 736.32	\$2,577.11
01/01/11	\$1,840.79	\$ 7,363.17	\$ 589.05	\$2,429.84
01/01/12	\$1,840.79	\$ 5,522.38	\$ 441.79	\$2,282.58
01/01/13	\$1,840.79	\$ 3,681.59	\$ 294.53	\$2,135.32
01/01/14	<u>\$1,840.80</u>	\$ 1,840.80	<u>\$ 147.26</u>	<u>\$1,988.06</u>
Totals:	\$18,407.91		\$8,099.47	\$26,507.38

Staff projects the proposed assessing ordinance will be considered by Council in October of this year. Prior to that time, staff will obtain a specific valuation of the Church property by an independent appraiser. The valuation will attempt to quantify the special benefits the Church property will derive, expressed in dollars, resulting from the proposed alley improvements. Depending on the results of the independent valuation, Council may elect to either:

- Assess the Church for its direct special benefits, if any, as determined by the independent valuation; or
- Assess the Church based on current rates and policies; or
- Amortize the Church's assessment for a period longer than the current policy of 10 years.

Other alternatives may surface while staff and Church representatives continue to work in good faith regarding this issue.

Intermountain Adventist Academy

1704 N. 8th Street
Grand Junction, CO 81501
www.iaasda.org

(970) 242- 5116
Fax (970) 242- 5659
Email iaa7@attbi.com

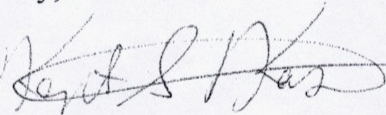
Where Character and Intellect Walk Hand in Hand

December 19, 2003

Dear Grand Junction City Council Members:

Thank you for graciously postponing the formation of the Alley Improvement District N. ST-04 (2004) while we, the representatives of Intermountain Adventist Academy, worked with the city planners for a compromise plan. In our meetings we are having some difficulty coming to a solution that will work for us and the future tax exempt landowners. We would like to request more time to work on this issue. We, in good faith, believe a solution will be arrived at in the near future and do not want to hold up the formation of this district any further. Please know that we are in agreement with the formation of this district with the understanding that talks will continue. We plan to bring you a proposal within the first few months of 2004.

Sincerely,



Kent S. Kast

SUMMARY SHEET

**PROPOSED ALLEY IMPROVEMENT DISTRICT
NO. ST-04, PHASE B
8th STREET TO CANNELL AVENUE BETWEEN
MESA AVENUE and HALL AVENUE**

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Marvin Svaldi	74.54	\$15.00	\$ 1,118.10
• Duane & Janet Polk	52.63	\$ 8.00	\$ 421.04
• Dennis Cannon	50.00	\$ 8.00	\$ 400.00
• Daniela Shultz	50.00	\$ 8.00	\$ 400.00
• Terry & Julie Brown	53.00	\$ 8.00	\$ 424.00
• Cynthia Rose & Timothy Jackson	61.00	\$ 8.00	\$ 488.00
Larry Lampshire	61.00	\$ 8.00	\$ 488.00
• Mark & Gi Moon	61.00	\$ 8.00	\$ 488.00
Randy Gallegos & Natalie Clark	122.00	\$ 8.00	\$ 976.00
Susan Lazo	61.54	\$ 8.00	\$ 492.32
Robert Jordan	63.54	\$ 8.00	\$ 508.32
• Marvin Svaldi	88.37	\$15.00	\$ 1,325.55
Seventh Day Adventist Assoc.	<u>551.30</u>	\$31.50	<u>\$17,365.95 **</u>
TOTALS	1,349.92		\$24,895.28

Estimated Cost to Construct \$ 68,875.00

Absolute Cost to Owners \$ 24,895.28

Estimated Cost to City \$ 43,979.72

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates property owners signing petition = 8/13 or 62% of owners & 36% of abutting footage.

** Assessment shown is based on current City policies.

PROPOSED ALLEY IMPROVEMENT DISTRICT 8th STREET TO CANNELL AVENUE BETWEEN MESA AVENUE and HALL AVENUE

Vicinity Map



★ Indicates Property Owners who Signed the Petition

RESOLUTION NO. _____

**A RESOLUTION CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-04, PHASE B
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING THEREON
AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the East-West Alley from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue; and

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

WHEREAS, on the 21st day of January, 2004, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-04, Phase B, authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to Create said District was duly published.

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

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

Lots 1 through 4, inclusive; Lots 9 through 12, inclusive; the south 59.1 ft. of Lot 6; the north 10.9 ft. of Lot 7 and the south 44.1 ft. of Lot 7, all in Block 3, Prospect Park Subdivision, City of Grand Junction, Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer ("District Improvements"), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, as follows:

(a) The Residential Single-Family assessment rate shall be \$8.00 per each linear foot of property abutting the alley right-of-way. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be \$15.00 per each linear foot of property abutting the alley right-of-way. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be \$31.50 per each linear foot of property abutting the alley right-of-way. Except as provided in Section 3(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted ("home occupation") which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

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

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

PASSED and **ADOPTED** this ____ day of _____, 2004.

President of the Council

Attest:

City Clerk

Attach 10
Public Hearing – Right-of-Way Vacation on Horizon Drive
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Vacation of 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision – 638/640 Horizon Drive						
Meeting Date	March 3, 2004						
Date Prepared	February 23, 2004				File # VR-2003-182		
Author	Scott D. Peterson		Associate Planner				
Presenter Name	Scott D. Peterson		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No	Name
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lots for their proposed Bed & Breakfast Inn. A 20' Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: Conduct the Public Hearing and approve the Vacation Ordinance.

Attachments:

8. Staff Report/Background Information
9. Site Location Map
10. Aerial Photo
11. Growth Plan Map
12. Existing Zoning Map
13. Ordinance & Exhibit A

STAFF REPORT/BACKGROUND INFORMATION			
Location:		638 Horizon Drive	
Applicant:		Ronald & Lee Ann Unfred, Owners	
Existing Land Use:		Single Family Home	
Proposed Land Use:		Five (5) bedroom Bed & Breakfast	
Surrounding Land Use:	North	Church	
	South	Multi-Family Residential	
	East	Multi-Family Residential	
	West	Multi-Family Residential	
Existing Zoning:		Residential Single Family – 1 (RSF-1)	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	Residential Single Family – 1 (RSF-1)	
	South	PD, Planned Development	
	East	PD, Planned Development	
	West	PD, Planned Development	
Growth Plan Designation:		Residential Low (1/2 – 2 DU/Ac.)	
Zoning within density range?		N/A	Yes
			No

Staff Analysis:

The petitioners, Ronald and Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to their two (2) lots in order to improve the internal vehicular circulation on their lot(s) for their proposed Bed & Breakfast Inn located at 638 Horizon Drive. Currently, Horizon Drive is classified as a Minor Arterial which is required to be an 80' right-of-way in width. The Horizon Drive right-of-way adjacent to the petitioner's properties is 100' in width. The existing 10' Utility Easement located on Lots 2 & 3, adjacent to the Horizon Drive right-of-way, will be modified to a 20' Multi-Purpose Easement to cover the existing underground electric, gas and telephone utilities. No adverse comments from the utility review agencies were received during the staff review process provided an easement was dedicated.

Consistency with the Growth Plan:

The site is currently zoned RSF-1, Residential Single Family – 1 with the Growth Plan Future Land Use Map showing this area as Residential Low (1/2 – 2 DU/Ac.).

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:

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

Granting the request to vacate ten feet (10') of an existing 100' width right-of-way does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

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

No parcel will be landlocked as a result of this ten foot (10') right-of-way vacation.

- i. 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.

- j. 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 vacation request.

- k. 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 ten foot (10') right-of-way vacation will be converted to a 20' Multi-Purpose Easement for the benefit of the existing underground electric, gas and telephone utilities. No adverse comments were received from the utility review agencies during the staff review process.

- I. 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 vacation, as a new 20' Multi-Purpose Easement will be dedicated for the existing utilities.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Horizon Drive right-of-way vacation application located adjacent to Lots 2 & 3, Foursquare Minor Subdivision, VR-2003-182, for the vacation of 10' of a 100' width public right-of-way, the Planning Commission at their February 10th, 2004 meeting made the following findings of fact and conclusions:

1. The requested 10' right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.
3. That an adequate 20' Multi-Purpose Easement be granted to the City for the existing underground utilities.

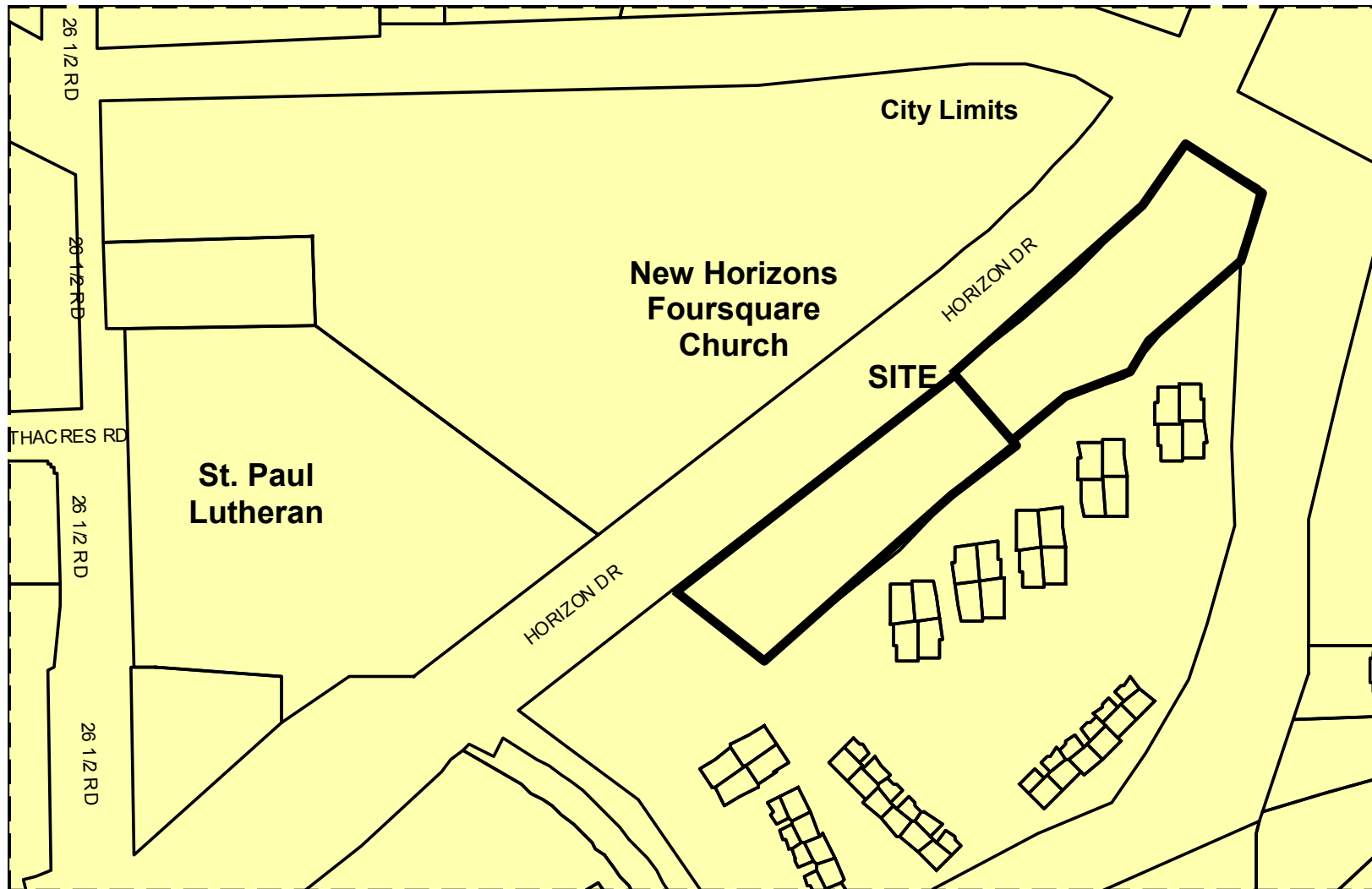
Action Requested/Recommendation: The Planning Commission recommends that the City Council approve the Ordinance for the vacation of 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision – 638/640 Horizon Drive, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning & Development Code.

Attachments:

1. Site Location Map
2. Aerial Photo
3. Growth Plan Map
4. Existing Zoning Map
5. Ordinance & Exhibit A

Site Location Map – Horizon Drive ROW Vacation

Figure 1



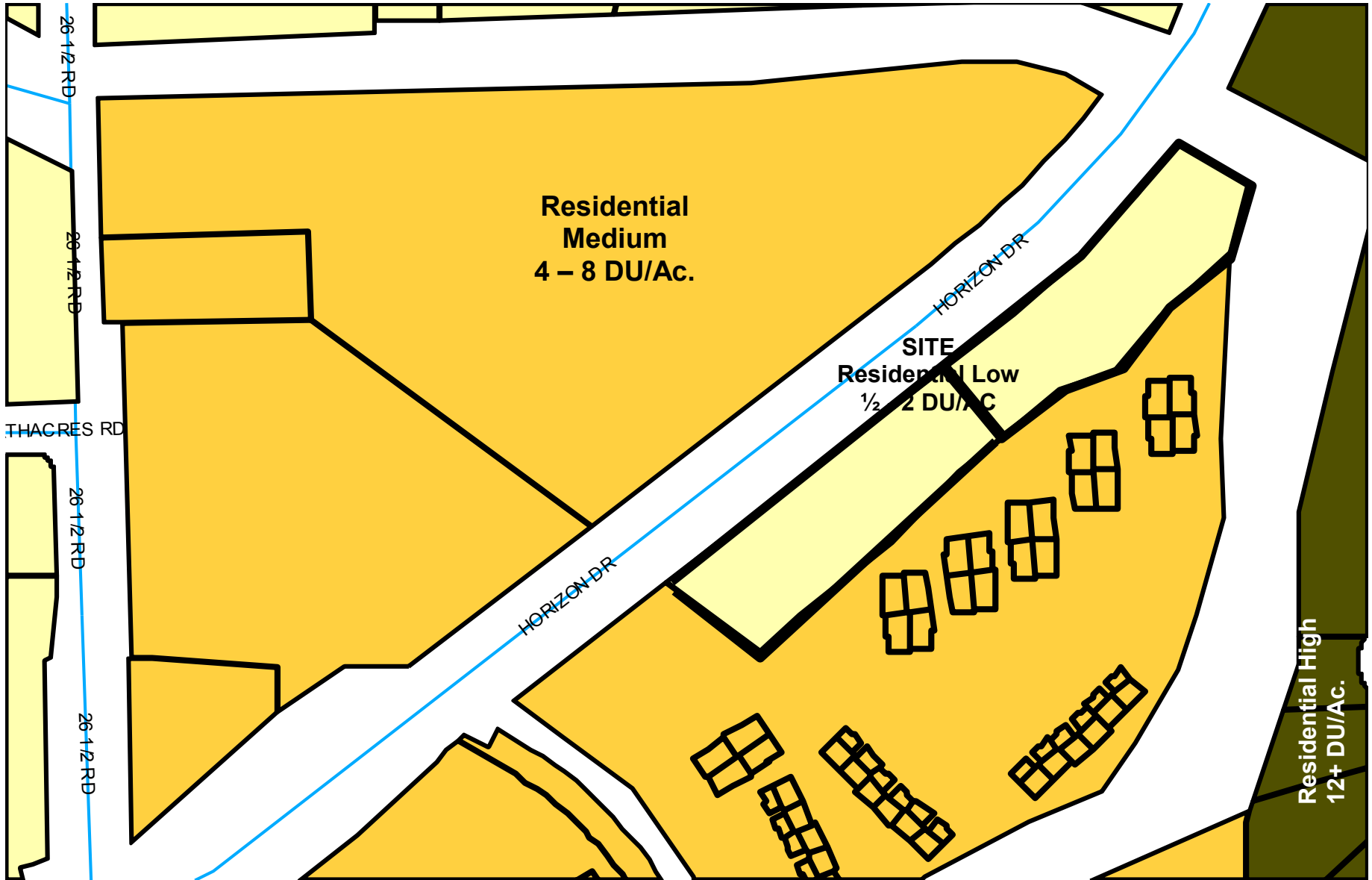
Aerial Photo Map – Horizon Drive ROW Vacation

Figure 2



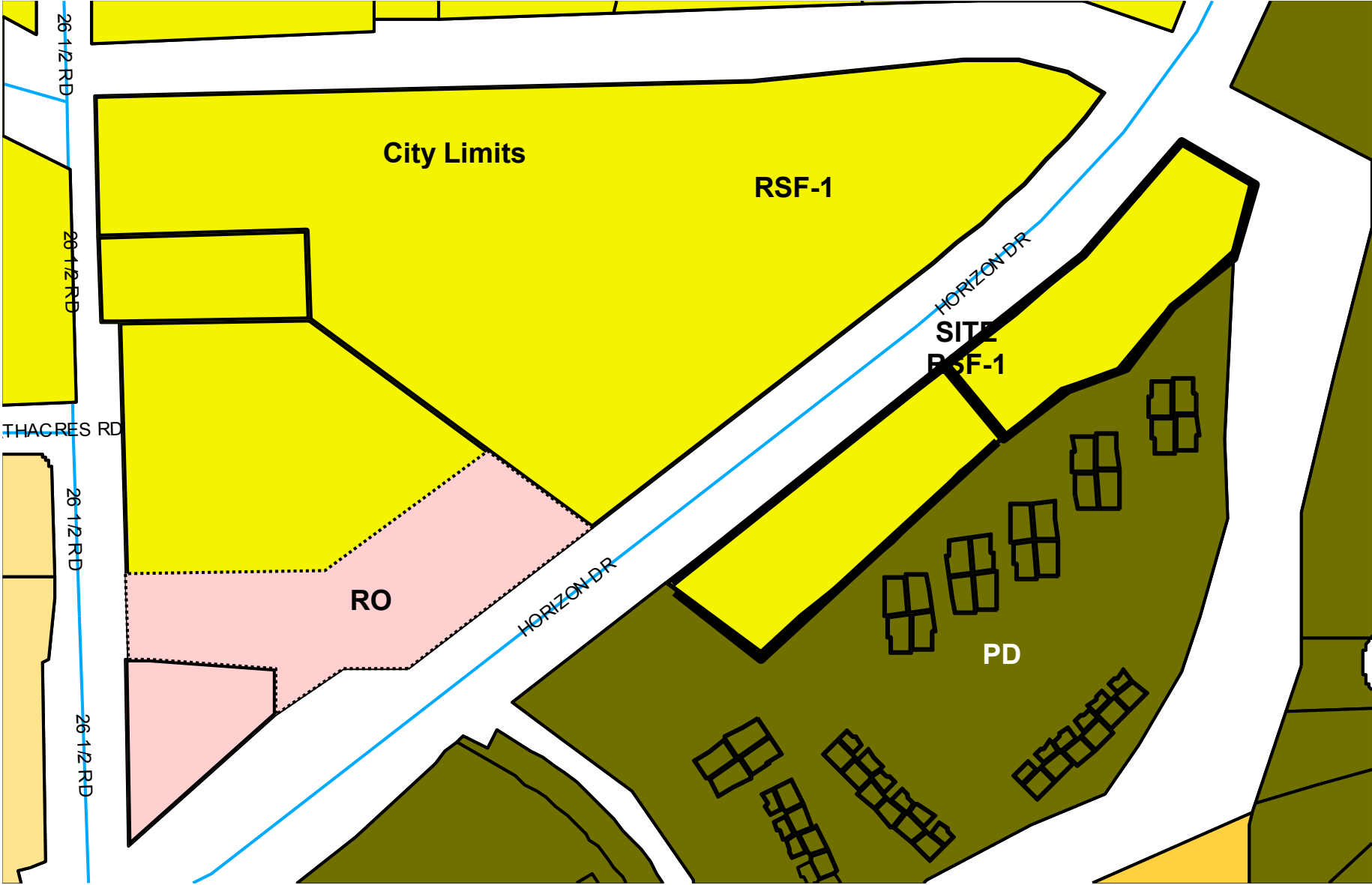
Future Land Use Map – Horizon Drive ROW Vacation

Figure 3



Existing City Zoning – Horizon Drive ROW Vacation

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO. _____

AN ORDINANCE VACATING 10' OF THE 100' WIDTH RIGHT-OF-WAY
ON HORIZON DRIVE LOCATED ADJACENT TO LOTS 2 & 3,
FOURSQUARE MINOR SUBDIVISION
KNOWN AS: 638 & 640 Horizon Drive

RECITALS:

In conjunction with the approval of a Conditional Use Permit for converting the existing single family home into a five (5) bedroom Bed & Breakfast, the applicant proposes to vacate 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision.

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 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision is hereby conditionally vacated:

A strip of land being 10.00 feet wide situated in the SE $\frac{1}{4}$ of Section 2, Township 1 South, Range 2 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

The southeasterly 10.00 feet of Horizon Drive right-of-way as described in Book 877 at Page 345 of the records of Mesa County that abuts Lot 2 and Lot 3 of Foursquare Minor Subdivision as recorded in Plat Book 14 at Page 290 and 291 of said Mesa County records:

Said strip contains 7723 sq. ft. more or less.

This 10' right-of-way vacation is conditioned and contingent upon the filing of a 20' Multi-Purpose Easement be granted to the City for the existing underground utilities.

INTRODUCED on First Reading on the 18th day of February, 2004 and ordered published.

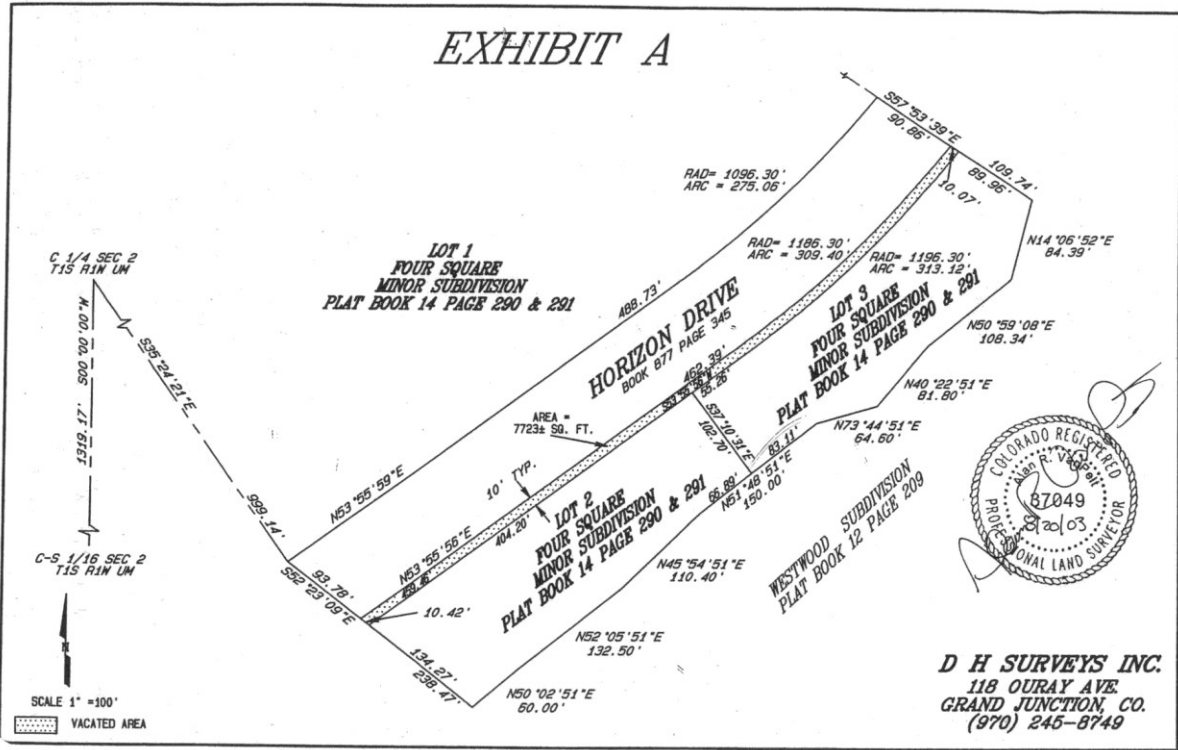
ADOPTED on Second Reading this _____ day of _____, 2004.

ATTEST:

City Clerk

President of City Council

EXHIBIT A



D H SURVEYS INC.
118 OURAY AVE.
GRAND JUNCTION, CO.
(970) 245-8749

Attach 11
Public Hearing – Rezoning the Proietti Property
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Request to rezone 0.95 acres from PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) – 2558 & 2560 Patterson Road						
Meeting Date	March 3, 2004						
Date Prepared	February 23, 2004				File # RZ-2003-278		
Author	Scott D. Peterson		Associate Planner				
Presenter Name	Scott D. Peterson		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No	Name
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: Conduct the Public Hearing and approve the Rezoning Ordinance.

Attachments:

- 14. Staff Report/Background Information
- 15. Site Location Map
- 16. Aerial Photo
- 17. Growth Plan Map
- 18. Existing Zoning Map
- 19. Ordinance

STAFF REPORT/BACKGROUND INFORMATION			
Location:		2558 & 2560 Patterson Road	
Applicant:		Dave & Lisa Proietti, Owners	
Existing Land Use:		Single Family Home(s)	
Proposed Land Use:		Future dental clinic	
Surrounding Land Use:	North	Five (5) unit townhouse	
	South	Pomona Elementary School	
	East	Single-family residential	
	West	7 th Day Adventist Church Community Services Building	
Existing Zoning:		PD, Planned Development (Residential) & RMF-8, Residential Multi-Family – 8	
Proposed Zoning:		RO, Residential Office	
Surrounding Zoning:	North	PD, Planned Development (Residential), RMF-8, Residential Multi-Family – 8 & RMF-24, Residential Multi-Family – 24	
	South	CSR, Community Services & Recreation	
	East	RMF-8, Residential Multi-Family – 8	
	West	RMF-8, Residential Multi-Family – 8	
Growth Plan Designation:		Residential Medium High (8-12 DU/Ac.)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

The petitioners, Dave & Lisa Proietti, are requesting to rezone their two (2) properties located at 2558 & 2560 Patterson Road to RO (Residential Office), in order to develop a proposed dental clinic. In 1998, the property located at 2558 Patterson Road (Lot 1, Vostatek Minor Subd.) was rezoned from RSF-8 (Residential Single Family – 8) to PR (Planned Residential) under the old Zoning Code designations. The proposal at that time was to develop Lots 1 & 2, Vostatek Minor Subdivision (2556 & 2558 Patterson Road) for use as a duplex on Lot 1 and a five (5) plex on Lot 2. In 2000, the zoning designations were changed to what are now the current designations of PD & RMF-8, for the petitioner’s two (2) properties.

The RO District was established to provide low intensity, non-retail, neighborhood service and office uses that would be compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

Consistency with the Growth Plan:

The Growth Plan shows this area as Residential Medium High (8 -12 DU/Ac.). The proposed zoning of RO (Residential Office) implements the Residential Medium, Medium High and High land use classification of the Growth Plan in transitional corridors between single-family residential and more intensive land uses.

Section 2.6 A. of the Zoning and Development Code:

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

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

The existing zone districts of PD and RMF-8 support the existing land uses and were not in error at the time of adoption. However, the RO District was not available until the year 2000 with the adoption of the new Zoning Code and provides a transitional land use along corridors between single-family residential and more intense land uses.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc.

The area surrounding the proposed rezoning request consists of a church building to the west and multi-family residential to the north consisting of a 5-plex townhouse and a multi-family apartment complex in the near vicinity. To the east are single-family homes. To the south is Patterson Road and Pomona Elementary School. The areas surrounding major intersections in the community, especially Patterson Road, have become more commercialized with fewer housing developments over time. The City's enactment in 2000 to adopt the RO Residential Office Zoning District was intended to provide a compatible buffer for areas such as this for near-by existing residential development.

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

The proposed rezone to RO 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 RO zone district, therefore this criterion is met.

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

The proposed RO Zoning District implements the Residential Medium to High land use classifications of the Growth Plan. The RO District is considered compatible with surrounding properties as part of the transitional corridor between residential and more intensive land uses.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RO zone district. A Site Plan Review and possible Simple Subdivision will be required at the time of development for review and approval by City staff.

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

The land available in the surrounding area could accommodate the RO Zone District as churches and residential land uses are all permitted in the RO District. However, at this time, there are not any other properties in this immediate vicinity that are currently zoned RO.

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

The community and neighborhood will benefit from the proposal as it will provide a transitional land use between Patterson Road and the existing adjacent multi-family and single-family residential properties.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Proietti Rezone application located at 2558 & 2560 Patterson Road, RZ-2003-278, for a rezone to RO, Residential Office, the Planning Commission at their February 10th, 2004 meeting made the following findings of fact and conclusions:

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

Action Requested/Recommendation: The Planning Commission recommends that the City Council approve the Ordinance for the rezone of 0.95 acres from PD, (Planned

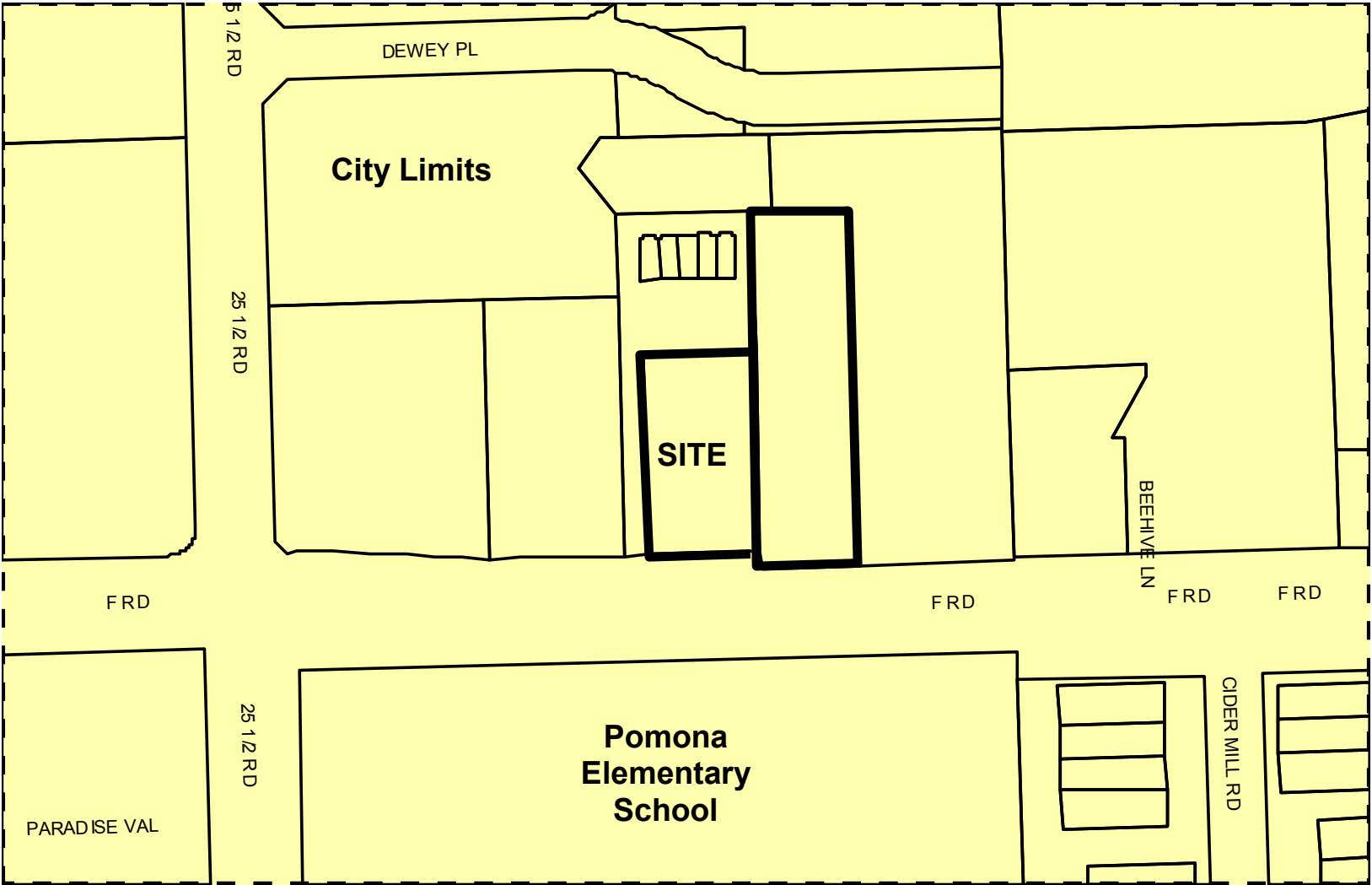
Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) – 2558 & 2560 Patterson Road, finding the request consistent with the Growth Plan and Section 2.6 A. of the Zoning & Development Code.

Attachments:

6. Site Location Map
7. Aerial Photo
8. Growth Plan Map
9. Existing Zoning Map
10. Ordinance

Site Location Map – Proietti Rezone – 2558/2560 F Road

Figure 1



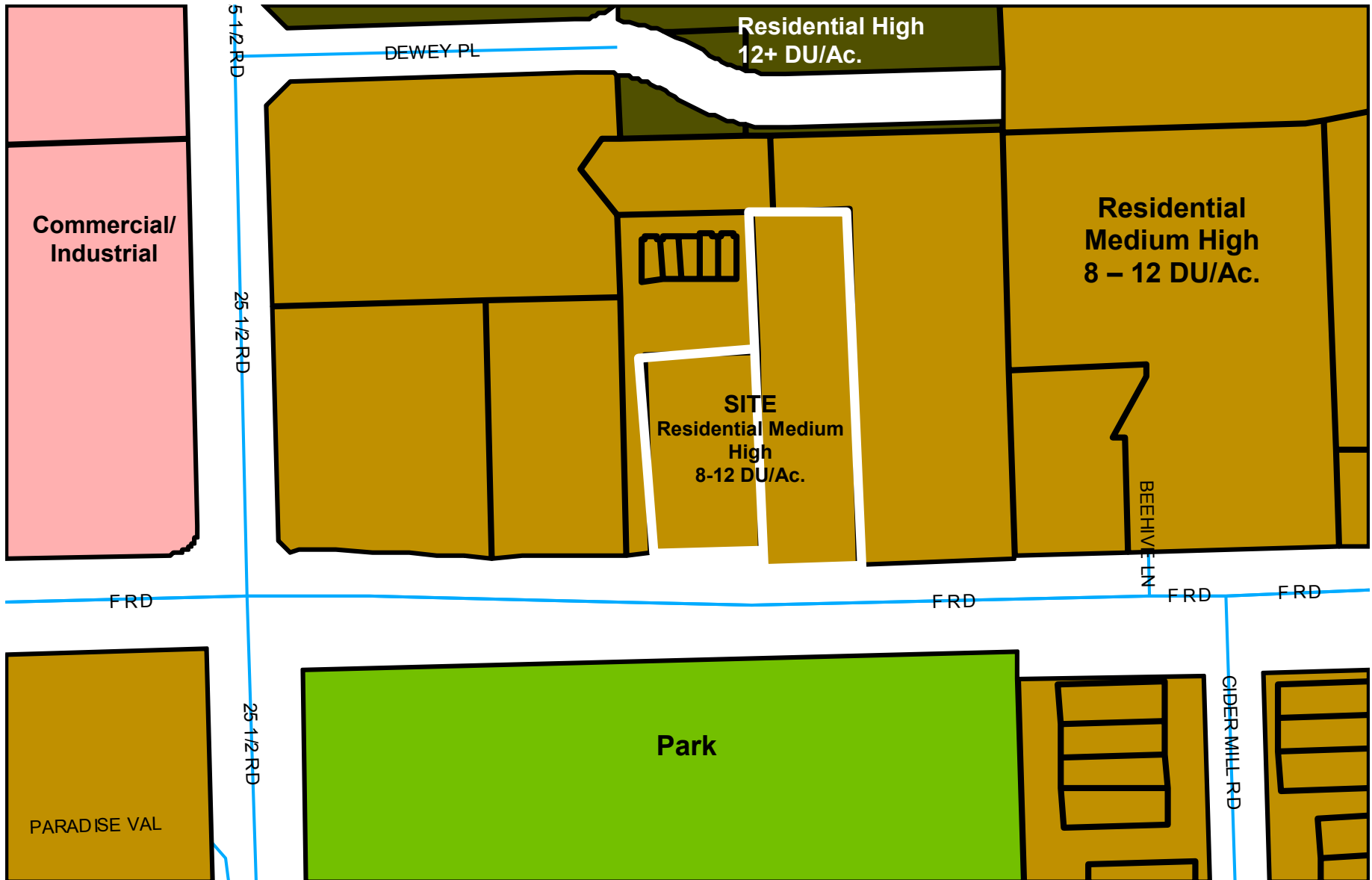
Aerial Photo Map – 2558/2560 F Road

Figure 2



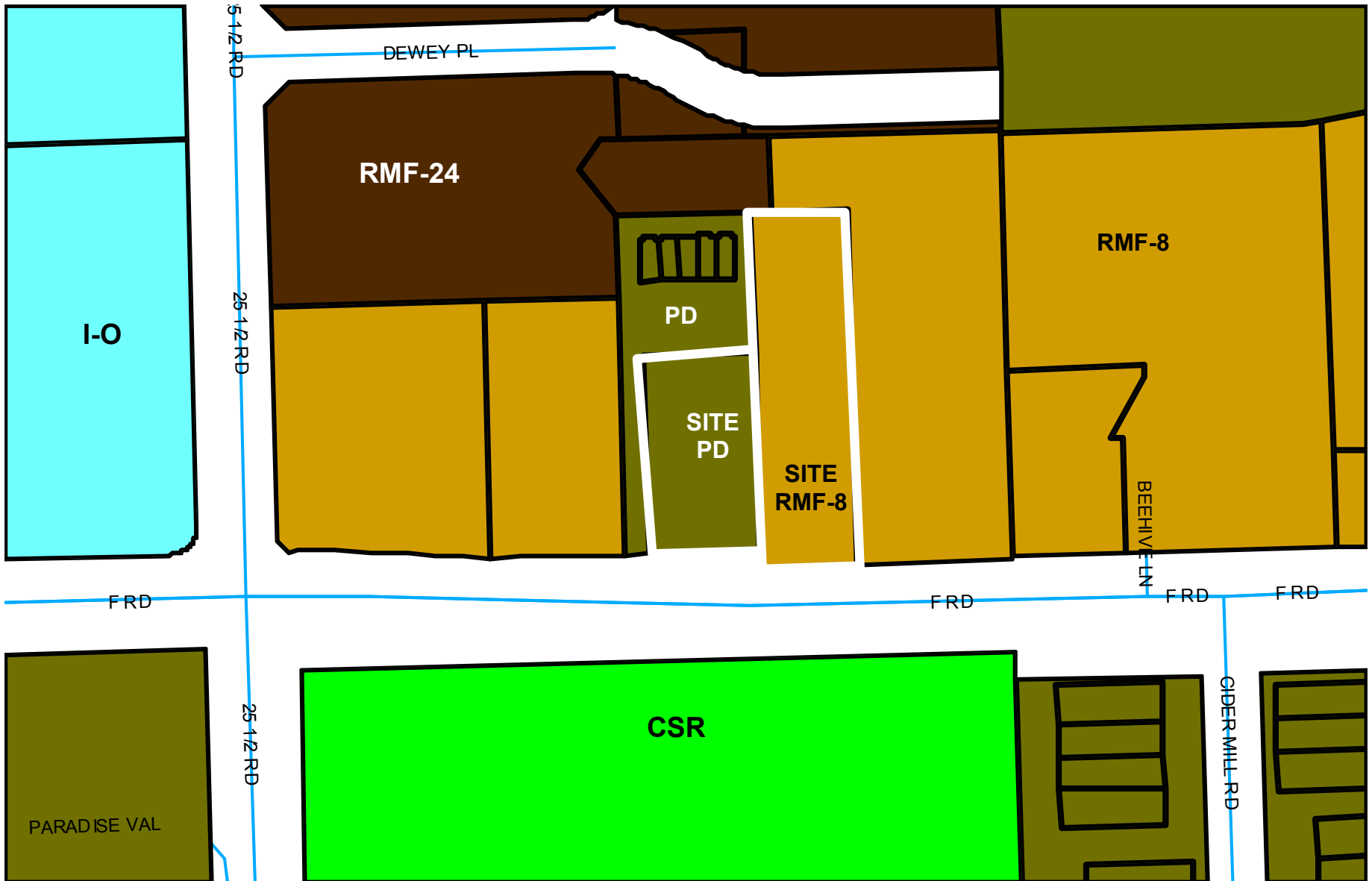
Future Land Use Map – 2558/2560 F Road

Figure 3



Existing City Zoning – 2558/2560 F Road

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS
THE PROIETTI REZONE
LOCATED AT 2558 & 2560 PATTERSON ROAD FROM RESIDENTIAL MULTI-
FAMILY (RMF-8) TO RESIDENTIAL OFFICE (RO)**

RECITALS:

The Grand Junction Planning Commission, at its February 10th, 2004 public hearing, recommended approval of the rezone request from the PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Zoning District.

A rezone from the PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Zoning District, has been requested for the property located at 2558 & 2560 Patterson Road. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (Residential Medium High 8 - 12 DU/Ac.) City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning & Development Code have all been satisfied.

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

Includes the following tax parcel: 2945-034-53-001 (2558 Patterson Road)

Lot 1, Vostatek Minor Subdivision, Mesa County, Colorado

Includes the following tax parcel: 2945-034-00-060 (2560 Patterson Road)

Beginning 8 rods West of the Southeast corner of the W ½ SW ¼ SE ¼ of Section 3, Township 1 South, Range 1 West of the Ute Meridian, thence North 20 rods, thence West 5 rods, thence South 20 rods, thence East 5 rods to beginning, EXCEPTING THEREFROM that portion thereof conveyed to the City of Grand Junction by instrument recorded March 15, 1989 in Book 1734 at Page 140, Mesa County, Colorado.

INTRODUCED for FIRST READING and PUBLICATION this 18th day of February, 2004.

PASSED on SECOND READING this _____ day of _____, 2004.

ATTEST:

City Clerk

President of Council

**Public Hearing – Activity Permits in the Downtown Shopping Park
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject		Activity Permits for the Downtown Shopping Park				
Meeting Date		March 3, 2004				
Date Prepared		February 25, 2004			File #	
Author		John Shaver		Acting City Attorney		
Presenter Name		Harold Stalf		Executive Director - DDA		
Report results back to Council		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
<input type="checkbox"/>		<input type="checkbox"/>			<input checked="" type="checkbox"/>	Individual Consideration

Summary: Amending the Code in regards to activities in the Downtown Shopping Park relative to types of permits and fees charged. Some of the fees are being reduced to encourage more outdoor activity along Main St. during the summer months.

Budget: No impact on the City budget. The DDA should experience a neutral revenue effect, as the current revenue from these permits is less than \$1,000 annually and will likely result in a slight increase in permits to balance some decrease in fee's.

Action Requested/Recommendation: Approval of the Ordinance change to enable the DDA to manage this program.

Attachments: Staff report from Traffic Engineering, Ordinance from City Attorney

Background Information: The Farmer's Market Festival, as a new event, does not conform with our current permitting system which requires a separate permit each week. Therefore, we are suggesting that a "Recurring Event Permit" priced at \$200 for the summer, be implemented to appropriately permit this event. Additionally, it is recommended that sidewalk dining permits be changed from a flat fee, to a fee based on the number of chairs at the location. This fee will be \$10 per chair with a \$150 maximum in order to encourage smaller businesses to participate. Finally, the amendment allows the DDA Director, in co-operation with the Traffic Engineer, review applications for sidewalk dining on public right of way, and permit this activity for restaurants that are on Main St. Minimum pedestrian right of way of five feet will be maintained. This is a reduction of three feet from the current minimum width.



PUBLIC WORKS
& UTILITIES

TRANSPORTATION ENGINEERING

Memo

To: Harold Staff
From: Sandra Mallory
CC: Tim Moore, Jody Kliska, Sandi Nimon, Sue Schore
Date: December 16, 2011
Re: Recommendation concerning Sidewalk Café requirements

Harold:

The City of Grand Junction minimum sidewalk widths are

STREET CLASSIFICATION	MINIMUM SIDEWALK WIDTH (W)
RESIDENTIAL	4'
COLLECTOR OR COMMERCIAL	5'
MINOR ARTERIAL	5'
PRINCIPAL ARTERIAL	6'

Main Street from 1st Street to 7th Street is currently classified on the Major Street Plan as a Local Road. It functions in a commercial capacity. The minimum sidewalk width required for this type of roadway is 5'.

ADA currently requires a 36" clear width of walking surface and a 60" passing area every 200'.

With Main Streets classification and the ADA requirements, it is recommended by this department to maintain a minimum of 60 inches (5') of clear sidewalk space in all areas on Main Street, with frequent passing areas.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO PERMITS FOR ACTIVITIES IN THE DOWNTOWN

Recitals.

Since its inception, the City of Grand Junction Downtown Development Authority (“DDA”) has exercised delegated authority from the City Council, pursuant to Ordinance No. 1989, adopted in 1981. The DDA has been responsible for regulating the use of the City’s right-of-way in the area of Main Street between First and Seventh Streets.

The activities that occur Downtown have enhanced the City. While Ordinance 1989 was updated in 2002 by Ordinance No. 3422, there have been new activities and ideas since that time that will further enhance the downtown. The current ordinance does not permit those activities. Additionally, there are activities that have gone on in the past and will continue to occur, for which no appropriate permit is provided for in the regulation.

For these reasons, the City Council finds that there are no obvious detriments, while there are clear benefits to expanding the DDA commercial activity permitting program in the downtown right-of-way.

It is the Council’s intent to delegate to the DDA Board of Directors and where appropriate the DDA Director, the City Council’s powers and related duties, liabilities and obligations, pursuant to § 127 of the City Charter, except as provided herein.

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

1. Chapter 32, Section 62 is amended by the addition of the following definitions.

Parade Permit means a permit that allows the use of Main Street between 1st Street and 7th Street for a procession or march for ceremony or display.

Sidewalk restaurant means the extension of the food and non-alcohol beverage service of a restaurant in the Downtown Park.

Recurring Activity Permit means a permit that allows a unique and /or charitable use of the Downtown Park on a recurring basis throughout the year. A Recurring Activity Permit may be granted to the sponsor or agency coordinating the event rather than specific, participating individuals.

Tent Sale/Sidewalk Sale Permit means a permit that allows existing Main Street merchants to sell merchandise or service from an area in the public right-of-way.

2. Chapter 32, Section 63, Permit fees, is hereby amended to read as follows:

(a) *Fees for permits.* The DDA may charge per annum for the permits and documents authorized by this ordinance as follows. The City Council may amend such fees and charges by resolution.

- (1) Each sidewalk café or restaurant – \$10 per seat/\$150.00 max.
- (2) Mobile vending cart or kiosk \$100
- (3) Recurring activity permit \$200
- (4) Special use permits. \$100
- (5) Pedestrian vendor. \$ 25/month or \$100 annually
- (6) Parade permit \$ 10
- (7) Tent Sale/Sidewalk Sale \$ 25

(b) All fees collected by the DDA or its employees or agents pursuant to this ordinance shall be deposited with the City on account of the DDA.

(c) If the DDA desires to waive the fee or all or a portion of one or more permit terms for charitable and eleemosynary activities, it shall only do so pursuant to adopted written rules and policies, consistent with the provisions of this ordinance and other City rules and requirements. Any such waiver shall only be valid if decided by the DDA Board in a meeting that complies with the Colorado Open Meetings Act. Such DDA regulations shall provide that each such waiver shall be requested in writing and shall be accompanied by proof that the proceeds from the permitted commercial activity will be used for a charitable or equivalent entity that has tax exempt status under the Internal Revenue Code, as amended from time to time.

3. Chapter 32, Section 64, Permit Requirements is amended to read as follows:

Section 32-64. Permit Requirements.

(a) *Length of permits.* Permits issued pursuant to this ordinance are valid for no longer than the following lengths of time. Renewal permits may be granted as set forth below.

- (1) Pedestrian vendor permits - thirty (30) days.
- (2) Sidewalk café/restaurant – one (1) year

- (3) Mobile vending carts/kiosks - six (6) months.
- (4) Recurring activity permit – one (1) year
- (5) Special use permits - three (3) days.
- (6) Parade permit – one (1) day
- (7) Tent Sale/Sidewalk Sale permits – three (3) days
- (8) All other permits - one (1) year.

(b) *Applications for permits.* All permit applications, including renewals, shall be made to the DDA on a DDA form on which the applicant provides at least the following:

- (1) Name, address and phone number(s) of applicant.
- (2) Name, addresses and emergency telephone number of at least two persons who will be available during the activity or event, so that the DDA or the City may quickly contact a person with authority.
- (3) Names, addresses, telephone numbers and email addresses of each sponsor of the applicant.
- (4) Type of business/commercial activity to be conducted, including a description of the merchandise to be sold or displayed.
- (5) Copy of current City sales tax license if required by the City's Sales Tax Code.
- (6) The applicant's signed statement that the applicant has the authority to and does bind the permittee to hold harmless and indemnify: the City of Grand Junction and the DDA (and the officers, officials and employees of each); with respect to and relating to any claim(s) or charge for damage to persons and/or property or injury to persons which were, or were alleged, to be occasioned by the permit (including permittee action or inaction).
- (7) (a) Permittee shall furnish and maintain such public liability, food products' liability, products' liability and other insurance as will protect permittee, the City and the DDA (and the officers, officials and employees of the City and the DDA), from all claims for

damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith.

(b) Such insurance shall: provide coverage that is consistent with the City's practices and/or the provisions of the Governmental Immunity Act, whichever the DDA determines from time-to-time to apply or require. Until the DDA Board adopts different limits, permittee insurance shall provide coverage of not less than \$150,000 for bodily injury on each person, \$600,000 for each occurrence and not less than \$600,000 for property damage per occurrence; be without prejudice to coverage otherwise existing and shall name as additional insureds the City, the DDA (and the officers, officials and employees of each); provide that the policy shall not terminate or be canceled prior to the completion of the contract without thirty (30) days written notice to the DDA.

- (8) Description of the building, structure, kiosk, mobile vending cart or other improvement(s) to be used in connection with conducting commercial activity including blueprints, drawings, sketches and such other information or details as the DDA shall require.
- (9) The location for which the permit is requested.
- (10) A description of how the business will be conducted, including hours of operations.
- (11) A description of how the use or activity may enhance the Downtown Park and how the use or activity conforms with the DDA plan of development including how/to whom the net proceeds gained from the use or activity will be distributed.
- (12) A list of all necessary or applicable permits that the applicant must obtain and the current status of each, before the use or activity is lawfully begun.
- (13) The DDA Director may require the applicant to prepare and submit such drawings and diagrams of facilities as may be necessary to determine if the permit should be issued and/or to enforce the permit if it is issued.
- (14) Description of the hours and specific locations of proposed street or sidewalk closures or traffic controls with the boundaries of the DDA. **Note: The City Engineer must issue right-of-way closures for all City right-of-way including those within the Downtown Park. The DDA Director shall consult with the City**

Engineer regarding pedestrian/sidewalk restrictions including but not limited to those that may occur with the issuance of a sidewalk café/restaurant permit.

- (15) Description of the activities related to any street closure(s) or other activities required to be done by the applicant or others.
- (16) How the applicant will provide any required security.
- (17) A listing of each sponsor for the use and/or activity.
- (18) If any music, vocalization or mechanical musical presentation is to be broadcast or presented, the application shall so state. The applicant shall particularly describe the time, place, manner, means and mode of such presentation. Each applicant agrees to comply with ASCAP requirements, including the payment of fees. Each applicant and permittee, by accepting the benefits and terms of any DDA permit or consent, agrees to hold harmless and indemnify the DDA and the City (and the officials, officers and employees of each) with respect to claims or activities for which money is owed to ASCAP or consent must be obtained.

(c) *Renewal.* A Downtown Park permit may be renewed, if all other requirements of this ordinance have been met and if:

- (1) No violations of the permit restrictions or a City ordinance or requirement have occurred during the prior permit period or one calendar, whichever is longer;
- (2) The permit holder did not cease to conduct business under the prior permit during the time the permit was in force;
- (3) The applicant affirms in writing that all the information on the original application is correct and true, except as modified in writing at the time of the application for the renewal; and
- (4) All fees are paid.

4. Chapter 32, Section 66, Types of Permits is amended to read as follows:

- (a) The types of permits which may be issued are for:
 - (1) Pedestrian vendors.

- (2) Sidewalk café/restaurant
 - (3) Mobile vending carts/kiosks.
 - (4) Recurring activity permits
- (5) Special Use Permits.
- (6) Parade Permits
 - (7) Tent Sale/Sidewalk Sale Permit

5. Chapter 32, Section 67, General Provisions shall be amended to read as follows:

(a) The permittee may conduct business on the public right-of-way within the Downtown Park but only subject to and in compliance with the following:

- (1) Each permittee pursuant to this ordinance shall pick up and properly dispose of any paper, cardboard, wood or plastic containers, wrappers and other litter which is deposited or is located on the sidewalk within twenty five feet (25') of the permittee's use, activity or location.
- (2) Each permittee shall provide readily accessible container(s) and facilities for the collection of litter, debris and trash and shall properly dispose of all litter, debris and trash collected.
- (3) No permittee shall sell or give any food, object or other item to any person who is located in the right of way, including parking areas, unless such right of way has been closed by the City Engineer.
- (4) The permittee shall not offer to sell or sell except within the location designated by the permit.
- (5) A permittee shall not leave his equipment or merchandise unattended, except for a sidewalk café/restaurant or kiosk and only when the café/restaurant or kiosk is secured.
- (6) The permittee shall not conduct any business, use or activity between the hours of 12:00 a.m. (midnight) and 6:00 a.m.
- (7) A permittee shall not offer to sell or sell merchandise that is not described in the application.

- (8) No permittee may hold more than one permit at any one time, unless approved by the DDA Board.
- (9) The permittee shall only locate tables, chairs, benches, and/or other personal property in the portion of the adjacent Main Street right-of-way to the permittee's restaurant or café that is within the permitted area.

The DDA Director in consultation with the City Engineer shall ensure that permittees' using the sidewalk maintain an adequate unobstructed and unoccupied area of the sidewalk for the two-way movement of pedestrian traffic. An adequate unobstructed and unoccupied area shall be deemed to be no less than five feet (60") wide and be no closer than two feet from the closest point on Main Street to the sidewalk activity.

The DDA Director may authorize the use of the sidewalk so long as "clear space" of not less than 60" is provided for at least 40% of the permitted area; the DDA Director may issue a permit notwithstanding the existence of a planter box (es), tree(s), art or some other fixture or permanent installation so long as not more than 60% of the permitted area is not encumbered by such fixtures.

b) An amended permit may be issued in an expedited manner without additional fees if the permittee has remained (while all prior permits were in effect) in compliance with all applicable requirements and laws.

(c) Each permittee shall forthwith obey every lawful order of the DDA and any City official, including police officers, such as an order to move to a different location (if needed, for example, to avoid congestion or obstruction of a sidewalk) or an order to forthwith remove all personal property from the Downtown Park (in case of congestion or public safety or similar concerns).

(d) No permittee shall make unlawful noise or any continuous noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his use, business or merchandise.

(e) During a community event, as determined by the City or the DDA, each permittee shall be subject to overriding rules, requirements and even prohibitions, during the community event. For example, a permittee for a mobile vending cart, a kiosk or a pedestrian vendor may be limited in hours, location and/or type of goods or foods.

6. Chapter 32, Section 69, Rules for Sidewalk Cafés and Restaurants is amended to read as follows:

- (a) The following provisions shall apply to sidewalk restaurants and cafés:
- (1) Such permits shall be renewed annually no later than April 1st each year. Permits fees are non-refundable and will not be prorated.
 - (2) During such times as an adjacent owner consents in writing, the permittee may also occupy an additional area in front of such consenting owner's property subject to the overriding limits regarding pedestrian clear space, proximity to Main Street and overriding regulations made applicable for community events.

7. Chapter 32 is hereby amended by the addition of the following section:

Section 32-70. Special Rules on Special Use and Recurring Activity Permits.

(a) Layout for these activities must be approved by the Downtown Development Authority ten days in advance of the first day of the event. Layouts for such events are encouraged to be in conformance with Attachment.

(b) Generators are not allowed on Main Street. Electrical outlets are available on all lampposts.

8. Section 32-69 shall be renumbered to 32-71.

9. All other provisions of this chapter shall remain in full force and effect.

INTRODUCED on first reading this 18th day of February, 2004.

ADOPTED on second reading this ____ day of _____, 2004.

President of the Council

Attest:

City Clerk

ATTACHMENT

North 600 Block

