

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

**WEDNESDAY, April 21, 2004, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Pastor Rocky Shrable, Sonrise Church of God

**APPOINTMENTS**

[Attach 1](#)

Resolution No. 29-04 – A Resolution Appointing John P. Shaver as City Attorney for the City of Grand Junction, Colorado

*®Action: Adopt Resolution No. 29-04*

Administer Oath of Office

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

To the Parks and Recreation Advisory Board

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meetings**

[Attach 2](#)

*Action: Approve the Summary of the April 5, 2004 Noon Workshop, April 5, 2004 Workshop and the Minutes of the April 7, 2004 Regular Meeting and Special Meeting of April 7, 2004 and Special Meeting of April 12, 2004*

2. **Setting a Hearing on Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road** [File #RZ-2004-023] [Attach 3](#)

Introduction of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2, for future residential development.

Proposed Ordinance Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road, from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2)

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004*

Staff presentation: Lisa E. Cox, Senior Planner

3. **Setting a Hearing on Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards** [File #TAC-2004-040] [Attach 4](#)

Introduction of a proposed ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

Proposed Ordinance Amending Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards to be Published in Pamphlet Form

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004*

Staff presentation: Kathy Portner, Planning Manager

4. **Setting a Hearing for the Cameck Annexation Located at 3048 D ½ Road** [File #ANX-2004-049] [Attach 5](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.5005 acre Cameck Annexation consists of 1 parcel and approximately 160' of the north ½ of D ½ Road Located at 3048 D ½ Road and is a 2 Part Serial Annexation.

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

Resolution No. 30-04 – 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, Cameck Annexation, Located at 3048 D ½ Road

®Action: *Adopt Resolution No. 30-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cameck Annexation #1, Approximately 0.6036 Acres, Located at 3048 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cameck Annexation #2, Approximately 1.8969 Acres, Located at 3048 D ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for June 2, 2004*

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing for the Holley Annexation Located at 2936 D ½ Road** [File #ANX-2004-059] [Attach 6](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 0.8402 acre Holley Annexation consists of 1 parcel located at 2936 D ½ Road and is a 2 part serial annexation.

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

Resolution No. 31-04 – 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, Holley Annexation, Located at 2936 D ½ Road

®Action: *Adopt Resolution No. 31-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holley Annexation #1, Approximately 0.1663 Acres, Located at 2936 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holley Annexation #2, Approximately 0.6739 Acres, Located at 2936 D ½ Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for June 2, 2004*

Staff presentation: Senta L. Costello, Associate Planner

6. **Vacation of a Portion of a Utility Easement Located at 722 ½ Spanish Trail Drive** [File #VE-2004-015] [Attach 7](#)

The applicants wish to vacate a 10' x 36.3' area of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3. Due to a site plan error at the time the Planning Clearance was issued, the recently constructed single-family home was constructed into this existing easement. There are no utilities currently located or proposed within the area to be vacated. The Planning Commission recommended approval at its April 20, 2004 meeting.

Resolution No. 32-04 - A Resolution Vacating a 10' X 36.3' Portion of a 15' Drainage & Utility Easement Lying Within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, Known As: 722 ½ Spanish Trail Drive

*®Action: Adopt Resolution No. 32-04*

Staff presentation: Scott D. Peterson, Associate Planner

7. **Purchase of 1.5 Ton Dump** [Attach 8](#)

This purchase is for the replacement of two (2) dump trucks. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase Two (2) Dump Trucks from Western Slope Ford for the Amount of \$58,892.00*

Staff presentation: Julie Hendricks, Buyer  
Mark Relph, Public Works & Utilities Director

8. **Setting a Hearing - Amending the Grand Junction City Code Regarding Sales and Use Tax** [Attach 9](#)

The attached Ordinance amends the City's Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

Proposed Ordinance Amending Section 154 of Chapter 34 of the City of Grand Junction Code of Ordinances Concerning Sales and Use Tax

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004*

Staff presentation: Ron Lappi, Administrative Service and Finance Director

9. **Release First Right of Refusal to Purchase Property Located at 402 Grand Avenue** [Attach 10](#)

The City's parking lease with the First Assembly of God Church provides the City with a first right of refusal to purchase all of the Church's property at 402 Grand Avenue. Since the City and Mesa County have developed a parking structure, the parking lease and first right of refusal are no longer necessary.

Resolution No. 33-04 – A Resolution Relinquishing a First Right of Refusal to Purchase Real Property at 402 Grand Avenue from the First Assembly of God Church

*®Action: Adopt Resolution No. 33-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

10. **Design Contract**

a. **Lincoln Park Master Plan** [Attach 11](#)

Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short term and long term master plan.

*Action: Authorize the City Manager to Sign a Contract with Winston and Associates to Study and Complete the Lincoln Park Master Plan in an Amount not to Exceed the Budget of \$80,000.*

Staff presentation: Joe Stevens, Parks and Recreation Director

11. **Property Exchange Agreement with Ice Skating Inc.** [Attach 12](#)

City staff proposes to enter into an agreement with Ice Skating Inc. (ISI), to trade property for Riverside Parkway right-of-way. The trade will include the City reimbursing ISI for the cost to redesign their building and site improvements.

Resolution No. 34-04 – A Resolution Authorizing the Exchange of Real Estate with Ice Skating Inc.

*®Action: Adopt Resolution No. 34-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Purchase of Properties of Riverside Parkway** [Attach 13](#)

The City has entered into two contracts to purchase four vacant parcels for the Riverside Parkway Project. The C&K properties consist of three parcels located at 2505 River Road, 2509 River Road and 2521 River Road. The Nesbitt property is an un-addressed parcel on the south side of River Road at the extension of 25 Road. The City's obligation to purchase the properties is contingent upon Council's ratification of the purchase contract.

**a. C&K of Mesa County LLC**

Resolution No. 35-04 – A Resolution Authorizing the Purchase of Real Property from C&K of Mesa County, LLC

*®Action: Adopt Resolution No. 35-04*

**b. Ken W. Nesbitt**

Resolution No. 36-04 – A Resolution Authorizing the Purchase of Real Property from Ken W. Nesbitt

*®Action: Adopt Resolution No. 36-04*

c. **Kristal K. Slough**

[Attach 14](#)

The City has leased the property at 635 West White Avenue since 2002. The lease agreement gives the City the right to purchase the property at anytime prior to February 28, 2005. This property is necessary to accommodate the Riverside Parkway improvements.

Resolution No. 37-04 – A Resolution Authorizing the Purchase of Real Property at 635 West White Avenue from Kristal K. Slough

®Action: *Adopt Resolution No. 37-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

13. **Public Hearing – Amend Action Plan for 2003 Program Year Community Development Block Grant (CDBG) Program** [File #CDBG-2003-01 and 2003-08]  
[Attach 15](#)

Amending the City's 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program (\$64,400) administration for construction of the Linden Pointe Apartments affordable housing project and authorizing the City Manager to sign the amendment to the Subrecipient Contract approved September 17, 2003 between the City and the Grand Junction Housing Authority (GJHA) for the Linden Pointe affordable housing project at 276 Linden Avenue by increasing the CDBG grant to GJHA by \$64,400.

Action: *1) Approve the Amendment to the City's CDBG Consolidated Plan 2003 Action Plan to Reflect the Revisions to a Portion of the Grant Dollars Earmarked for Neighborhood Program Administration for Construction of the Linden Point Apartments Affordable Housing Project; and 2) Approve and Authorize the City Manager to Sign the Amendment to the Subrecipient Contract between the City and the Grand Junction Housing Authority*

Staff presentation: Dave Thornton, CDBG Program Manager

14. **Public Hearing – Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses** [Attach 16](#)  
**Continued to May 5, 2004**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/restaurant liquor licenses for principal college campuses.

Ordinance No. 3620 – An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances Reducing the Distance a Hotel and Restaurant Liquor Licensed Premise Must be from the Principal Campus of a College or University in the City of Grand Junction

*Action: Continue Public Hearing to May 5, 2004*

Staff presentation: Stephanie Tuin, City Clerk  
John Shaver, City Attorney

15. **Public Hearing – Creating the Horizon Drive Association Business Improvement District and Set Mill Levy** [Attach 17](#)

The Horizon Drive Association group has turned in petitions which appear to represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the district should be formed. The City Council may also exclude property from the district as allowed by Statute or if it deems it to be in the best interest of the district. Once created the mill levy will need to be set. The request is for a 5 mill levy upon each \$1.00 of total assessment of taxable property in the District.

Ordinance No. 3621 – An Ordinance Creating and Establishing the Horizon Drive Association Business Improvement District and Approving an Operating Plan and Budget Therefor

Resolution No. 38-04 – A Resolution Levying Taxes for the Year 2004 in the Horizon Drive Association Business Improvement District a part of the City of Grand Junction, Colorado



*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3621 and Adopting Resolution 38-04*

Staff presentation: Stephanie Tuin, City Clerk  
John Shaver, City Attorney

16. **Public Hearing – Blue Heron Rezone Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail** [File #RZ-2004-038] [Attach 18](#)

Request to rezone property located on the south side of Blue Heron Road, east of the Blue Heron River Trail, consisting of one parcel, from the CSR (Community Services and Recreation) zone district to I-2 (General Industrial) zone district. Planning Commission recommended approval at its March 23, 2004 meeting.

Ordinance No. 3622 – An Ordinance Rezoning a Parcel of Land from CSR (Community Services and Recreation) to I-2 (General Industrial) Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3622*

Staff presentation: Ronnie Edwards, Associate Planner

17. **Public Hearing – Text Amendments to the SSID Manual (Submittal Standards for Improvements and Development)** [File #TAC-2003-01.04] [Attach 19](#)

Staff recently completed needed changes to the SSID Manual that reflect changes in the Zoning and Development Code adopted in 2002. The manual pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code.

Ordinance No. 3623 – An Ordinance Amending the City of Grand Junction's "Submittal Standards for Improvements and Development", SSID Manual, and Authorizing Publication of the Amendments by Pamphlet

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3623*

Staff presentation: Lori V. Bowers, Senior Planner

18. **Transportation Engineering Design Standards Update**

[Attach 20](#)

Council will consider amendments to the adopted City Transportation Engineering Design Standards (TEDS) Manual to add performance based Alternate Residential Street Standards and revisions to dead-end street limitations.

Resolution No. 39-04 – A Resolution Adopting the Revised Transportation Engineering Design Standards (TEDS) Manual

*®Action: Adopt Resolution No. 39-04*

Staff presentation: Tim Moore, Public Works Manager

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

20. **OTHER BUSINESS**

21. **ADJOURNMENT**

**Attach 1  
Resolution Appointing John P. Shaver, City Attorney**

**Resolution No. -04**

**A Resolution Appointing John P. Shaver as  
City Attorney for the City of Grand Junction, Colorado**

**Recitals.**

Pursuant to §56 of the Grand Junction City Charter, the City Council shall appoint a City Attorney.

The City Council has determined that John P. Shaver should be appointed to that office.

**Now, therefore, be it resolved by the City Council of the City of Grand Junction that:**

John P. Shaver is hereby appointed City Attorney for the City of Grand Junction, effective April 20, 2004.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
President of the Council Pro Tem

ATTEST:

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

**Attach 2  
Minutes of the Previous Meetings**

**GRAND JUNCTION  
CITY COUNCIL ADDITIONAL WORKSHOP  
SUMMARY**

**APRIL 5, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, April 5, 2004 at 11:40 a.m. at Two Rivers Convention Center, 159 Main Street to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Councilmember Bill McCurry was absent.

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

1. **CITY MANAGER'S UPDATE ON TWO RIVERS CONVENTION CENTER MANAGEMENT:** City Manager Kelly Arnold introduced the topic of management at Two Rivers. He shared that he received a very complimentary email from Mr. Reeves, Club 20 director, advising that the group's annual conference held at the Convention Center went well and the facilities were good. He made a couple of suggestions on equipment and food. In fact, Club 20 is already planning their next event at Two Rivers . He then referred to the memo provided to Council by Parks & Recreation Director Joe Stevens that details the research that has been done comparing in-house management versus outsourcing it. The conclusion was reached by the City Manager to go forward with advertising for a manager for the Convention Center. Mr. Arnold advised that at this point it would be difficult for him to make a recommendation on what direction the City should take with the Convention Center but if a majority of Council wants to continue to look at privatizing and looking at the RFQ being drafted, he will go forward with that effort. The flexibility allowed under an in-house scenario is the most significant item of concern. Councilmember Enos-Martinez noted that being able to control customer service is another important factor.

Parks & Recreation Director Joe Stevens noted two areas of concern – inventory control and being able to react to price changes. He thinks with hiring a new manager, those concerns can be addressed.

**Action summary:** The City Council agreed with City Manager Arnold to go forward with hiring a manager, continuing to refine the operational model, work on the inventory and cost controls, integrating management of the two

facilities (Two Rivers and Avalon), meanwhile the City Manager will continue to look at outsourcing options. The hiring of a manager will focus on customer service and fiscal responsibility.

2. **CITY OWNED PROPERTY DISCUSSION:** The City Council was provided with three lists of city-owned property, #1, a Master List, #2, properties that are not restricted nor being utilized and #3, properties being underutilized.

Tim Woodmansee, Real Estate Manager, directed the City Council's attention to List #2 and made corrections by deleting several properties listed that are being utilized and should not have been on the list.

Mr. Woodmansee answered Council's inquiries as to properties that may have potential for better utilization (numbers refer to the identifier used on the lists provided):

- 2778 Webster Road (#1) – a vacant lot in a subdivision, the water line on the lot has been relocated so the property can be built on. It is valued between \$30,000 to \$35,000. Habitat for Humanity is interested in having the property donated. City Manager Arnold suggested a sealed bid process whereby non-profits could participate.
- Jarvis property (#20) – RFQ's are going to be reviewed and the property will need a rezone for development to include any residential
- Horizon Park (#120) – may not actually be suitable for a park, does not have any restrictions: the City could, through a sale, require any developer to include a percentage of affordable housing
- Little Park Road property (#8) – mostly undevelopable but 2-3 high end lots could be sold and the proceeds dedicated to housing
- South Rim property (#71) – a portion of which is the trailhead for the Audubon Trail, the rest has steep slopes or is on the island in the river but may be appropriate for Land Trust dedication for leverage with other properties
- 543 Lawrence Avenue (#24) – some will be used for the Parkway and a portion will be targeted in the Jarvis property discussion
- Dike Road property is 70% underwater and being used by the Fish & Wildlife Department for growing fish
- Peony Drive property (#113) – where the sewer lagoons from Panorama Sewer System were, they will need filled in before they are developable
- Blue Heron Trail property (#64) – could be used as leverage by dedicating the property to the Mesa Land Trust

- Area near West Lake Park (#79) – unused but would be difficult to develop due to the existence of the Buthorn Drain, the fill placed there over the years is questionable
- The Dunn property on Struthers and S. 5<sup>th</sup> (#14) – the southern portion is leased to the Botanical Gardens, the northern parcels may be used for the Parkway but any remaining land could be used for development
- A property near the airport (#115) – does not have access and may have value to the airport, this piece was not dedicated to the Airport back in the 70's like all the other holdings
- A 120 acre parcel out by Clifton (#130) – could be traded with the BLM for other property closer to the City or in the City's watershed
- 621 Yucca Drive (#96) – is open space and recreational use for the subdivision but is not well-known; keeping for a small neighborhood park might be considered
- 500 block of Noland Ave (#22) – may be used for Riverside Parkway but if not, look at it more closely for other use
- Steam plant property (#34) – still being cleaned-up (Council wants it screened), Mr. Woodmansee will be preparing a report on the options for the property, including remediation options
- Marianne Dr. (#43) and Grand Valley Canal property (#98) – being used for trails
- End of Horizon Drive (#97) – just a remnant and not usable
- S. 5<sup>th</sup> properties in the 1200 block (#21) are reserved possibly for the Parkway
- A property on the river bluff in Panorama (#106) – not buildable but the City just received an offer from the adjacent property owner or it could be dedicated to the Land Trust
- 12<sup>th</sup> St. and Horizon Drive property (#111) – a remnant and unusable but is nice open space
- 3<sup>rd</sup> & Main Street parking lot (#48) – Council will look at all the empty space downtown and see what is needed long-term; Councilmember Butler discouraged other use of that area as it is used for special events; other possibilities include an RFQ for a mixed use development
- Chulota Avenue property (#46) – the City has tried to sell it in the past but now it may be needed for the Parkway
- 500 block of West Main (#45) – may be needed for the Parkway
- Ridge Circle and School Ridge Road (#18) – labeled as school site but does not have a restriction, this large parcel has potential
- 26 ½ and H Road, Saccomanno Park property (#124) – a major parcel that has possibilities

**Action summary:** The City Manager will develop concepts for three specific properties, look at parking possibilities downtown and determine the value of the bigger parcels. Using models from other Housing Authorities was encouraged.

**ADJOURN**

The meeting adjourned at 1:11 p.m.

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP SUMMARY**

**APRIL 5, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, April 5, 2004 at 7:02 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Councilmember Bill McCurry was absent.

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

1. **UPDATE ON REQUESTS MADE TO THE GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT:** Acting City Attorney John Shaver reported on his and Administrative Services Director Ron Lappi's effort to review the records of the Rural Fire Protection District. Both he and Mr. Lappi went to Board Secretary Rob Dixon's house to review records. The records provided were insufficient, there was no supporting documentation to the computer generated reports they received. The following day, Mr. Shaver wrote to the District's attorney Bob Cole requesting specific records. A response from Mr. Cole on April 2<sup>nd</sup> stated the records were in New York and could be reviewed there.

Councilmember Hill inquired if the funds in question are in escrow at Alpine Bank. Attorney Shaver said they are not and there is no indication that the funds have been segregated. There has been no deposit with the court either and no response to a request to their attorney for information regarding the underlying court action. Councilmember Palmer asked if the monies are not in a local bank, then where are they? Attorney Shaver replied presumably with Golconda Trading Company but the existence of that company cannot be confirmed.

Administrative Services Director Ron Lappi described the situation at Mr. Dixon's house. Tery Dixon hand carried requests to Mr. Dixon, who was in another room generating computer reports. Further inquiries were made after that visit into the records that were provided. The 2001 audit was signed by Ms. Rita Harvey. The 2002 audit had the same date, different year and had Ms. Harvey's name on the report but was not signed. In checking with Ms. Harvey, she is retired and retired prior to the date of the 2002 audit. She only remembers doing one audit for the District, the 2001 audit. The two other names provided as auditors for the current audit are Mike Baron in Rochester, New York and Ken Sharkey in Syracuse, New York. In checking, neither one are licensed CPA's in the State of New York nor listed in the directory. In checking on Golconda



Trading Company, there is no phone number in New York for such a company, they are not registered with the Security Exchange Commission; they are not a licensed brokerage or investment firm and are not registered with the Secretary of State in New York or Colorado.

Councilmember Palmer asked if there are requirements for public investments. Attorney Shaver replied there are very stringent requirements.

M. Lappi advised that the District has a couple of bank accounts at Alpine Bank and as of 12/31/03 the statement shows a balance of \$136,000. By his calculations and knowing what the County Treasurer has deposited in their account, the District should have close to \$1 million.

Council President Spehar asked Fire Chief Beaty to report on the Fire District's last board meeting.

Chief Beaty stated the meeting was the previous Monday and there was discussion of forming an 1159 District which would mean the Rural Board would be dissolved. There was no decision and the Board did discuss making a payment to the City. Board Member Jerry Clark distributed a spread sheet on the amount owed the City and his numbers reconciled with the City's numbers. Board Member/Secretary Rob Dixon claimed the numbers were wrong. Chief Beaty said the Neighborhood Action Group (NAG) was represented at the meeting. The Board then went into executive session. When they came out of executive session they made a motion to pay the City \$75,000 and put the difference in escrow.

Bob Cron, NAG member, added that the motion to pay the City the undisputed amount was passed.

Jack Campbell, another NAG member, said the Rural Board is in disarray. John Heckman resigned and Jerry Clark did not pick up nomination papers to submit by the deadline of Thursday. He is concerned with the ability of the other Board Members to cope.

Acting City Attorney Shaver distributed letters for the Council to review addressed to the District's Records Custodian, as authorized by the District's attorney. He reviewed the request and the deadlines within the request.

Councilmember Hill expressed that in his experience with boards, his concern is for the taxpayers' money. He inquired as to what other remedies are there at this point. Mr. Shaver said the only other option is

to request a judge to issue an order for the District to comply with the request.

City Manager Kelly Arnold asked if there is any strength in having other parties in the request. Mr. Shaver replied that it doesn't matter who makes the request, it does not change the legal application of the request. On the meeting on 29<sup>th</sup>, the City did get a copy of the Resolution certifying the mill levy to the County Commissioners.

Council President Spehar advised the Council has no choice but to go forward, in order to seek assurance that the funds are available.

**Action summary:** Council directed Acting City Attorney John Shaver to go forward with sending the open records request letter and go to court next if necessary.

2. **GRAND JUNCTION HOUSING AUTHORITY'S ASSISTANCE REQUEST FOR THEIR LINDEN POINTE DEVELOPMENT PROJECT:** The Housing Authority is asking for certain considerations in order to build an affordable housing project on Linden Avenue. Councilmember Dennis Kirtland stepped down since his firm is building the project. City Manager Kelly Arnold assured Council that all land review issues have been resolved so the City Council has no conflicts in hearing the Housing Authority's request this evening.

Housing Authority Executive Director Jody Kole apprised the Council on the status of the project. The Housing Authority has met with the County Commissioners and will hear the County decision on April 8<sup>th</sup>. The Housing Authority is asking the County for \$90,000.

Greg Hancock representing the Housing Authority explained the community need for housing units. He then displayed the site plan and explained the project. He detailed the proximity to amenities in the community as well as the amenities that will be located on the site. There will be twelve residential buildings made of durable low-maintenance materials and designed to be architecturally pleasing. Shaw Construction was selected as the general contractor and all subcontractors are local. The concept is a design/build. The development has been approved and is permit ready by the building department. 86% of the funding is private. Due to the partnerships and community support and need, and the quality of the project, the investor was able to bring more funds than originally considered. The Housing Authority is requesting three things from the City: freeze the development fees at the current rate, that the development fees and impact fees be deferred until the certificate of

occupancies are issued (a building should come on line every three weeks) and the third request is for the City to additionally contribute \$196,230. The timeline is critical because the environment is such that material costs are increasing rapidly, the water table will rise and increase pumping costs as the season goes on and the Authority must spend 10% of the development cost by July 31, 2004. To make that time frame, the construction needs to start this month.

Councilmember Enos-Martinez asked how many units are handicapped accessible. Mr. Hancock said there are five. Councilmember Enos-Martinez asked if the project will be maintained and leased by the Housing Authority. Mr. Hancock said yes, they take pride in their units and currently manage Crystal Brook Condominiums. They want to represent the Housing Authority well to continue to attract investors.

Councilmember Enos-Martinez inquired how many families will live at the complex. Mr. Hancock responded that there are 92 units. That is at build-out. Mr. Hancock added there will be a second phase for a child care facility, however, the funding for that is not available yet.

Council President Spehar asked if the project can begin without the City's \$196,230. Mr. Hancock said no, but they could go forward with a commitment from the City with a partial payment now and partial later. Mr. Hancock advised that the investor has to have all elements in place before the \$7 million plus will come in. Phasing the project would cost more with start up costs with contractors.

Housing Authority Director Kole added that the Housing Authority had to wait until now to make this request due to all the development issues.

Councilmember Butler asked Administrative Services Director Ron Lappi if funds are available to meet the request. Mr. Lappi replied that there is some in CDBG that could be utilized and there is general fund contingency or Council could tap the Economic Development Fund. City Manager Kelly Arnold clarified that there is \$64,000 in CDBG dedicated to neighborhood programs that could be utilized but would require a Plan amendment.

Council President Spehar asked about the Housing Authority's request to freeze the fees. Community Development Director Blanchard said deferring fees has certainly been discussed in the context of infill/ redevelopment incentives and freezing the fees is automatic once the project is approved.

Councilmembers were agreeable to the funding.

**Action summary:** Councilmembers decided that they should provide the funding from the 2003 CDBG funds; go through a plan amendment, and the difference coming from General Fund contingency for a total of \$196,230. If there are qualified neighborhood projects that come before Council in 2004, funds will be allocated. The fees stay the same since the project has been approved and Council has no problem deferring payment of the fees until the certificate of occupancies are issued as each unit is completed.

Councilmember Dennis Kirtland returned to the dais.

3. **ECONOMIC DEVELOPMENT INCENTIVES REQUEST FROM GRAND JUNCTION ECONOMIC PARTNERSHIP:** Ann Driggers, President of GJEP, along with Norm Franke and Denny Granum from the Prospect Committee, described the company, whose name is confidential at this point, its ownership, its production and the jobs including wage and benefits. The capital investment proposed is \$1.6 million at a new or existing facility at Walker Field Airport. Mesa County has also been approached for an economic incentive. Both the State of Colorado and the Airport is being approached. The request to the City is \$3,000 per job, a total of \$75,000. The usual terms are included in the incentive agreement. The funds will be paid to the company up front. The vesting will start when all the jobs are created, no later than 48 months from the time the incentive is paid and then the five-year vesting starts.

Councilmember Palmer asked about infrastructure at the Airport and if the company will have responsibility for that. Ms. Driggers said that will depend on what type of facility they decide to build, whether it will be an existing building or a new building. Mr. Franke said it appears there is an existing facility that will work. Mr. Franke said the company is a well-established company, founded in 1967, so the proposed incentive will not be funding a start up company.

Councilmember Kirtland asked about training for airplane mechanics and technicians. Mr. Denny Granum said they have been talking to UTEC and Mesa State about bringing training to this area from Rangely.

**Action summary:** The City Council was favorable on the incentive request and will schedule it later for formal approval once negotiations are complete.

Council President Spehar called a recess at 9:01 p.m. The meeting reconvened at 9:10 p.m. The Council changed the order of the agenda for the benefit of those waiting in the audience.

4. **HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT UPDATE:** City Clerk Stephanie Tuin presented the results of the petitions submitted and requested the Council schedule the matter for hearing. The petitions submitted represented more than 50% of the acreage and more than 50% of the property valuation.

**Action summary:** The City Council directed staff to put the ordinance on the Wednesday agenda for first reading.

5. **LANDSCAPE CODE REVIEW:** Planning Manager Kathy Portner reviewed with City Council proposed changes to the Landscape Code to address concerns that have been brought up since its adoption in 2000. She identified the consultants used in the study as Winston and Associates and Ciavonne and Associates.

Ms. Portner read goals and policies in the Growth Plan for the landscape code. There were also goals in the Council's Strategic Plan. She went over the review process and public participation. The conclusion of the consultants was that Grand Junction's Code was about average as far as what was required. The final recommendations were distributed to interested parties. The final step is the public hearing process. Planning Commission will review the proposed changes in two weeks and then their recommendation will be brought forward to City Council. One of the main recommendations for change is landscaping on industrial sites. The percentage required in Grand Junction is a huge burden. The recommendation is a new calculation based on street frontage, fifty feet back on both sides and the parking areas. It is a huge reduction but will have the same visual impact.

Council President Spehar asked about the requirements for corner locations. Ms. Portner said both frontages will have landscaping requirements.

Ms. Portner continued to outline the proposed changes: A change is to increase the strip outside perimeter fencing to 14 feet with a tree required every forty feet plus ground cover. In an area with detached sidewalks, a landscaped strip with trees will be required, a change to encourage xeriscape, including a clear definition of xeriscape. True xeriscape is a whole design concept for the grouping of plants. The new Code will also allow the Community Development Director's discretion for more desert

landscape. Ms. Portner noted a consideration for an incentive for using xeriscape such as reducing the number of plantings, as it will cost more to design. However, there will be long-term savings and reducing the number of planting not recommended as it is counter to goals and policies. Therefore incentives are not recommended.

Other options: landscaping orchard style islands which retain space for parking, yet still provide tree canopy; provisions for public art to count up to 10% toward landscaping; increase tree size at planting; two types of trees identified, shade and ornamental (conifers); other trades and credits; all plans be reviewed by a landscape professional (this is not being recommended - although there is no professional landscaper on staff in Community Development, it is felt that the department has the expertise and can rely additionally on parks personnel). Regarding the exception process, there are already enough variance options in the Code, so they are not recommending any change. Lastly, water taps for landscaping when the property is on Ute Water and the owner cannot get a tap. These are rare instances but frustrating for the developer because they cannot meet the City requirements. In conclusion, Ms. Portner advised that significant changes are not proposed, since after the consultants' review, Grand Junction's total numbers were pretty reasonable.

Councilmember Enos-Martinez encouraged incentives for xeriscaping. Ms. Portner stated that the Department of Local Affairs has a model ordinance based on a water budget, requiring a certain type of development design within their water budget.

Councilmember Kirtland asked if screening is addressed. Ms. Portner said that is to be addressed separately later. He asked if there are warranties required for landscaping. Ms. Portner replied that the City requires a development improvements agreement but once the improvements are complete, that agreement is released. Any unmaintained landscaping would be addressed on a complaint basis through Code Enforcement.

Councilmember Kirtland noted the positive comments included in the packet.

**Action summary:** Council had no other suggestions for changes and was comfortable with going forward with the process described by Ms. Portner.

6. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold reviewed the summary provided. They are moving forward and making progress on the

Neighborhood Policing effort and moving forward on the new position in the City Manager's office. On Efficient Transportation, there has been discussion on the bus funding but they probably will not make a whole lot of decisions this year. The plan is to work on a three-year budget at the end of the year. Councilmember Kirtland agreed that nothing will happen this year, adding that they will continue the conversation at the RTC meetings as they need to build some advocacy in the community. City Manager Arnold said the key issue is distinguishing between what is needed long term versus what would be nice to have. On the Gateway Committee, there are some Riverside Parkway elements. Councilmember Hill noted the Committee had a meeting during spring break which was not well attended. He felt the Committee needed to pull entire membership together and work on creating a template for all entrances. City Manager Arnold continued with the update. The City Council met with the Youth Council which has been meeting regularly. He suggested they get on the Youth Council's calendar again. Regarding Shelter and Housing, the Forum is not set yet but they are planning for sometime in the summer. On Vital Neighborhoods, the Council discussed the Jarvis property that day.

Councilmember Enos-Martinez commented that on the subject of Community Policing, she received an email from police officers for her neighborhood asking about a schedule of events in the neighborhood so they could attend. City Manager Arnold advised that every Thursday command staff will be reviewing neighborhood issues, so there will be accountability at each meeting.

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

## **ADJOURN**

The meeting adjourned at 9:47 p.m.

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

**April 7, 2004**

The City Council of the City of Grand Junction convened into special session on the 7th day of April 2004, at 6:07 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall. Those present were Councilmembers Harry Butler, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Jim Spehar. Councilmembers Cindy Enos-Martinez and Bill McCurry were absent. Also present were Human Resources Manager Claudia Hazelhurst and City Clerk Stephanie Tuin.

Councilmember Kirtland moved to go into executive session for discussion of personnel matters with the Human Resources Manager under C.R.S. 24-6-402(4)(f)(i) to discuss recruitment and selection of the City Attorney. Councilmember Butler seconded. Motion carried.

Councilmember Enos-Martinez entered the meeting at 6:12 p.m.

The executive session adjourned sometime prior to 7:00 p.m.

Stephanie Tuin, MMC  
City Clerk



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

**April 7, 2004**

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

Council President Jim Spehar called the meeting to order. Councilmember Enos-Martinez led the pledge of allegiance. The audience remained standing for the invocation by Pastor Michael Torphy, Religious Science Church.

**PROCLAMATIONS**

PROCLAIMING THE MONTH OF APRIL AS "MONTH OF THE YOUNG CHILD" IN THE CITY OF GRAND JUNCTION

PROCLAIMING THE MONTH OF APRIL AS "CHILD ABUSE PREVENTION MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL 16, 2004 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

To the Walker Field Public Airport Authority

Dan Lacy was present and received his certificate of appointment.

**APPOINTMENTS**

To the Public Finance Corporation

Councilmember Kirtland moved to reappoint Kelly Arnold and Lynn James to additional three-year terms on the Public Finance Corporation, expiring January 2007. Councilmember Hill seconded the motion. Motion carried.

To the Parks and Recreation Advisory Board

Councilmember Hill moved to appoint Lenna Watson to the Parks and Recreation Advisory Board to serve until June 2005. Councilmember Enos-Martinez seconded the motion. Motion carried.

### **SCHEDULED CITIZEN COMMENTS**

Grand Junction Rural Fire District Board Member Steve Gsell was scheduled to address Council. Tery Dixon, appeared instead and read the following statement prepared by Steve Gsell (attached):

“Dear Mayor Spehar and Grand Junction City Council Members:

Throughout March and April, assorted forms of communication have been exchanged between the City and the District ostensibly to discuss issues and effect resolution to obvious disagreement on many points. However, it appears the only issue the City is willing to discuss and pursue is money and the libelous reference to the District's fiduciary responsibilities. In Mayor Spehar's letter of March 19 he states: "The City has been notably deferential to the District..." when in fact the actual demeanor towards the District has always been that of a parent with a petulant child. The City has never viewed the District as an equal partner in contractual matters evidenced by any relevant dispute being played out in either the County Commissioner's venue or the media. What ever happened to the parties involved personally coming to the table for a discussion? Having asked the question, I will endeavor, again, to reiterate the main points currently up for discussion by the Council, including but not necessarily limited to, the recent records request.

As indicated in an April 2 letter from Robert Cole to Assistant City Attorney John Shaver, the following points were made:

1. When the District received the City's March 19<sup>th</sup> Request for Records, Mr. Cole informed Mr. Shaver via telephone and in a March 25<sup>th</sup> letter, that the majority of the District's financial records for 2003 were not in the custody or control of the District, but resided in New York for initial audit preparation as due to the State. These records were forwarded early March, prior to receipt of the City's request. These records include most of the District's financial records for 2001 and 2002 as well for re-review. As indicated on March 24<sup>TH</sup>, those documents not in the District's possession are available for review by the City. If the City would select a convenient date for travel to New York, arrangements would be made for immediate review. If the City prefers to review the records locally, Mr. Cole will notify the City when they are returned to the District. These offers were reiterated at our meeting at Mr. Dixon's home on March 29<sup>th</sup> and the City, through Mr. Lappi and Mr. Shaver, did not raise objection. The District is in the process of having the records returned so they can be made available locally to the City. Hopefully this will be accomplished by next week.

2. Prior to our meeting on March 29<sup>th</sup>, the District supplied per request, copies of the District's 2001 and 2002 audited financial statements and noted a copy of the 2003 audit would be supplied upon completion. In compliance with the District's offer to make all local records available for review, at the March 29<sup>th</sup> meeting, the following additional documents were reviewed by the City and copies produced: Profit and Loss Summary and Detail Statements for 2001, 2002, 2003, and January through to date 2004; 2003 Amended Budget; Resolution to Set Mill Levies, Redlands Subdistrict, for 2003 Budget Year; Resolution to Set Mill Levies, Rural District, for 2003 Budget Year; Resolution to Appropriate Sums of Money for 2003 Budget Year; Resolution to Amend 2003 Budget; and a list of institutions holding the District's assets complete with location and balance as of 12-31-03 (Alpine Bank and Golcanda Trading Group). Mr. Shaver and Mr. Lappi indicated this level of cooperation was adequate and would await notification of the records return for further inspection, apparently declining to travel to New York for immediate review. There was no mention by either Mr. Lappi or Mr. Shaver of their disappointment that more records were not available. Nor did you indicate the meeting was unproductive as Mr. Lappi was quoted. They did ask what the relationship was between Ms. Harvey and Mr. Baron. That relationship is quite simply a professional acquaintance whereby Ms. Harvey was comfortable reviewing Mr. Baron's work a second time and subsequently finalizing. All the CPA's involved with the District's audit can be found by reviewing the state licensing agency of their respective locations. The licensing of Golcanda Trading Group is under continuing review by the District and action needed, if any, will be taken to ensure the District complies with local government deposit and investment requirements.

3. Mr. Lappi and Mr. Shaver stated at the March 29<sup>th</sup> meeting the records request was not an audit and was done to facilitate the Council's understanding of the Board's issues. When was it ever indicated by the District to the Council, that assets were an issue? In fact when Mr. Shaver and Mr. Cole spoke on March 24<sup>th</sup> and again March 29<sup>th</sup> the District's expressed concerns were:

- (1) Whether because of the Redlands Subdistrict organization schedule, it had statutory authorization to levy taxes for collection in 2003, and
- (2) Whether payment to the City is authorized or required when the Subdistrict's voter authorization and contractual obligation to the City is tied to operation and maintenance of Station 5, and Station 5 has yet to be completed. It appears the Council's comprehension of District's concerns is at a different level at any given time.

The legitimacy of these issues is difficult to argue. By statute, to have taxes collected on its behalf, the Redlands Subdistrict was required to have notified the County Assessor and the Board of Commissioners of its organization no later than July 1, 2002. As the Subdistrict was not organized until November 2002, and given the County Assessor's concerns, it is the District's fiduciary duty to have a judicial determination of whether it was

appropriate to tax the Subdistrict property owners for the entire year when the Subdistrict only existed for a little over one month.

4. Further at any time in recent memory, including the March 29<sup>th</sup> meeting, the City appears inclined to discuss District business with any entity except the District, unless of course, the District makes a payment. The issues of contractual payments and Board vacancies were discussed by Council representatives with the County Commissioners and never with the District. A concern raised by Assessor Belcher was discussed between City Council and County Commissioners, again without District inclusion. The District historically receives notification of these meetings via the press. In review, it is notable that the last time the District, the County (deemed by the City to be a player in the MOA) and the City met to discuss any contractual matters was prior to the 2002 vote to approve the District! And, this District has endeavored to meet with the City to discuss real issues since February 2003, and been put off.

5. In essence, on March 22<sup>nd</sup>, District Board Members Jerry Clark and Tery Dixon appeared before City Council Special Session to move issues forward regarding Assessor Belcher's letter. It was generally agreed the respective attorneys would work out the details and each report to their agency. The District believes this process has been forced to a secondary position with the open records publicity, and perhaps the relationship between the entities severely damaged. We hope not. Therefore, the District states we have requested a complete copy of the District financial records be made at our auditor's location and returned to the District as soon as possible to make same available to the City. In anticipation of seeking a judicial opinion of the legality posed by Assessor Belcher, the 2003 Subdistrict monies will be available for court deposit. The District anticipates engaging special legal counsel to assist it with resolving these issues. The District's special counsel will be directed to contact County Attorney DeShant and Assistant City Attorney Shaver to move forward. Finally, there is a question of additional monies owed the City per the base agreement and discussed at the District's Board Meeting held April 2<sup>nd</sup>. If the City is agreeable, a wire transfer of \$74,606 will be completed to fulfill the Board's desire to complete this payment.

Should the City Council or anyone else have further questions, please direct them to President Gsell at our business address: 2002 (*is what she read, the letter reads 202*) North Avenue, #267, Grand Junction, CO 81502, with a copy to Robert Cole, 390 Union Boulevard, Suite 400, Denver, CO 80228-1556. "Let's move forward."

Ms. Dixon continued with "Honorable Members on behalf of the District, I thank you for allowing us to make this presentation to you and we look forward to working with you for a resolution of this and give the taxpayers what they want".

Council President Spehar thanked Ms. Dixon and asked her to give the statement she just read to the City Clerk.

Councilmember Hill referred to a statement read by Ms. Dixon on behalf of the District and which is part of minutes dated March 22<sup>nd</sup>, stating that the District is not interested in paying what the City thinks the District owes, but is willing to place the amount in an escrow account with Alpine Bank until all questions are answered. Councilmember Hill voiced his concerns that there is no tracking of the funds and that no court registry has been done. He said he is at a loss, and felt the issue about the collected taxes falls under a separate jurisdiction and he wants to make sure that those taxes are legal and appropriate, yet he said there is no way to locate the money that should be held separately. He said the District claims the funds are kept separately, but the City cannot locate those funds.

Councilmember Palmer agreed with Councilmember Hill. He said the City is providing excellent fire service on the Redlands and is doing everything that should be done to honor the contract.

Councilmember Butler said the fire station is for the benefit of the Redlands citizens and not for Grand Junction, and if the tax money was received illegally, then it is being invested illegally.

Councilmember Kirtland said the open records request should not take away from the other issue. He felt research on the legality of the funds should be done, but so far, nothing has been done. He said he is worried because nothing has been filed with the courts.

Council President Spehar clarified that there has not been any performance under the contract, as insisted upon consistently by the City. He agreed to seek judicial review on the legality of the collection of the tax. He wanted to see some action so the City will be able to reassure the taxpayers that the money is indeed safe, and can be placed in escrow or in a court registry. He said he has not seen any action on the part of the District and all diversions should be put aside.

Council President Spehar reiterated that Council would continue with the previous direction given to Acting City Attorney John Shaver.

## **CONSENT CALENDAR**

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Kirtland, and carried by a roll call vote, to approve Consent Calendar Items #1 through #8.

### **1. Minutes of Previous Meetings**

*Action: Approve the Summary of the March 15, 2004 Noon Workshop, the March 15, 2004 Workshop, the Minutes of the March 15, 2004 Special Meeting, the March 17, 2004 Regular Meeting, and the March 22, 2004 Special Meeting*

2. **Setting a Hearing on the Chipeta Glenn Annexation Located at 2975 and 2977 B ½ Road** [File #ANX-2004-032]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 13.641 acre Chipeta Glenn Annexation consists of 2 parcel(s). The Chipeta Glenn Annexation is a 2 part serial annexation and includes 92' of B ½ Road right-of-way.

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

Resolution No. 25-04 – 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, Chipeta Glenn Annexations #1 & #2 Located at 2975 and 2977 B ½ Road

*Action: Adopt Resolution No. 25-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Chipeta Glenn Annexation #1, Approximately 7.055 Acres, Located at 2975 B ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Chipeta Glenn Annexation #2, Approximately 6.586 Acres, Located at 2977 B ½ Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for May 19, 2004*

3. **Setting a Hearing on Grand Valley Audubon Annexation Located at 605 and 608 Dike Road** [File #ANX-2004-052]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 55.272 acre Grand Valley Audubon Annexation consists of 2 parcel(s). The Grand Valley Audubon Annexation is a 2 part serial annexation.

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

Resolution No. 26-04 – 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, Grand Valley Audubon Annexation #1 & #2, Located at 605 and 608 Dike Road

*Action: Adopt Resolution No. 26-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Valley Audubon Annexation #1, Approximately 25.994 Acres, Located at 605 Dike Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Valley Audubon Annexation #2, Approximately 29.278 Acres, Located at 608 Dike Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for May 19, 2004*

**4. Setting a Hearing on Blue Heron Rezone Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail [File #RZ-2004-038]**

Request to rezone property located on the south side of Blue Heron Road, east of the Blue Heron River Trail, consisting of one parcel, from the CSR (Community Services and Recreation) zone district to I-2 (General Industrial) zone district. Planning Commission recommended approval at its March 23, 2004 meeting.

Proposed Ordinance Rezoning a Parcel of Land from CSR (Community Services and Recreation) to I-2 (General Industrial) Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 21, 2004*

**5. Purchase of 3/8" Aggregate Rock Chips for Chip Seal Street Maintenance Program**

Purchase of 5600 tons of 3/8" aggregate rock chips for the City's annual street maintenance program.

*Action: Authorize the Purchase of 5,600 Tons of 3/8" Chips from Whitewater Building Materials Corporation, for a Total Price of \$84,000.00, Delivered*

**6. Purchase of Street Sweeper**

This is for the purchase of a 2004 Tymco 600 truck mounted Street Sweeper. It is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase One 2004 Tymco 600 Street Sweeper from Intermountain Sweeper Company for the Amount of \$134,395.00*

**7. Sole Source Purchase of Tasers**

This purchase is being requested by the Police Department to purchase 26 each X26 Tasers. The X26 Taser is a less lethal weapon utilized by law enforcement agencies worldwide. It is only available through one Colorado authorized dealer, Davidson's Law Enforcement.

*Action: Authorize the City Purchasing Manager to Purchase 26 Each X26 Tasers with all Attachments for the Amount of \$28,069.40 from Davidson's Law Enforcement*

**8. Setting a Hearing on Creating the Horizon Drive Business Improvement District**

The Horizon Drive group has turned in petitions, which appear to represent more than 50% of the property owners in the proposed Business Improvement District. The next step in the process is for the City Council to schedule a public hearing within forty days. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the district should be formed. The City Council may also exclude property from the district as allowed by Statute or if it deems it to be in the best interest of the district.

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 21, 2004*

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

**Construction Contracts**

**a. Broadway Beautification Project**

Award of a construction contract for the Broadway Beautification Project to Sorter Construction, Inc. in the amount of \$260,848.50. The project includes installation of curb & gutter, storm drains, irrigation system, earthwork, guardrail improvements and ground cover within the Highway 340 medians located between the Colorado River and East Mayfield Drive.



Mark Relph, Public Works and Utilities Director, reviewed this item. He expressed that this project has been worked on for a long time so he is pleased to see it come to fruition. He explained the contract excludes plantings but a change order is being negotiated for the plantings.

Councilmember Hill noted the participation of the Broadway Beautification Committee and asked about the landscape plan. Mr. Relph responded that prior to the finalization of the change order; he will ensure that the Broadway Beautification Committee is included in the discussions.

**b. 2004 Alley Improvement District**

Award of a construction contract for the 2004 Alley Improvement District to BPS Concrete, Inc. in the amount of \$369,058.10. This project includes construction of concrete pavement in six alleys and replacement of antiquated sewer lines in five of the six alleys. In conjunction with the sewer and concrete pavement construction, Xcel Energy will replace gas lines in five of the alleys.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted the District was created earlier this year and this is the award of the construction contract for those alleys. He said the lowest bid came in slightly over budget, but Mr. Relph felt there are sufficient funds in a Public Works account to make up the \$53,510 difference.

Councilmember Hill moved to authorize the City Manager to sign a contract for the Broadway Beautification Project with Sorter Construction, Inc. for \$260,848.50, and to authorize the City Manager to sign a construction contract for the 2004 Alley Improvement District with BPS Concrete, Inc. for \$369,058.10. Councilmember Kirtland seconded the motion. Motion carried.

**Public Hearing – Intent to Create Music Lane Area Sanitary Sewer Improvement District No. SS-46-04 and Award Construction Contract**

A majority of the owners of real estate located west of 26 Road between Meander Drive and F 1/2 Road have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties. The proposed Resolution and Award of Construction Contract in the amount of \$125,900.90 to the recommended low bidder, MA Concrete Construction of Grand Junction, are the final steps in the formal process required to create the proposed Improvement District.

Bids were received and opened January 20, 2004. MA Concrete Construction, Inc. submitted the low bid in the amount of \$125,900.90.

The public hearing was opened at 8:13 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He displayed a map of the area and noted that the neighborhood was very supportive of the creation of the District.

Alan Workman, 2989 F ½ Road, supported the creation of the district and complemented the Public Works staff on their work, especially Mr. Relph.

There were no other public comments.

The public hearing was closed at 8:16 p.m.

Resolution No. 27-04 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-46-04, within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities and Adopting Details, Plans and Specifications for the Same

Councilmember Kirtland moved to adopt Resolution No. 27-04 and to authorize the City Manager to enter into a construction contract with M. A. Concrete Construction of Grand Junction for \$125,900.90. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

### **Assistance to Firefighters Grant Program**

The Fire Department requests the City Council's approval to submit Assistance to Firefighters Grant Program Application for five 12-Lead Cardiac Monitors.

Jim Bright, Assistant Fire Chief, presented this item. He stated the purpose of the grant request and the use of previous funds from this grant program. He said the grant would be used to replace older cardiac monitors since many were reaching the end of their useful life. The grant would allow immediate replacement of the oldest units instead of a gradual replacement without the grant funding. He told Council the grant does require a 30 percent match by the City, but said such funds are available in the equipment replacement account. He also noted that there are no TABOR implications as it is a federal grant.

Councilmember Kirtland asked how many units are at the end of their useful life. Mr. Bright said three. John Howard, EMS Coordinator, noted the grant would allow the Fire Department to place a unit at each of the fire stations. He said since about 12 percent of the received calls are from cardiac patients, these new units would have a big impact on those patients. Without the grant it would take the Fire Department over three years to replace the old units.

Councilmember Palmer moved to authorize the Fire Department to apply for a 2004 Assistance to Firefighters Grant for five 12-Lead Cardiac Monitors. Councilmember Enos-Martinez seconded the motion. Motion carried.

**Public Hearing – Amending the Zoning and Development Code for Undergrounding Existing Overhead Utilities on Perimeter Streets for New Developments**

Council will consider modifications to the Development Code related to undergrounding of existing overhead utilities adjacent to new developments. The modification would allow proposed developments with less than 700 feet of front frontage to pay a cash-in-lieu of construction fee for the undergrounding of existing overhead utilities. Additionally, if half street improvements are not required as part of the development project, a cash-in-lieu fee will also be collected for those projects.

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

Tim Moore, Public Works Manager, presented this item. He explained the recommendation is that developments that have 700 feet of frontage or less can have the option of undergrounding utilities or paying a fee instead. He said the reason for the amendment is the conflict when applying the provisions of the Code. For example, a development with a small frontage might have a large expense to underground the lines, both along the frontage and perimeter streets. Since the utility companies don't care for short runs of their lines being undergrounded, the ordinance provides flexibility to pay a fee instead of undergrounding short spans. The City can then plan the undergrounding in larger sections.

Councilmember Hill stated that one of the reasons for the fee is the cost per foot is significantly higher on short runs and asked how the fee is valued by the City. Mr. Moore said the fee is figured on the volume rate and the funds are then held in a separate account until a big project will be done.

Councilmember Kirtland inquired if Xcel Company has some obligation to participate in the cost. Mr. Moore said if it is a city project, then there is a provision in the agreement that the utility company will move the utilities back, but if the City wants to underground the utilities, then the City pays the costs and can then use the one percent undergrounding fund.

Acting City Attorney John Shaver noted that this ordinance was not presented to the Planning Commission for its recommendation, as it is a codification of an administrative regulation. He stated Council has the option to remand it to the Planning Commission. Council did not feel that to be necessary.

There were no public comments.

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

Ordinance No. 3610 – An Ordinance Amending Section 6.2.A.1.h. of the Grand Junction Zoning and Development Code by Addition of an Exception for Required Improvements Concerning the Placement of Utilities Underground

Councilmember Enos-Martinez moved to adopt Ordinance No. 3610 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Amend Chapter 38, Utilities, of the Code of Ordinances**

Amending Chapter 38 of the City’s Code of Ordinances (“Code”). The Industrial Pretreatment Program is audited by the Environmental Protection Agency (“EPA”) on an annual basis. The results of the 2003 audit necessitates changes to Chapter 38, Article II, of the Code. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations. Changes are made throughout Article II to coincide with the changes to the defined terms. The changes to the definitions do not change the program's operational procedures. Additional changes have been made to Chapter 38 for clarification purposes.

The public hearing was opened at 8:30 p.m.

John Shaver, Acting City Attorney, presented this item. He noted the proposed amendment to the ordinance is basically a housekeeping action. He said the EPA looked at the City’s Code and proposed some changes. The changes are mostly non-substantive. He commented the EPA was complementary on the City’s Code and he said the EPA would have to publish the ordinance in the federal registry prior to it being effective.

Councilmember Hill complimented Staff on the format of the material presented.

Ordinance No. 3615 – An Ordinance Amending Chapter 38, Utilities, of the Code of Ordinances by Implementing EPA's Recommended Changes to be Published in Pamphlet Form

Councilmember Hill moved to adopt Ordinance No. 3615 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Right-of-Way Vacation Adjacent to Kia Drive** [File #VR-2003-263]

The City of Grand Junction proposes to vacate two pieces of right-of-way adjacent to Kia Drive between Brookwood and Brookside Subdivisions. The right-of-way vacation would be contingent upon dedication of a 30 Road right-of-way. The Planning Commission recommended approval of the right-of-way vacation on March 9, 2004, making the Findings of Fact/Conclusion identified in the staff report.

The public hearing opened at 8:33 p.m.

Ronnie Edwards, Associate Planner, presented this item. She noted the request is a City initiated proposal. The initial right-of-way was more than what is needed, as long as the easement is reserved. In exchange for the vacation, the City will receive a portion of the 30 Road right-of-way as a dedication. She noted the request is consistent with the Growth Plan and the review criteria.

There were no public comments.

The public hearing closed at 8:35 p.m.

Ordinance No. 3616 – An Ordinance Vacating Two Pieces of Right-of-Way Located Adjacent to Kia Drive, Brookside Subdivision

Councilmember Kirtland moved to adopt Ordinance No. 3616 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Landmark Baptist Church Annexation and Zoning Located at 3015 D Road** [File # ANX-2004-016]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Landmark Baptist Church Annexation, located at 3015 D Road. The 4.779-acre annexation consists of 1 parcel of land.

Hold a public hearing and consider final passage of the ordinance to zone the Landmark Baptist Church Annexation to RSF-E (Residential Single Family – Estate 2 ac/du), located at 3015 D Road.

The public hearing was opened at 8:36 p.m.

Senta L. Costello, Associate Planner, presented this item. She described the location of the site, the surrounding uses, and the Growth Plan designations. She noted Staff has found the requests are compliant with the Code and the Growth Plan requirements and recommends approval.

Councilmember Palmer asked if the property is inside the Persigo boundaries. Ms. Costello said it is.

Councilmember Kirtland asked about its proximity to the Riverside Trail. Ms. Costello estimated it at about ¼ mile from the trail.

Mark Young, MDY Consulting Engineers, 743 Horizon Court, representing Landmark Baptist Church, expressed appreciation to Ms. Costello for her help and on behalf of the Church thanked Council for considering the request.

The public hearing was closed at 8:40 p.m.

Councilmember Enos-Martinez stated that the Landmark Baptist Church is currently in the Riverside neighborhood and it has outgrown the facility but will be missed as a neighbor.

**a. Accepting Petition**

Resolution No. 28-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Landmark Baptist Church Annexation Located at 3015 D Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3617 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Landmark Baptist Church Annexation, Approximately 4.779 Acres Located at 3015 D Road

**c. Zoning Ordinance**

Ordinance No. 3618 – An Ordinance Zoning the Landmark Baptist Church Annexation to RSF-E Located at 3015 D Road

Councilmember Palmer moved to adopt Ordinances No. 3617 and No. 3618 on Second Reading and ordered them published. Councilmember Butler seconded the motion. Council President Spehar asked for an amendment to the motion to include Resolution No. 28-04. Councilmember Palmer made the amendment and Councilmember Butler seconded the amended motion. Amended motion carried by a roll call vote.

**Public Hearing – Etter-Epstein Outline Development Plan (ODP) Request for Extension** [File #ODP-2000-058]

A mixed-use Outline Development Plan (ODP) and Planned Development (PD) zoning ordinance for the Etter-Epstein property on the southeast corner of Horizon Drive and G

Road was approved by City Council on February 21, 2001. The ordinance stated that the ODP would expire three years from the date of approval. Due to development and market trends and the difficulty and expense to develop this property, the plan has not yet evolved to the next phase of development – submittal of a Preliminary Plan. Thus, the property owners are requesting an extension to the three-year expiration for another three-year period.

The public hearing was opened at 8:43 p.m.

Kristen Ashbeck, Senior Planner, presented this item. She stated In February 2001 Council approved the Outline Development Plan (ODP) for the Etter-Epstein property. The ordinance stated the ODP would expire in three years if no Preliminary Plan had been filed. She then described the area. She explained due to the topography and the location being in the airport critical zone, a Planned Development was advised, and it will be costly to develop. She said because of development trends and market trends, Horizon Drive has not progressed as quickly as was anticipated. She said Staff finds that the ODP is still consistent with the Growth Plan and the Planning Commission recommends approval of the extension request. She noted the presence of the property owner.

Council President Spehar asked if these extensions are normal. Mr. Shaver said it is Council's prerogative to approve the request, especially in light of the Planning Commission's recommendation.

Councilmember Kirtland asked if there is a limit on the number of extensions. Mr. Shaver said the Code did not specify a number of extensions. Ms. Ashbeck said the owner has been informed that the ODP would be reviewed again at the new expiration date.

Councilmember Kirtland asked if looking at what is happening on Horizon Drive at that time would affect the decision. Ms. Ashbeck said the Planning Commission would then look at the request again.

Councilmember Palmer asked what happens if no extension is granted? Ms. Ashbeck said it would become a Planned Zone without a plan. Staff would have to present Council with a request for zoning of the site since a Planned Zone without a plan is not recommended.

There were no public comments.

The public hearing was closed at 8:50 p.m.

Councilmember Hill favored the extension and said he looks forward to the site's development.

Council President Spehar noted it is worthwhile continuing with the previous approved plan.

Ordinance No. 3619 – An Ordinance Zoning Land Located Near the Southeast Corner of the Horizon Drive and G Road Intersection to PD

Councilmember Kirtland moved to adopt Ordinance No. 3619 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

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

Ken Etter, 697 27 ½ Road, pointed out that there is confusion on street names and numbers in the area just discussed. He pointed out on the map that across the street from his residence on the west side of the old 27 ½ Road, the number is 4300 27 ½ Road. He felt the new road needs its own name and to consider giving 27 ½ Road a City street name, perhaps rename it to 18<sup>th</sup> Street.

Councilmember Kirtland asked about the process involved. City Manager Arnold replied he would research the request and find out why the City used the current names and numbers when the City realigned 27 ½ Road to intersect with Horizon Drive and G Road.

### **OTHER BUSINESS**

There was none.

### **ADJOURNMENT**

The meeting adjourned at 8:58 p.m.

Stephanie Tuin, MMC  
City Clerk





**GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT**  
202 North Avenue #267  
Grand Junction, Colorado 81501  
970-241-5053

April 7, 2004

Jim Spehar, Mayor  
City of Grand Junction  
250 North 5th St.  
Grand Junction, CO 81501

Via Hand Delivery

Dear Mayor Spehar and Grand Junction City Council Members:

Throughout March and April assorted forms of communication have been exchanged between the City and the District ostensibly to discuss issues and effect resolution to obvious disagreement on many points. However it appears the only issue the City is willing to discuss and pursue is money and the libelous reference to the District's fiduciary responsibilities. In Mayor Spehar's letter of March 19th he states "The City has been notably deferential to the District . . .", when in fact the actual demeanor towards the District has always been that of a parent with a petulant child. The City has never viewed the District as an equal partner in contractual matters evidenced by any relevant dispute being played out in either the County Commissioner's venue or the media. What ever happened to the parties involved personally coming to the table for a discussion? Having asked the question, I will endeavor, again, to reiterate the main points currently up for discussion by the Council, including but not necessarily limited to, the recent records request.

As indicated in an April 2 letter from Robert Cole to Assistant City Attorney John Shaver, the following points were made.

1. When the District received the City's March 19th Request for Records, Mr. Cole informed Mr. Shaver via telephone and in a March 25th letter, that the majority of the District's financial records for 2003 were not in the custody or control of the District, but resided in New York for initial audit preparation as due to the State. These records were forwarded early March, prior to receipt of the City's request. These records include most of the District's financial records for 2001 and 2002 as well for re-review. As indicated on March 24th, those documents not in the District's possession are available for review by the City. If the City would select a convenient date for travel to New York, arrangements would be made for immediate review. If the City prefers to review the records locally, Mr. Cole will notify the City when they are returned to the District. These offers were reiterated at our meeting at Mr. Dixon's home on March 29th and the City, through Mr. Lappi and Mr. Shaver, did not raise objection. The District is in the process of having the records returned so they can be made available locally to the City. Hopefully this will be accomplished by next week.
2. Prior to our meeting on March 29th, the District supplied per request, copies of the District's 2001 and 2002 audited financial statements and noted a copy of the 2003 audit would be supplied upon completion. In compliance with the District's offer to make all local records available for review, at the March 29th meeting the following additional documents were reviewed by the City and copies produced: Profit and Loss Summary and Detail Statements for 2001/2002/2003 and January through todate 2004; 2003 Amended Budget; Resolution to Set Mill Levies, Redlands Subdistrict, for 2003 Budget Year; Resolution to Set Mill Levies, Rural District, for 2003 Budget Year; Resolution to Appropriate Sums of Money for 2003 Budget Year; Resolution to Amend 2003 Budget; and a list of institutions holding the District's assets complete with location and balance as of 12-31-03 (Alpine Bank and Golconda Trading Group.) Mr. Shaver and Mr. Lappi indicated this level of cooperation was adequate and would await notification of the records return for further inspection, apparently declining to travel to New York for immediate review. There was no mention by either Mr. Lappi or Mr. Shaver of their disappointment . . . that more records were not available. Nor did you indicate the meeting was unproductive as Mr. Lappi was quoted. They did ask what the relationship was between Ms. Harvey and Mr. Baron. That relationship is quite simply a professional acquaintance whereby Ms. Harvey was comfortable reviewing Mr. Baron's work a second time and subsequently finalizing. All the CPA's involved with the District's audit can be found by reviewing the state licensing agency of their respective locations. The licensing of Golconda Trading Group is under continuing review by the District and action needed, if any, will be taken to ensure the District complies with local government deposit and investment requirements.

Mayor Spehar and City Council Members  
April 7, 2004  
Page 2

3. Mr. Lappi and Mr. Shaver stated at the March 29th meeting the records request was not an audit and was done to facilitate the Council's understanding of the Board's issues. When was it ever indicated by the District to the Council, that assets were an issue? In fact when Mr. Shaver and Mr. Cole spoke on March 24th and again March 29th, the District's expressed concerns were: (1) whether because of the Redlands Subdistrict organization schedule, it had statutory authorization to levy taxes for collection in 2003, and (2) whether payment to the City is authorized or required when the Subdistrict's voter authorization and contractual obligation to the City is tied to operation and maintenance of Station 5, and Station 5 has yet to be completed. It appears the Council's comprehension of District's concerns is at a different level at any given time.

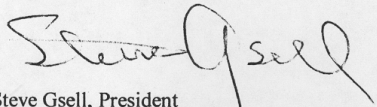
The legitimacy of these issues is difficult to argue. By statute, to have taxes collected on its behalf, the Redlands Subdistrict was required to have notified the County Assessor and the Board of Commissioners of its organization no later than July 1, 2002. As the Subdistrict was not organized until November 2002, and given the County Assessor's concerns, it is the District's fiduciary duty to have a judicial determination of whether it was appropriate to tax the Subdistrict property owners for the entire year when the Subdistrict only existed for a little over one (1) month.

4. Further at any time in recent memory, including the March 29th meeting, the City appears inclined to discuss District business with any entity except the District, unless of course, the District makes a payment. The issues of contractual payments and Board vacancies were discussed by Council representatives with the County Commissioners and never with the District. A concern raised by Assessor Belcher was discussed between City Council and County Commissioners, again without District inclusion. The District historically receives notification of these meetings via the press. In review, it is notable that the last time the District, the County (deemed by the City to be a player in the MOA) and the City met to discuss any contractual matters was prior to the 2002 vote to approve the District! And, this District has endeavored to meet with the City to discuss real issues since February 2003, and been put off.

5. In essence on March 22nd, District Board Members Jerry Clark and Tery Dixon appeared before City Council Special Session to move issues forward regarding Assessor Belcher's letter. It was generally agreed the respective attorneys would work out the details and each report to their agency. The District believes this process has been forced to a secondary position with the open records publicity, and perhaps the relationship between the entities severely damaged. We hope not. Therefore, the District states we have requested a complete copy of the District financial records be made at our auditor's location and returned to the District as soon as possible to make same available to the City. In anticipation of seeking a judicial opinion of the legality posed by Assessor Belcher, the 2003 Subdistrict monies will be available for court deposit. The District anticipates engaging special legal counsel to assist it with resolving these issues. The District's special counsel will be directed to contact County Attorney DeShant and Assistant City Attorney Shaver to move forward. Finally there is a question of additional monies owed the City per the base agreement and discussed at the District's Board Meeting held April 2nd. If the City is agreeable, a wire transfer of \$74,606 will be completed to fulfill the Board's desire to complete this payment.

Should the City Council or anyone else have further questions, please direct them to President Gsell at our business address: 202 North Avenue, #267, Grand Junction, CO 81502, with a copy to Robert Cole, 390 Union Blvd, Su 400, Denver, CO 80228-1556. Let's move forward.

Mayor, Council Members, thank you.



Steve Gsell, President  
Grand Junction Rural Fire Protection District



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

**April 12, 2004**

The City Council of the City of Grand Junction convened into special session on the 12th day of April 2004, at 12 noon in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were Acting City Attorney John Shaver and City Clerk Stephanie Tuin.

Councilmember Palmer moved to go into executive session to discuss personnel matters under C.R.S. 24-6-402(4)(f)(i) specifically the City Attorney position with Acting City Attorney John Shaver. Councilmember Kirtland seconded. Motion carried.

The meeting adjourned approximately 1:00 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 3**

**Setting a Hearing on Rezoning the Old Orchard Estates Located at 774 Old Orchard Rd**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
<b>Subject</b>	Introduction of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from RSF-R to RSF-2						
<b>Meeting Date</b>	April 21, 2004						
<b>Date Prepared</b>	April 15, 2004				<b>File #</b> RZ-2004-023		
<b>Author</b>	Lisa E. Cox, AICP			Senior Planner			
<b>Presenter Name</b>	same			same			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

Summary: Introduction of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2.

Budget: N/A

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

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Rezone Ordinance

BACKGROUND INFORMATION					
Location:		774 Old Orchard Road			
Applicants:		Northwest Plateau Development (Steve Hejl, President)			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Agricultural			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RSF-R			
Proposed Zoning:		RSF-2			
Surrounding Zoning:	North	CSR			
	South	RSF-R			
	East	RSF-R			
	West	PD (approx. 2 ac/du)			
Growth Plan Designation:		Residential Low, 1/2-2 ac/du			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to rezone 3 parcels of approximately 13 acres located at 774 Old Orchard Road from RSF-R to RSF-2 for future residential development.

RECOMMENDATION: Planning Commission recommends approval.

## ANALYSIS:

### 1. Background

The subject property was annexed into the City on January 2, 1994 as a part of the Paradise Hills #2 Annexation. At the time of annexation, parcels with redevelopment potential were annexed into the City with their existing County zoning designation with the understanding that a rezone would be necessary at the time of development. The subject property was zoned RSF-R in the County and retained that zoning designation when annexed into the City in January, 1994.

The applicant wishes to rezone the property in anticipation of future residential development that would be consistent with the density requirements of the Growth Plan. A Preliminary Plan has not been submitted for review at this time.

### 2. Consistency with the Growth Plan

The proposed rezone is consistent with the goals and policies of the Growth Plan and Future Land Use Map. The applicant's request to rezone from RSF-R to RSF-2 is consistent with the density range called for in the Growth Plan and Future Land Use Map.

### 3. Section 2.6.A of the Zoning and Development Code

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

1. *The existing zoning was in error at the time of adoption. As noted earlier in this report, properties with development or redevelopment potential were annexed into the City retaining their County zoning designation with the understanding that a rezone would be required at the time of development. The existing zoning is not in error, rather it was retained during the annexation process with the understanding the future development would require rezoning of the property. The existing zoning of RSF-R is not consistent with the land use classification of Residential Low as shown on the Future Land Use Map of the Growth Plan. The Residential Single Family-2 (RSF-2) zone district does implement the Residential Low land use classification.*
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 property is located in an area that is developing in a residential manner consistent with the Growth Plan. The subject property has access to public streets and utilities which can be extended to for purposes of 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 RSF-2 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-2 zone district, therefore this criterion is met.*
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines. *The request to rezone has been submitted in an effort to develop the property in a manner consistent with the density range identified by the Growth Plan and Future Land Use Map. Although a Preliminary Plan has not yet been submitted, the rezone would allow development of the property consistent with the density requirements of the Growth Plan.*
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. *Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-2 zone district.*
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *The neighborhood has a limited amount of land that is undeveloped. The proposed development is a project which will utilize or extend existing public facilities.*
7. The community or neighborhood will benefit from the proposed zone. *The community will benefit from the infill development of this project and utilization of existing public facilities whether the property is developed at a density as allowed by RSF-E, RSF-1 or RSF-2.*

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing RZ-2004-023, Old Orchard Estates application, request to rezone from RSF-R to RSF-2, the Planning Commission made the following findings of fact and conclusions:



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

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission made a recommendation of approval to approve the rezone request with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

**Attachments:**

Figure 1: Site Location Map

Figure 2: Aerial Photo Map

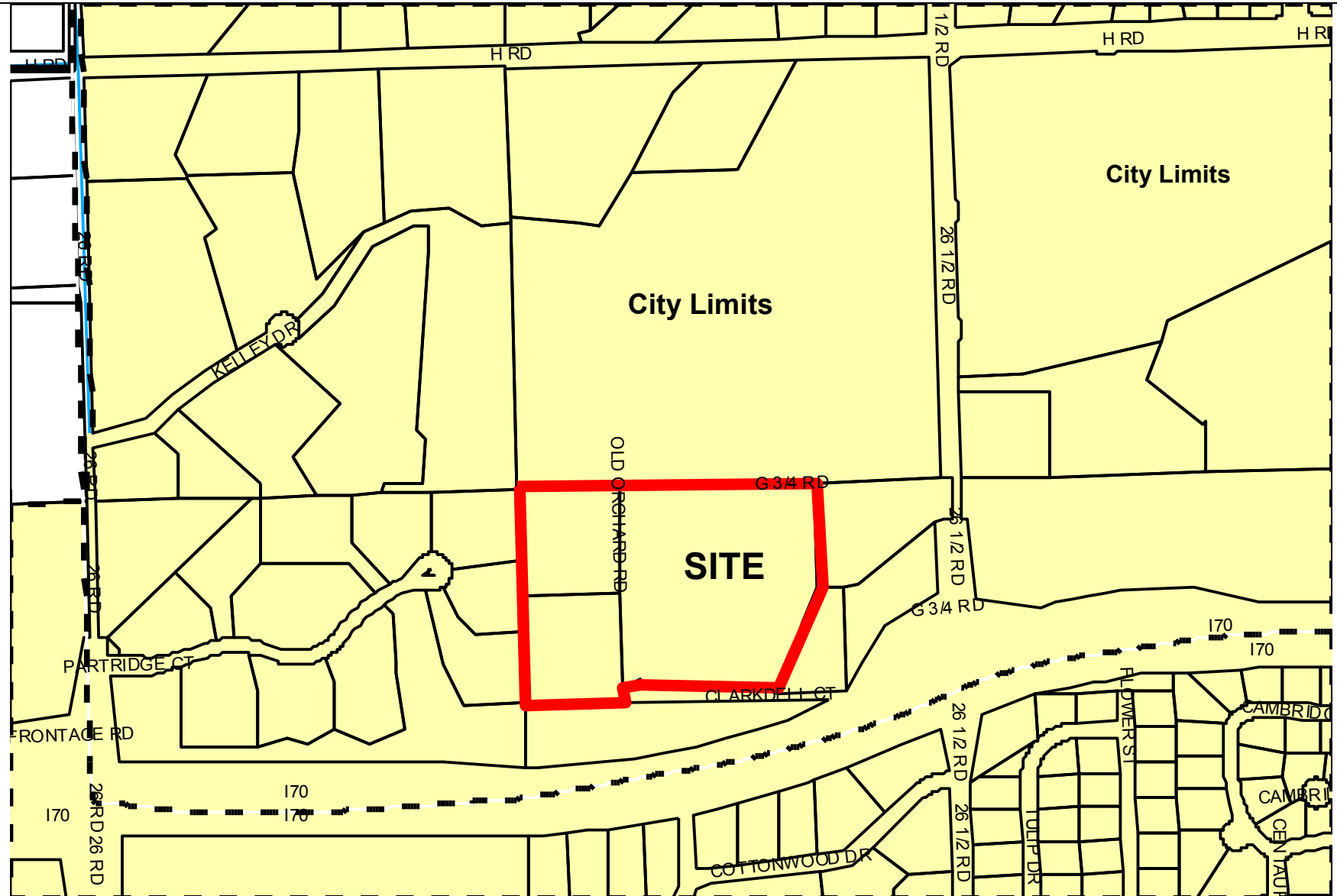
Figure 3: Future Land Use Map

Figure 4: Existing City and County Zoning Map

Rezone Ordinance

# Site Location Map

Figure 1



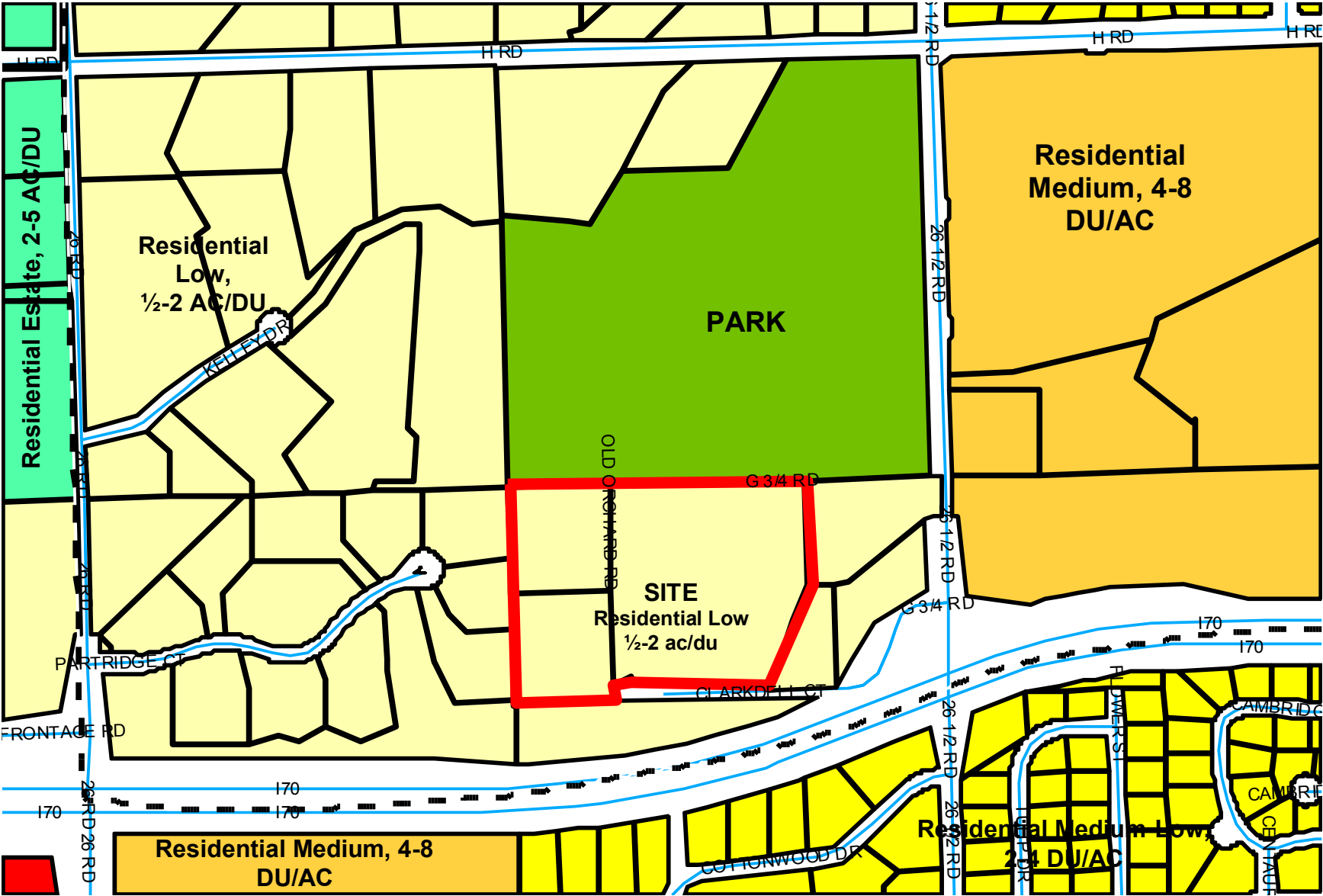
# Aerial Photo Map

Figure 2



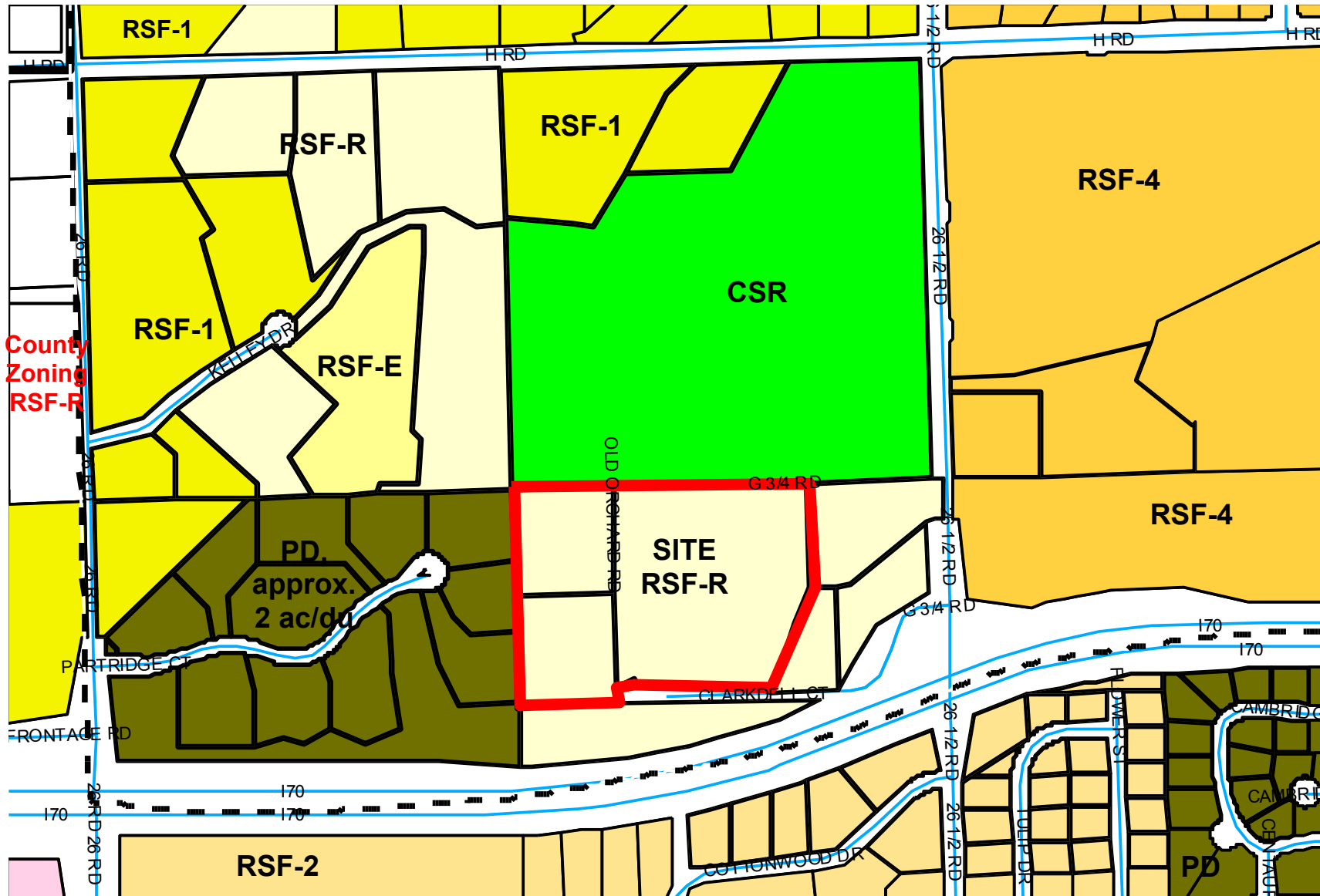
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

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

**An Ordinance Rezoning the Old Orchard Estates property,  
located at 774 Old Orchard Road,  
from Residential Single Family Rural (RSF-R)  
to Residential Single Family-2 (RSF-2)**

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 Old Orchard Estates property, located at 774 Old Orchard Road, from the from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2), for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family-2 (RSF-2) zone district be established.

The Planning Commission and City Council find that the Residential Single Family-2 (RSF-2) zoning is in conformance with the stated criteria of Section 2.6.A of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Residential Single Family-2 (RSF-2) zone district:

Parcel 1: BEG at a pt. 1008.8 ft. West of the NE COR of the N1/2 SE1/4 NW1/4 of SEC 35, T1N, R1W of the UM; thence West 310 ft. to the NW COR of said N1/2 SE1/4 NW1/4; thence South 0°21'W 315.6 ft.; thence S89°56'E 310.0 ft.; thence N0°21'E 315.6 ft. to the POB. TOGETHER WITH that portion of Clarkdell Court adjacent to subject property vacated by instrument recorded July 7, 1994 in Book 2084 at Page 345. SUBJECT TO road easement over the North 25 ft. of subject property.

Parcel 2:

BEG at a pt. from whence the N1/4 COR of SEC 35, T1N, R1W of the UM bears N31°54'7"E a DIS of 1905.9 ft. and S00°03'W a DIS of 20 ft.; thence S00°03'W 331.3 ft.;

thence N89°56'W 310.0 ft.; thence N00°03'E 331.3 ft.; thence S89°56'E 310.0 ft. to the POB. TOGETHER WITH that portion of Clarkdell Court adjacent to subject property vacated by instrument recorded July 7, 1994 in Book 2084 at Page 345.

Parcel 3: BEG at a pt 420 ft. West of the NE COR of the N1/2 SE1/4 NW1/4 of SEC 35, T1N, R1W of the UM; thence West 588.8 ft.; thence S00°21'W 646.9 ft. to the South line of said N1/2 SE1/4 NW1/4; thence S89°37' East along said South line of the N1/2 SE1/4 NW1/4 469.24 ft.; thence North 25 ft.; thence N20°05'E 226.7 ft.; thence N25°00"E 105.7 ft.; thence N00°11'E 318.5 ft to the POB. TOGETHER WITH that portion of Clarkdell Court adjacent to subject property vacated by instrument recorded July 7, 1994 in Book 2084 at Page 345. AND TOGETHER WITH a non-exclusive easement for ingress and egress as granted in instrument recorded October 4, 1993 in Book 2012 at Page 630 and instrument recorded April 14, 1994 in Book 2063 at Page 654. EXCEPT that portion of Clarkdell Court adjacent to subject property on the South as described in Book 884 at Page 418.

Introduced on first reading this 21st day of April, 2004.

PASSED and ADOPTED on second reading this \_\_\_\_ day of May, 2004.

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Mayor

ATTEST:

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City Clerk



**Attach 4**  
**Setting a Hearing on Amendments to Section 6.5 of the Zoning and Development Code**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Proposed Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards					
<b>Meeting Date</b>		April 21, 2004					
<b>Date Prepared</b>		April 9, 2004				File #TAC-2004-040	
<b>Author</b>		Kathy Portner		Planning Manager			
<b>Presenter Name</b>		Kathy Portner		Planning Manager			
<b>Report results back to Council</b>			No	x	Yes	When	
<b>Citizen Presentation</b>			Yes	x	No	Name	
	Workshop		<b>Formal Agenda</b>		x	Consent	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a Proposed Ordinance and setting a public hearing for May 5, 2004. Staff recommends approval. Planning Commission will hold a public hearing on April 20, 2004.

**Attachments:**  
 Staff Report  
 Written Comments  
 Ordinance

AGENDA TOPIC: TAC-2004-040 Text Amendment—Zoning and Development Code—Amendments to Section 6.5, Landscape, Buffering and Screening Standards

ACTION REQUESTED: Introduction of a Proposed Ordinance and setting a public hearing for May 5, 2004.

PROJECT DESCRIPTION: Introduction of a proposed ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

RECOMMENDATION: Staff recommends approval

## ANALYSIS

### 1. Background

The 2003 update of the Growth Plan included several action items specific to the landscape requirements of the Zoning and Development Code, including the following:

- *Revise code standards for location and screening of outdoor storage, **streetscaping, landscaping, signage, lighting, building orientation, building materials and parking lot design.***
- *Review/revise Code standards for landscaping to include provisions and incentives for use of xeriscape design and plants well-suited to the climate of the Grand Valley.*
- *Adopt Code standards to address minimum on-going maintenance of landscaping.*

Based on that and on issues that had been brought up with specific applications of the Code since its adoption in 2000, the City, with the assistance of Winston Associates and Ciavonne Associates, reviewed the existing Section 6.5, Landscape, Buffering and Screening Standards, and are proposing various amendments.

The identified purpose of the analysis was to identify aspects of the current code that:

- Do not adequately address the goals of the Zoning and Development Code or the City's overall goals for quality development as stated in the "Growth Plan for Grand Junction" and the "Strategic Plan";

- Create an undue burden on developers or property owners looking to build in Grand Junction;
- Result in standards for landscaping that are unrealistic to achieve.
- Create conflicts within Section 6.5 or other sections of the Zoning and Development Code; and
- Create loopholes that allow developers to avoid, or do less than the minimum required by Section 6.5.

In addition to the technical analysis of Section 6.5, the review included workshops with Grand Junction Community Development staff, Mesa County Planning staff, and focus groups, over a five-month period. The detailed analysis relied heavily on the active involvement of the staff and individuals who regularly work with the code either as a landowner, developer or design professional. The process included:

- Workshops with Community Development staff to gain an understanding of where Section 6.5 was functioning properly, where it needed to be improved and to review drafts of the proposed changes.
- A series of three focus groups attended by approximately 20 engineers, landscape architects/designers, landscape contractors, representatives from the business and development community as well as advocates for community aesthetics. The focus groups matched individuals with similar interests and experience in working with the landscape code to help facilitate a thorough discussion.
- A round table discussion with the staff of Community Development and representatives from Mesa County to review their concerns with, and goals for, Section 6.5.
- Review of landscape codes from other cities with similar conditions or profiles to Grand Junction to understand how they address landscape requirements in their communities.
- A comparison of current Code requirements and proposed Code requirements.
- Insights from the consultant team, which included a Grand Junction landscape architect who works with Section 6.5 on a daily basis and a Front Range landscape architect with experience in working with landscape codes from a wide range of Colorado cities.
- Copies of the Landscape Code Update, put together by the consultants, were provided to everyone who participated on the focus groups, as well as others who requested copies. Comments received are included as an attachment.

The consultants identified the following issues and recommendations for Section 6.5:

1. Create a separate landscape requirement for industrial zones. One obvious issue that was brought up by many of the participants is that the same level of landscaping is required for industrial zones as is required for commercial zones. This is especially a problem for I-1 and I-2 zones that often have large areas of paving for equipment storage, minimal parking or office use and adjacent industrial

uses that do not require screening. The recommended change is to only require landscaping along the street frontage and the first 50' of the side yard from the front property line. Parking lots and office uses in the industrial zones would be landscaped in accordance with the general provisions of Section 6.5. It also establishes minimum quantities of trees and shrubs to be provided. The recommended changes would apply to the I-1 and I-2 zones only. I-O (Industrial/Office) would still be subject to the same landscaping requirements as commercial properties.

2. Change the way the amount of landscaping is calculated. Section 6.5 currently requires a specific number of trees or shrubs for a set amount of "improved area", which is the "total area being used for the building, parking lot, storage or display area". Concerns were raised that sometimes the current code requirements result in more trees and shrubs than can be accommodated on the site. It was suggested that a set percentage of open space or landscaped area be established. However, after analysis of several site plans, the consultants concluded that it wasn't necessarily an issue with the numbers of trees and shrubs being required, but that developers were not accounting for the amount of landscape area needed as part of the initial site planning and design. The comparison with other cities that require a minimum amount of open space or landscaped areas showed that Grand Junction is getting similar amounts of landscaped areas mandating a minimum number of trees and shrubs, rather than establishing a specific open space or landscaped area requirement.
3. Update the way tree sizes are referenced. There was consensus that the distinction between a "large deciduous tree", "medium deciduous tree" and a "small deciduous tree" is difficult to quantify and of limited value for landscapes. Therefore, the recommendation is to change the nomenclature used to identify the types of deciduous trees to "shade trees" and "ornamental trees". Each of those is defined in the text. Also, the recommendations include allowing up to 20% of the tree requirement to be ornamental or evergreen trees.
4. Revise the single-family residential landscape buffer to avoid creating "canyon" streetscapes. Currently the landscape code requires a 5' landscape buffer outside a Residential Subdivision Perimeter Enclosure adjacent to the right-of-way, if the perimeter enclosure is a solid 4' to 6' fence or wall. No landscape buffer is required where a solid fence or wall less than 4' in height or an open rail or picket fence is used. Most developers opt for a 6' solid fence or wall to create privacy for the homeowners. A series of subdivisions along a road with 6' solid fencing and a 5' buffer landscape create a "canyon effect" along the corridor. The recommendation is to increase the landscape buffer from 5' to 14' along arterials and urban collectors, which coincides with the width of the required Multi-purpose Easement. This not only mitigates the canyon effect, but also provides better access to utilities in the easement.
5. Include a review by a qualified landscape architect or designer. The consultant is recommending that all landscape plans be reviewed by qualified landscape architect or designer. This recommendation would require that the City staff a

position with a qualified landscape professional or hire that review out to a private landscape professional. We are not recommending implementing this recommendation at this time. Whenever there are questions on a proposed landscape plan, we will try to utilize expertise of current City staff in the Community Development Department or the Parks and Recreation Department.

6. Create a process similar to the TEDS Exception for landscape improvements. One frequent theme of the focus groups was that there should be more flexibility built into Section 6.5. Many proposed developments have unique circumstances that are not addressed in Section 6.5, or for which Section 6.5 creates a hardship. One suggestion was to adopt an administrative review process similar to the one the Public Works Department created for approving minor variations to its “Traffic Engineering Design Standards”, the TEDS exception. Staff is not recommending a similar process for Section 6.5. There are several areas that are specifically addressed in the section that give the Director latitude to consider variations to the requirements. For example, shrubs can be substituted with trees, the number of trees can be reduced if larger trees are provided, substitutions can be made with “like” plant materials, ornamental and evergreen trees can be used for up to 20% of the tree requirement, hardscape and public art can meet a percentage of the landscape requirement and landscaping in the right-of-way where detached walk exists can reduce the width of a required landscape buffer and can count toward a percentage of the required on-site landscaping.
7. All “trades” or credits should make economic sense. There are several places within Section 6.5 that allows substitutions for required screening, numbers of trees or shrubs, or sizes of trees. However, the allowed exchanges are sometimes not well defined, or the value of the exchange is grossly inequitable. There are proposed revisions to specify the exchanges that can be considered.
8. Encourage xeriscape. While the current Code encourages the use of low-water need plantings, the addition of section 6.5.B.20 better defines the purpose of xeric landscapes and allows the Director discretion in approving “desert” type landscapes. There have been some comments that the Code section should go further and give incentives for the use of xeriscaping, such as a reduction in the amount of landscaping required. However, a reduction in the requirement will not meet some of the other goals and objectives of the Strategic Plan and Growth Plan for enhancing aesthetics of the built environment.
9. Inability to get a water tap for landscaping. Section 6.5 requires that all landscaped areas be irrigated. Further, any landscaping in the right-of-way that is to be maintained by the City, requires a separate irrigation system. There have been issues in the past where Ute Water has refused to issue a water tap solely for landscaping purposes. There are no recommendations in the code amendments to address this issue. Staff agrees it’s an issue that needs to be resolved, but in a forum other than the Zoning and Development Code.

STAFF RECOMMENDATION:

Staff recommends approval of the amendments to Section 6.5 of the Zoning and Development Code.

Grand Junction Area



RECEIVED

MAR 19 2004

COMMUNITY DEVELOPMENT  
DEPT.

March 12, 2004

City of Grand Junction  
Community Development Department  
225 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

To Whom It May Concern:

The Grand Junction Area Chamber of Commerce applauds you for the process of evaluating the landscaping code for the community. As you are aware, the Chamber acts as a voice for the business sector and in that role has heard years of concerns regarding the current landscaping code. To that end, revamping this code has been seen as a necessary step. We understand and appreciate the difficulty in maintaining a balance of a beautiful community while not placing undue burdens on development and business.

After reviewing the proposed changes to the landscaping code, the Chamber would like to have the following comments taken into consideration as the Grand Junction Planning Commission and the Grand Junction City Council consider implementing a new landscape code:

- The Chamber welcomes the draft code's inclusion of separate landscaping requirements for developments in the industrial zones. This has been a problem for primary employers we have worked with and is a welcome addition to the code.
- We continue to encourage a greater emphasis and possible incentives for xeriscaping in the new code. Although our understanding is that the code allows for xeriscaping, the lack of emphasis leads to confusion. A case in point is that one of our board members was recently told by city planners that xeriscaping is not an option for his property development. That is disappointing in light of our desert like environment and the need for water conservation in our state
- The continued emphasis on numbers of plantings, even with the greater flexibility for types and sizes built into this draft plan is still an area of concern. We would suggest that before adoption, this plan be benchmarked against communities that are more similar to ours in climate and soil type such as St. George, UT rather than cities referenced for the project (Broomfield, Durango, Fort Collins, Longmont, and Westminster).
- We question the need for a review by a landscape architect for all plans submitted. While we understand the intent, it may be more useful to require this step for only certain sized projects. This appears to be an additional expense imposed by the process that may be unnecessary.

We applaud the City's efforts to review the landscape code and appreciate the opportunity to provide input and feedback.

Sincerely,

J. Michael Stahl  
Chairman of the Board



**From:** <wstory1999@bresnan.net>  
**To:** <kathyp@gjcity.org>  
**Date:** 2/25/04 1:11PM  
**Subject:** landscape code update

Hi Kathy

Here are things to ponder.

- 1) Deciduous trees should be measured 6" above root ball not 12" as per our industry standard. 2" inch caliper is good.
- 2) Some concession needs to be made as to installation per plan, not to change scope of work but things change in field.
- 3) I can't find any place where Evergreen Trees are addressed in code. They should be a minimum ht. of 5-6 ft.
- 4) Under Screening item e, Why shouldn't a wall be taller than 30"? What if its there to help provide screen buffer from back of commercial building and road way? If commercial site sits lower than road way then height adjustment may be needed to help screen back of building. Maybe in this case the 30" requirement should be measured from top of road way!
- 5) Xeriscaping should be encouraged when submitted.

*revised*

*revised*

*G.S.B.S.d*

*revised*

*revised*

All else seems pretty good. If you need anything give me a call.

Deep Creek Inc. landscaping and Irrigation  
Bill Story  
244-8768



**From:** "l.elmer" <l.elmer@bresnan.net>  
**To:** <kathyp@gjcity.org>  
**Date:** 2/22/04 8:53PM  
**Subject:** landscape code

Kathy, I looked at the revised changes and think overall they are good. I have a few comments as follows:

1. -I like the 14' landscape buffer, however, are homeowners really going to take care of it? Do we have recent experience to suggest one way or there other? If it truly coincides with the utility easement, it makes more sense. Although I know the answer, has anyone talked about city parks taking care of these strips, like they do medians on 7th?
2. -If we need to use an outside landscape architect for the independent review, I have some reservations. Knowing how personalities vary, I think you may not find the review always objective. I think it would definitely be better to use a city staffer that can look out for the city's interests. As you know, there will probably be resistance from council and developers to add more costs to the process.
3. -The other changes seem to make sense and hopefully answer a lot of the concerns being raised.

John

1. Section 6.5 states that the ROW landscaping is the responsibility of the adjacent property owner or HOA, unless the City agrees to take over maintenance.
2. Agree

**From:** Mike Vendegna  
**To:** Kathy Portner  
**Date:** 2/27/04 11:36AM  
**Subject:** Landscape code

Good Morning Kathy,

I have reviewed the recommended changes to the landscape code and the letter Vince Urbina sent you. I wish I had some wonderful recommendations but really everything looks good. I do agree with Vince regarding diversity and the right tree in the right place, "planting under power lines. That also applies to sight corners, etc. I believe this was a monumental task and you all did a great job. Please contact me if there is anything I can do.

Thank you and have a great weekend.

*Have included provisions for species diversity, allowance for planting ornamentals under powerlines and reference to sight distance issues.*

February 27, 2004

TO: Kathy Portner  
FROM: Vince Urbina – Grand Junction Forestry Board  
SUBJECT: Landscape Code

I recently received the Recommended changes to the GJ Landscape Code document in the mail. I was listed as being a Landscaping Focus Group Participant. I was not aware that I was a part of that group but I will give you some comments any way. I have served on the Grand Junction Forestry Board since 1984 (Chairman since 1998) and worked with a commercial wholesale nursery on Colorado's Front Range for 10 years.

- Page 8, Minimum Plant Sizes – Letter a: According to the American Standard for Nursery Stock (ANSI Z60.1-1996) and the Colorado Nursery Regulations (December 2003), *tree caliper is measured at 6 inches above the ground for trees up to 4-inch caliper size*. For trees larger than 4-inch caliper it is measured at 12 inches above the ground. By requiring a caliper of 2 inches measured at 12 inches you will actually get a larger tree than you are anticipating because the trunk does have some taper. I propose measuring the tree at the same spot that the seller will measure it (i.e., 6 inches) for the tree size you are specifying. REVISE
- Page 11, Trees – Letter c: I used to grow deciduous and ornamental trees. Nearly 50% of all deciduous trees commercially available are bud grafted. Bud grafting is the process of inserting a bud from a known cultivar into an acceptable root stock. This tree will then have similar qualities (i.e., growth habit, fall color, ultimate height) as others of the same name. As a result of this nursery production method there will always be some semblance of a “dogleg” where the bud graft is located. I recommend removing this phrase unless you adequately define what a dogleg will look like in a tree. REVISE
- Page 11, Trees: I work with communities and their trees all over Western Colorado. I recommend without exception that these communities encourage tree species diversity in all of their public plantings. The reason for this tree diversity recommendation is that there have been (e.g., Dutch elm disease) and there will continue to be insects and diseases that come along and decimate a tree population. Right now there is an imported insect (i.e., Emerald ash borer) that is wiping out green ash trees in the upper Midwest. This insect may end up in Colorado where we have lots of green ash in our urban forests. As a result, I recommend that the tree palette in a public planting area contain no more than 15% of any one species (e.g., ash, locust, oak). REVISE
- Please add this requirement to your code. Shade/Canopy Trees shall not be planted under overhead power lines. In Grand Junction there is a major high voltage power line running on the south side of Patterson (F Road). There are two retail businesses (i.e., Barnes & Noble and Safeway) on Patterson where shade type trees were planted under this power line. As these trees reach their ultimate height (i.e., 50 – 60 feet) they will not only be in the power lines but they will be pruned by Xcel Energy's line clearance contractor to keep them out of the lines. Instead of planting shade trees here someone should have recommended ornamental trees which will never reach the overhead lines. Xcel Energy has an excellent resource book called The Right Tree, which lists acceptable tree species for planting under power lines. REVISE

**From:** "Mark Gibbons" <lsdesign202@bresnan.net>  
**To:** <kathyp@gjcity.org>  
**Date:** 2/25/04 4:01PM  
**Subject:** Comments to the Revised Landscape Code

Kathy,

Thank you for presenting the proposed landscape code changes to our group the (ALCC) "Associated Landscape Contractor of Colorado". I felt like the code addresses many of the issues that were mentioned as concerns by the various "Focus Group" meetings.

As mentioned at that February (ALCC) dinner meeting, I would like to summarize some of the comments mentioned at that meeting as well as make some additional comments regarding the new code language and intent. They are as follows:

1) Shade/Ornamental Trees-caliper reading should read 6" not 12" taken from where trunk meets root ball (page 8).

*revised*

a. What allowances have been made to classify the various evergreen trees (where caliper readings are not appropriate)?

*Code requires min. height*

2) Edging-I don't know if I agree with what is stated in the revisions, that edging may not be appropriate for areas between adjoining lots or gravel shoulders. Sometimes it is necessary to have edging in these areas between lots or gravel areas as well as separation between turf and shrub bed areas. Each case is site specific and should be review by the "Director". (page 11)

*additional edging is always an option*

3) Public R.O.W. (Sec.6.5, B, 16.a., page 11) - What happens if irrigation cannot be supplied to this area?

*Question raised in Staff Report*

4) Public R.O.W. (Sec. 6.5 B, 16.c. page 12)- Weed fabric may want to be mentioned here to combat weed in this area.

*Revised*

5) Section 6.5, B, 18.d., page 12)- when figuring total caliper inch I am not sure that tree coverage's can be equated that way. (i.e. 10, 3" Aspens would not have the same canopy coverage as large shade trees, etc.) I think this section needs to be more specific.

*Minimum requirements are based on caliper recognizing there will be variation in canopy*

6) Addition of Section 6.5, B, 20-Xeriscaping, page 14)- why can't there be a reduction credit for the amount of improved area required for implementing good xeric practices and plant choices for saving water? Many of the xeric plant species grow and spread at a much larger rate especially with drip irrigation applied. If it was stated up front in the code with reduction percentages, the developers would be more willing to design that way. The proposed language is too subjective and not detailed enough.

*See Staff Report*

7) "Orchard Style" Landscape Island- although a good idea, I am still not convinced that this style of island would create a planting irrigation "nightmare" in respect to cars overhanging into this space and damages landscape planting. Also, planting choices would have to be specifically defined and irrigation practices would be restricted to drip application.

*Minimum dimensions are specified. Types of planting have been used successfully elsewhere.*

8) Section 6.5, G, 5.a. page 17)- should any allowances be given to single stem trunk type trees impeding the sight triangle area? These would be large shade trees with a higher tree head development.

*We try to avoid trees being planted in sight distance triangles.*

These are a few comments I have regarding the revised landscape code. If you have any questions and/or clarification regarding these comments, please contact me via email or phone number listed below.

Thank You!

Mark Gibbons

Landscape Specialties of G.J., Inc.

2004 N.12th Street, #48

Grand Junction, CO. 81501

(970) 243-4147

fax (970) 243-8515

lsdesign202@bresnan.net

**Travis Cox**

**From:** "Travis Cox" <hardcurrency@msn.com>  
**To:** "Kathy Portner" <kathyp@ci.gjcity.org>  
**Sent:** Monday, March 01, 2004 3:16 PM  
**Subject:** Recommended changes to the landscape code

Kathy:

Here are my comments and questions about the Landscape Code Update, January 28, 2004. I appreciate getting them a couple weeks in advance.

1. The changes to 6.5.B.16 do not address situations where there is excessive of right-of-way that must be landscaped. One project that comes to mind is the Seriani Site Plan. On Gunnison Ave. the permanent road improvements were installed 10-15 feet from the road right-of-way line. Per this section of the Code, the owner was required to install 1200 SF (12'x100) of landscaping in an industrial zone that did not count toward the landscaping for the project. I suggest the revision read as such:

16. Public Right-of-Way. Except where a detached sidewalk exists or is proposed or where unpaved public right-of-way exceeds five (5) feet (see d. below),...

and;

d. Where detached sidewalks exist, or are proposed, or unpaved public right-of-way exceeds five (5) feet, and the landscape requirements have been met, a maximum of 50% of the public right-of-way can be counted toward the required landscape.

If you have some suggestions as to how to word "unpaved public right-of-way" to include curb, gutter and/or sidewalk, please make them.

2. Section 6.5.C.3.c can help address another issue with the permanent large unpaved areas. The reasoning behind not requiring screening for a parking lot if it is 30 ft. or greater from the ROW is that the parking lot is far enough away to not need it. Again, in the situation with the Seriani Site Plan, the ROW is 10-15 ft from the edge of the street but for a screen to not be required the parking lot must be 30' from the ROW. This results in a 40-45 ft. buffer. To accomplish the intent of this section the parking lot could have been 15' from the ROW. This is something to consider.

I will not be at the March 5, 2004 workshop, but I will make the March 10 meeting.

*The revisions would only allow for right-of-way landscaping that is likely to be permanent to count toward the total required landscaping. If credit was given for unimproved right-of-way, when the final street section was built, the site would have little, if any, landscaping. The landscaping requirements for unimproved ROW are minimal, only requiring some kind of ground cover.*



**From:** <RSSCarter@aol.com>  
**To:** <Kathyp@gjcity.org>  
**Date:** 2/21/04 4:55PM  
**Subject:** Landscape Code

Dear Kathy,

I was at the ALCC meeting when you and Bill presented the new Landscape code update. I think it is great that the city has decided to do this. I had a few comments -- many of them from working in the nursery trade.

First I would like to say I agree with the 14' landscape buffer instead of the "tunnel" effect. Its doesn't feel good to be a pedestrian in these type of places.

On measuring tree caliper, I believe it is at 8" above the root ball. This is in the Nursery standards which could probably be attained through the Colorado Nursery Association, Green CO or through the Nursery inspector with the State of Colorado. I do agree with increasing the diameter of shade trees.

Plants in the nursery trade are no longer legally referred to as 1 gallon and 5 gallon but as # (number) one and #5 since they are not true gallons.

A new movement has started in the Denver region to refer to Water-wise gardening and landscape instead of xeriscaping. Water-wise landscaping is planting the right plant in the right place, where xeriscape refers only to dry landscaping. I know Grand Junction is mainly dry, but there are opportunities to use plants of higher moisture requirements. Depending on the landscape requirements you may want to interject water-wise landscaping in areas where you might have more moisture (riverside, ponds, streams, canals and areas of moderate moisture levels). I do agree that people that install xeriscapes and limit sod agrees should be rewarded for their efforts to conserve.

On page 18, final approval by the director, I think the director should be able to give even a greater reduction of 10% if enhancement efforts are used. For instance, stamped, stained concrete is about double the price of gray concrete. I think to receive this discount the developer or owner should have to have everything done properly.

Appendix D the orchard effect is a great idea to break up a parking lot, but I wonder if it would put a lot of stress on the plants with extra heat and a smaller root zone. "City" type trees that like this type a condition should be recommended for this planting design.

Kathy, I don't know if you remember me, but I interviewed with you and Bob in the fall of 2001. (I was pregnant at the time). I believe at that interview I greatly under-emphasized my knowledge of plants and the landscape trade.

I am a landscape architect and a horticulturist. Please keep me in mind for reviewing plans if you decide to farm them out and keep me in mind if you decide to create a position on your staff. I am currently working part-time for a local landscaper designing, buying and placing plants. I have also been on the Fruita planning commission for two years come May.

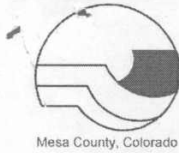
Good luck with getting the code passed. If you need to contact me here is my info:

Susan L. Carter  
 219 Encanto Court  
 Fruita, CO 81521  
 970-858-3305  
 rsscarter @aol.com

*revised to 6"*

*Provision for xeriscape would allow for the "grouping" of similar water need plants*

*Left at 10% maximum  
Felt that landscaping overall had a better visual impact*



## Mesa County Department of Planning and Development

Land Use and Development • Long Range Planning • Code Enforcement

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750 Main Street • P. O. Box 20,000 • Grand Junction, Colorado 81502-5022 • Ph. (970) 244-1636

City of Grand Junction, Community Development Department  
Attn: Kathy Portner, Planning Manager  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

March 2, 2004

Dear Ms. Portner:

Thank you for the opportunity to comment on the recommended changes to the landscape code. The following are our comments; both general and specific, we hope they will assist you in the discussion and the development of an improved landscape section of the City's Code.

### GENERAL COMMENTS

Overall we think that the recommended changes are positive. We believe that the changes will clarify discrepancies and unclear language in the code.

We support the idea of consistency in landscape code interpretation and in review and implementation of landscape plans; to this end we agree that a professional staff member or a panel or board made-up of professionals to review plans is wise and would benefit the city community development department, the development community, and the residents of the city.

### SPECIFIC COMMENTS

#### Page 8. Minimum Plant Sizes

We believe that clarifying the terms and semantics of this section of the code would go a long way in improving consistency in interpretation and implementation of the section.

#### Caliper Size

To delineate planting size we suggest you use the terms "large caliper trees" (2" or greater), medium caliper trees (minimum of 1 ½"), small caliper trees ? (?).

The point of measurement for caliper size determination is appropriate (at root ball or root collar) at time of planting.

*Shade trees / Ornamental / evergreen*

#### Tree Crown

It is quite easy to demonstrate, quantitatively, that there is no correlation between tree height and crown shape, or height and age, so height, age, and crown need to be treated separately.

It appears that tree crown would be the best representation of what you are trying to achieve with respect to aesthetics, and functional values that trees provide, therefore, we recommend that you use the term tree



crown at or near maturity (with consideration for urban ecology –read shorter life span) rather than spread. Additionally, tree crowns are generally classified as having rounded, ovate, pyramidal, conical, cylindrical, irregular, or spreading forms.

### Tree Height

Tree heights vary widely, as do growth rates. Tree species can generally be grouped into heights at maturity. It would be clear to all – staff and community- if trees were grouped by height at maturity based on scientific knowledge.

Categories are: or any category you want to use

Tall 30 feet or greater,  
Medium 16 to 29 feet,  
Short 15 feet or less.

Growth rate is not an issue with respect to desired outcomes; however it would benefit everyone if growth rates were identified. Age is problematic with respect to tree maturity in an urban environment. Some trees are not mature until they are 150 to 300 years old, while others are mature at 50.

One way to put all of this together and make it user friendly is to put the desired goals in a matrix that allows the applicant to choose the species that meets the goals of the landscaping requirements. For example:

Caliper	Height	Crown
2"	T, M, S	O, I, P, S etc
1 1/2"	T, M, S	O, I, P, S etc

*Simplified with 3 categories  
Shade trees - 2" caliper  
Ornamental - 1 1/2" caliper  
Evergreen - 6' height*

Evergreen and deciduous trees should be considered in the same context with respect to caliper, height, crown, and age.

### **Page 10. Utility Lines**

- b. "Trees which will grow to a height of greater than 15 ft. at maturity shall not be planted under electrical lines."
- c. "Ornamental and evergreen trees planted under an electrical line may count towards the total tree requirement."

Evergreen trees should not be planted under electrical lines, there are none that we know of that are shorter than 15 feet, except dwarf varieties. Should any trees be planted under electrical lines? Perhaps only shrubs should be used. Or should there be exceptions for very large, tall electrical lines?

*Specifies maximum height*

### **Page 11. Trees**

Clumping of trees and canopy coverage.

"b. Tree canopies can overlap by 20% of the diameter of the tree crown at maturity. Tree clustering may be allowed with some species (list them) so long as clustering does not adversely affect the mature canopy."

Who determines an adversely affected canopy at maturity. You would need a plant ecologist, or plant physiologist and in most cases the canopy of the tree is not mature until 80 or more years, is this realistic? Perhaps a better way to say this is to say that clumping (clustering) of species is acceptable if they are found in clumps in their natural growth conditions. For example aspen, birch, scrub oak, some maple, but not ash, elm, honey locust, any oak except scrub oak, etc. We recommend using both scientific and common names in the text – for clarity sake – scrub oak is a good example of why it should be written in that manner.

*Staff would rely on expertise of City Forester*

**Page 12.**

b. the term low shrubs is used. If the term is not defined it should be so that everyone understands what is meant. Likewise, small, short, and tall should be defined if they are used.

- d. text in the box at bottom of page. For Example: 10, 3" caliper trees equaling 30 caliper inches is the same as 15, 2" caliper trees equaling 30 caliper inches. Are you saying here that you are accepting any combination of tree caliper so long as the total caliper inches criteria is met? If so this may prove problematic because many nurseries sell trees in one gallon pots that may equal a one inch caliper tree; however they do not have the characteristics in height and form that you are trying to achieve with the larger caliper trees. The results you are seeking with the larger trees would take MUCH longer to achieve with the smaller one gallon trees.

*Trees are by caliper inch  
Shrubs are by gallon*

Please let me know if you have any questions or concerns. Our comments are respectfully submitted.

Michael Warren, AICP  
Senior Planner, Long Range Planning Division  
Mesa County Department of Planning and Development  
970-255-7189  
Mwarren@co.mesa.co.us

- b. Kurt Larsen, Director, Department of Planning and Development  
Keith Fife, Division Director, Long Range Planning  
file

**From:** "Diane Schwenke" <diane@gjchamber.org>  
**To:** <KATHYP@GJCITY.ORG>  
**Date:** 3/2/04 3:17PM  
**Subject:** Landscape Code

Kathy,

I realize that we are past the deadline for initial comments on the proposed landscape code changes. Just wanted to let you know that the Chamber leadership has not had a chance to discuss the proposed changes and we may be making comments during the public hearing stage. Our meeting is next week.

Diane Schwenke

The Chamber averages at least one networking event every business day. We are your business connection!

Friday, April 09, 2004

Kathy Portner  
Robert E. Blanchard  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81501

RE: Proposed Landscape Code  
AMGD Concerns

Dear Kathy and Bob:

We appreciate the opportunity to review the latest proposed revisions to the City of Grand Junction Landscape Code. After several weeks of review and the latest discussions at our meeting Wednesday, April 7, 2004, we would like to provide some suggestions for areas still needing attention. Various members of our group provided these suggestions.

1. Due to continued extreme drought conditions in our climate, more emphasis or encouragement of the use of Xeriscape landscape should be provided in the code, with a stronger section of items outlining acceptable Xeriscape plants and features.
2. Requiring that property owners landscape the 14' multipurpose easement is excessive, particularly since they can not fence that portion of the yard but must place the fence at the easement line. This is an effective taking of the use of a portion of their yard without compensation. Maintenance of these isolated areas will be difficult and costly. We suggest allowing alternates to this section.
3. The increase in the landscape buffer to 14 feet is not warranted since these rights-of-way are already much wider than other roadway sections. The buffer dedication should be credited against the parks dedication requirement.
4. The wording of 6.5.D.1. is such that a corner lot (with two frontages) or one which backs against a public ROW could have 14' essentially taken for landscaping of the adjacent street frontage and a fence would have to be placed at the 14' distance thus significantly reducing the effective size of the lot and possibly nearly eliminating the useable back yard for houses which back up to the ROW.
5. In general we find the changes to the Industrial zones to be a strong improvement. Depending on interpretation and implementation of these regulations, we believe similar percentage of reductions or allowance of Xeriscape features will also improve the C zones for commercial use.

This should summarize the main areas of our latest discussions. We collectively feel there are many good improvements, and feel overall there has been substantial progress with these revisions. There was a good opportunity of input in the process of rewriting the code, and these comments were reflected at various stages. We would be glad to continue to participate in future in discussions, and will plan to have some of our members in attendance at the April 27, 2004 meeting of the planning commission.

Thank you for your time and efforts on these issues.

Sincerely,

  
Larry Rasmussen

RECEIVED

APR 09 2004

COMMUNITY DEVELOPMENT  
DEPT.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE AMENDING SECTION 6.5 OF THE ZONING AND DEVELOPMENT CODE, LANDSCAPING, BUFFERING AND SCREENING STANDARDS TO BE PUBLISHED IN PAMPHLET FORM**

Recitals:

The 2003 update of the Growth Plan included several action items specific to the landscape requirements of the Zoning and Development Code, including recommended revisions regarding streetscaping, landscaping and incentives for xeriscaping. The City, with consultant assistance, reviewed the existing Section 6.5 to identify aspects that do not adequately address the goals for quality development as stated in the Growth Plan and the Strategic Plan, result in standards that are unrealistic to achieve, or conflict with other standards or requirements.

The review process included workshops with staff and focus groups consisting of those who regularly work with the Code as a landowner, developer or design professional, as well as representatives from the Growth Plan Update Steering Committee. The review resulted in various recommended amendments.

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

1. Section 6.5 of the Zoning and Development Code is amended as recommended by the Planning Commission on April 20, 2004; and
2. The full text of the amending ordinance, in accordance with paragraph 51 of the Charter of the City of Grand Junction, is to be published in pamphlet form with notice published in accordance with the Charter.

Introduced on first reading this 21<sup>st</sup> day of April 2004.

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

\_\_\_\_\_  
Mayor

Attest:

City Clerk

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## CHAPTER SIX

# DESIGN & IMPROVEMENT STANDARDS

### 6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS

**A. Purpose and Goals.** *The purpose of this section is to ~~reduce negative impacts~~ enhance the aesthetic appeal of new development. Landscaping ~~and new flora~~ reduces heat, and glare ~~and noise~~, facilitates movement of traffic within parking areas, shades cars and parking surfaces thus reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the City.*

**B. General Landscape Standards.**

1. All landscaping required by this Code shall comply with the standards and requirements of this Section 6.5. The landscaping requirements of this Code shall not apply to a lot zoned for one or two dwellings. Landscaping for new developments shall occur in buffer areas, all interior parking areas, along the perimeter of the property, around new and existing structures, and along street frontages and within any right-of-way not used nor planned to be used for infrastructure.
2. **Plant Quantities.** The amount of landscaping is based on gross area of proposed development.
3. **Landscaping Standards.** All new development must install and maintain landscaping as required by this Code. [See Exhibit 6.5.A for an example of the landscaping requirements of this section.]
  - a. On-site frontage landscaping may not apply in the B-2 zone downtown commercial. [see Zone District standards]
  - b. Landscaping in the abutting right-of-way is required in addition to overall site landscaping requirements.
  - c. Buffer landscaping is required in addition to overall site landscaping requirements.
4. **Acceptable Plant Material.** Vegetation must be suitable for Grand Junction's climate and soils. The Director may allow the use of any plant

if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, *etc.* Noxious weeds are not allowed [The Director will keep a list of suitable plants.]

5. **Minimum Plant Sizes are:**

- a. ~~Large deciduous tree~~ Shade Tree, 1½” 2” caliper (measured 12” 6” above root ball) at time of planting. At maturity, a ~~large deciduous~~ shade tree has a height and/or spread of ~~25’~~ thirty (30’) feet or greater. If 2” caliper trees are not available due to seasonal shortages or shortages in desired varieties, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees. For example, the installation of six 1 1/2 “ caliper Shade Trees would result in a short fall of 3 caliper inches, which could be compensated for with two additional 1 ½” trees. However, a minimum caliper of 1 ½” shall be required.
- b. Ornamental Tree ~~Medium deciduous tree~~, 1 ½” caliper (measured 12” 6” above root ball) at time of planting. At maturity, an ornamental ~~medium deciduous tree or flowering ornamental tree~~ has a spread and height between 15’ and 30’ ~~25’~~.
- c. ~~Small deciduous tree, 1 ½” caliper (measured 12” above the root ball) at time of planting. At maturity, a small deciduous tree has a spread not in excess of 15 feet.~~
- d. Evergreen tree, 6 feet tall at time of planting.
- e. Deciduous shrub, 5-gallon container.
- f. Evergreen shrub, 5-gallon container.
- g. Perennials and ground covers, 1-gallon container.
- h. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.

6. **Irrigation.** All vegetation and landscaped areas must be provided with a permanent irrigation system.

- a. Non-potable irrigation water shall be used unless the Director allows the use of potable water.
- b. An underground pressurized irrigation system and/or drip system is required for all landscape areas on the property and in any right-of-way.
- c. If connected to a drinking water system, all irrigation systems require backflow prevention devices.
- d. All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.
- e. Native grasses must have a permanent irrigation source that is zoned separately from higher water demand landscapes. Once the grasses are



established, irrigation to native grass areas can be reduced to a level that maintains coverage typical of the grass mix and to suppress weed growth.

7. **Landscape Plans and Equivalent Plants.**
  - a. Landscape plans must identify the species and sizes of vegetation [SSID Manual].
  - b. All landscaping shall be installed as shown on the approved plan.
  - c. An equivalent species may be substituted in the field without prior approval of the Director, provided a revised drawing is submitted to the Department. Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements, thrive in the same microclimate, soils and water conditions.
  - d. All other changes to the landscape plan require prior approval from the Director.
  - e. ~~Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing and shade characteristics and function, have similar water requirements, thrive in the same micro-climate, soils and water conditions.~~
  - f. All development plans shall designate required landscaping areas. Subdivision plats shall designate required landscaping areas.
8. **Preservation of Significant Landscape Features.** Existing landscape features such as escarpments, large or old trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the Director as part of the development review process. To the extent the Director deems practicable, such features shall be preserved by the final plans and to such extent, count toward landscape and open space area requirements. Features to be preserved shall be protected throughout site development. If a significant live feature which was to be preserved dies or is substantially damaged the developer shall replace it with an equivalent feature as determined by the Director. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise.
  - a. During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
  - b. All protection measures shall be clearly identified on the construction and landscape plans.
  - c. No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved.
9. **Protection of Landscape Areas.** All landscape areas (except in the right-of-way where a street side curb does not exist) shall be protected from

- vehicles through the use of concrete curbing, large rocks, or other similar obstructions.
10. **Utility Lines.** If the location of utilities conflict with the landscaping provisions, the Director may approve an equivalent alternative.
    - a. Utility composite plans must be submitted with landscape plans.
    - b. Trees which will grow to a height of greater than 15 feet at maturity shall not be planted under electrical lines.
    - c. ~~Small deciduous~~ Ornamental and evergreen trees planted under an electrical line may count towards ~~up to ten percent (10%) of the total large deciduous tree requirement.~~
  11. **Sight Distance.** The owner shall maintain all vegetation, fences, walls and berms so that there is no site distance hazard nor road or pedestrian hazard.
  12. The ~~City Forester or the City's Landscape Architect~~ Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions.
  13. Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.
    - a. Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.
    - b. The owner shall keep each fire hydrant unobscured by plant material.
    - c. ~~Shrubs must only be planted in shrub beds which are~~ Shrub beds adjacent to turf or native grass areas are to be edged with concrete, metal, brick or substantial wood material. Plastic and other light duty edgings are not allowed.
    - d. Mulch and weed fabric are required for all shrub beds.
    - e. The minimum square footage of planting area for a 5-gallon evergreen or deciduous shrub is 16 square feet. These minimum square footages may be varied by a qualified professional.
  14. **Trees.**
    - a. Trees ~~must~~ should not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape area and between parking bays, helps eliminate this conflict and should be considered.
    - b. Tree canopies ~~must not~~ may overlap by up to 20% of the diameter of the tree at maturity. . Tree clustering may be allowed with some species so long as clustering does not ~~effect~~ adversely affect the mature canopy.
    - c. At planting, tree trunks must be reasonably straight ~~and free of~~ with minimal doglegs.
    - d. Wire baskets, burlap wrappings, rope, twine or any similar shipping

- materials shall be removed before planting.
- e. The minimum square footage of planting area for a ~~large deciduous tree~~ shade tree is 140 square feet. ~~A qualified professional~~ The Director may vary the minimum square footage
15. **Maintenance.** The owners, tenants and occupants for all new and existing uses in the City must:
- a. Maintain landscaping in a healthy, growing or neat and well maintained condition;
  - b. Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, re-seeding and other reasonable efforts.
  - c. Any plant that dies must be replaced with an equivalent live plant within ninety (90) days of notification or, if during the winter, by the next April 1st.
  - d. Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
  - e. On his own or based on a citizen complaint, the Director may, without notice and without a warrant, walk on the landscaped portion of the property from time to time to inspect the condition of landscaping.
16. **Public Right-of-Way.** Except where a detached sidewalk exists or is proposed and approved (see d. below), ~~Landscaping on public right-of-way shall not be counted toward any landscape or open space requirements of this Code, unless specifically provided otherwise in this Code.~~
- a. All unimproved right-of-way adjacent on the side abutting a development which is not in the City's five-year capital plan to be improved ~~within 24 months of the approval~~ must be landscaped. ~~If irrigation can be supplied from the private property, it shall be done.~~ All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner(s), unless the City agrees to accept it for maintenance. If it is to be maintained by the City, a separate irrigation system shall be provided.
  - b. At least seventy-five percent (75%) of the unpaved adjacent right-of-way shall be landscaped with turf, low shrubs or ground cover. The Director may vary the required landscaping to obtain a consistent appearance in the area or with existing or planned right-of-way landscaping.
  - c. The owner of the nearest property shall keep all rights-of-way, which is not hard surfaced, ~~remain~~ free of weeds, litter junk, rubbish and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be covered with mulch, wood chips, bark chips, decorative rocks or cobble or similar natural materials, to be underlain by weed fabric or

- other barrier.
- d. Where detached sidewalks exist, or are proposed, a maximum of 50% of the public right-of-way landscaping may be counted toward the total required landscaping. The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every forty feet (40’).
  - e. The Director may allow decorative paving in landscaped areas in commercial or other high pedestrian traffic areas if the decorative paving is compatible with nearby right-of-way paving and landscaping.
17. **Pervious Coverage.** Landscaped and buffer areas count toward the pervious area requirement.
  18. ~~Up to final approval,~~ The Director may approve an applicant’s request to vary from the required number and types of plants or landscaped area if:
    - a. The number of trees exceeds twenty-five percent (25%) of the minimum number of trees; and/or
    - b. Trees exceed the minimum caliper requirement by one inch or more; and/or
    - c. ~~Additional landscaped area,~~ additional berming or other attractive buffering, ~~is provided~~ public art, enhanced paving treatments for public plazas (brick or concrete pavers, tinted and stamped concrete, etc.) is provided. The Director may grant up to a 10% reduction of the square footage of improved area used to calculate the landscape requirement where these types of enhancements are included in a development.
    - d. Additional trees or larger trees can be exchanged on a per caliper inch basis with three shrubs equaling one caliper inch. Credit for using larger trees would be based on a direct exchange of caliper inches. For example: 10, 3” caliper trees equaling 30 caliper inches is the same as 15, 2” caliper trees equaling 30 caliper inches; 1, 2” caliper tree equals 6 shrubs. Trees may be substituted for shrubs, but shrubs may not be substituted for trees.
    - e. If the total amount of landscaping is provided, the Director may allow the owner to place the landscaping on another appropriate part of the lot.
  19. If the Director is not the decision-maker, his authority shall be exercised by the decision-making body.
  20. *Xeriscaping.* Because of Grand Junction’s desert environment, xeriscaping and the use of xeric (low water use) plants are strongly encouraged. Xeriscape designs shall employ the seven basic principles of xeric design which include “comprehensive planning and design for low water use, creating practical turf areas, selecting low water use plants and organizing plants by water usage, using adequate soil prep, using water conserving mulches, irrigating efficiently and maintaining the landscape appropriately”. (Source: Denver Water Board).

- a. Low water use plants are encouraged for use in the “typical” urbanized landscape, especially where the plants can be irrigated (zoned) separately from higher water use plant material. This way of using xeric plants is compatible with any of the requirements of Zoning and Development Code.
- b. Landscape designs that mimic the “desert” character of Grand Junction’s setting are also encouraged, but must be carefully designed so that the basic requirements for shade, screening and buffering are met. Because of this, the Director must approve “desert” landscape installations as well as variances from the required plant coverage ratios or minimum plant sizes (e.g. where xeric plants are only available in one gallon containers).

### **C. Parking Lots.**

1. **Interior Landscaping Requirement.** Landscaping is required in the interior of parking lots to direct traffic, to shade cars and structures, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
  - a. One landscaped island, parallel to parking spaces, is required for each twenty (20) parking spaces. In lieu of the standard landscape island, one “orchard style” landscape island may be used for every six (6) parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands. (Insert drawing with dimensions)
  - b. Landscape islands must be at least one hundred forty (140) square feet. The narrowest/smallest dimension of a parking lot island is eight feet (8’), measured from back of curb to back of curb.
  - c. One (1) landscaped divider island, parallel to the parking lot drive aisles, designed to prevent diagonal movement across the parking lot, shall be located for every three parking lot drive aisles.
  - d. A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
  - e. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape islands from vehicles.
  - f. A corner area (where it is not feasible to park a vehicle) may be considered an end island for the rows on the perimeter of the parking lot.
  - g. Landscaping of the interior of parking lot shall include trees and shrubs.
  
2. **Parking Lot Perimeter.** Landscaping is required around the entire

perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area.

- a. Screening shall occur between a street and a parking lot and Street Frontage Landscape shall apply. [Sections 6.5.C.3 and 6.5.D]
  - b. ~~All landscape strips for parking lot perimeters must average 8' in width.~~ The minimum dimension allowed for the parking lot perimeter landscape strip is six feet (6'). ~~four (4) feet.~~ The width of a landscape strip can be modified by ~~administrative approval~~ the Director, provided the intent of this Section is met.
  - c. Landscaping along the perimeter of parking lots shall include trees and shrubs.
  - d. Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.
3. **Screening.** ~~The entire perimeter of each parking area~~ All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a screen means a turf berms and/or shrubs.
- a. A thirty ~~(30)~~-inch (30") high screen is required along seventy percent (70%) of parking lots abutting rights-of-way, entry drives, and adjacent properties, ~~the entire boundary of a parking lot and an abutting right of way measured from top of the curb nearest to the screen. (If there is no curb, measure up eight (8) inches from the nearest paved portion of the right of way.)~~ excluding curb cuts. The 30" screen shall be placed so as to maximize screening of the cars in the parking lot, when viewed from the right-of-way and shall be measured from the ground surface, or the elevation of the roadway if the adjacent road is higher than the property.
  - b. ~~Seventy percent (70%) of the length of street frontage excluding the ingress and egress areas must be screened surfaces.~~ Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.
  - c. ~~The landscaped area between a parking lot and right of way must average eight (8) foot wide. The minimum width is four (4) feet at any point.~~
  - d. If a landscape area is thirty ~~(30)~~ feet (30') or greater between a parking lot and a right of way, the thirty ~~(30)~~ inch (30") high screen is not required. This thirty ~~(30)~~-foot (30') wide or greater area must be one hundred percent (100%) covered in plant material within three (3)

- years. Turf is allowed.
- e. The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel are unusually small.
  - f. A screen wall must not be taller than thirty (30) inches (30"), unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30" higher than the adjacent roadway.
  - ~~g. Seventy percent (70%) of the street frontage, excluding the ingress and egress areas, must be screened.~~
  - h. ~~A one (1) gallon~~ Two (2) five-gallon shrubs may be substituted for four (4) linear feet of wall.
  - i. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall.
  - j. The back of the wall must be at least thirty (30) inches (30") from the face of curb for bumper overhang.
  - k. Shrubs must be planted on the street side of the wall.
  - l. There must be at least five (5) feet (5') between the right of way and the paved part of a parking lot to use a wall as a screen.
  - m. Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one half inch = one foot (1/2" = 1').
  - n. Walls shall be solid masonry with finish on both sides. The finish may consist of stucco, brick, stone or similar material. Unfinished or merely painted concrete block is not permitted.
  - o. Shrub plantings in front of a wall is not required in the B-2 Downtown District.

**D. Street Frontage Landscape.**

- 1. Street Frontages. Within all zones (except single family uses in Single Family Zone Districts), the owner shall provide and maintain a minimum 14' wide street frontage landscape adjacent to the public right-of-way.
- 2. ~~If the setback is less than eight (8) feet, the owner shall landscape seventy-five percent (75%) of the first eight feet along the street.~~ A minimum of seventy-five percent (75%) of the street frontage landscape shall be covered by plant material at maturity.
- 3. The Director may allow for up to 50% of the 14' wide street frontage to be turf, or up to 100% turf coverage may be allowed if the parking lot setback from the right-of-way exceeds 30'. Low water usage turf is encouraged.
- 3. ~~If the total amount of landscaping is provided, the Director may allow the owner to provide the landscaping on another part of the lot.~~
- 4. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated by the owner and/or homeowners association as per the sections of this code.

5. Landscaping within the ~~front yard setback~~ street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every forty feet (40') of street frontage.
6. Where detached walks are provided, a minimum street frontage landscape of five feet (5') is acceptable.

**E. Buffers.**

1. **Zone District Buffering.** Buffers shall be provided between different zoning districts as indicated on Table 6.5.
  - a. Seventy-five (75%) of each buffer area shall be landscaped with turf, low shrubs or ground cover.
  - b. One (1) medium sized tree is required per every forty (40) feet of boundary between different zones.
2. **Exceptions.**
  - a. Where residential or collector streets or alleys separate zoning districts, the Director can require more landscaping instead of a wall or fence.
  - b. Where walkways, paths, or a body of water separates zoning districts, the Director may waive a fence or wall requirement provided the buffering objectives are met by private yards.
  - c. Where a railroad or other right-of-way separates zoning districts the Director may waive the buffer strip if the buffering objectives are met without them.

**F. Fences, Walls and Berms.**

1. **Fences and Walls.** Nothing in this Code shall require the “back-to-back” placement of fences and/or walls. If an existing fence or wall substantially meets the requirements of this section, an additional fence on the adjacent developing property shall not be required. Fences and walls must meet the following:
  - a. Maximum height: six feet (6') outside of front setback, thirty-inch (30”) height within the front setback and must meet all sight distance requirements.
  - b. Fence type: solid wood or material with a similar appearance, finished on both sides.
  - c. Wall type: solid masonry finished on both sides. Finish may consist of stucco, brick, stone or similar material but unfinished or merely painted concrete block is not permitted.
  - d. Location: within three feet (3') of the property line unless the space is



- needed to meet landscaping requirements.
  - e. A wall must have a column, or other significant architectural feature every thirty feet (30') of length.
  - f. Any fence or wall over six feet (6') in height requires a building permit
  - g. No person shall construct or maintain a fence or a wall without first getting a fence/wall permit from the Director.
2. **Berms.** Berms must at least have a:
- a. Maximum slope of ~~three~~ four to one (4:1) for turf areas and three to one (3:1) shrub beds; and
  - b. To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

**G. Residential Subdivision Perimeter Enclosures.**

1. **Intent.** The decision-maker may approve (if requested by the applicant) or require (where deemed necessary) perimeter enclosures (fences and/or walls) around all or part of the perimeter of a residential development. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety and welfare screen negative impacts of adjoining land uses, including streets; protect privacy; maintain a consistent or complementary appearance with enclosures in the vicinity; maintain consistent appearance of the subdivision; and comply with corridor overlay requirements.
2. **Specifications.** Unless specified otherwise at the time of final approval:
  - a. A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five (5) feet of the exterior boundary of a development.
  - b. The maximum height is six (6) feet (including within front setbacks); however, an enclosure constructed on a berm shall not extend more than eight (8) feet above the adjoining sidewalk or crown of road, whichever is lower.
  - c. New enclosures shall be compatible with existing enclosures in the vicinity, if such enclosures meet the requirements of this Code.
  - d. A perimeter enclosures in excess of six (6) feet is a structure and requires a building permit.
  - e. A perimeter wall must have a column or other significant architectural feature every thirty (30) feet.
3. **Required Perimeter Enclosures.** The decision-maker may require a perimeter enclosure as a condition of the final approval if:
  - a. Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.
  - b. A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter

- enclosures in the vicinity.
- c. A perimeter enclosure is necessary to control ingress and egress for the development.
  - d. A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
  - e. A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.
  - f. A perimeter enclosure is needed to comply with a corridor overlay district.
  - g. The director will notify applicants of the need for a perimeter enclosure if required.
4. **Design of Perimeter Enclosures.** A complete landscape plan for the required landscape buffer and a detail drawing of the perimeter enclosure must be submitted at the time of final approval: perimeter enclosure detail at a scale of one half inch equals one foot ( $\frac{1}{2}''=1'$ ).
  5. **Landscape Buffer.** On the outside of a perimeter enclosure adjacent to a right of way, a fourteen-foot (14') wide landscape buffer shall be provided between the perimeter enclosure and the right-of-way for Major and Minor Arterial streets and Urban Collectors. ~~A~~ five (5) foot (5') wide landscape ~~strip~~ buffer for side and rear yard perimeters shall be ~~maintained~~ provided on all other streets between the perimeter enclosure and the ~~back-of-walk or curb~~ right-of-way.
    - a. Vegetation in the sight triangle (see TEDS) ~~in the landscape strip~~ must shall not exceed thirty inches (30") in height at maturity;
    - b. In the landscape buffer, ~~One~~ (1) tree per forty (40) linear feet of perimeter must be provided ~~maintained~~;
    - c. ~~Exception: A landscape strip is not required for that part of the perimeter enclosed by a decorative wall or a fence four (4) foot or less in height which is built with an open design (2/3 open to 1/3 closed), such as split rail and some picket fences.~~
    - d. ~~Each owner or the owner's association shall maintain all such landscaping and enclosures.~~ All perimeter enclosures and landscape buffers must be within a tract dedicated to and maintained by the Homeowners' Association. The perimeter enclosure and landscaping must be installed by the developer and made a part of the Development Improvements Agreement.
    - e. A minimum of seventy-five percent (75%) of the landscape ~~The~~ buffer area shall be covered by ~~shrubs at a minimum of seventy-five percent (75%)~~ plant material at maturity. Turf may be allowed for up to 50% of the 14' wide landscape strip, at the Director's discretion. Low water usage turf is encouraged.
    - f. Where detached walks are provided, a minimum buffer of 5' shall be provided. In which case, the right-of-way parkway strip (area between

the sidewalk and curb) will be also be planted as a landscape buffer and maintained by the HOA.

6. **Construction of Perimeter Enclosures.** The perimeter enclosure and required landscape buffer shall be installed by the developer and included in the Development Improvements Agreement.
7. **Ownership and Maintenance.** The developer shall refer to the perimeter enclosure in the covenants and restrictions and so that perpetual maintenance is provided for either that the perimeter enclosure be owned and maintained by the owner's association or by individual owners. The perimeter enclosure shall be identified on the plat.
8. **Alternative Construction and Ownership.** If the decision-maker finds that a lot-by-lot construction, ownership and/or maintenance of a perimeter enclosure landscape strip would meet all applicable objectives of this section and the design standards of Section 6.7 of this Code, the final approval shall specify the type and size of materials, placement of fence posts, length of sections, and the like.
9. **Overlay District Conflicts.** Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.
10. **Variances.** Variances to this section and appeals of administrative decisions (where this Code gives the Director discretionary authority) shall be referred to the Planning Commission.

#### H. I-1 and I-2 Zone Landscape

1. **Parking Lot Interior Landscape.** Landscaping for the parking lot interior shall be per Section 6.5.C.1, with the following additions:
  - a. Shade trees are to be provided at a rate of one (1) shade tree for every six (6) parking spaces and distributed throughout the landscape islands, perimeter landscape and screens to maximize shade and screening.
  - b. A minimum of one (1) shrub shall be provided for every twenty-five (25) square feet of each landscape island.
2. **Parking Lot Perimeter Landscape.** Landscaping for the parking lot perimeter shall be per Section 6.5.C.2 with the following addition:
  - a. Turf may be allowed for up to 50% of the parking lot perimeter, at the Director's discretion. Low water usage turf is encouraged.
3. **Street Frontage Landscape.** Landscaping for the street frontage shall be per Section 6.5.D with the following additions:
  - a. Vegetation in the sight triangle in the street frontage must not exceed thirty inches (30") in height at maturity.
  - b. One (1) tree for every forty linear feet (40') of street frontage

(excluding curb cuts) must be provided, 80% of which must be shade trees.

4. **Side Yard Landscape.** The first fifty feet (50') of side yard (beginning at the front property line) shall be landscaped. The minimum width of this landscape area shall be six feet (6') and the landscape shall include at least one (1) shade tree, or two (2) ornamental trees, or two (2) evergreen trees, with the remainder of the ground plane covered with shrubs that will grow to at least 30" in height at maturity.
5. **Public Right-of-Way Landscape.** Landscaping for the public right-of-way shall be per Section 6.5.B.16.
6. **Maintenance.** Each owner or the owner's association shall maintain all landscaping.
7. **Other Applicable Sections.** The requirements of Exhibits 6.5.A, 6.5.B, 6.5.C and 6.5.D shall also apply.

### Exhibit 6.5.A

#### LANDSCAPING REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
<b>Single Family Residential (RSF Zones)</b>	<b>No Landscaping Required</b> As required for uses other than single family residential; and as required in 6.5.G and 6.5.B.16	<b>Not Applicable</b> As required for uses other than single family residential; and Landscape Buffer and Public Right-of-Way
<b>RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, R-0, B-1, B-2, C-1, C-2, I-0, I-1, I-2, CSR, MU</b>	<b>One large tree per 2,500 square feet of improved area, with no more than 20% of the total being Ornamental Trees or Evergreens.</b> One 5-gallon shrub per 300 square feet of improved area.	<b>Buffer, Parking Lot, Street Frontage</b> Perimeter, and Foundation Plantings and Public Right-of-Way

I-1, I-2	As required in 6.5.H and in other Sections of Chapter 6.5 where applicable	Street Frontage, Parking Lots, Buffers and Public Right-of-Way
* Facilities listed below	One large tree per 5,000 square feet of improved area One 5-gallon shrub per 600 square feet of improved area	Perimeter, and Buffer and Public Right-of-Way

**\* Mining, Dairy, Vineyard, Sand or Gravel Operations, Confined Animal Feeding Operation, Feedlot, Forestry Commercial, Aviation or Surface Passenger Terminal, Pasture**

Notes:

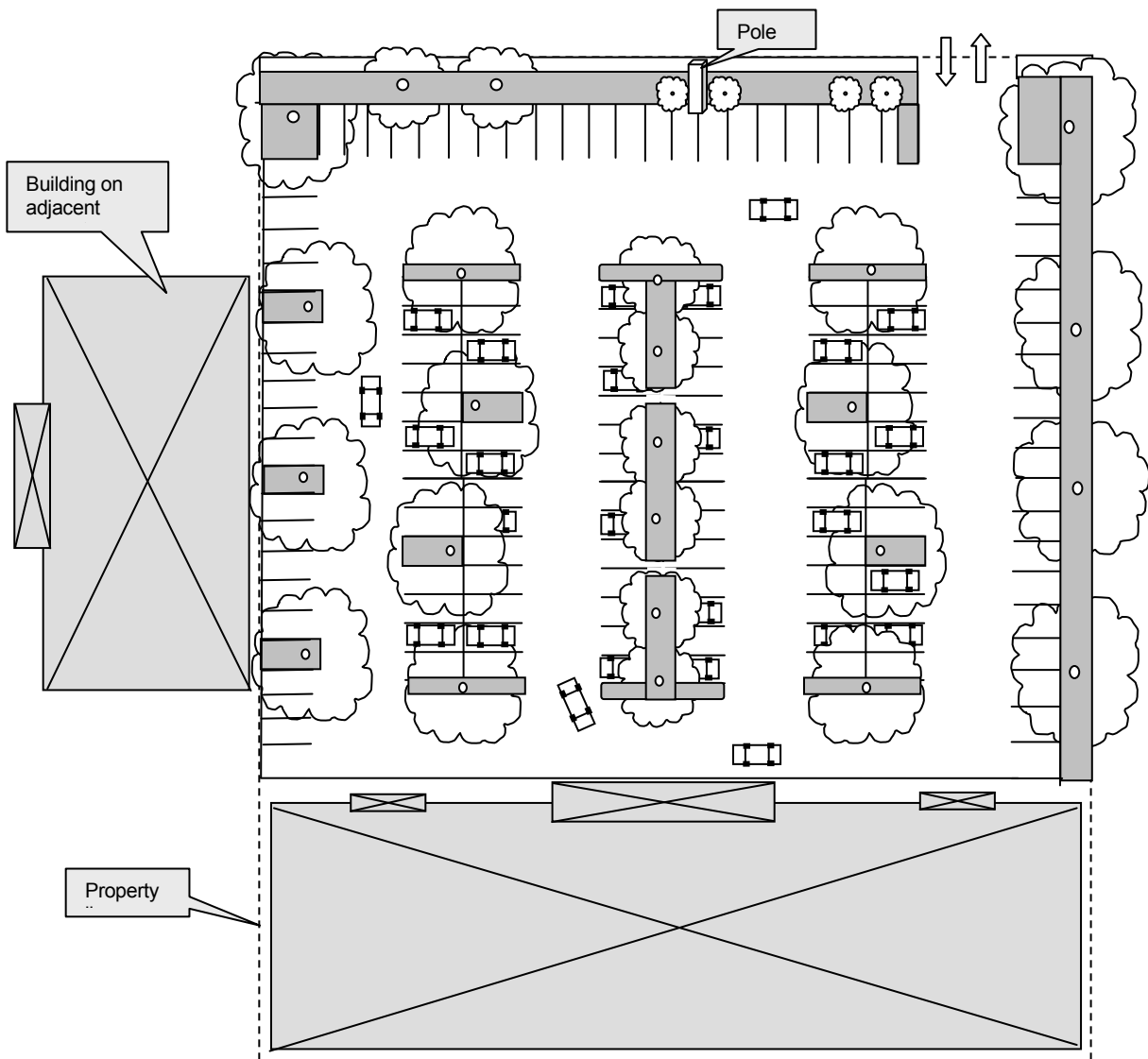
1. Twenty-five percent (25%) of the required shrubs may be converted to turf based on one 5-gallon shrub per 50 square feet of turf.
2. Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three 1-gallon perennials and/or ground covers for one 5-gallon shrub.
3. ~~A development with any overall requirement of more than 100 shrubs can not have more than ten percent of the total shrub count in any one species.~~ **Species diversity: The percent of any one type of shrub that can be planted in a development shall be as follows:**
  - a. 10 – 19 shrubs: 50%
  - b. 20 – 39 shrubs: 33%
  - c. 40 – 59 shrubs: 25%
  - d. 60 or more shrubs: 15%
4. ~~A development with any overall requirement of more than 50 trees can not have more than twenty percent of the total tree count in any one species.~~ **Species diversity: The percent of any one type of tree that can be planted in a development shall be as follows:**
  - a. 0 – 5 trees: No Limitation
  - b. 6 – 21 trees: No more than 50% of one species
  - c. 21 or more trees: No more than 20% of one species
5. **When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number.**
6. ~~A medium deciduous tree can be substituted at a rate of 1.5 medium deciduous trees per 1 large deciduous tree.~~ With the approval of the Director, the number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.
7. ~~A small deciduous tree can be substituted at the rate of 3 small deciduous trees per one large deciduous tree.~~

Improved Area means the total lot area being used including the building, parking lot, and storage or display areas.  
The improved area can be adjusted by the Director.

### Exhibit 6.5.€B

### An Example Tree Landscape Plan

### Demonstrating Tree Size and Parking Lot Island Options



Trees – large, medium, and small

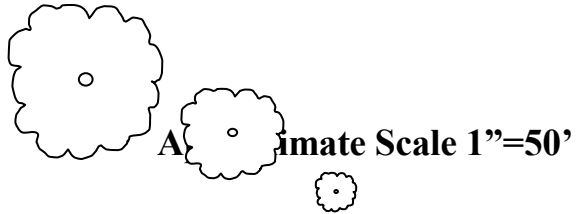


Table Exhibit 6.5.C

**BUFFERING BETWEEN ZONING DISTRICTS**

Zoning of Proposed Development	Zoning of Adjacent Property												
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2	CSR
SF (Subdivisions)	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-5	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-8	A&F <sup>1</sup>	-	-	A or F	A or F	A or F	F	F	-	W	W	W	-
RMF-12 & RMF-16	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RMF-24	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RO	A	A	A	A	A	-	A or F	A&F	A or F	W	W	W	-
B-1	A&F	A&F	A&F	A&F	A&F	A&F	A&F <sup>2</sup>	A&F <sup>2</sup>	A&F <sup>2</sup>	A or F	A or F	A or F	-
B-2	A	A	A	A	A	A	-	-	-	-	A or F	A or F	-
C-1	A&W	A&W	A&W	A&W	A&W	A&W	-	-	-	-	A or F	A or F	F
	A&W	A&W	A&W	A&W	A&W	A&W	A&F	-	-	-	A or F	A or F	A&F

<sup>1</sup> Only required for multi-family development in RMF-8.

<sup>2</sup> Only B-1 that includes a residential component adjacent to non-residential uses or zoning requires "A&F" buffer.

Zoning of Proposed Development	Zoning of Adjacent Property												
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2	CSR
C-2 & I-O													
I-1	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
I-2	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
CSR <sup>2,3</sup>	-	-	-	-	-	-	-	-	-	B	B	B	-

**Legend Notes**

- A and B indicate landscape buffer types as described in ~~paragraph Section 6.5.E.~~ Exhibit 6.5.D
- F and W indicate a six (6)-foot fence and wall respectively as described in paragraph 1 of this section 6.5.F.
- A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet (6')
- The word "or" means either the landscape buffer or fence/wall may be provided.
- The "&" means that both the landscape buffer and the fence/wall shall be provided.
- Where alleys or streets separate different zone districts, the Director ~~can~~ may approve increased landscaping rather than requiring a wall or fence.
- The Director ~~can~~ may modify this table based on the uses proposed in any zone district.

<sup>3</sup> Gravel operations subject to buffering adjacent to residential.

<sup>4</sup> A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet.



**Exhibit 6.5.B D**

**BUFFER REQUIREMENTS**

Buffer Types	Landscaping Requirements	Location of Buffers on Site
<p align="center"><b>Type A</b></p> <p align="center">Type B</p>	<p align="center"><b>8 foot wide landscape strip with trees and shrubs</b></p> <p align="center">25 foot wide landscape strip with trees and shrubs</p>	<p align="center"><b>Between different uses</b></p> <p align="center"><b>Table 6.5</b></p> <p>Between different uses Table 6.5</p>
<p>Note: <b>Fences and walls are required for most buffers.</b></p>		



**Attach 5**

**Setting a Hearing for the Cameck Annexation Located at 3048 D ½ Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Cameck Annexation located at 3048 D ½ Rd						
<b>Meeting Date</b>	April 21, 2004						
<b>Date Prepared</b>	April 12, 2004					File #ANX-2004-049	
<b>Author</b>	Senta L. Costello			Associate Planner			
<b>Presenter Name</b>	Senta L. Costello			Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinances. The 2.5005 acre Cameck Annexation consists of 1 parcel and approximately 160' of the north ½ of D ½ Road located at 3048 D ½ Road and is a 2 part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Cameck Annexation petition and introduce the proposed Cameck Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for June 2, 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. Resolution Referring Petition
8. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		3048 D ½ Rd		
<b>Applicants:</b>		Christopher & Cynthia Morse – DBA Cameck LLC		
<b>Existing Land Use:</b>		Agricultural / Horse Property / Single Family Home		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential @ 4.4 du/ac		
	<b>South</b>	Agricultural / Single Family homes		
	<b>East</b>	Single Family Residential @ 3.9 du/ac		
	<b>West</b>	Agricultural / Single Family homes		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-5		
<b>Surrounding Zoning:</b>	<b>North</b>	County RMF-5		
	<b>South</b>	County PUD (Undeveloped w/o a plan)		
	<b>East</b>	County RMF-5		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 2.5005 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

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

The following annexation and zoning schedule is being proposed.

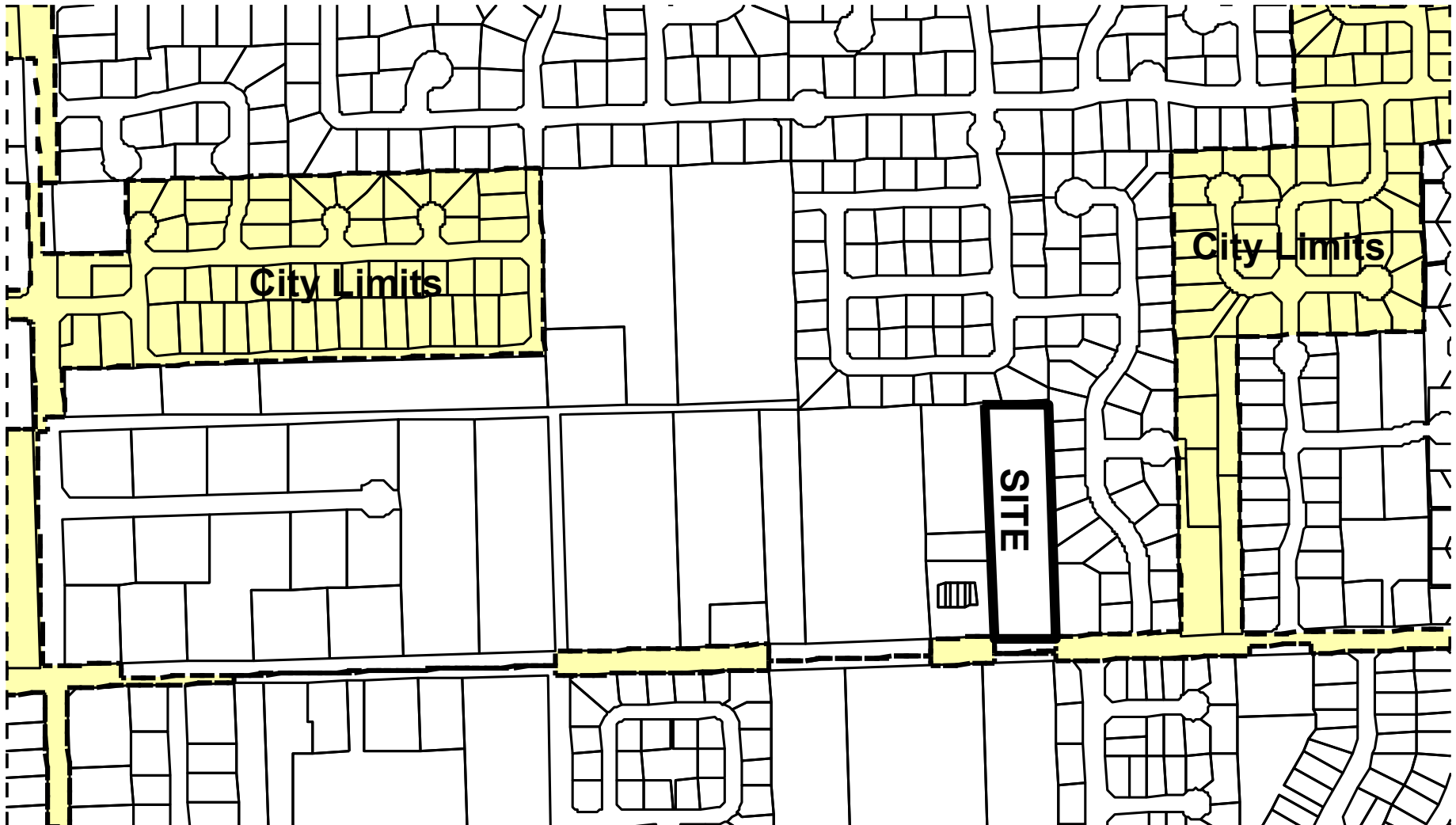
<u><i>ANNEXATION SCHEDULE</i></u>	
<b>April 21, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 11, 2004</b>	Planning Commission considers Zone of Annexation
<b>May 19, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 2, 2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 4, 2004</b>	Effective date of Annexation and Zoning

**CAMECK ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-049	
<b>Location:</b>	3048 D ½ Rd	
<b>Tax ID Number:</b>	2943-162-00-042	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	1	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	2.5005 ac	
<b>Developable Acres Remaining:</b>	2.35 ac	
<b>Right-of-way in Annexation:</b>	Approximately 160' of the north ½ of D ½ Road	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-5	
<b>Current Land Use:</b>	Agricultural / Horse Property / Single Family Home	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$5,850
	<b>Actual:</b>	= \$73,480
<b>Address Ranges:</b>	3048 D ½ Road	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation / Grand Junction Drainage District
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	Upper Valley Pest Control

# Site Location Map

Figure 1



# Aerial Photo Map

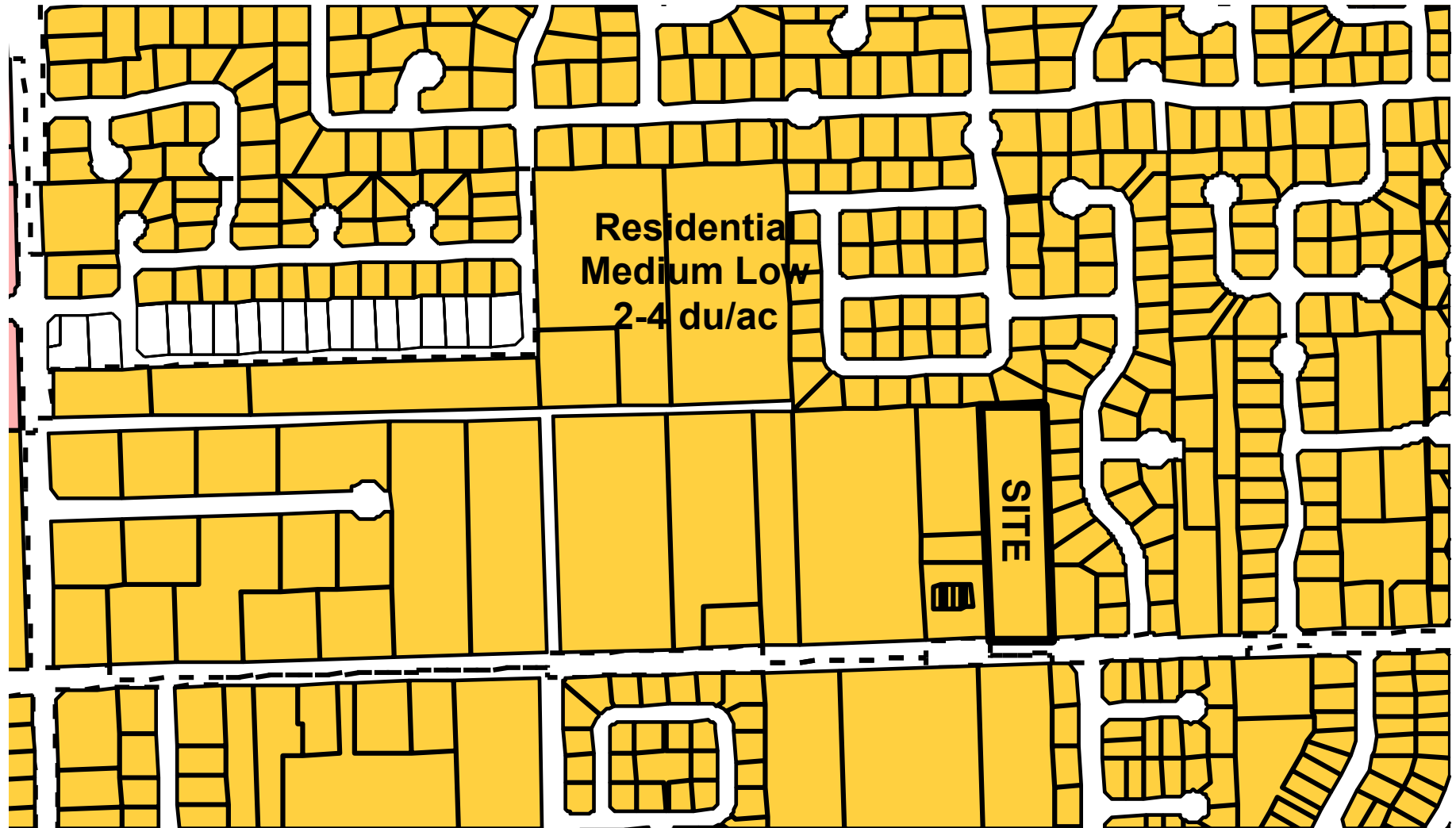
Figure 2





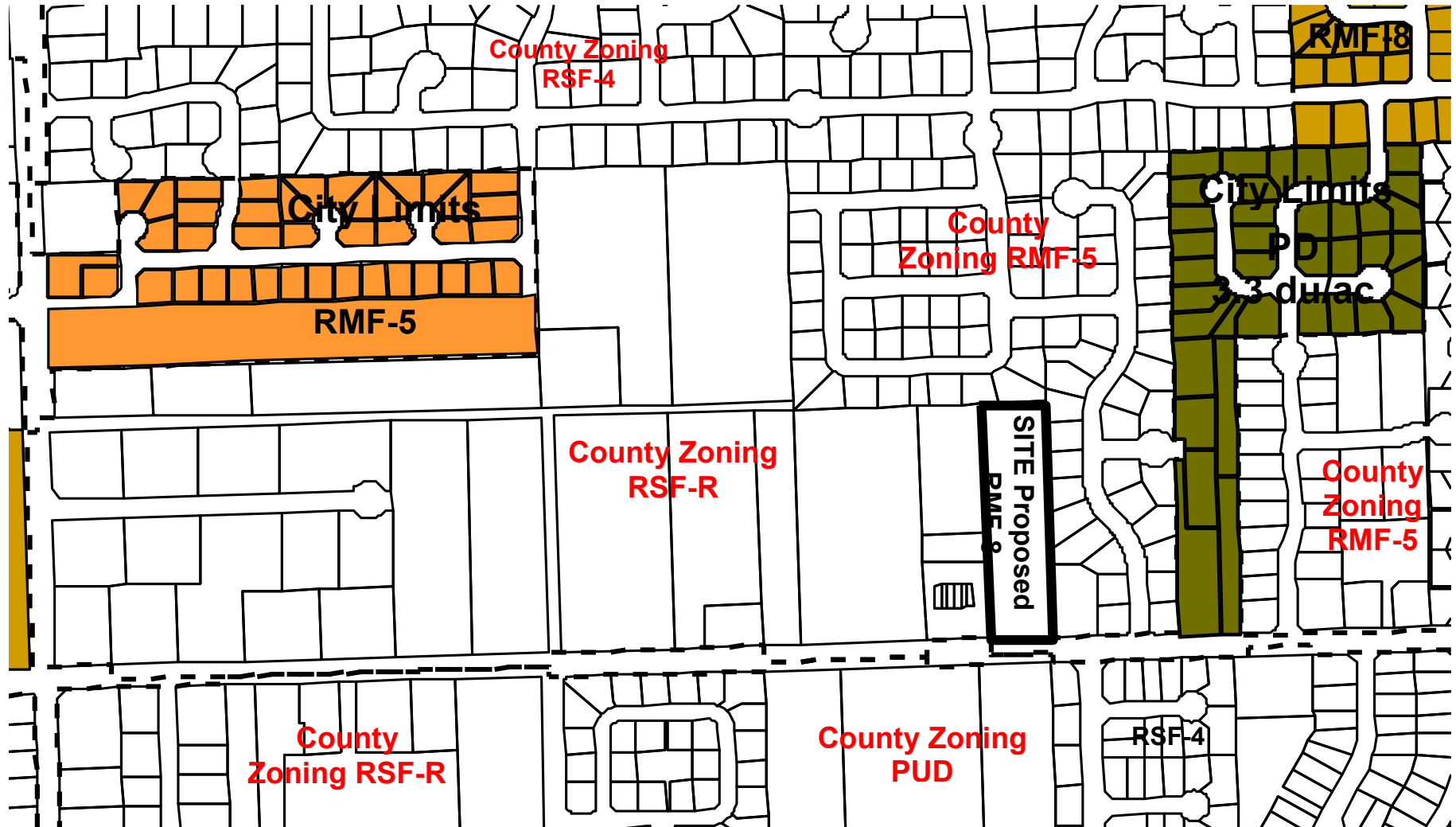
# Future Land Use Map

Figure 3



# Existing City and County Zoning

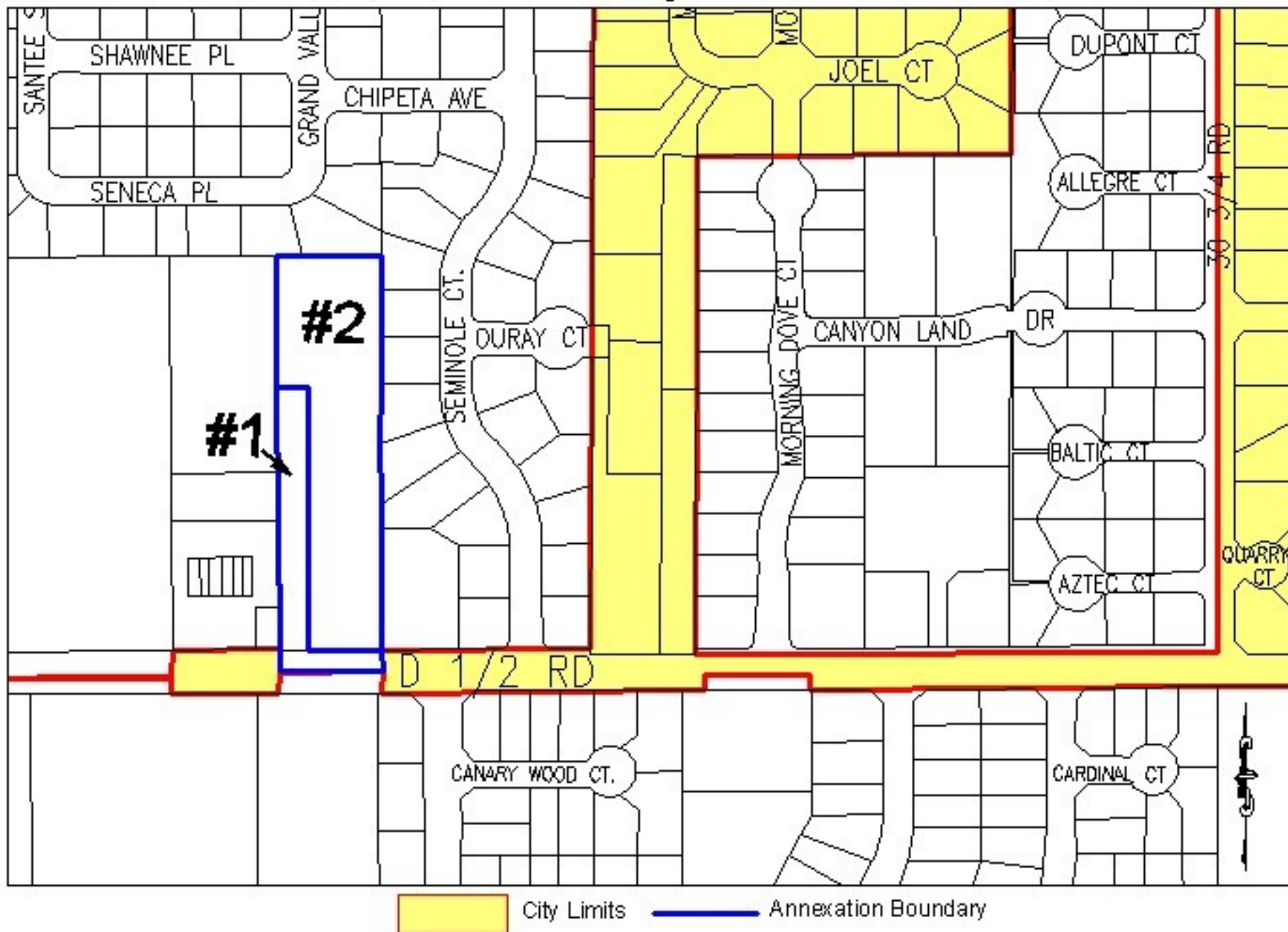
Figure 4



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."

# Cameck Annexation #1 & #2

Figure 5



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 21<sup>st</sup> of April, 2004, the following Resolution was adopted:

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

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

**CAMECK ANNEXATION**

**LOCATED at 3048 D ½ Road.**

WHEREAS, on the 21<sup>st</sup> day of April, 2004, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**CAMECK ANNEXATION NO. 1**

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE 1/4 SE 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of said Section 16 and assuming the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 16 bears S 89°54'19" W with all other bearings contained herein being in reference thereto; thence from said Point of Beginning, S 89°54'19" W along the South line of the SE 1/4 NW 1/4 of said Section 16, a distance of 165.00 feet, more or less, to its intersection with the West line of the East Quarter (E 1/4) of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence N 00°00'54" W along said West line, a distance of 450.00 feet; thence S 89°59'09" E a distance of 50.00 feet; thence S 00°00'54" E a distance of 416.90 feet; thence N 89°54'19" E along a line 33.00 feet North of and parallel with, the South line of the SE 1/4 NW 1/4 of said Section 16, a distance of 115.02 feet to a point on the East line of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 00°00'51" W along said East line, a distance of 33.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.6036 Acres (26,292.89 Sq. Ft.), more or less, as described

**CAMECK ANNEXATION NO. 2**

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE 1/4 SE 1/4 NW 1/4) of Section 16, 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 Southeast corner of the Northwest Quarter of said Section 16 and assuming the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 16 bears S 89°54'19" W with all other bearings contained herein being in reference thereto; thence from said Point of Commencement, N 00°00'51" E along the East line of the SE 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 33.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°54'19" W along a line 33.00 feet North of and parallel with, the South line of the SE 1/4 NW 1/4 of said Section 16, a distance of 115.02 feet; thence N 00°00'54" W a distance of 416.90 feet; thence N 89°59'09" W a distance of 50.00 feet, more or less, to a point on the West line of the East Quarter (E 1/4) of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence N 00°00'54" W along said West line, a distance of 209.46 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 16; thence N 89°54'06" E along said North line, being the South line of Cherokee Village No. Two, as same is recorded in Plat Book 13, Page 13, Public Records of Mesa County, Colorado, a distance of 165.34 feet, more or less, to a point being the Northeast corner of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 00°00'51" W along the East line of the SE 1/4 SE 1/4 NW 1/4 of said Section 16, said line being the West line of Cherokee Village, as same is recorded in Plat Book 12, Page 362, Public Records of Mesa County, Colorado, a distance of 626.47 feet, more or less, to the Point of Beginning.

CONTAINING 1.8969 Acres, (82,629.21 Sq. Ft.) more or less, as described

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

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

1. That a hearing will be held on the 2<sup>nd</sup> day of June, 2004, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and

improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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

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

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

<i><b>DATES PUBLISHED</b></i>
<b>April 23, 2004</b>
<b>April 30, 2004</b>
<b>May 7, 2004</b>
<b>May 14, 2004</b>



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CAMECK ANNEXATION #1**

**APPROXIMATELY 0.6036 ACRES**

**LOCATED AT 3048 D 1/2 ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of April, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of June, 2004; and

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

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

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

**CAMECK ANNEXATION NO. 1**

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE 1/4 SE 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of said Section 16 and assuming the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 16 bears S 89°54'19" W with all other bearings contained herein being in reference thereto; thence from said Point of Beginning, S 89°54'19" W along the South line of the SE 1/4 NW 1/4 of said Section 16, a distance of 165.00 feet, more or less, to its intersection with the West line of the East Quarter (E 1/4) of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence N 00°00'54" W along said West line, a distance of

450.00 feet; thence S 89°59'09" E a distance of 50.00 feet; thence S 00°00'54" E a distance of 416.90 feet; thence N 89°54'19" E along a line 33.00 feet North of and parallel with, the South line of the SE 1/4 NW 1/4 of said Section 16, a distance of 115.02 feet to a point on the East line of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 00°00'51" W along said East line, a distance of 33.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.6036 Acres (26,292.89 Sq. Ft.), more or less, as described

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

**INTRODUCED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CAMECK ANNEXATION #2**

**APPROXIMATELY 1.8969 ACRES**

**LOCATED AT 3048 D 1/2 ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of April, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of June, 2004; and

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

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

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

**CAMECK ANNEXATION NO. 2**

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE 1/4 SE 1/4 NW 1/4) of Section 16, 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 Southeast corner of the Northwest Quarter of said Section 16 and assuming the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 16 bears S 89°54'19" W with all other bearings contained herein being in reference thereto; thence from said Point of Commencement, N 00°00'51" E along the East line of the SE 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 33.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°54'19" W along a line 33.00 feet North of and parallel with, the South line of the SE 1/4 NW 1/4 of

said Section 16, a distance of 115.02 feet; thence N 00°00'54" W a distance of 416.90 feet; thence N 89°59'09" W a distance of 50.00 feet, more or less, to a point on the West line of the East Quarter (E 1/4) of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence N 00°00'54" W along said West line, a distance of 209.46 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 16; thence N 89°54'06" E along said North line, being the South line of Cherokee Village No. Two, as same is recorded in Plat Book 13, Page 13, Public Records of Mesa County, Colorado, a distance of 165.34 feet, more or less, to a point being the Northeast corner of the SE 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 00°00'51" W along the East line of the SE 1/4 SE 1/4 NW 1/4 of said Section 16, said line being the West line of Cherokee Village, as same is recorded in Plat Book 12, Page 362, Public Records of Mesa County, Colorado, a distance of 626.47 feet, more or less, to the Point of Beginning.

CONTAINING 1.8969 Acres, (82,629.21 Sq. Ft.) more or less, as described.

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

**INTRODUCED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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

**Attach 6**

**Setting a Hearing for the Holley Annexation Located at 2936 D ½ Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Holley Annexation located at 2936 D ½ Road						
<b>Meeting Date</b>	April 21, 2004						
<b>Date Prepared</b>	April 12, 2004					File #ANX-2004-059	
<b>Author</b>	Senta L. Costello			Associate Planner			
<b>Presenter Name</b>	Senta L. Costello			Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinances. The 0.8402 acre Holley Annexation consists of 1 parcel located at 2936 D ½ Road and is a 2 part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Holley Annexation petition and introduce the proposed Holley Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for June 2, 2004.

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

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		2936 D ½ Road	
<b>Applicants:</b>		Tom Holley	
<b>Existing Land Use:</b>		Single Family Home	
<b>Proposed Land Use:</b>		Single Family Home	
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural / Single Family Homes	
	<b>South</b>	Agricultural / Single Family Homes	
	<b>East</b>	Agricultural / Single Family Homes	
	<b>West</b>	Agricultural / Single Family Homes	
<b>Existing Zoning:</b>		County RSF-R	
<b>Proposed Zoning:</b>		City RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	County I-2	
	<b>South</b>	County RSF-E / RSF-R; City RMF-8	
	<b>East</b>	County RSF-R	
	<b>West</b>	County RSF-R	
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 0.8402 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to allow smaller setbacks. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

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

The following annexation and zoning schedule is being proposed.

<u><i>ANNEXATION SCHEDULE</i></u>	
<b>April 21, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 11, 2004</b>	Planning Commission considers Zone of Annexation
<b>May 19, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>June 2, 2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 4, 2004</b>	Effective date of Annexation and Zoning

**HOLLEY ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-059	
<b>Location:</b>	2936 D ½ Road	
<b>Tax ID Number:</b>	2943-172-00-064	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	0.85	
<b>Developable Acres Remaining:</b>	0.8402	
<b>Right-of-way in Annexation:</b>	91.50' of north 30' of D ½ Road	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Single Family Home	
<b>Future Land Use:</b>	Single Family Home	
<b>Values:</b>	<b>Assessed:</b>	= \$8,770
	<b>Actual:</b>	= \$110,180
<b>Address Ranges:</b>	2936 D ½ Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley Sanitation Dist
	<b>Fire:</b>	Grand Junction Rural Fire Dist
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation Dist / Grand Junction Drainage Dist
	<b>School:</b>	Mesa County School Dist



# Site Location Map

Figure 1



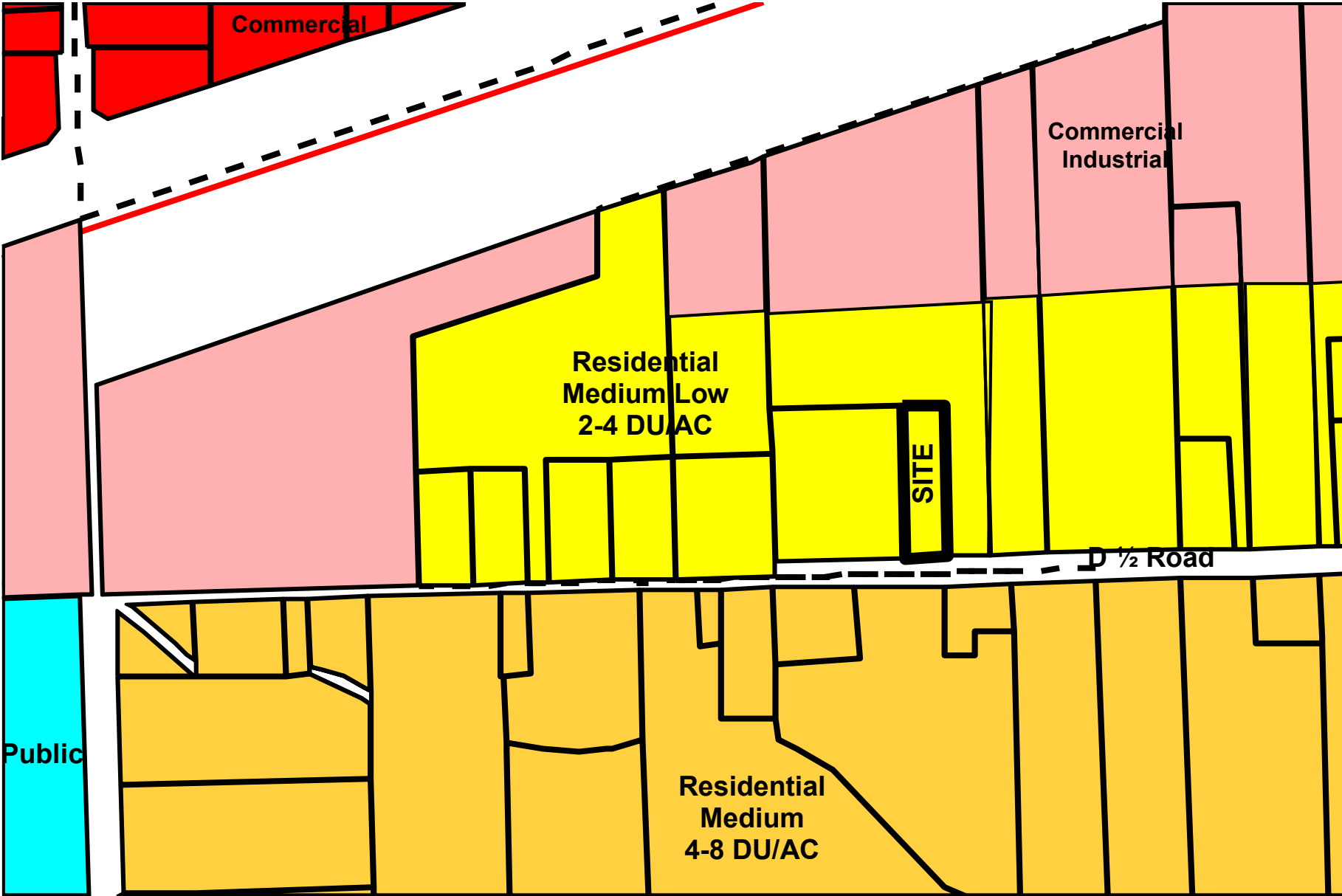
# Aerial Photo Map

Figure 2



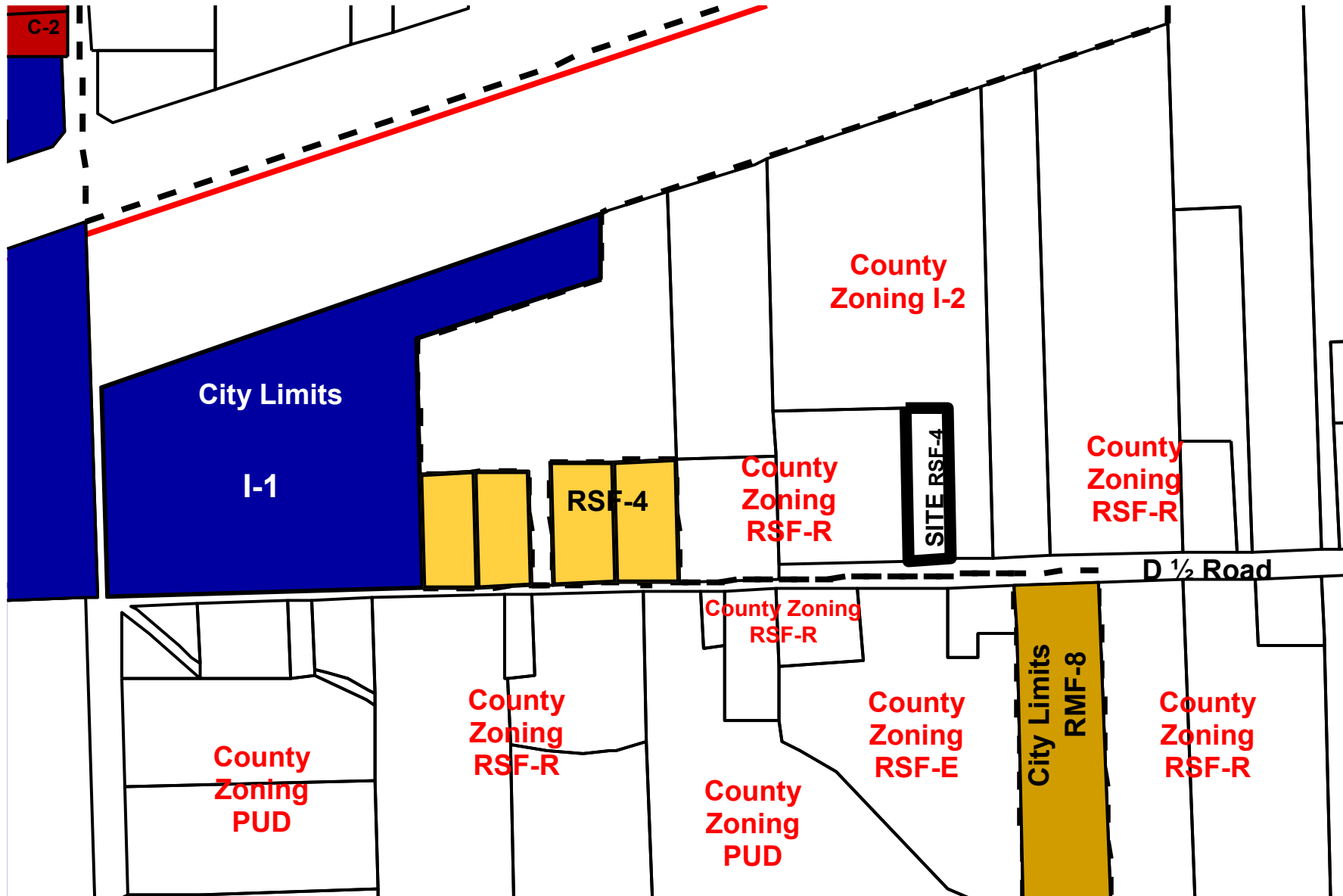
# Future Land Use Map

Figure 3



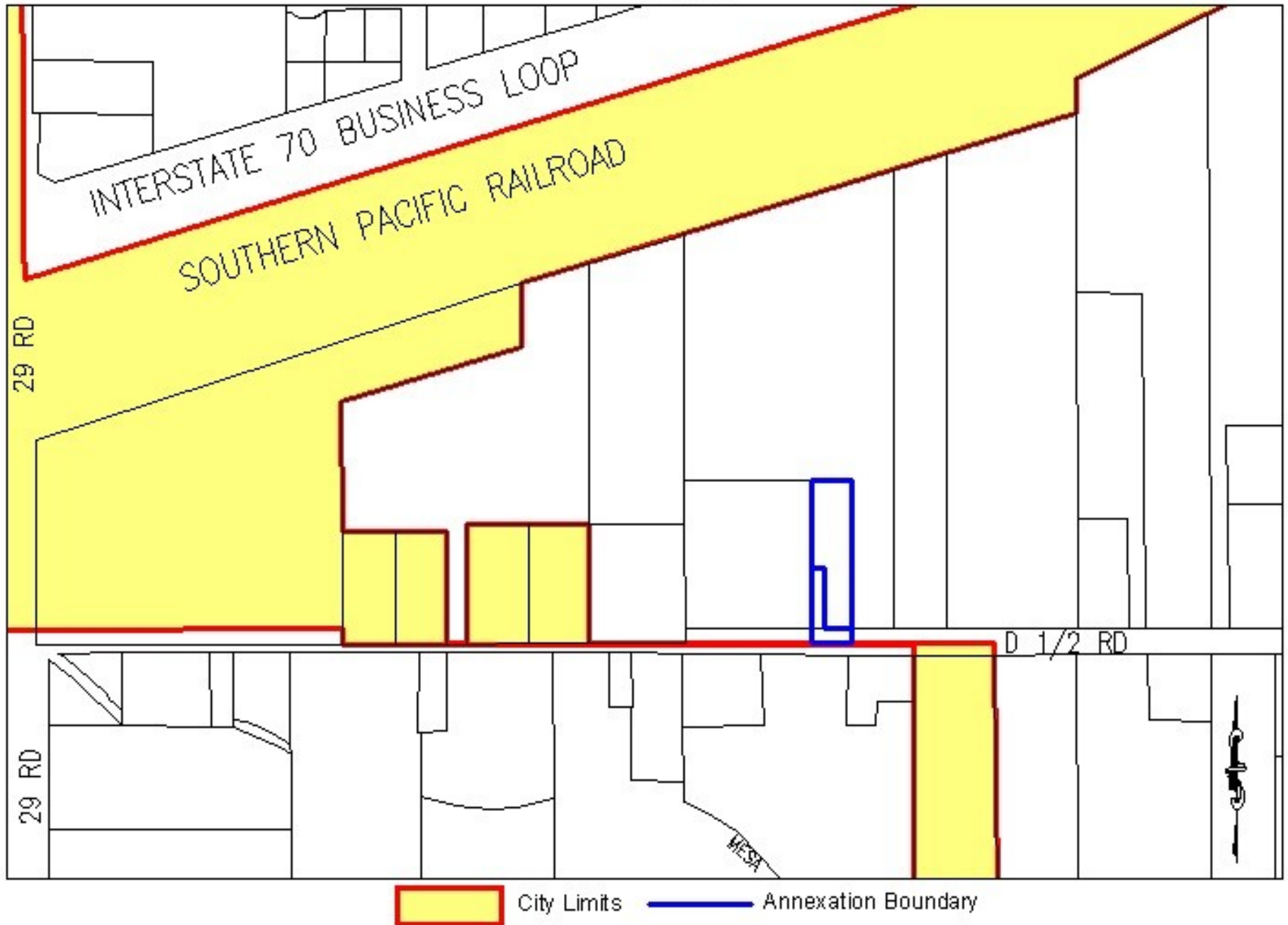
# Existing City and County Zoning

Figure 4



# Holley Annexations #1 & #2

Figure 5



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 21<sup>st</sup> of April, 2004, the following Resolution was adopted:

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

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

**HOLLEY ANNEXATION**

**LOCATED at 2936 D ½ Road.**

WHEREAS, on the 21<sup>st</sup> day of April, 2004, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**HOLLEY ANNEXATION NO. 1**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 17, 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 the SE 1/4 NW 1/4 of said Section 17, and assuming the South line of the SE 1/4 NW 1/4 of said Section 17 bears S 89°59'32" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°59'32" E along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 660.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°00'00" W a distance of 180.00 feet; thence N 90°00'00" E a distance of 30.00 feet; thence S 00°00'00" E a distance of 150.00 feet; thence S 89°59'32" E a distance of 61.50 feet; thence S 00°00'00" E a distance of 30.00 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 17; thence N 89°59'32" W along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 91.50 feet, more or less, to the Point of Beginning.

CONTAINING 0.1663 Acres (7,245.0 Sq. Ft.) more or less, as described.

**Holley Annexation No. 2**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 17, 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 the SE 1/4 NW 1/4 of said Section 17, and assuming the South line of the SE 1/4 NW 1/4 of said Section 17 bears S 89°59'32" E

with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°59'32" E along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 660.00 feet; thence N 00°00'00" W a distance of 180.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°00'00" W a distance of 220.00 feet; thence S89°59'32" E a distance of 91.50 feet; thence S 00°00'00" E a distance of 370.00 feet; thence N 89°59'32" W a distance of 61.50 feet; thence N 00°00'00" W a distance of 150.00 feet; thence S 90°00'00" W a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.6739 Acres (29,355.0 Sq. Ft.) more or less, as described.

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

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

1. That a hearing will be held on the 2<sup>nd</sup> day of June, 2004, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

\_\_\_\_\_



President of the Council

---

City Clerk

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

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

<i><b>DATES PUBLISHED</b></i>
<b>April 23, 2004</b>
<b>April 30, 2004</b>
<b>May 7, 2004</b>
<b>May 14, 2004</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**HOLLEY ANNEXATION #1**

**APPROXIMATELY 0.1663 ACRES**

**LOCATED AT 2936 D ½ ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of April, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of June, 2004; and

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

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

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

**HOLLEY ANNEXATION #1**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 17, 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 the SE 1/4 NW 1/4 of said Section 17, and assuming the South line of the SE 1/4 NW 1/4 of said Section 17 bears S 89°59'32" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°59'32" E along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 660.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°00'00" W a distance of 180.00 feet; thence N 90°00'00" E a distance of 30.00 feet; thence S 00°00'00" E a distance of 150.00 feet; thence S 89°59'32" E a distance of 61.50 feet; thence S 00°00'00" E a distance of 30.00 feet to a

point on the South line of the SE 1/4 NW 1/4 of said Section 17; thence N 89°59'32" W along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 91.50 feet, more or less, to the Point of Beginning.

CONTAINING 0.1663 Acres (7,245.0 Sq. Ft.) more or less, as described.

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

**INTRODUCED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**HOLLEY ANNEXATION #2**

**APPROXIMATELY 0.6739 ACRES**

**LOCATED AT 2936 D ½ ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of April, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of June, 2004; and

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

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

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

**HOLLEY ANNEXATION #2**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 17, 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 the SE 1/4 NW 1/4 of said Section 17, and assuming the South line of the SE 1/4 NW 1/4 of said Section 17 bears S 89°59'32" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°59'32" E along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 660.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°00'00" W a distance of 180.00 feet; thence N 90°00'00" E a distance of 30.00 feet; thence S 00°00'00" E a distance of 150.00 feet; thence S 89°59'32" E a distance of 61.50 feet; thence S 00°00'00" E a distance of 30.00 feet to a

point on the South line of the SE 1/4 NW 1/4 of said Section 17; thence N 89°59'32" W along the South line of the SE 1/4 NW 1/4 of said Section 17, a distance of 91.50 feet, more or less, to the Point of Beginning.

CONTAINING 0.1663 Acres (7,245.0 Sq. Ft.) more or less, as described.

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

**INTRODUCED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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

**Attach 7**

**Vacation of a Portion of a Utility Easement 722 ½ Spanish Trail Drive**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Vacation of a 10' x 36.3' portion of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, 722 ½ Spanish Trail Drive					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 15, 2004				File #VE-2004-015	
<b>Author</b>	Scott D. Peterson		Associate Planner			
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	No		Yes	When	
<b>Citizen Presentation</b>		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** The applicants wish to vacate a 10' x 36.3' area of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3. Due to a site plan error at the time the Planning Clearance was issued, the recently constructed single-family home was constructed into this existing easement. There are no utilities currently located or proposed within the area to be vacated. The Planning Commission recommended approval at its April 20, 2004 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution vacating a 10' x 36.3' area of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

**Attachments:**

1. Background Information/Staff Analysis
2. Site Location Map
3. Aerial Photo Map

4. Future Land Use Map
5. Existing City Zoning Map
6. Resolution & Exhibit A

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>722 ½ Spanish Trail Drive</b>		
<b>Applicants:</b>		<b>FamFirst Homebuilders, Inc., Owner Ridemore Enterprises, Inc., Applicant</b>		
<b>Existing Land Use:</b>		<b>Single Family Home</b>		
<b>Proposed Land Use:</b>		<b>N/A</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single Family Residential</b>		
	<b>South</b>	<b>Single Family Residential</b>		
	<b>East</b>	<b>Single Family Residential (Proposed Phase IV – Spanish Trail Subd.)</b>		
	<b>West</b>	<b>Single Family Residential</b>		
<b>Existing Zoning:</b>		<b>PD, Planned Development</b>		
<b>Proposed Zoning:</b>		<b>N/A</b>		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>PD, Planned Development</b>		
	<b>South</b>	<b>PD, Planned Development</b>		
	<b>East</b>	<b>PD, Planned Development</b>		
	<b>West</b>	<b>PD, Planned Development</b>		
<b>Growth Plan Designation:</b>		<b>Residential Medium (4 - 8 DU/Acre)</b>		
<b>Zoning within density range?</b>		N/A	Yes	No

**Staff Analysis:**

The petitioners, FamFirst Homebuilders, Inc., and Ridemore Enterprises, Inc., wish to vacate a 10' x 36.3' portion of an existing 15' Drainage & Utility Easement in order to accommodate the recently constructed single-family home. The existing drainage portion of the easement is not a publicly dedicated drainage easement but is for the benefit and owners of the Spanish Trail Homeowners Association



which have approved the vacation request. The utility easement portion of the easement is publicly dedicated and needs to be officially vacated.

The home was approved for construction in November, 2003 and received a Planning Clearance from the City at that time which showed the house at its current location on the lot. However the building contractor did not indicate on the site plan and City staff did not notice that there is an existing 15' Drainage & Utility Easement located along the south property line of Lot 20, directly where a portion of the house was going to be constructed. The proposed vacation request will vacate an area of the easement that is currently encumbered by the house and for the future land owner's to obtain a clear title to the property. There are no utilities currently located or proposed within the area to be vacated.

**Consistency with the Growth Plan:**

The site is currently zoned PD, Planned Development with the Growth Plan Future Land Use Map showing this area as Residential Medium (4 – 8 DU/Acre).

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

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

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

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

Access will not be restricted.

- 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 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.

- 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.

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 there are no utilities located within the requested portion of the vacation. No adverse comments were received from the utility review agencies.

- f. 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 there are no utilities located within the portion requested to be vacated.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the 722 ½ Spanish Trail Drive application, VE-2004-015 for the vacation of a 10' x 36.3' portion of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, the Planning Commission at their April 20, 2004 meeting made the following findings of fact and conclusions:

3. The requested 10' x 36.3' drainage and utility easement vacation is consistent with the Growth Plan.
4. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.

**Action Requested/Recommendation:** Approval of the Resolution vacating the 10' x 36.3' portion of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

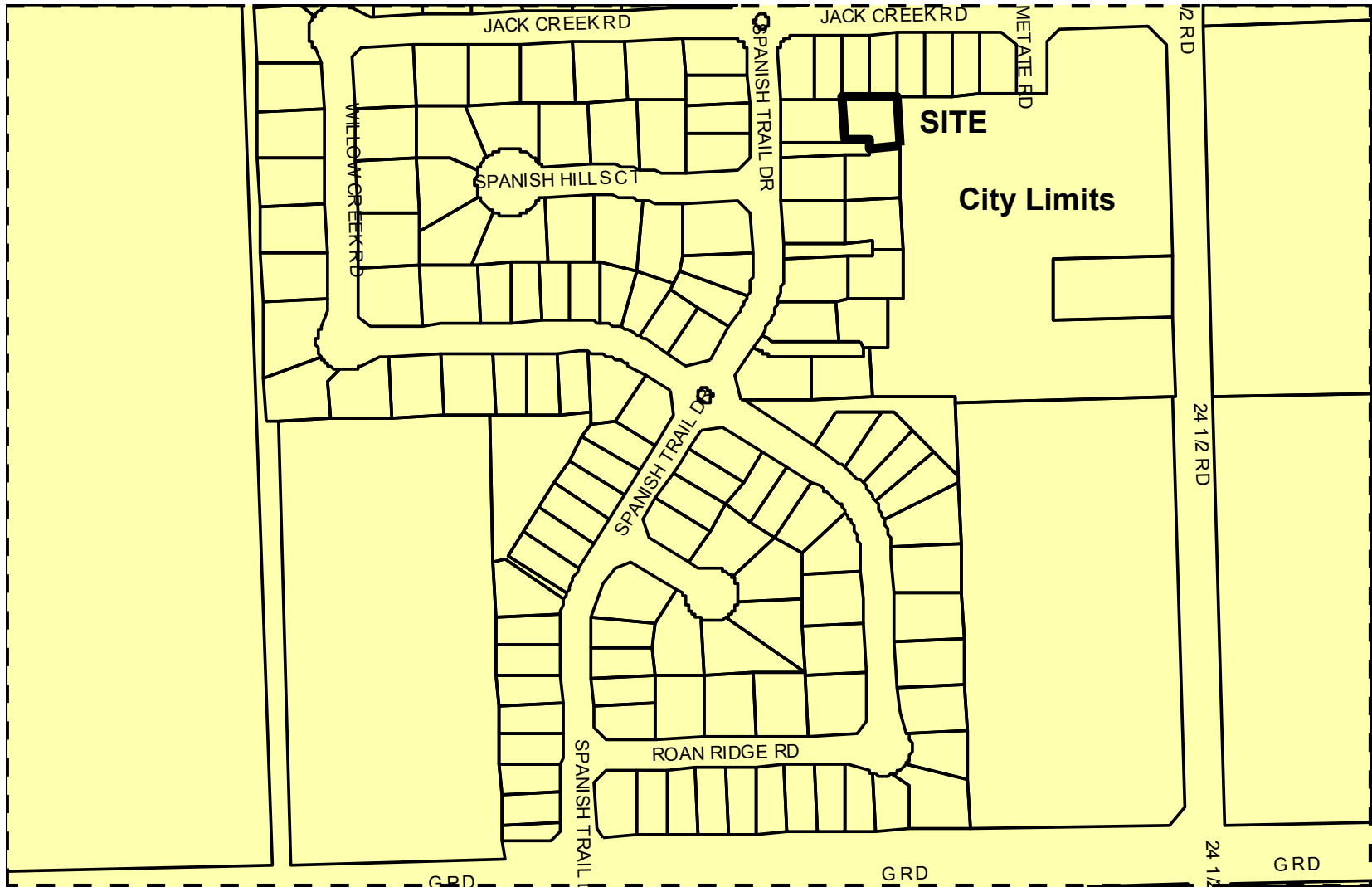
**Attachments:**

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



# Site Loc. Map – 722 ½ Spanish Trail Dr. – Ease. Vac.

Figure 1



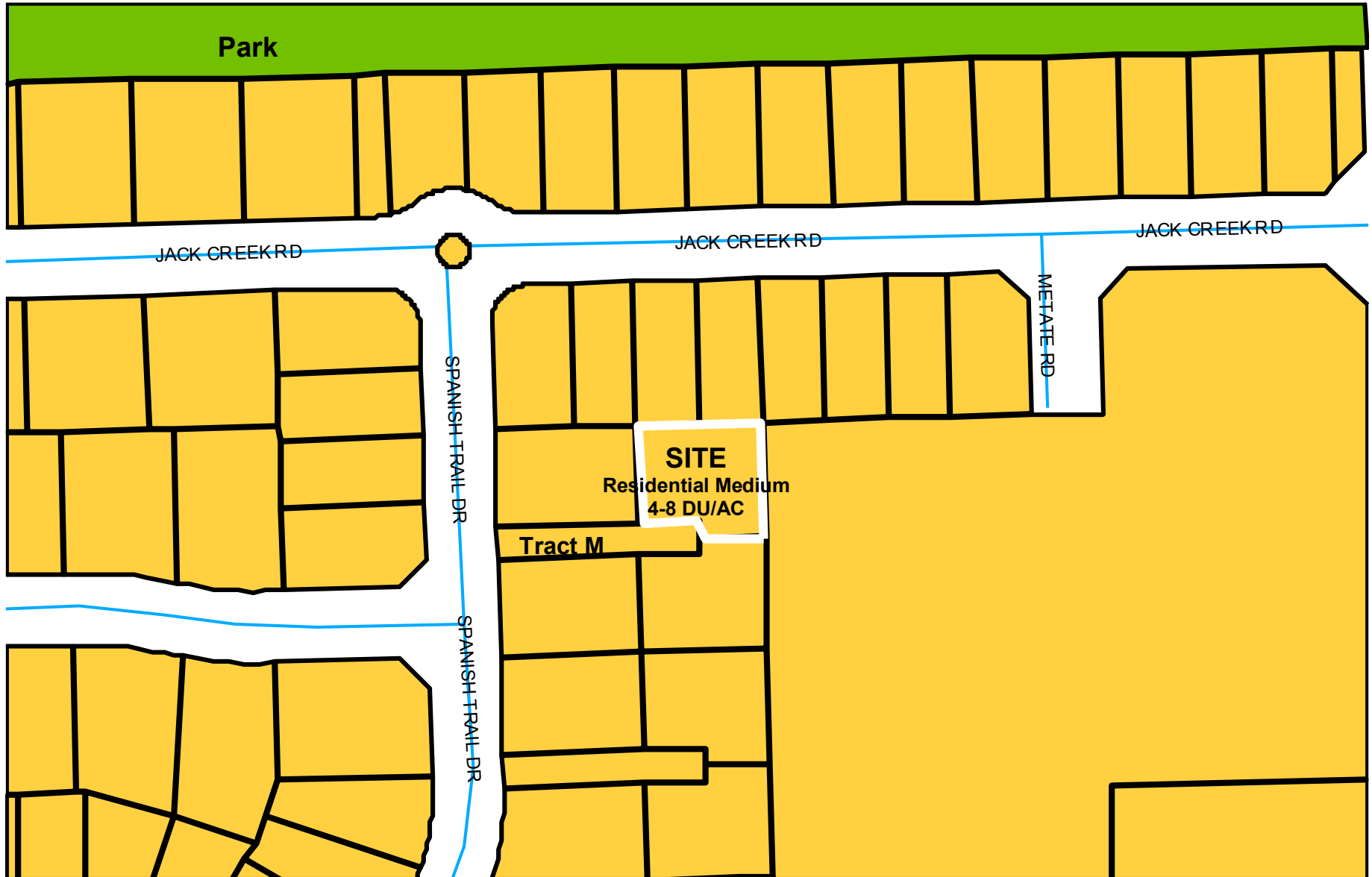
# Aerial Photo Map – 722 ½ Spanish Trail Drive

Figure 2



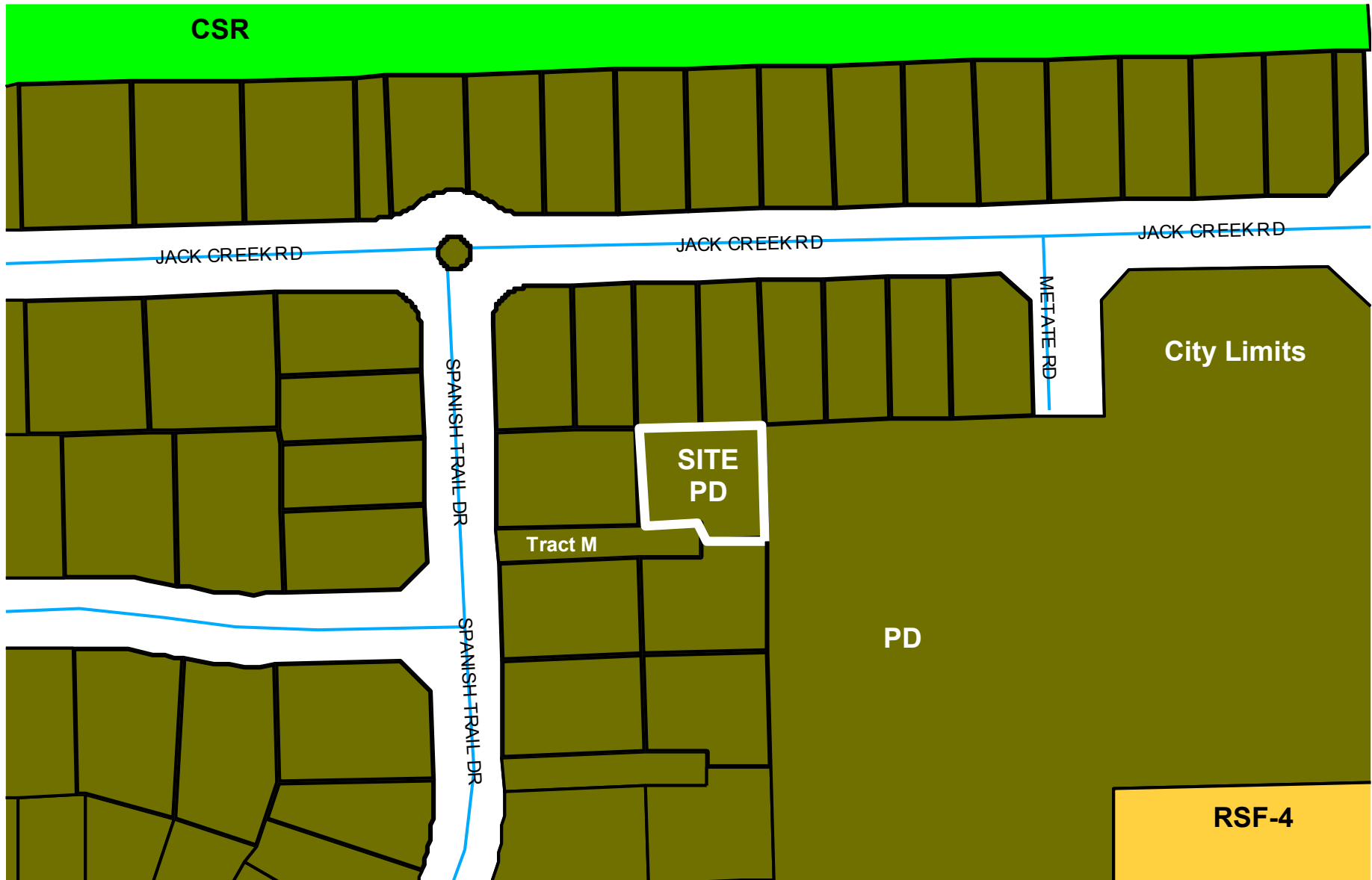
# Future Land Use Map – 722 ½ Spanish Trail Dr.

Figure 3



# Existing City Zoning – 722 ½ Spanish Trail Dr.

Figure 4



**CITY OF GRAND JUNCTION**

**Resolution No. \_\_\_\_\_**

A RESOLUTION VACATING A 10' x 36.3' PORTION OF A 15' DRAINAGE & UTILITY EASEMENT LYING WITHIN LOT 20, BLOCK 10, SPANISH TRAIL SUBDIVISION, PHASE 3  
KNOWN AS: 722 ½ Spanish Trail Drive

**RECITALS:**

The applicants propose to vacate a 10' x 36.3' portion of a 15' Drainage & Utility Easement located within Lot 20, Block 10, in order to accommodate a single-family home.

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

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

1. The following described utility easement is hereby vacated:

A parcel of land to be vacated, which is located in Lot 20 of Block 10 of Spanish Trail Subdivision Phase Three and is presently used as an easement for Drainage & Utility purposes. Said easement and subdivision are recorded in Plat Book No. 20 at Pages 6 & 7 of the Mesa County Clerk & Recorder's Office. Vacation is more particularly described as follows:

Commencing at the SE Corner of Lot 20 in Block 10 of Spanish Trail Subdivision Phase Three, which is recorded at the Mesa County Clerk and Recorder's Office in Plat Book No. 20 at Pages 6 & 7, and considering the North Line of said Lot 20 to bear S89°54'31"E and all bearings contained herein to be relative thereto; thence N00°05'37"E along the East Line of said Lot 20 a distance of 5.00 feet to the Point of Beginning; thence N89°54'31"W a distance of 36.33 feet; thence N00°05'37"E a distance of 10.00 feet; thence S89°54'31"E a distance of 36.33 feet; thence S00°05'37"W a distance of 10.00 feet to the Point of Beginning, containing 363.30 square feet as described.

See attached Exhibit A.



PASSED and ADOPTED this 21<sup>st</sup> day of April, 2004.

ATTEST:

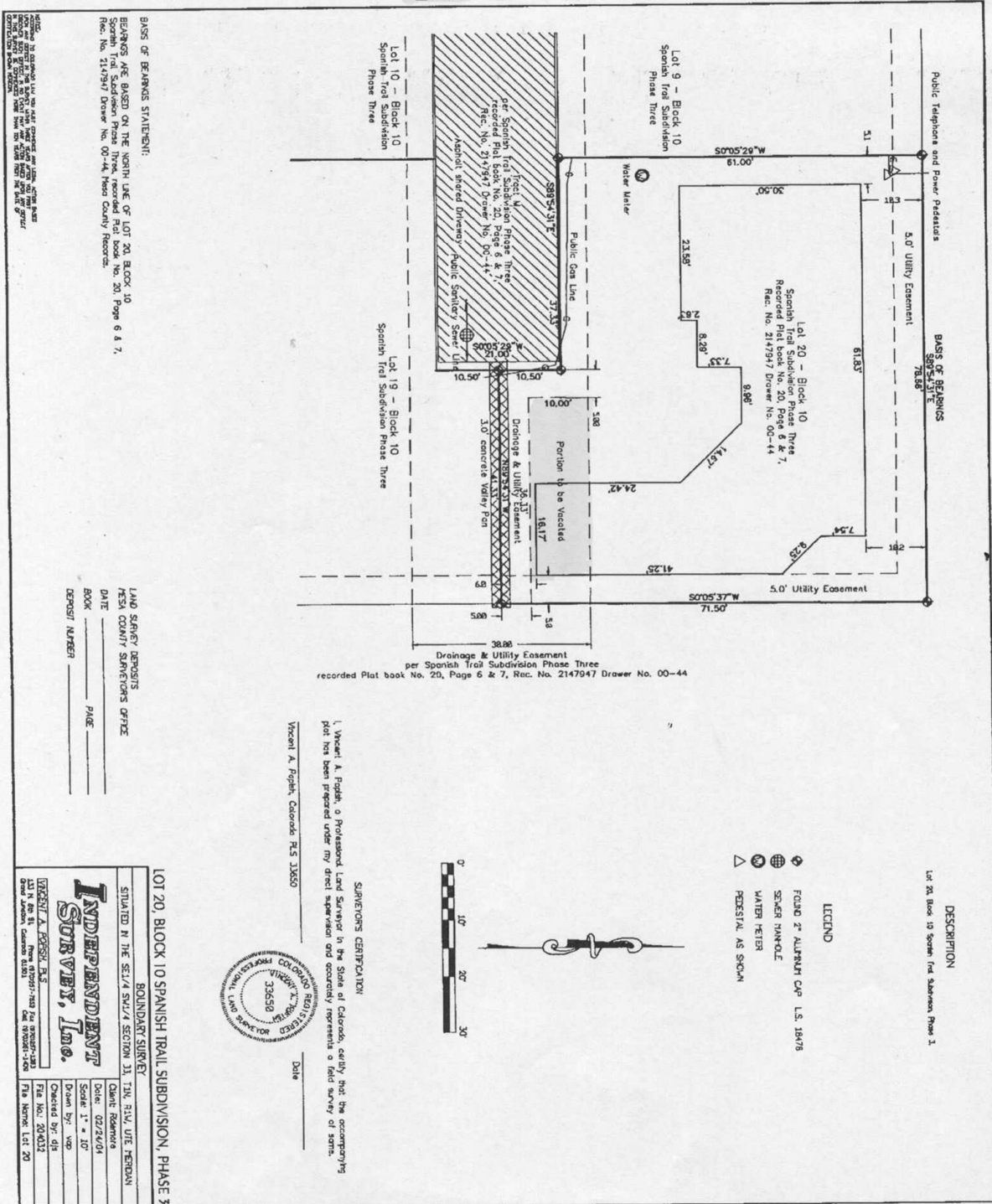
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City Clerk

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President of City Council

EXHIBIT "A"



**BASES OF BEARINGS STATEMENT:**  
 BEARINGS ARE BASED ON THE NORTH LINE OF LOT 20, BLOCK 10  
 Spanish Trail Subdivision Phase Three, record Book No. 20, Page 6 & 7,  
 Rec. No. 2147947 Drawer No. 00-44, Merit County Records.

**LAND SURVEY DEPOSITS**  
 MERIT COUNTY SURVEYORS OFFICE  
 DATE \_\_\_\_\_ PAGE \_\_\_\_\_  
 BOOK \_\_\_\_\_ DEPOSIT NUMBER \_\_\_\_\_

**NOTICE:**  
 THIS PLAT IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE SURVEY AND DOES NOT EXTEND TO ANY OTHER MATTER.

**LOT 20, BLOCK 10 SPANISH TRAIL SUBDIVISION, PHASE 3**

**Attach 8**  
**Purchase of 1.5 Ton Dump Trucks**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	<b>Purchase of 1.5 Ton Dump Trucks</b>					
<b>Meeting Date</b>	<b>April 21, 2004</b>					
<b>Date Prepared</b>	<b>April 13, 2004</b>					
<b>Author</b>	<b>Julie M. Hendricks</b>			<b>Buyer</b>		
<b>Presenter Name</b>	<b>Julie M. Hendricks</b>			<b>Buyer</b>		
	<b>Mark Relph</b>			<b>Public Works &amp; Utilities Director</b>		
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** This purchase is for the replacement of two (2) dump trucks. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

**Budget:** The Fleet Division has budgeted \$34,100 (Streets truck) and \$68,000 (Pipeline Maintenance) for replacement of these vehicles in 2004. Pipeline maintenance is downsizing from a 5 yard to a 3-4 yard dump truck. The remaining replacement budget will be re-applied to the replacement unit accrual which will provide a future reduction in annual rental rate. The budget for this replacement has been approved in the 2004 fiscal year budget.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to purchase two (2) dump trucks from Western Slope Ford for the amount of \$58,892.00.

**Background Information:** Two (2) dump trucks were solicited from the City's active bidder's list and the solicitation was advertised in the Daily Sentinel per City Purchasing Policy. The City solicited bids from 30 vendors and received 12 bids. The cost will be \$58,892.00 for a two trucks including trade. (F.O.B. Grand Junction, Colorado). The City Fleet Manager and the City Purchasing Manager agrees with this recommendation.

<b>Company</b>	<b>Location</b>	<b>Manuf/Model</b>	<b>Cost for 2 w/trade</b>
Western Slope Auto Co	Grand Jct, CO	Ford F550, Omaha	\$58,892
Glenwood Springs Ford	Glenwood Springs, CO	Ford F550, Rugby	\$59,970
Western Colorado	Grand Jct, CO	GMC TC5500, Rugby	\$63,480
Western Colorado	Grand Jct, CO	GMC TC5500, Crysteel	\$63,820

Western Colorado	Grand Jct, CO	GMC TC5500, Galion	\$63,860
Western Colorado	Grand Jct, CO	GMC TC5500, Omaha	\$64,340
Western Colorado	Grand Jct, CO	GMC TC5500, Crysteel E	\$66,110
Western Colorado	Grand Jct, CO	GMC TC5500, Mcdonald	\$71,160
Hanson Equipment	Grand Jct, CO	Int'l 4200, Mcdonald	\$81,790
Hanson Equipment	Grand Jct, CO	Int'l 4200, Omaha	\$89,130
Transwest Trucks	Commerce City, CO	Freightliner, Galion	\$92,590
Hanson Equipment	Grand Jct, CO	Int'l VT365, Omaha	\$100,420

**Attach 9**

**Setting a Hearing – Amending the Grand Junction City Code Regarding Sales and Use Tax**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Ordinance Amending the Code for Sales and Use Tax					
<b>Meeting Date</b>	April 21, 2004 1 <sup>st</sup> Reading					
<b>Date Prepared</b>	March 31, 2004				<b>File #</b>	
<b>Author</b>	John Shaver			<b>City Attorney</b>		
<b>Presenter Name</b>	Ron Lappi			<b>Admin. Svcs. and Finance Dir.</b>		
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	Annually in February
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** The attached Ordinance amends the City’s Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

**Budget:** We expect this ordinance to be slightly positive to neutral on the City revenues from Sales Tax. The importance of adoption of this ordinance and follow up policy May 5<sup>th</sup> is the overall message that timely payment is required. In 2003 alone, delinquent vendors paid an extra \$75,000 to the City for failure to file and pay Sales Taxes timely; while this amount may go down in future years, more timely collection of delinquencies will have a positive effect on monthly and annual cash flow and therefore interest income of the City.

**Action Requested/Recommendation:** Introduced this 21<sup>st</sup> day of April, 2004. Final passage scheduled for May 5, 2004.

**Attachments:** Proposed Ordinance amending the Grand Junction Code of Ordinances relative to Levy and Garnishment as a tool in the enforcement process, for first reading on April 21, 2004 with final consideration after a public hearing in May.

**Background Information:** Late last fall the City Council met with the Sales Tax enforcement staff of the City including the Customer Service Manager, Acting City Attorney and the Director of Administrative Services and Finance. The purpose of that

meeting and subsequent communications and discussion was to review the status of Sales Tax Delinquency and enforcement practices and procedures currently being followed. A result of those discussions was that, besides the procedures spelled out in the Sales Tax Ordinance that the City did not have a written policy, and not a policy statement approved by the City Council of the City of Grand Junction. Several Council members were supportive and interested in establishing such a policy and to make it stricter as to the worst delinquencies and the City's allowed time lines. Council and staff believe that this issue and subsequent proposed policy is as much a fairness and equity issue versus a potentially more revenue issue. The City staff involved in enforcement met with the State of Colorado, Department of Revenue Regional Enforcement Officer to better understand the State's process and procedures, and his recommendations have been incorporated in this proposal.

This ordinance together with a proposed Resolution adopting a City Policy on handling delinquent sales tax accounts are important steps to implementing stronger yet fair enforcement practices.

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

**AN ORDINANCE AMENDING SECTION 154 OF CHAPTER 34 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES CONCERNING SALES AND USE TAX**

RECITALS

The City Manager by and through the Customer Service Division of the Administrative Services Department is responsible for the administration, collection and enforcement of City sales tax. Collection of these taxes is accomplished principally through voluntary compliance. Voluntary compliance rates are excellent; however, the City has some businesses that do not voluntarily remit taxes and/or file tax returns. Out of respect for those taxpayers that do voluntarily collect taxes, file returns and remit the taxes as required by law the City commonly initiates enforcement action. The amendments to the Sales Tax Code proposed by this ordinance clarify the City's authority to levy or garnish the accounts and other property of the non-remitting merchant. The amendment implements the letter and the spirit of the law.

Sales taxes collected at retail by merchants are received in trust from the citizen to the City and as such should be properly and promptly remitted to the City. A business that fails to comply with the Sales Tax Code is afforded a financial advantage over its competitors. Fair and effective administration of the City's tax laws assures that all vendors are held responsible for fulfilling the public trust and thereby a "level playing field" is established for all involved. Taxes collected from citizens by merchants are neither theirs to borrow nor the City's to loan.

If voluntary compliance does not occur then enforcement of the law is necessary. Each enforcement action is intended to collect tax liabilities due the City from vendors that have underpaid, failed to file the necessary returns and/or have failed to remit the tax collected.

The City's enforcement procedures are established in the City's Sales Tax Code. Although seizure of assets is always an available remedy, the City endeavors to collect tax through means other than seizure. If seizure becomes necessary the City will seize assets as provided by the Sales Tax Code as amended by this ordinance.

The City is committed to fair and effective collection of City taxes in accordance with the law.

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

That Section 34-154 of the Grand Junction Code of Ordinances is amended as follows. Additions are shown in ALL CAPS, deletions are shown in ~~strikethrough~~.

(a) *Warrant commanding distraint.* Unless such property is exempt by state statute from distraint, ~~and sale, LEVY OR GARNISHMENT~~ the city manager may sign and issue a warrant directed to any employee or agent of the City or any sheriff of any county in the state, commanding HIM OR HER TO LEVY UPON, SEIZE AND SELL OR CONVERT SUFFICIENT OF THE REAL AND PERSONAL PROPERTY OF THE TAXPAYER FOR THE PAYMENT OF THE AMOUNT DUE, TOGETHER WITH INTEREST, PENALTIES AND COSTS AS MAY BE PROVIDED BY LAW, SUBJECT TO VALID PREEXISTING CLAIMS OR LIEN ~~the distraint and sale of personal property of the taxpayer on which a lien has attached for the payment of the tax due.~~

(b) *WHO MAY ACT ON WARRANT.* SUCH EMPLOYEE, AGENT OF THE CITY OR SHERIFF OF ANY COUNTY IN THE STATE SHALL FORTHWITH LEVY UPON SUFFICIENT OF THE PROPERTY OF THE TAXPAYER, INCLUDING ACCOUNT(S) AND/OR PROPERTY USED BY THE TAXPAYER IN CONDUCTING HIS RETAIL BUSINESS, EXCEPT PROPERTY MADE EXEMPT FROM LIEN BY STATE STATUTE. THE TANGIBLE PROPERTY SO LEVIED UPON SHALL BE SOLD IN ALL RESPECTS WITH LIKE EFFECT AND IN THE SAME MANNER AS IS PRESCRIBED BY LAW IN RESPECT TO EXECUTIONS AGAINST PROPERTY UPON JUDGMENT OF A COURT OF RECORD. THE REMEDIES OF GARNISHMENT SHALL APPLY TO THE TAXPAYERS ACCOUNT(S) AND MONEY.

RELETTER subparagraphs (b), (c), (d) and (e) of the section 34-154.

Introduced on first reading this 21<sup>st</sup> day of April 2004.

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

Attest:

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



**Attach 10**  
**Release First Right of Refusal 402 Grand Avenue**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	A Resolution Relinquishing a First Right of Refusal to Purchase Property at 402 Grand Avenue from the First Assembly of God Church.						
<b>Meeting Date</b>	April 21, 2004						
<b>Date Prepared</b>	April 14, 2004				<b>File #</b>		
<b>Author</b>	Tim Woodmansee			Real Estate Manager			
<b>Presenter Name</b>	Mark Relph			Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>		<b>Individual Consideration</b>

**Summary:** The City's parking lease with the First Assembly of God Church provides the City with a first right of refusal to purchase all of the Church's property at 402 Grand Avenue. Since the City and Mesa County have developed a parking structure, the parking lease and first right of refusal are no longer necessary.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt a Resolution Relinquishing a First Right of Refusal to Purchase Real Property at 402 Grand Avenue from the First Assembly of God Church.

**Attachments:** Proposed Resolution.

**Background Information:** The City leases parking spaces for City employees on the First Assembly of God Church property located at 402 Grand Avenue. The lease was entered in 2000 when construction of the new City Hall was completed. The Lease Agreement gives the City a first right of refusal through July 27, 2005, to purchase all of the Church's property at 402 Grand Avenue. Because the City and Mesa County have built a parking structure on White Avenue, the City may terminate its lease with the Church. Council action is not required to terminate the lease, but it is necessary to relinquish the first right of refusal.

As part of the 2000 Lease Agreement (for 65 spaces at \$25 per space), the City Engineering Department designed the parking lot, landscaping, lighting, and irrigation components and obtained the permits to construct. Design cost was \$5,193.82. The Church constructed the improvements.

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

**A RESOLUTION RELINQUISHING A FIRST RIGHT OF REFUSAL  
TO PURCHASE REAL PROPERTY AT 402 GRAND AVENUE  
FROM THE FIRST ASSEMBLY OF GOD CHURCH**

Recitals.

A. Pursuant to that certain Lease Agreement dated the 25<sup>th</sup> day of April, 2000, as authorized by Resolution No. 35-00, passed and adopted by the City Council on the 19<sup>th</sup> day of April, 2000, the City leases certain real property from the First Assembly of God Church for City employee parking purposes.

B. Section Ten of the Lease Agreement provides the City a first right of refusal to purchase from the First Assembly of God Church all of the property located in the City block bounded by 4<sup>th</sup> Street, 5<sup>th</sup> Street, Grand Avenue and Ouray Avenue. The City's first right of refusal to purchase the property is valid and legally binding through July 27, 2005.

C. The City Council has determined that the City's first right of refusal to purchase the above-described real property should be relinquished.

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

The City, for good and valuable consideration, the sufficiency of which is hereby acknowledged, has unconditionally remised and released unto The First Assembly of God Church, the City's first right of refusal to purchase the above-described real property as created under the above described Lease Agreement.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Attest:  
the Council

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

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



**Attach 11  
Lincoln Park Master Plan**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Lincoln Park Master Plan				
<b>Meeting Date</b>		April 21, 2004				
<b>Date Prepared</b>		April 12, 2004			<b>File #</b>	
<b>Author</b>		Rex Sellers Shawn Cooper		<b>Senior Buyer Parks Planner</b>		
<b>Presenter Name</b>		Joe Stevens		<b>Parks and Recreation Director</b>		
<b>Report results back to Council</b>		X	No		Yes	When
<b>Citizen Presentation</b>			Yes		No	Name
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short term and long term master plan.

**Budget:** The Parks Department has \$80,000.00 approved for this project in the 2004 budget.

**Action Requested/Recommendation:** Authorize the City Manager to sign a contract with Winston and Associates to study and complete the Lincoln Park Master plan in an amount not to exceed the budget of \$80,000.

**Attachments:** N/A

**Background Information:** Lincoln Park was constructed approximately 75 years ago and has seen many renovations. The City wants to investigate the current uses and operations and determine the most cost effective and efficient use. The results of the study shall address recommendations for short term (1-10 Years) and long term (10-25 years) improvements and in priority of need, considering cost.

This Request for Proposal was advertised in the Daily Sentinel and sent to all firms on the current source list for consulting services. There were six (6) responsive proposals received and evaluated. Three firms were selected for interviews and requested to give oral presentations. The seven (7) person interview panel consisted of one (1) Parks Improvement Advisory Board Member (PIAB), three (3) Parks Recreation Advisory Board (PRAB) Members and three (3) Parks and Recreation Department employees.

The panel unanimously selected Winston and Associates as the most qualified to perform the scope of services based upon the evaluation criteria listed in the solicitation. Winston and Associates has completed several important projects for the City that includes the 1992 Parks Master Plan and the Canyon View Park Design and Development.

**Attach 12**  
**Property Exchange Agreement with Ice Skating Inc.**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	An Agreement with Ice Skating Inc. (ISI) to trade property for right-of-way for Riverside Parkway					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 13, 2004				<b>File #</b>	
<b>Author</b>	Jim Shanks		Riverside Parkway Program Manager			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** City staff proposes to enter into an Agreement with Ice Skating Inc. (ISI) to trade property for Riverside Parkway right-of-way. The trade will include the City reimbursing ISI for the cost to redesign their building and site improvements.

**Budget:** Sufficient funds exist in the 2004 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property, as follows:

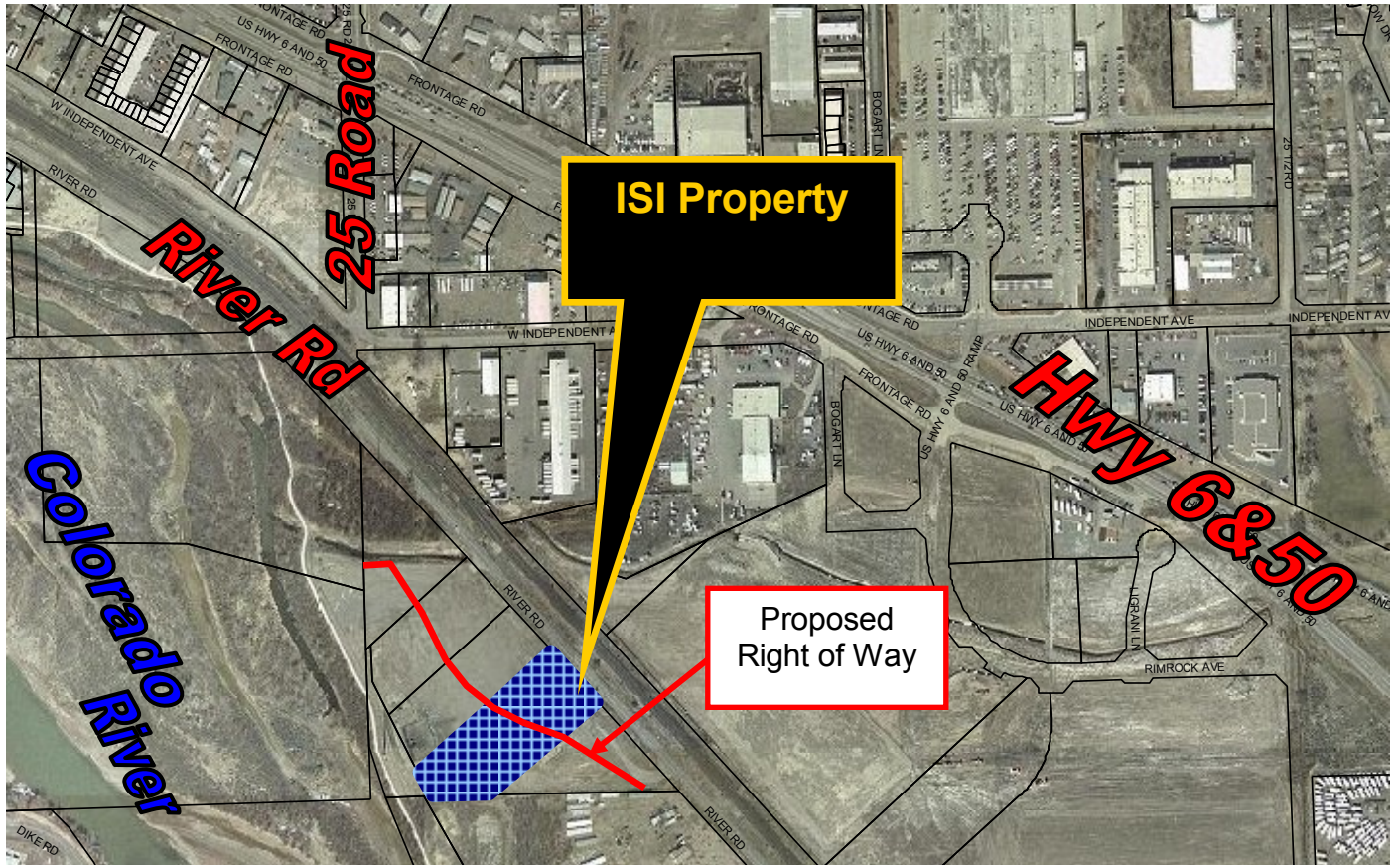
<b>Total Project Budget</b>	<b>\$ 75,000,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$ 4,001,612
Other Prelim. Engineering	\$ 500,000
Construction Engineering	\$ 5,329,193
Construction	\$ 48,447,206
Right-of-Way & Land Purchases	\$ 10,387,822
Relocation Expenses	\$ <u>2,906,500</u>
<b>Total Estimated Project Costs</b>	<b>\$ 71,572,333</b>
Remaining Funds / Contingency	\$ 3,427,667
<b>2004 Right-of-Way Budget</b>	<b>\$ 5,680,548</b>
2004 Right-of-Way Related Expenses to Date:	
Purchase of 2529 High Country Ct. <sup>1</sup>	\$ 440,118
Purchase of 919 Kimball Avenue	\$ 38,988
Protective Lease of 720 W. Grand Ave.	\$ 2,400
Purchase of Lands from C&K of Mesa County	\$ 425,311
Purchase of Land from Ken W. Nesbitt	\$ 72,500
ISI agreement	\$ <u>62,000</u>

**2004 Right-of-Way Related Expenses to Date**

**\$1,041,317**







Vicinity Map for ISI Property

**RESOLUTION NO. \_\_\_\_\_ -04**

**AUTHORIZING THE EXCHANGE OF REAL ESTATE  
WITH ICE SKATING, INC., A COLORADO NONPROFIT CORPORATION**

WHEREAS, the City of Grand Junction has contracted to purchase certain real property described as Lots 1, 2, and 4 of REDCO Subdivision in the County of Mesa, State of Colorado, and an additional parcel adjacent to Lot 1 of the REDCO Subdivision; and

WHEREAS, the City is acquiring this property for a portion to be used as right-of-way for the Riverside Parkway, but not all of the land will be needed for said purpose; and

WHEREAS, Ice Skating, Inc., a Colorado nonprofit corporation, is the owner of certain real property described as Lot 3 of the REDCO Subdivision in the County of Mesa, State of Colorado; and

WHEREAS, the City is desirous of acquiring a portion of the property owned by Ice Skating, Inc., for right-of-way purposes for the Riverside Parkway; and

WHEREAS, the City owns another parcel adjacent to Lots 1, 2, and 3 of the REDCO Subdivision; and

WHEREAS, Ice Skating, Inc., is desirous of building an ice skating rink within the area of the property described herein; and

WHEREAS, both the City and Ice Skating, Inc., may each accomplish these goals with an exchange of property in accordance with the terms of the attached contract.

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

1. That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to execute the attached Contract to Exchange Real Estate.
2. That James L. Shanks, Riverside Parkway Project Manager is authorized and directed to amend the consideration to be paid to Ice Skating, Inc. in accordance with the terms of the contract.
3. That the officers, employees and agents of the City are hereby authorized and directed to take all actions necessary and appropriate to effectuate the provisions of this Resolution and the attached Contract, including, without limitation, the performance of environmental audits, boundary surveys, and the execution and delivery of such certificates and documents as may be necessary or desirable to accomplish the exchange of real estate with Ice Skating, Inc.

PASSED and ADOPTED this \_\_\_\_\_ day of April 2004.

Attest:

\_\_\_\_\_  
Jim Spehar, President of the Council

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

## CONTRACT TO EXCHANGE REAL ESTATE

THIS CONTRACT TO EXCHANGE REAL ESTATE is entered into by and between Ice Skating Inc. hereinafter referred to as "ISI" and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City". The property interests of ISI and the City are stated as follows: ISI owns Lot 3 of the REDCO Subdivision, hereinafter referred to as the ISI property. The City has contracted to purchase Lots 1, 2 & 4 of the REDCO subdivision and Parcel A as shown on the attached Exhibit 1. The City owns parcel B as shown on attached Exhibit 1, all hereinafter referred to as the City property. Collective references shall be to the Property or Property; individual references shall be to ISI Property or City Property as the context requires.

1. Subject to and upon full satisfaction of the provisions hereof, ISI agrees to convey to the City and the City agrees to convey to ISI by warranty deed, real property in the County of Mesa, State of Colorado that accomplishes the mutual objectives of the City and ISI.

1a. For the purposes of this Contract, the fair market value of the ISI Property as of the date of closing is considered to be \$155,000.00.

1b. The City will also reimburse ISI, without markup, for the cost of architectural and engineering services reasonably required to redesign its proposed skating rink and site and for the cost of preparation and submittal to the Grand Junction Community Development Department ("Community Development") of a re-plat (re-subdivision) of the Property and site planning/site review and approval. The total reimbursement shall be \$62,000.00.

1c. The City, by and through James L. Shanks, Riverside Parkway Project Manager, may amend the consideration to be paid to ISI under paragraphs 1a and/or 1b by an amount up to \$10,000.00 upon written request from ISI and a suitable amendment of this agreement signed by the City and ISI detailing the cost/amendment of consideration. Amendment of this agreement shall be first made and approved prior to any work taking place/expenditure of money by ISI. Amendment(s) shall occur only for unforeseen costs associated of re-platting of the Property, re-design of the building and/or site over and above that provided in 1b) above and any geotechnical and/or environmental assessment work required for the re-subdivision or as otherwise required by any governmental authority having jurisdiction.

1d. Community Development has approved the improvements to be constructed to Riverside Parkway as satisfying ISI's obligations for street improvements and accordingly no TCP payment is due.

2. Subject to and upon full satisfaction of the provisions hereof, the City agrees to convey to ISI, by General Warranty Deed, the following described real property in the County of Mesa, State of Colorado, to wit:

hereinafter referred to as the "City Property".

3. Subject to and upon full satisfaction of the provisions hereof, the ISI agrees to convey to the City, by General Warranty Deed, the following described real property in the County of Mesa, State of Colorado, to wit:

hereinafter referred to as the "ISI Property".

4. Conveyance of the ISI Property and the City Property each shall include all rights appurtenant to each property, free and clear of all taxes, special assessments, liens, mortgages and encumbrances; provided, however, that such conveyances shall not include any water or sewer taps.

5. The location and alignment of River Road will be changing after Closing and as such ISI has no claim or right to access to or from the Property in its current configuration. The City will be constructing the Riverside Parkway along River Road and will be utilizing a portion of Lots 1 through 4 and Parcel A for road right-of-way. The proposed right-of-way line is shown and legally described on attached Exhibit 1. ISI shall design access to its property assuming that configuration or a configuration required by Community Development.

6. This Contract and the exchange of real property hereby contemplated is contingent upon Community Development approving a re-plat (re-subdivision) of the City and ISI Property effectively creating a new boundary line, running northwest and southeast, that will divide the Property into two separate parcels; the New ISI Property and the New City Property. In the event that Community Development fails or refuses to approve the re-subdivision of the Property prior to closing, then this Contract shall terminate and both parties shall be released from all obligations hereunder.

7. ISI shall have a plat prepared by a Colorado licensed professional land surveyor to re-plat the property Lots 1 through 4 and Parcels A and B into one single lot and the adjacent dedicated right-of-way for Riverside Parkway. ISI has indicated that they plan to include a portion of a parcel owned by Dale Reece into the proposed new single-lot subdivision. The Reece property is not within the City limits of the City of Grand Junction. All costs associated with the acquisition of the Reece property, the annexation and the inclusion of it into the plat including any lot line adjustments or any other actions that may be required by City (Mesa County?) shall be paid by ISI. ISI will apply to rezone the Property to CSR and to have the plat approved by the City of Grand Junction.

8. (a) On or before \_\_\_\_\_, 2004 each party shall, at each party's own expense, furnish to the other party a current commitment for title insurance policy covering the property to be conveyed by such party, together with legible copies of all instruments listed in the schedule of exceptions in the title insurance commitment (hereafter "the Title Documents"). Each party agrees to deliver the title insurance policy, in the amount of the fair market set forth above is paragraphs 1 and 2 above, to the other party at closing and pay the premium thereon.

(b) Title to the ISI Property and the City Property each shall be merchantable. Written notice by either party to the other party of unmerchantability of title or of any other unsatisfactory title condition shown by the Title Documents shall be signed by or on behalf of the party providing such written notice and delivered to the other party on or before ten (10) days after such party's receipt of the Title Documents or endorsements adding new exceptions to the title commitment. If either party fails to mail such notice to the other party within said ten (10) day period, then the party failing to mail such notice shall be deemed to have accepted the condition of title as disclosed by the Title Documents.

(c) If title is not merchantable and written notice of defects is delivered by either party within the ten (10) day period specified in paragraph 6(b), the party receiving such notice of defects shall use reasonable efforts to correct said defects prior to closing. If the party receiving notice of defects is unable to correct said defects on or before the date of closing, the party giving such notice shall have the option, within 5 days from the date of closing, to extend the date of closing for a period not to exceed thirty (30) days for the purpose of correcting said defects. If title is not rendered merchantable at the conclusion of said thirty (30) day period, this Contract shall be void and of no effect and each party hereto shall be released from all obligations hereunder.

9. The date of closing shall be the date for delivery of deed as provided in paragraph 8. The hour and place of closing shall be designated by mutual agreement between the parties hereto. Changes in time, place and date may be made with the consent of both parties. Each party shall pay its respective closing costs at closing, except as otherwise provided herein. Each party shall sign and complete all customary or required documents at or before closing. Fees for real estate closing and settlement services shall be paid at closing by the parties equally. The parties designate Abstract & Title Company of Mesa County, Inc., as Closing Agent for the purposes of providing Title Insurance and closing this transaction.

10. (a) Subject to full and complete compliance by both parties with the terms and provisions hereof, closing and possession shall occur on \_\_\_\_\_, 2004 or by mutual agreement, at an earlier date.

(b) At closing each party shall execute and deliver a General Warranty Deed to the other party and each party shall deliver possession of such party's property to the other party, free and clear of: all taxes; all liens for special improvements installed as of the date of closing, whether assessed or not; all liens, mortgages and encumbrances; all fees and charges for utilities, association dues, water rents and water assessments; any covenants, restrictions or reversionary provisions not accepted by the receiving party listed as exceptions in the Title Documents; and all tenancies and/or leasehold estates.

11. (a) Each party shall have the right to access the other party's property and to make inspections of the other party's property. Such inspections shall include, but not be limited to, boundary surveys, geological surveys and studies and environmental surveys and studies. Said permitted access shall be for a period commencing on

\_\_\_\_\_, 2004 and ending on \_\_\_\_\_, 2004. The party making a physical inspection of the other party's property is responsible and shall pay for any damage which occurs to the other party's property as a result of such inspections.

(b) If written notice by either party of any unsatisfactory physical condition is given to the other party during the term of the Inspection Period and if the parties have not reached a written agreement in settlement thereof on or before the expiration of the Inspection Period provided in 11a, this contract shall then terminate. If either party fails to give notice of any unsatisfactory physical condition during the Inspection Period, then the party failing to give such notice shall be deemed to have accepted the physical condition of the other party's property, as is, in its present condition.

(c) Each party acknowledges that the other party makes no representation or warranty that its property (including land, surface water, ground water and improvements) is now or will in the future be free of contamination which is unknown to it, including (i) any "hazardous waste", "medical waste", "solid waste", "underground storage tanks", "petroleum", "regulated substances", or "used oil" as defined by the Solid Waste Disposal Act (42 U.S.C. § 6901, *et seq.*), as amended, and the Resource Conservation and Recovery Act (42 U.S.C. § 6991, *et seq.*), as amended, or by any regulations promulgated there under; (ii) any "hazardous substance" or "pollutant or contaminant" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601, *et seq.*), as amended, or by any regulations promulgated there under; (iii) any "regulated substance", as defined by the Underground Storage Tank Act, C.R.S., § 25-18-101, *et seq.*, as amended, or by any regulations promulgated there under; (iv) any "hazardous waste" as defined by C.R.S., § 25-15-101, *et seq.*, as amended, or by any regulations promulgated there under; (v) any substance the presence of which on, in, under or about the property, is prohibited by any law similar to those set forth above, and; (vi) any other substance which by law, regulation or ordinance requires special handling in its collection, storage, treatment or disposal. Each party accepts the property of the other subject to such disclaimer, it being understood and agreed that each will disclose to the other, within the period allowed for inspection, any such condition of which a party has knowledge during the term of this Agreement.

12. Possession of the respective properties shall be delivered without exceptions, leases or tenancies, on the date of closing.

13. Time is of the essence hereof. If any obligation hereunder is not performed as herein provided, an action for specific performance shall be the remedy:

(a) In the event of any litigation arising out of this contract, the parties agree that each shall pay its own costs and expenses, including attorney's fees.

14. The parties hereto represent to each other that the exchange of Properties hereby contemplated was brought about without the efforts of any brokers or agents and that neither party has dealt with any brokers or agents in connection with the

exchange of the Properties. Each party agrees to defend, indemnify and hold the other harmless from any claim for real estate brokerage commissions or finder's fees asserted by any other party as a result of dealings claimed to have been conducted with the respective parties.

15. All notices and communications required herein shall be in writing delivered to the parties by United States Certified Mail, return receipt requested, and shall be deemed served upon the receiving party as of the date of mailing indicated on the postal receipt, addressed as follows:

To the City:                Mr. Jim Shanks  
                                      Riverside Parkway Manager  
                                      2529 High Country Ct.  
                                      Grand Junction, CO 81503

To ISI:                         Kurt Maki  
  
                                      Grand Junction, CO 8150\*

The parties may, by notice as provided above, designate a different address to which notice shall be given.

16. This entire Contract and the obligation of the parties to proceed under its terms and conditions are expressly contingent upon:

(a) The consent and approval by the City Council of the City of Grand Junction. In the event such approval is not obtained on or before \_\_\_\_\_, 2004 this Contract shall be automatically void and of no effect; and

(b) The ability of ISI, under terms and conditions provided herein, re-plat the property as required by the parties.

(c) The ability of the ISI to obtain approval by the City of its site plan.

(d) The City's purchase of Lots 1, 2 and 4 of the REDCO subdivision.

17. ISI and the City each represent and warrant the following:

(a) The parties each have the full power and authority to enter into this Contract and the persons signing this Contract have the full power and authority to sign and to bind such party to this Contract and to exchange, sell, transfer and convey all right, title and interest in and to such party's property in accordance with the terms and conditions of this Contract; and



(b) The exchange, sale, transfer and conveyance of the properties in accordance with this Contract will not violate any provision of federal, state or local law; and

(c) As of Closing and the delivery of possession, there will be no encumbrances or liens against the respective properties including, but not limited to, mortgages or deeds of trust.

18. This Contract embodies the complete agreement between the parties hereto and cannot be changed or modified except by a written instrument subsequently executed by the parties hereto. This Contract and the terms and conditions hereof apply to and are binding upon the heirs, successors and assigns of both parties.

19. This Agreement shall be governed and construed by the laws of the State of Colorado. Venue for any action shall be in Mesa County, Colorado.

20. Each party has obtained the advice of its own legal and tax counsel.

IN WITNESS of the foregoing, the parties hereto have executed this Contract as of this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

For the City of Grand Junction, a  
Colorado home rule municipality

Attest:

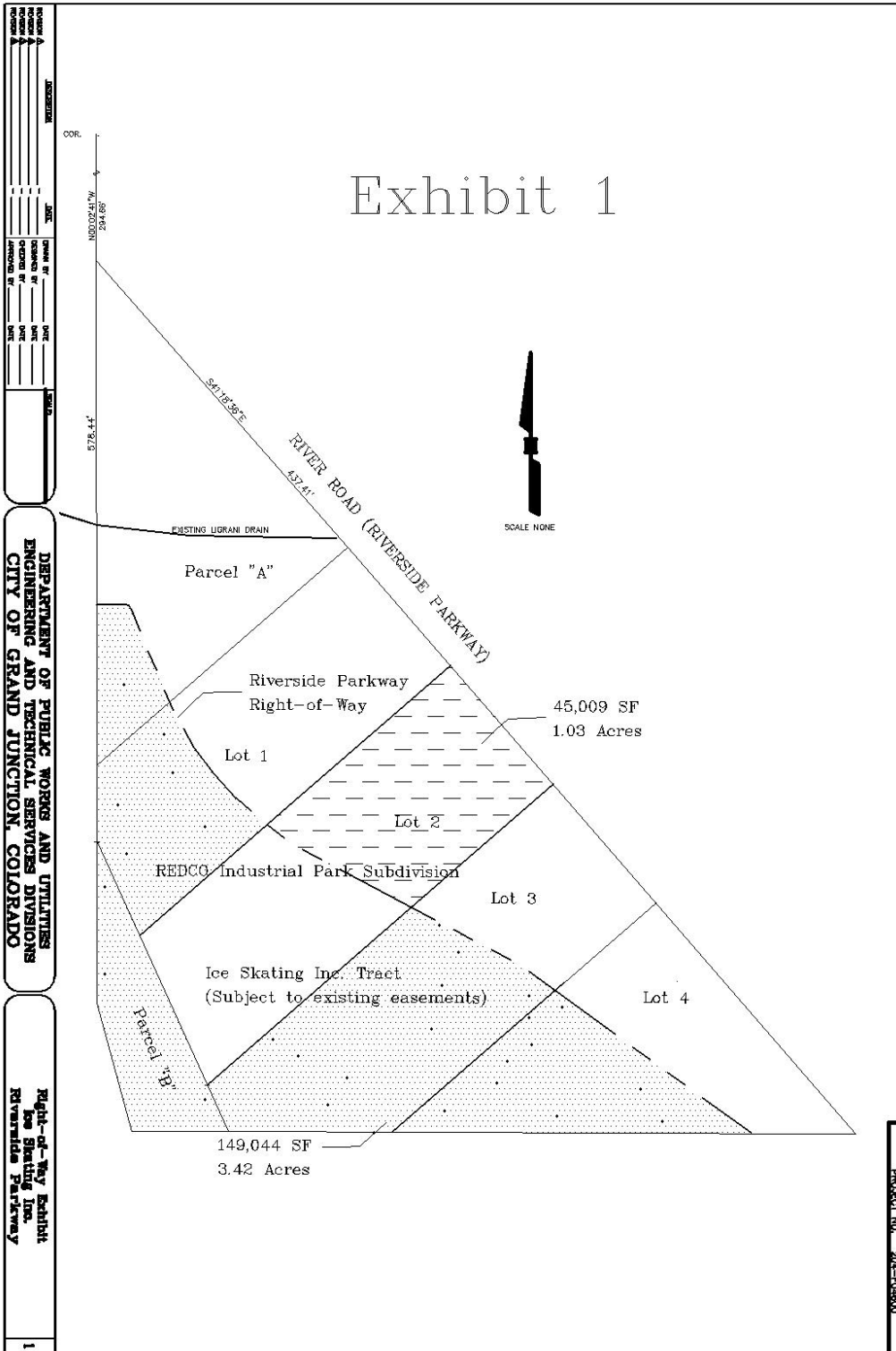
\_\_\_\_\_  
Kelly Arnold, City Manager

\_\_\_\_\_  
Stephanie Tuin, City Clerk

\_\_\_\_\_  
ISI

\_\_\_\_\_  
ISI

# Exhibit 1



**Attach 13**

**Purchase of Properties, C&K of Mesa County LLC and Ken W. Nesbitt**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	(a) Purchase of Property from C&K of Mesa County LLC for the Riverside Parkway Project, and (b) Purchase of Property from Ken W. Nesbitt for the Riverside Parkway Project.					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 12, 2004				<b>File #</b>	
<b>Author</b>	Tim Woodmansee		Real Estate Manager			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The City has entered into two contracts to purchase four vacant parcels for the Riverside Parkway Project. The C&K properties consist of three parcels located at 2505 River Road, 2509 River Road and 2521 River Road. The Nesbitt property is an un-addressed parcel on the south side of River Road at the extension of 25 Road. The City's obligation to purchase these properties is contingent upon Council's ratification of the purchase contracts.

**Budget:** Sufficient funds exist in the 2004 Riverside Parkway budget to complete the City's due diligence investigations and purchase of these properties. The budget summarized below includes estimated funds necessary to pay for all anticipated relocation expenses and purchase right-of-way from Union Pacific Railroad.

<b>Total Project Budget</b>	<b>\$ 75,000,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$ 4,001,612
Other Prelim. Engineering	\$ 500,000
Construction Engineering	\$ 5,329,193
Construction	\$ 48,447,206
Right-of-Way & Land Purchases	\$ 10,387,822
Relocation Expenses	\$ 2,906,500
<b>Total Estimated Project Costs</b>	<b>\$ 71,572,333</b>

Remaining Funds / Contingency

\$ 3,427,667

<b>2004 Right-of-Way Budget</b>	<b>\$ 5,680,548</b>
2004 Right-of-Way Related Expenses to Date:	
Purchase of 2529 High Country Ct. <sup>1</sup>	\$ 440,118
Purchase of 919 Kimball Avenue	\$ 38,988
Protective Lease of 720 W. Grand Ave.	\$ <u>2,400</u>
<b>2004 Right-of-Way Related Expenses to Date</b>	<b>\$ 481,506</b>
<b>Costs Related to this Staff Report:</b>	
Inclusive Costs to Purchase C&K Properties	\$ 425,311
Inclusive Costs Purchase Nesbitt Property	\$ <u>72,500</u>
<b>Total Costs Related to this Staff Report</b>	<b>\$ 497,811</b>
<b>2004 Remaining Right-of-Way Funds</b>	<b>\$ 4,701,231</b>

<sup>1</sup> Anticipate \$300,000 Revenue from Selling 2529 High Country Court following completion of construction.

**Action Requested/Recommendation:** a) Adopt a Resolution authorizing the purchase of property from C&K of Mesa County LLC, and (b) Adopt a Resolution authorizing the purchase of property from Ken W. Nesbitt.

**Attachments:**

1. Vicinity Map
2. Proposed Resolutions.

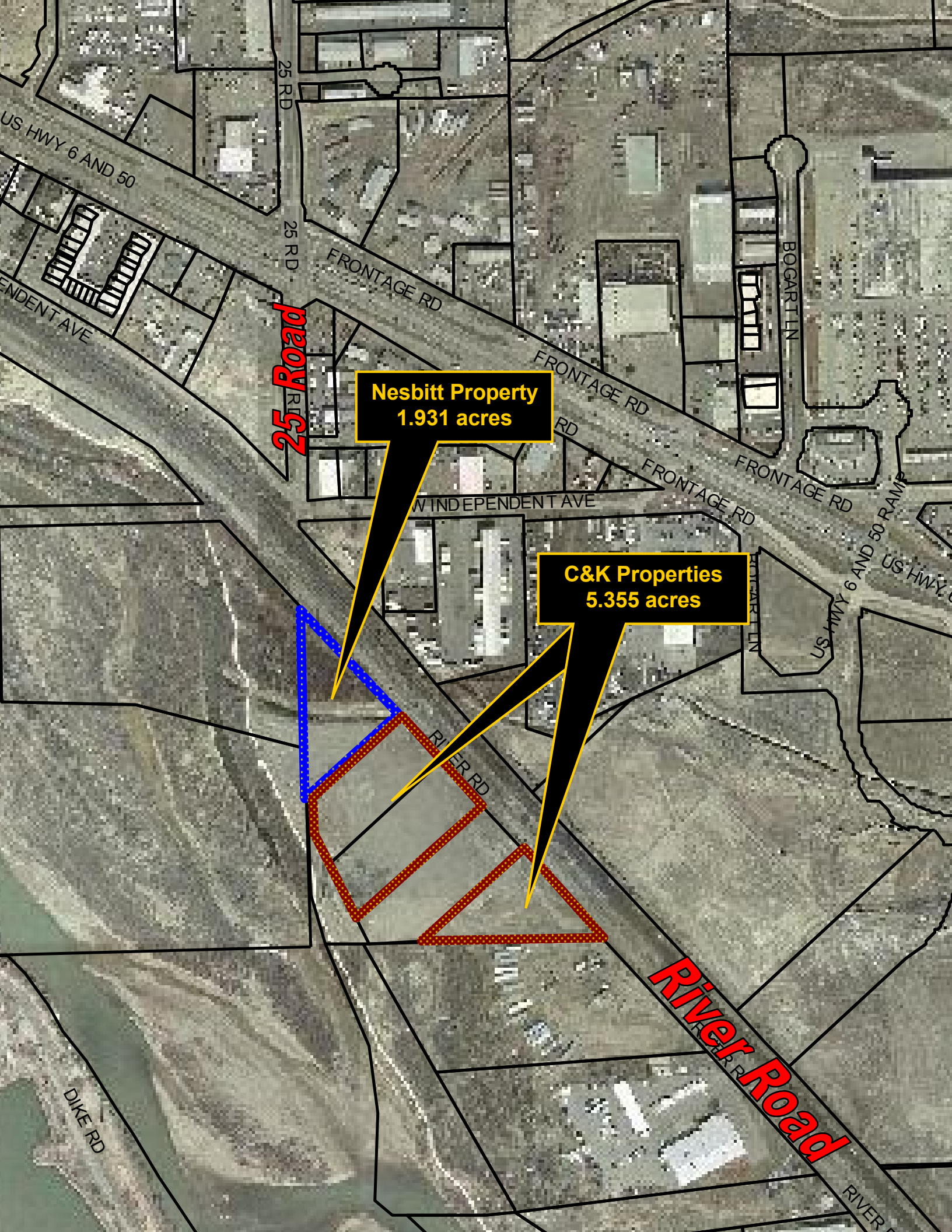
**Background Information:** On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The subject properties are located on the south side of River Road in the alignment for the 25 Road connection. These properties are necessary for the connection of the Riverside Parkway with 25 Road.

The owners had advertised the properties for sale and have agreed to sell their respective properties at reasonable prices. The four properties have a combined land area of 7.286 acres. All of the parcels are currently vacant.

Purchasing the properties now from willing sellers will secure this land for the Riverside Parkway and avoid the potential of acquiring the properties from new owners.

Environmental Assessments and Independent Uranium Mill Tailings Investigations indicate the properties are free and clear of any toxic, hazardous or regulated substances.



**25 Road**

**Nesbitt Property  
1.931 acres**

**C&K Properties  
5.355 acres**

**River Road**

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

**A RESOLUTION AUTHORIZING THE PURCHASE  
OF REAL PROPERTY FROM C&K OF MESA COUNTY LLC**

Recitals.

A. The City of Grand Junction has entered into a contract with C&K of Mesa County LLC, a Colorado Limited Liability Company, for the purchase by the City of certain real properties located within the preferred alignment of the Riverside Parkway. The street addresses of the properties are 2505 River Road, 2509 River Road and 2521 River Road and the respective Mesa County Assessor parcel numbers are 2945-103-28-005, 2945-103-28-006 and 2945-103-28-004.

B. The purchase agreement provides that on or before April 7, 2004, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said properties.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said properties.

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

1. The above described properties shall be purchased for a price of \$418,156.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said properties which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$418,156.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described parcels.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described properties. Specifically, City staff is directed to effectuate this Resolution and the existing Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.



PASSED and ADOPTED this 7<sup>th</sup> day of April, 2004.

---

President of the Council

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City Clerk

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

**A RESOLUTION AUTHORIZING THE PURCHASE  
OF REAL PROPERTY FROM KEN W. NESBITT**

Recitals.

A. The City of Grand Junction has entered into a contract with Ken W. Nesbitt for the purchase by the City of certain real property located within the preferred alignment of the Riverside Parkway. The property is vacant land identified by Mesa County Assessor parcel number 2945-103-00-156.

B. The purchase agreement provides that on or before April 7, 2004, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said property.

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

1. The above described property shall be purchased for a price of \$69,815.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$69,815.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described parcel.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this 7<sup>th</sup> day of April, 2004.

Attest:

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

---

City Clerk

**Attach 14  
Kristal K. Slough 635 West White**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Purchase of Property at 635 West White Avenue for the Riverside Parkway Project.							
<b>Meeting Date</b>	April 21, 2004							
<b>Date Prepared</b>	April 13, 2004					<b>File #</b>		
<b>Author</b>	Tim Woodmansee			Real Estate Manager				
<b>Presenter Name</b>	Mark Relph			Public Works and Utilities Director				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** The City has leased the property at 635 West White Avenue since 2002. The lease agreement gives the City the right to purchase the property at anytime prior to February 28, 2005. This property is necessary to accommodate the Riverside Parkway improvements.

**Budget:** Sufficient funds exist in the 2004 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property, as follows:

<b>Total Project Budget</b>	<b>\$ 75,000,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$ 4,001,612
Other Prelim. Engineering	\$ 500,000
Construction Engineering	\$ 5,329,193
Construction	\$ 48,447,206
Right-of-Way & Land Purchases	\$ 10,387,822
Relocation Expenses	\$ 2,906,500
<b>Total Estimated Project Costs</b>	<b>\$ 71,572,333</b>
Remaining Funds / Contingency	\$ 3,427,667
<b>2004 Right-of-Way Budget</b>	<b>\$ 5,680,548</b>
2004 Right-of-Way Related Expenses to Date:	
Purchase of 2529 High Country Ct. <sup>1</sup>	\$ 440,118
Purchase of 919 Kimball Avenue	\$ 38,988
Protective Lease of 720 W. Grand Ave.	\$ 2,400

Purchase of Lands from C&K of Mesa County	\$ 425,311
Purchase of Land from Ken W. Nesbitt	\$ <u>72,500</u>
<b>2004 Right-of-Way Related Expenses to Date</b>	<b>\$ 979,317</b>



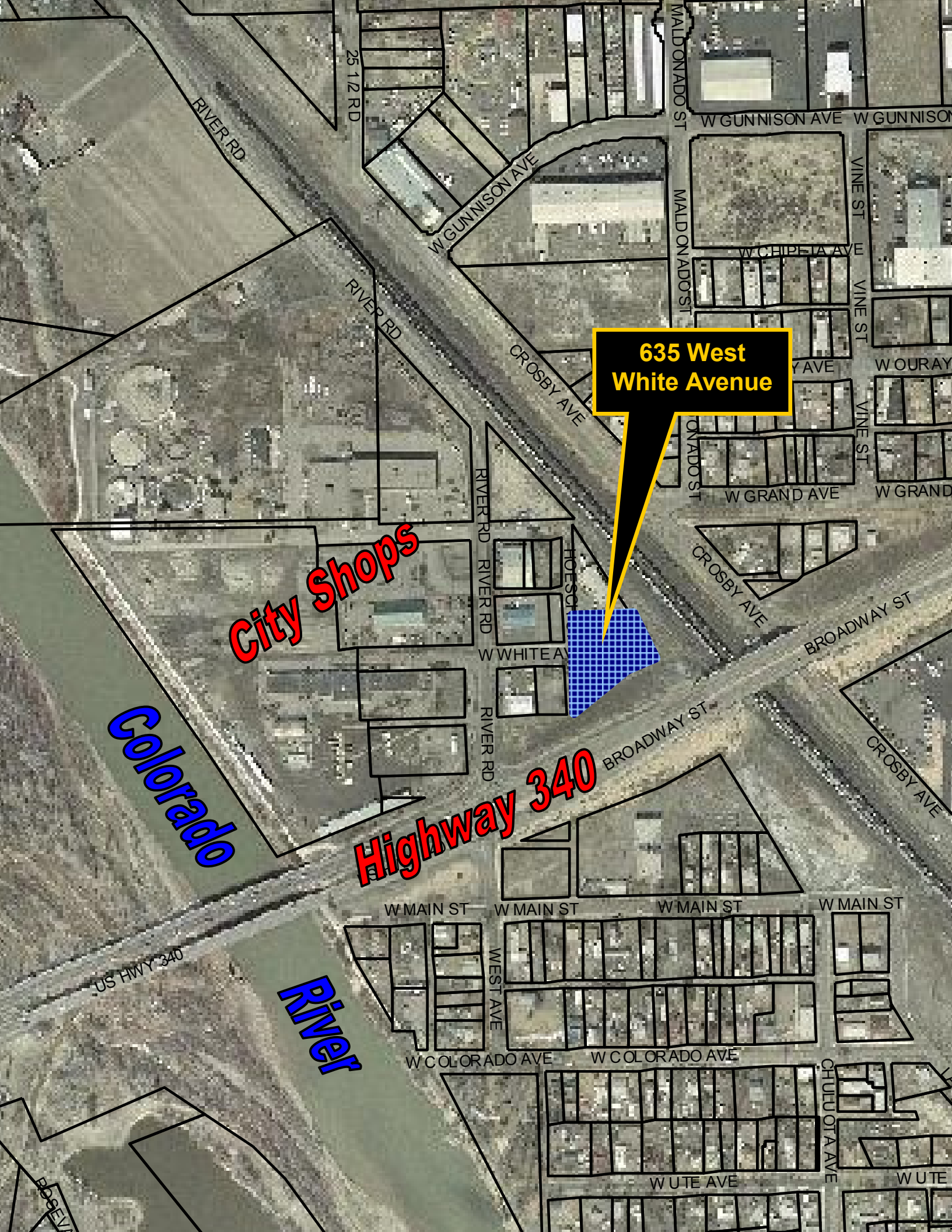
**635 West  
White Avenue**

**City Shops**

**Colorado**

**Highway 340**

**River**



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

**A RESOLUTION AUTHORIZING THE PURCHASE  
OF REAL PROPERTY AT 635 WEST WHITE AVENUE  
FROM KRISTAL K. SLOUGH**

Recitals.

A. Pursuant to that certain Lease and Purchase Agreement dated the 15<sup>th</sup> day of February, 2002, as authorized by Resolution No. 10-02, passed and adopted by the City Council on the 6<sup>th</sup> day of February, 2002, the City leases certain real property at 635 West White Avenue from Kristal K. Slough. The Lease and Purchase Agreement provides the City the sole, exclusive and irrevocable right to purchase the property. The City's option to purchase the property is valid and legally binding through February 28, 2005.

B. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City exercise its right and option to purchase said property.

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

1. The above described property shall be purchased for a price of \$337,752.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of that certain Lease and Purchase Agreement dated the 15<sup>th</sup> day of February, 2002, as authorized by Resolution No. 10-02, are hereby ratified, approved and confirmed.

2. Said \$337,752.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Lease and Purchase Agreement, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this \_\_\_\_\_ day of April, 2004.



Attest:

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

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

**Attach 15  
Public Hearing – Amend Action Plan for 2003 Program Year CDBG**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Amendments to Action Plan for 2003 Program Year Community Development Block Grant (CDBG) Program and Amendment to the Subrecipient Contract					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 15, 2004			<b>Files:</b> CDBG 2003-01 and 2003-08		
<b>Author</b>	Dave Thornton		CDBG Program Manager			
<b>Presenter Name</b>	Dave Thornton		CDBG Program Manager			
<b>Report Results Back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Amending the City’s 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program (\$64,400) administration for construction of the Linden Pointe Apartments affordable housing project and authorizing the City Manager to sign the amendment to the Subrecipient Contract approved September 17, 2003 between the City and the Grand Junction Housing Authority (GJHA) for the Linden Pointe affordable housing project at 276 Linden Avenue by increasing the CDBG grant to GJHA by \$64,400.

**Budget:** The City will use \$64,400 2003 CDBG funds to add to the grant already made to the Grand Junction Housing Authority towards the construction of the Linden Pointe Apartments. Following this action, the budget amount remaining in the 2003 program year for neighborhood programs will be zero.

**Action Requested:** 1) Approve the amendment to the City’s CDBG Consolidated Plan 2003 Action Plan to reflect the revisions to a portion of the grant dollars earmarked for neighborhood program administration for construction of the Linden Point Apartments affordable housing project; and 2) Approve and authorize the City Manager to sign the amendment to the Subrecipient Contract between the City and the Grand Junction Housing Authority.

**Background Information:** The City developed a Consolidated Plan and 2003 Action Plan as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plan allocated funds for the 2003 Program Year to 8 specific projects. Project 2003-01 is earmarked for City of Grand Junction Neighborhood Program Administration dollars set at the 20% cap of \$83,400. A portion of this money has already been set aside for the study of and repairs to the roof of the old Riverside School building. Council was approached by the Grand Junction Housing Authority to apply the remainder of the funds (\$64,400) to the monies already set aside for the Linden Pointe Apartments affordable housing project (Project 2003-08 - \$271,050) bringing the total 2003 CDBG funds granted to the GJHA for the housing project to \$335,450.

In order to utilize a portion of the administration dollars set aside for neighborhood programs for the Linden Pointe project, the City must amend the 2003 Action Plan as it was submitted to HUD in August 2003. This action will formally approve the amendments so that they can be advertised for a 30-day public comment period and then proceed pending any comments.

In addition, the City entered into a CDBG Subrecipient contract with GJHA on September 17, 2003 for the Linden Pointe Affordable Housing Project for the sum of \$271,050. With Council action adding \$64,400 this contract needs to be amended.

**Attachments:**

1. Amendments as to be Advertised for Public Comment
2. Linden Pointe Apartments Location Map
3. Linden Pointe Apartments Proposed Site Plan
4. Amendment to Subrecipient Contract

City of Grand Junction CDBG Entitlement Program  
**Substantial AMENDMENT TO THE ACTION PLAN**  
**PROGRAM YEAR 2003**  
SECTION 91.220 : AMENDMENTS [91.105(a)(2)]

**ACTIVITIES AFFECTED**

The original 2003 Action Plan included a project that was to earmark \$83,400 to be used towards initial activities for a neighborhood-based CDBG program. Since then, the City has identified a project within the Riverside neighborhood for which it proposes to expend a portion of these CDBG funds. Together, the Historic Structure Assessment and the roof repair projects will expend a total of \$19,000, leaving a \$64,400 balance remaining in the neighborhood-based CDBG program funds for Program Year 2003. The remaining \$64,400 is proposed to be reallocated to CDBG project 2003-08, the Linden Pointe affordable housing project.

**THE CITY OF GRAND JUNCTION CITIZEN PARTICIPATION PLAN**

The City followed its Citizens Participation Plan and advertised and held a public hearing. The public hearing to amend the City's CDBG Consolidated Plan and Action Plan for Program Year 2003 was conducted April 21, 2004. The City presented information regarding the change in use of funds for projects 2003-01 and 2003-08 to utilize a portion of the funds for the Linden Point affordable housing project. Subsequently, a summary was published and a 30-day public comment period was held.

**EXISTING ACTIVITY APPROVED FOR ADDITIONAL FUNDING**

The Grand Junction City Council approved of the amendment to projects 2003-01 and 2003-08 to utilize a portion of the administrative funds for a neighborhood-based CDBG program. The amendment will reallocate \$64,400 from project 2003-01 (Neighborhood Program Administration) to project 2003-08 (Linden Pointe Affordable Housing Project). Project 2003-08 granted \$271,400 and the reallocation will bring the total 2003 CDBG funds expended on the Linden Pointe project to \$335,450.

USER PROJECT

ORIGINAL PROJECT 2003-01

Project Title Administration of Neighborhood Based CDBG Program

Description The City will set aside its 20% administration dollars from the CDBG 2003 Program Year to spend on a proposed neighborhood based CDBG program. City Council's Strategic Plan identifies "Vital Neighborhoods" as one of six Solutions with a specific objective of identifying potential funding sources, including CDBG funds for this. As specific projects arise from the neighborhood program, the City may need to amend the specific Action Plan to address expenditures on each project.

Project ID --  
Local ID 2003-01

Activity Administration

Funding  
Community Development (CDBG) \$64,400  
Homeless (ESG) \$ 0  
Housing (HOME) \$ 0  
HIV/AIDS (HOPWA) \$ 0  
Other Funding \$ 0  
TOTAL \$64,400

Prior Funding \$ 0

Eligibility  
Type of Recipient Local Government

Performance

Location Type Address  
Various

USER PROJECT    AMENDED PROJECT 2003-01

Project Title    Administration of Neighborhood Based CDBG Program

Description    The City will transfer the remaining monies in this project (\$64,400) to Project 2003-08 for additional funding for the Linden Pointe Apartments project. The Linden Pointe project is a 92-unit affordable housing project being developed by the Grand Junction Housing Authority on the property at 276 Linden Avenue in the Orchard Mesa neighborhood.

Project ID    --  
Local ID    2003-01

Activity    Administration

Funding  
Community Development (CDBG)    \$ All funds transferred to CDBG 2003-08  
Homeless (ESG)    \$ - 0 -  
Housing (HOME)    \$ - 0 -  
HIV/AIDS (HOPWA)    \$ - 0 -  
Other Funding    \$ - 0 -  
TOTAL    \$ - 0 -

Prior Funding    \$ - 0 -

Eligibility  
Type of Recipient    Local Government

Performance

Location Type    Address  
                    Various

USER PROJECT

ORIGINAL PROJECT 2003-08

Project Title Linden Pointe Affordable Housing Project

Description The City will expend \$271,050 from the CDBG 2003 Program Year for construction of the Linden Pointe Affordable Housing Project. The funds will primarily be spent on construction of infrastructure for the project.

Project ID --  
Local ID 2003-08

Activity New Construction – Affordable Housing

Funding		
Community Development (CDBG)		\$271,050
Homeless (ESG)	\$ 0	
Housing (HOME)	\$ 0	
HIV/AIDS (HOPWA)	\$ 0	
Other Funding	\$ 0	
TOTAL	\$271,050	

Prior Funding \$ 41,720

Eligibility  
Type of Recipient Housing Authority

Performance Increase affordable housing by 92 multifamily units

Location Type 276 Linden Avenue Mesa County Grand Junction

USER PROJECT

AMENDED PROJECT 2003-08

Project Title Linden Pointe Affordable Housing Project

Description The City will transfer \$64,400 from project 2001-01 of the CDBG 2003 Program Year to project 2003-08 for construction of the Linden Pointe Affordable Housing Project. The funds will primarily be spent on construction of infrastructure for the project. Total 2003 CDBG funds to be expended on the affordable housing project will be \$335,450.

Project ID --  
Local ID 2003-08

Activity New Construction – Affordable Housing

Funding  
Community Development (CDBG) \$335,450  
Homeless (ESG) \$ 0  
Housing (HOME) \$ 0  
HIV/AIDS (HOPWA) \$ 0  
Other Funding \$ 0  
TOTAL \$335,450

Prior Funding \$ 41,720

Eligibility  
Type of Recipient Housing Authority

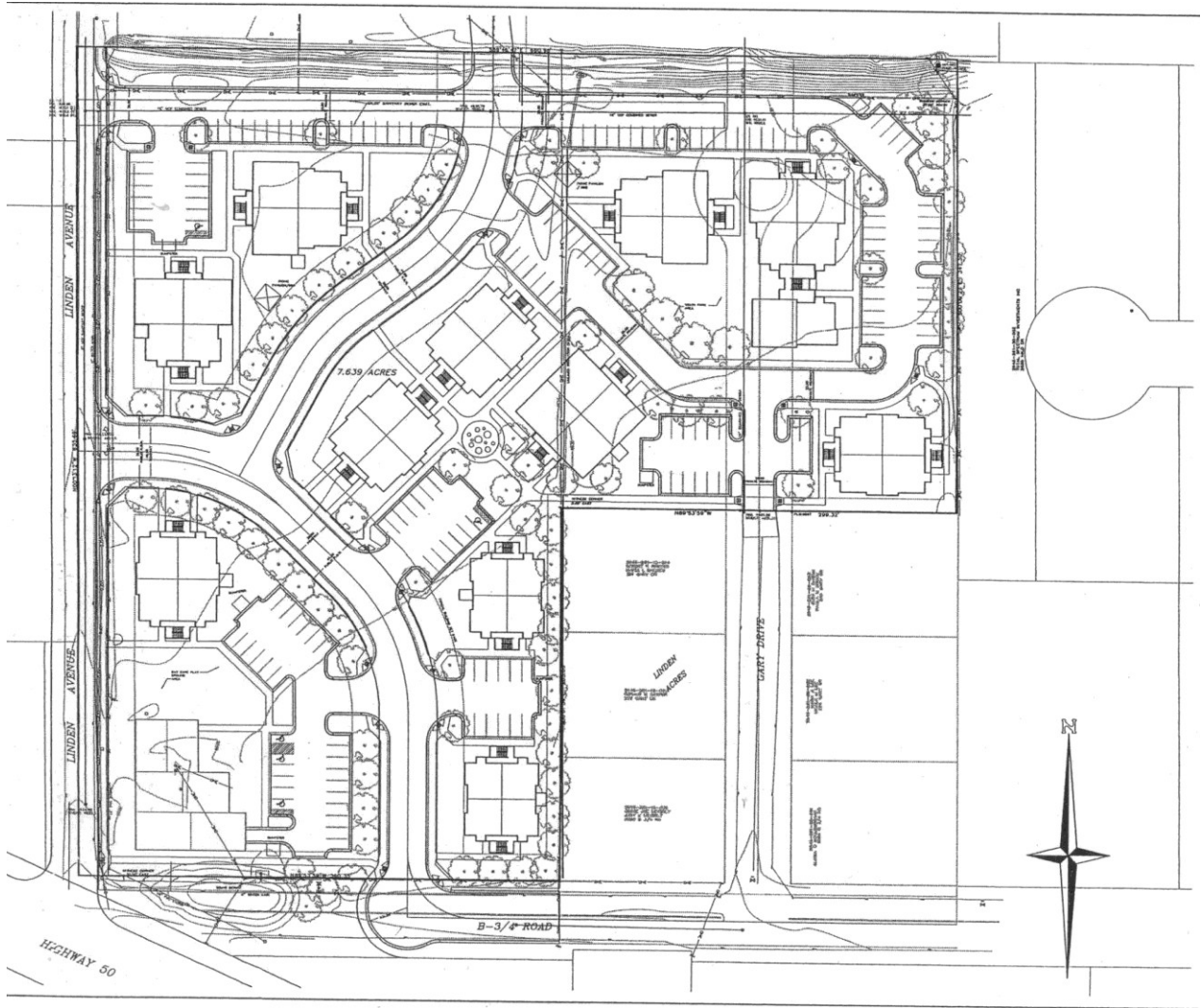
Performance Increase affordable housing by 92 multifamily units

Location Type 276 Linden Avenue Mesa County Grand Junction





Aerial Photograph Location Map 276 Linden Avenue



Proposed Site Plan – Linden Avenue Affordable Housing Development

## AGREEMENT

THIS AGREEMENT serves as an amendment to that certain agreement dated September 17, 2003 by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the "CITY" and the Grand Junction Housing Authority referred to hereinafter as "SUBRECIPIENT."

In consideration of the premises stated which constitute adequate consideration for the making of this agreement, the CITY and the SUBRECIPIENT agree as follows:

1. That the Subrecipient agreement by and between the CITY and the SUBRECIPIENT dated September 17, 2003 for Community Development Block Grant Funds is hereby amended. The Subrecipient agreement, together with the Scope of Services attached thereto, is amended as described to establish that additional funds will be paid to the SUBRECIPIENT for construction of the Linden Pointe housing project ("Project.") The Project is being constructed to benefit Low and Moderate income persons in the City. The Project furthers the purposes of the CDBG program.
2. The SUBRECIPIENT has requested that the CITY contribute additional funds to the Project. The CITY agreed to contribute an additional \$64,400 from its 2003 CDBG program year in support of the Project. The CITY has previously contributed \$271,050.00 to the Project. That contribution was made in accordance with the September 17, 2003 agreement. Pursuant to paragraph V. F of the Subrecipient agreement, amendments to that agreement must be made in writing. This agreement satisfies that requirement.
3. In order to accomplish the Project, the SUBRECIPIENT'S Scope of Services is hereby increased by an amount of \$64,400.00. All other terms of the Agreement and the Scope of Services remain unchanged.
4. The parties acknowledge good and sufficient consideration for this amendment and waive any and all contractual defenses to the amendment.
7. The Director of Community Development is responsible for authorizing and approving the work performed by the SUBRECIPIENT. In that capacity the Director recommends and approves of the amendment described in this agreement.
8. The SUBRECIPIENT being contractually obligated to perform the work provided for by agreement with the CITY does hereby affirm its obligation thereunder and furthermore acknowledges, accepts and agrees that the SUBRECIPIENT and all persons legally or contractually bound to the SUBRECIPIENT shall abide by all conditions and obligations and faithfully and completely perform the necessary and required work.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the \_\_\_\_ day of April 2004.

Grand Junction Housing Authority

by: \_\_\_\_\_  
Jody Kole, Executive Director

Attest:

by: \_\_\_\_\_  
Secretary

City of Grand Junction

by: \_\_\_\_\_  
Kelly Arnold, City Manager

Attest:

by: \_\_\_\_\_  
Stephanie Tuin, City Clerk

**Attach 16**

**Public Hearing – Reduction of Distance Restriction for Hotel & Restaurant Liquor Licenses**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses							
<b>Meeting Date</b>	April 21, 2004							
<b>Date Prepared</b>	January 8, 2004				<b>File #</b> NA			
<b>Author</b>	Stephanie Tuin			<b>City Clerk</b>				
<b>Presenter Name</b>	Stephanie Tuin John Shaver			<b>City Clerk</b> <b>City Attorney</b>				
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>	X	<b>Yes</b>		<b>No</b>	<b>Name</b>	John Bellio		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/restaurant liquor licenses for principal college campuses.

**Budget:** There is no cost other than that of processing an ordinance. A change to the ordinance may result in additional liquor licenses in the vicinity of Mesa State College.

**Action Requested/Recommendation:** Conduct a public hearing and if City Council does consider final passage and final publication of Proposed Ordinance then **determine the distance reduction.**

**Attachments:**

1. Map of the area affected
2. Proposed Ordinance

**Background Information:** Mr. John Bellio, a property owner on North Avenue, has contacted the City Clerk’s office a number of times concerning the distance restriction. At present, due to the proximity of his property to Mesa State College, the business is

only allowed a 3.2 percent beer license. His lessee would like to serve mixed drinks, in particular margaritas, and imported and domestic beer, which is greater than 3.2 percent.

State law, 12-47-313(1)(d)(II), C.R.S., provides that the distance is measured “by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.” State Liquor Code Regulation 47-326 further clarifies that it is “measured as a person would walk safely and properly, without trespassing with right angles at crossings and with the observance of traffic regulations and lights.”

Using the City’s GIS system, other establishments in the area are removed from the college campus as approximated below. No requests have been made from these other businesses but if the distance restrictions were to be reduced or removed that may spark some interest. Also, if any of these businesses change hands that too might generate a request for a hotel/restaurant liquor license.

Any change to the distance will affect all locations in the City where a principal campus of a college, university or seminary exist. At present, there are no other principal college campuses.

Existing food establishments currently within 300 feet are all listed. Those that would be restricted under the current law are bolded (remember measurement is how a pedestrian would legally walk, using crosswalks). The measurements are approximate using the GIS system; only an on ground survey could determine the exact distance.

1. Chopstix Chinese Restaurant, 1029 North Ave - 342 feet
2. Blackjack Pizza, 1059 North Ave – 468 feet
3. Steaming Bean Coffee House, 1059 North Ave – 468 feet
4. Kentucky Fried Chicken, 1111 North Ave – 535 feet
5. Diorios Pizza, 1125 North Ave – 457 feet
- 6. El Tapatio, 1145 North Ave – 281 feet**
- 7. Arby’s, 1155 North Ave – 226 feet**
8. McDonalds, 1212 North Ave – 343 feet
- 9. Taco John’s, 1122 N. 12 St - 241 feet**
10. Higher Grounds Coffee Shop, 1230 N. 12<sup>th</sup> St. – 332 feet
- 11. Papa Kelsey’s & Fred, 1234 N. 12<sup>th</sup> St - 133 feet**
- 12. Subway, 1840 N. 12<sup>th</sup> St – 200 feet**
- 13. Prime Cut, 1960 N. 12<sup>th</sup> St – 270 feet**
14. Chef’s, 936 North Ave – 297 feet (this restaurant was licensed prior to Mesa State buying the St. Matthews Episcopal Church property at 10<sup>th</sup> and North).

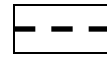
A map showing the locations of the bolded properties is attached.

# Mesa State College and Vicinity

Prime Cut

 Mesa State

Subway

 300 foot boundary

Papa Kelsey's

Taco John's

Chef's

El Tapatio

Arby's

McDonald's



Ordinance No. \_\_\_\_\_

**An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances  
Reducing the Distance a Hotel and Restaurant  
Liquor Licensed Premise Must Be from the Principal Campus of a  
College or University in the City of Grand Junction**

**Recitals.**

12-47-313 (1)(d)(I) C.R.S. requires any building where the malt, vinous, or spirituous liquor is to be sold to be located at least five hundred feet from any public or parochial school or the principal campus of any college, university or seminary.

12-47-313 (1)(d)(III) C.R.S. provides that "The local licensing authority of any city and county, by rule or regulation, the governing body of any other municipality, by ordinance and the governing body of any other county, by resolution, may eliminate or reduce the distance restrictions imposed by this paragraph (d) for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restrictions established by or pursuant to this paragraph (d)".

In 1987, the City Council of the City of Grand Junction, after a properly noticed public hearing, adopted Ordinance No. 2367 which reduced the distance a hotel and restaurant liquor licensed establishment must be from the principal campus of a college or university to 300 feet.

The City Council considered a further reduction of distance required between hotel and restaurant liquor licenses and the principal campus of colleges and universities and has established the required distance as provided with this ordinance.

**NOW, THEREFORE, BE IT ORDAINED THAT:**

Under the provisions of 12-47-313 (1)(d)(III) C.R.S., the distance that a hotel and restaurant liquor licensed premises must be separated from the principal campus of a college or university in the City of Grand Junction is reduced from 300 feet to \_\_\_\_\_ feet. The distance shall be determined in accordance with 12-47-313 (1)(d)(II) C.R.S. and Colorado Liquor Regulation 47-326.

Introduced on first reading and ordered published this \_\_\_\_\_ 17th day of March, 2004.

Passed on second reading and order published this \_\_\_\_\_ day of \_\_\_\_\_, 2004



ATTEST:

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President of the Council

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City Clerk

**Attach 17**

**Public Hearing – Creating the Horizon Drive Association Business Improvement District and Set Mill Levy**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Formation of Horizon Drive Association Business Improvement District and Set Mill Levy					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 1, 2004				File #	
<b>Author</b>	Stephanie Tuin			<b>City Clerk</b>		
<b>Presenter Name</b>	Stephanie Tuin John Shaver			<b>City Clerk</b> <b>Acting City Attorney</b>		
<b>Report results back to Council</b>	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>	<input type="checkbox"/>	Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		Consent	X <b>Individual Consideration</b>

**Summary:** The Horizon Drive Association group has turned in petitions which appear to represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the district should be formed. The City Council may also exclude property from the district as allowed by Statute or if it deems it to be in the best interest of the district. Once created the mill levy will need to be set. The request is for a 5 mill levy upon each \$1.00 of total assessment of taxable property in the District.

**Budget:** The district representatives have remitted a check to cover the costs. By Statute, the group is required to cover all expenses connected with the proceedings.

**Action Requested/Recommendation:** Conduct a public hearing and consider final passage and final publication of the ordinance that will create the Horizon Drive Association Business Improvement District and Adopt Resolution Setting the Mill Levy. The Horizon Drive Association has also submitted a recommendation for appointment for the initial board of directors. City Council can act upon that or determine the process for appointments.

**Attachments:**

1. Map of the proposed district
2. Correspondence from the Horizon Drive Association

2. Proposed Operating Plan and 2005 Budget
2. Proposed Ordinance
3. Proposed Resolution

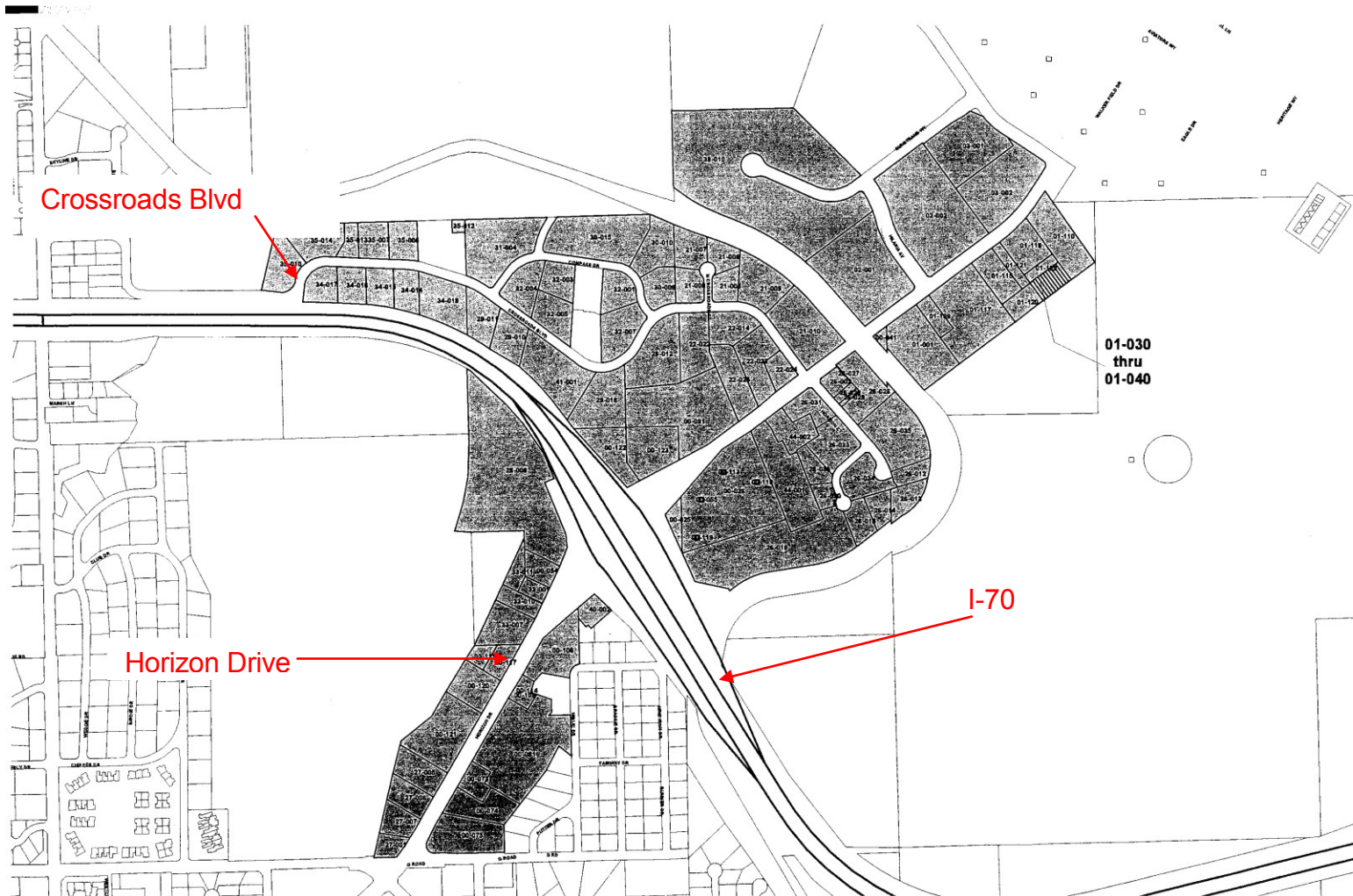
**Background Information:** On March 30, 2004, the City received additional documentation from Richard Talley, representing the Horizon Drive Association Business Improvement District group. In all, the City received 29 petition sections.

The total acreage being proposed for the district is 178.43 acres, with a valuation of \$76,983,410. Petitions were submitted to the City that represent 98.36 acres, valued at \$46,754,780. The law requires that the petitions must represent more than 50 percent of both the property and of the valuation. The petitions appear to represent 55.2% of the property and 60.8% of the valuation.

The proposed ordinance will form the district and adopt the proposed operating plan and budget. The ordinance also sets forth the structure for the initial board of directors and authorizes a 5 mill levy upon the taxable property of the district. The resolution will then set the mill levy and certify it with the County.

The City Clerk published a notice and mailed by certified mail to all affected property owners a notice of the hearing. If approved at second reading the City Clerk will file the ordinance and the mill levy certification with the County Assessor prior to May 1, 2004.

# PROPOSED HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT



# Horizon Drive Association

P. O. Box 60171

Grand Junction, CO 81506

April 15, 2004

City Council  
Grand Junction, CO

Dear Council:

The Board of Directors of the Horizon Drive Association respectfully requests that the City Council of the City of Grand Junction authorize and enact a levee for the Horizon Drive Business Improvement District at 5.0 mills upon every dollar of the valuation for assessment of taxable property within the District.

The Board of Directors of the Horizon Drive Association recommends to the Council the following individuals to be members of the Board of Directors for the Horizon Drive Business Improvement District:

Brenda Bryant, Branch Manager  
Alpine Bank, Horizon Drive

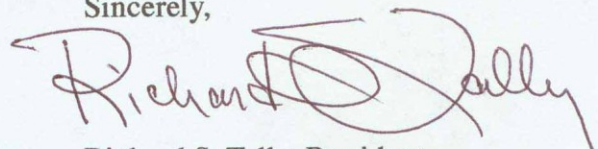
Ron Pascual, General Manager  
Adams Mark Hotel

Dale Reese, Owner  
Horizon Fitness Center

Dan Sharp, General Manager  
Grand Vista Hotel

Richard Tally, Owner  
Days Inn, Mesa Inn, Good Pastures Restaurant

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard S. Tally". The signature is fluid and cursive, with the first name "Richard" and last name "Tally" clearly legible.

Richard S. Tally, President  
Horizon Drive Association

# Horizon Drive Association Business Improvement District

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## Service and Operating Plan

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### **Goals and Objectives:**

- Improve communication amongst businesses in the district
- Work together for a common goal
- Beautification
- Signage
- Coordinating holiday presentation
- Improve entrances to Grand Junction
- Serve as an ambassador to the City, County, and other organizations
- Represent the District in decisions that may impact the area

### **Services and Improvements Offered by the District:**

- Liaison for its constituencies to the City of Grand Junction on improvement projects to the District.
- Improve the communications throughout the district.
- Enhance the District with long range planning of improvements.
- Be accessible to constituents for questions on various issues that may arise.
- Represent the District in decisions that may impact the area..
  
- The district is allowed to make and contemplates a broad range of public improvements including but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuaries, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all incidental including relocation of utility lines.

### **Governance of the District:**

- Initial Board of Directors appointed by Grand Junction City Council. Subsequent vacancies filled by election as provided by statute.
- Board of Directors appoints management staff in accordance with District bylaws.

### **Powers of the District:**

- The power to sue and be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.

- To consider and, if deemed necessary, provide services within the district including but not limited to:
  - \* management and planning
  - \*maintenance of improvements, by contract if necessary
  - \*promotion or marketing
  - \*organization, promotion and marketing of public events
  - \*activities in support of business recruitment, management and development
  - \*snow removal or refuse collection
  - \*provide design assistance
- To acquire, construct, finance, install, and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the district, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to levy taxes against taxable commercial property.

**Partnerships:**

- Members of the existing Horizon Drive Association are encouraged to join the Horizon Drive Business Improvement District and provide feedback and opinions based upon their current concerns pertaining to the area.
- Membership to the Horizon Drive Business Improvement District will be based on a dues structure set up by the Board of Directors.

**Proposed Initial Budget:**

See attached.

# Horizon Drive Business Improvement District

## First Year Proposed Operating Budget

Beginning Funds Available		1,089.00
Revenues:		
Taxes	109,535.00	
Special Ownership Taxes	2,000.00	
H.D. A. Membership Dues	5,000.00	
Interest Income	300.00	
Total Revenues		<u>116,835.00</u>
Total Funds Available		117,924.00
Less Expenditures:		
Operating Expenses		
Personal	20,000.00	
Non-Personnel Operating Expenses	15,000.00	
Total Operating Expenditures		35,000.00
Improvement Projects		<u>77,000.00</u>
Total Expenditures		112,000.00
Contingency/Ending Funds Available		5,924.00



**ORDINANCE NO.**

**AN ORDINANCE CREATING AND ESTABLISHING  
THE HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT  
AND APPROVING AN OPERATING PLAN AND BUDGET THEREFOR**

**Recitals:**

On March 30, 2004, the Horizon Drive Association business improvement district organizing committee filed a petition with the City Council of the City of Grand Junction requesting formation of a business improvement district.

Upon review of the petition and signatures thereon, it appears that the petition meets the requirements of the *Business Improvement District Act*, Part 12 of Article 25 of Title 31, of the Colorado Revised Statutes.

The formation of the district will provide continuing, dedicated resources to promote business activity in the area.

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

**Section 1.** Upon consideration of the petition requesting the formation of the Horizon Drive Association Business Improvement District, the Council finds:

- (a) That the proposed district was initiated by petition filed with the City Clerk, that the petition was duly signed and presented in conformity with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes and that the allegations of the petition are true;
- (b) That the City Council has fixed a place and time for a hearing on the petition;
- (c) That notice of such hearing has been duly published and mailed in accordance with the *Business Improvement District Act*;
- (d) That an operating plan and budget for 2004, together with an ongoing district service plan, has been filed with the City Clerk of the City of Grand Junction;
- (e) That the Horizon Drive Association Business Improvement District is lawful and necessary, should be created and established and should include the area described and set forth herein.

**Section 2.** The Horizon Drive Association Business Improvement District is hereby created and established for the purposes and with the powers set forth in the service plan and the 2004 operating plan.

**Section 3.** The District is located within the boundaries of the City of Grand Junction and a general description of the boundaries of its area is: all commercial property bounded on the south by G Road, north on Horizon Drive Association through and including H Road, bounded on the west by 27 Road/15<sup>th</sup> Street, and on the east by 27 ½ Road northeast to Walker Field Airport Authority. The boundaries shall include, but are not limited to Horizon Court, compass Drive Association, Crossroads Boulevard, crossroads Court, Skyline Court, Sundstrand Way and Hilara Avenue. The District will include the following parcels:

Parcel #	Parcel #	Parcel #	Parcel #	Parcel #
2701-361-00-091	2701-361-29-018	2701-363-00-121	2701-364-00-123	2705-312-01-034
2701-361-00-941	2701-361-30-009	2701-363-27-001	2701-364-26-012	2705-312-01-035
2701-361-21-005	2701-361-30-010	2701-363-27-005	2701-364-26-013**	2705-312-01-036
2701-361-21-006	2701-361-30-015	2701-363-27-006	2701-364-26-014**	2705-312-01-037
2701-361-21-007	2701-361-31-004	2701-363-27-007	2701-364-26-018	2705-312-01-038
2701-361-21-008	2701-361-32-001	2701-364-00-025	2701-364-26-019	2705-312-01-039
2701-361-21-009	2701-361-32-003	2701-364-00-026	2701-364-26-020	2705-312-01-040
2701-361-21-010	2701-361-32-004	2701-364-00-054	2701-364-26-033	2705-312-01-109
2701-361-22-014	2701-361-32-005	2701-364-00-055	2701-364-26-034**	2705-312-01-110
2701-361-22-022	2701-361-32-007	2701-364-00-073	2701-364-26-036	2705-312-01-115
2701-361-22-023	2701-361-39-010	2701-364-00-074	2701-364-28-008	2705-312-01-117
2701-361-22-024	2701-361-41-001	2701-364-00-075	2701-364-33-001	2705-312-01-118
2701-361-22-025	2701-362-34-014	2701-364-00-081	2701-364-33-007	2705-312-01-120
2701-361-26-002	2701-362-34-015	2701-364-00-106	2701-364-33-010	2705-312-01-121
2701-361-26-026	2701-362-34-016	2701-364-00-109	2701-364-33-011	2705-312-01-122
2701-361-26-027	2701-362-34-017	2701-364-00-111	2701-364-40-002	2705-312-02-001
2701-361-26-028	2701-362-34-018	2701-364-00-113	2701-364-44-001	2705-312-02-002
2701-361-26-029	2701-362-35-006	2701-364-00-114	2701-364-44-002	2705-312-03-001
2701-361-26-031	2701-362-35-007	2701-364-00-117	2705-312-01-001	2705-312-03-002
2701-361-26-035	2701-362-35-010	2701-364-00-118	2705-312-01-030	2701-364-26-037
2701-361-29-010	2701-362-35-012	2701-364-00-119	2705-312-01-031	
2701-361-29-011	2701-362-35-013	2701-364-00-120	2705-312-01-032	
2701-361-29-012	2701-362-35-014	2701-364-00-122	2705-312-01-033	

\*\* these three parcels have been combined and renumbered as 2701-364-26-037

The Horizon Drive Association Business Improvement District shall consist only of taxable real property located within the service area which is not classified for property tax purposes as either residential or agricultural together with any taxable personal property located on such taxable real property. Any residential or agricultural property located within the boundaries of the service area is not subject to the District's revenue-raising powers until such time as the property changes classification for property tax purposes.

**Section 4.** The Horizon Drive Association Business Improvement District shall be governed by a five member board of directors elected as provided in the *Business Improvement District Act* and the District's service plan except that until the initial board is elected, the Grand Junction City Council shall govern the District. The terms of office of the elected board of directors shall be four years except that, of the directors first elected, three shall be elected for a two-year term and two shall be elected for a four-year term.

**Section 5.** The service plan and 2004 operating plan and budget, as filed with the City Clerk of the City of Grand Junction, are hereby approved. The District will levy a tax of no more than 5.0 mills upon every dollar of the valuation for assessment of taxable property within the District.

**Section 6.** This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

Introduced on first reading this 7<sup>th</sup> day of April, 2004.

Passed and adopted on second reading, after a duly noticed public hearing, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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President of the Council

ATTEST:

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City Clerk

**RESOLUTION NO.**

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2004 IN THE HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT A PART OF THE CITY OF GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Horizon Drive Association Business Improvement District limits, for the year 2004 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Horizon Drive Association Business Improvement District, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2005.

ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED:

\_\_\_\_\_

President of the Council

ATTEST:

\_\_\_\_\_

City Clerk

## CERTIFICATION OF TAX LEVIES

TO: County Commissioners of Mesa County, Colorado. For the year 2004, the Board of Directors of the Horizon Drive Association Business Improvement District hereby certifies the following mill levy to be extended upon the total assessed valuation:

PURPOSE	LEVY	REVENUE
9. Temporary Property tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>  n/a  </u> mills	\$ <u>  0.00  </u>
10. Other as specified below**	<u>  5.000  </u> mills	\$ <u>109,535  </u> (est.)
<b>TOTAL</b>	<b><u>  5.000  </u> MILLS</b>	<b><u>  \$109,535  </u> (est.)</b>

Contact person:   Stephanie Tuin   Daytime Phone:   (970) 244-1511  

Signed \_\_\_\_\_ Title   City Clerk  

\* CRS 32-1-1603 (SB 92-143) requires Special Districts to "certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt."

\*\*For services and/or improvements to be provided by the Horizon Drive Association Business Improvement District which may include but are not limited to improvements to streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuaries, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all incidentals including relocation of utility lines pursuant to 31-25-1205, C.R.S..

NOTE: Certification **must** be to three decimal places **only**. If your boundaries extend into more than one county, please list all counties here:

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

**Attach 18  
Public Hearing – Blue Heron Rezone**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Blue Heron Rezone located on the south side of Blue Heron Road, east of the Blue Heron River Trail					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 2, 2004				File #RZ-2004-038	
<b>Author</b>	Ronnie Edwards			<b>Associate Planner</b>		
<b>Presenter Name</b>	Ronnie Edwards			<b>Associate Planner</b>		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Request to rezone property located on the south side of Blue Heron Road, east of the Blue Heron River Trail, consisting of one parcel, from the CSR (Community Services and Recreation) zone district to I-2 (General Industrial) zone district. Planning Commission recommended approval at its March 23, 2004 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** That City Council conduct a public hearing and adopt the zoning ordinance on second reading

**Attachments:**

7. Vicinity Map
8. Aerial Map
9. Growth Plan Map
10. Zoning Map
11. Detail map
12. Zoning Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>South side of Blue Heron Road, East of the Blue Heron River Trail</b>		
<b>Applicants:</b>		<b>City of Grand Junction</b>		
<b>Existing Land Use:</b>		<b>Undeveloped property</b>		
<b>Proposed Land Use:</b>		<b>Industrial development</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Industrial uses</b>		
	<b>South</b>	<b>City Park property (Blue Heron pond)</b>		
	<b>East</b>	<b>Industrial property/warehouses</b>		
	<b>West</b>	<b>City Park property &amp; undeveloped industrial property (owned by Coors Ceramics)</b>		
<b>Existing Zoning:</b>		<b>CSR and Floodplain</b>		
<b>Proposed Zoning:</b>		<b>I-2 and Floodplain</b>		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>I-2 and Floodplain</b>		
	<b>South</b>	<b>CSR and Floodplain</b>		
	<b>East</b>	<b>I-2 and Floodplain</b>		
	<b>West</b>	<b>CSR, I-2 and Floodplain</b>		
<b>Growth Plan Designation:</b>		<b>Industrial</b>		
<b>Zoning within density range?</b>		<b>N/A</b>	<b>Yes</b>	<b>No</b>

**BACKGROUND:**

Innovative Textiles has approached the City with a request to purchase a piece of City property that is located between Blue Heron Road and Lot 2 of the City Market Subdivision, which consist of approximately .03 acres. This purchase would allow the establishment of a second route of access that would not require an additional crossing of a rail spur that is located just north of the existing warehouse building. The adjacent 8.561 acre parcel was deeded to the City, with the expressed desire that the City use this parcel for economic development. Action Bindery has approached the City expressing interest in purchasing the remainder of the City parcel in order to construct a manufacturing plant for their needs. The sales amount for these parcels would be determined by an independent appraisal. The City Council has indicated support for the sale of the property for economic development.

In order to allow any industrial development to occur, the subject property must be rezoned from the Community Services and Recreation (CSR) zone district to the General Industrial (I-2) zone district, which is consistent with the surrounding parcels.

A. Consistency with the Growth Plan:

Policy 1.7 states that City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed development is compatible with the planned development of adjacent property.

The General Industrial (I-2) zone district is consistent with the Future Land Use Map and the Growth Plan. Surrounding properties are zoned I-2 and have existing industrial uses.

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

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria for approval:

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

The existing zone district supported the existing use and ownership and was not in error at the time annexation occurred in 1992. The request to change to an I-2 zone district is due to the change in ownership and consequent proposed uses.

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

The character of the neighborhood was developed as industrial uses during the mid-1970's, with this subject property being retained as park property. With the change of ownership, proposed uses will be changing on this parcel.

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 are industrial zones and uses. Further to the north are heavy commercial uses and zones, and includes Mesa Mall. This particular parcel is vacant and undeveloped. Any anticipated changes that will create impacts will be addressed during the Site Plan Review process when development occurs.

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 I-2 is consistent with the goals and policies of the Growth Plan and the requirements of the Zoning and Development Code.

- 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 available for industrial uses. The proposed rezone and the subsequent lot line adjustment will provide a secondary point of access for emergency vehicles for adjacent subdivision lots and a point of access for the remainder large lot that will be created.

- 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 I-2 zone district, as it is enclaved with industrial zoning and is supported by the Future Land Use Map.

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

The community will benefit with the proposed rezone as the property will be maintained by new owners in lieu of the City Parks Department. The community will also benefit with the proposed pedestrian access from Blue Heron Road to the River Trails. The City also will be maintaining the necessary land for future dike construction as this is a major floodplain area.

#### 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 I-2 to the City Council with the findings and conclusions listed above.



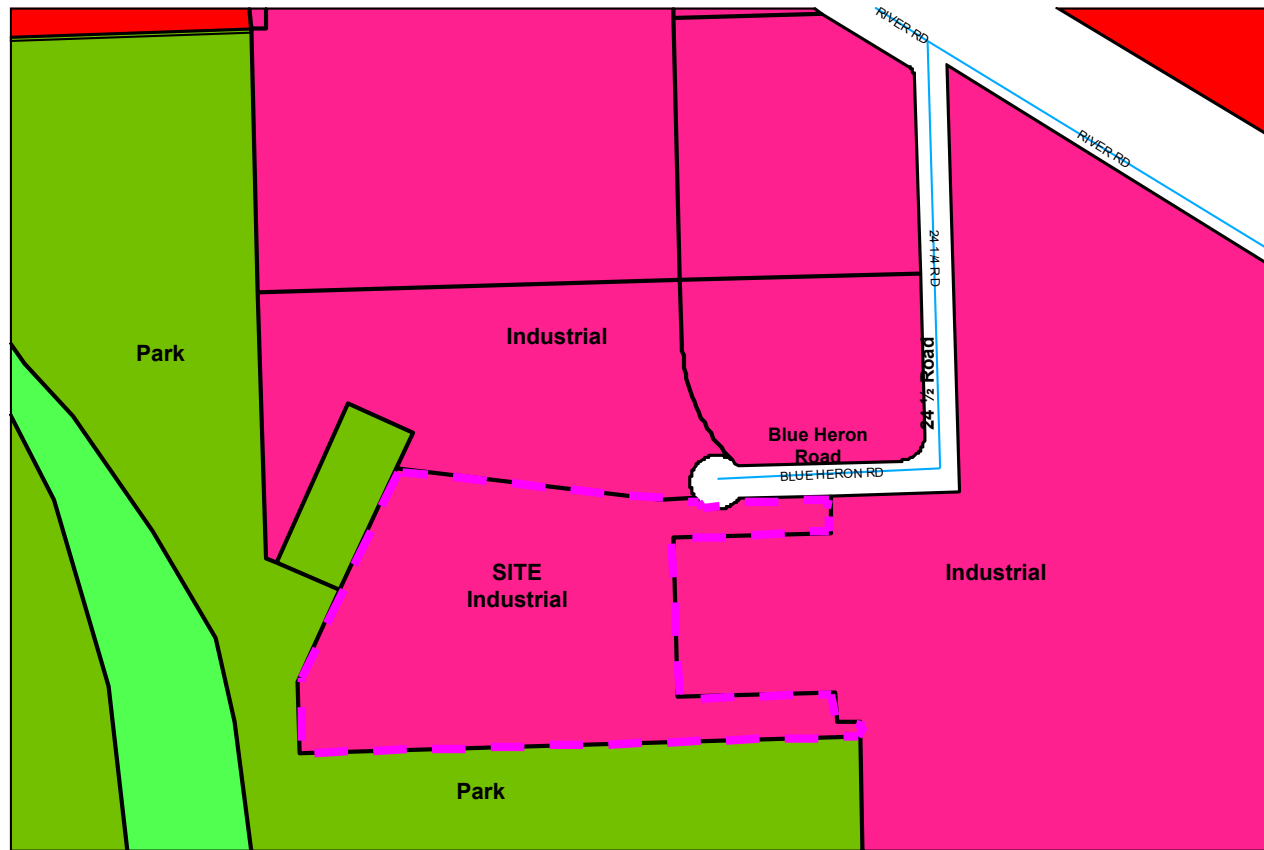
# Aerial Photo Map

Figure 2



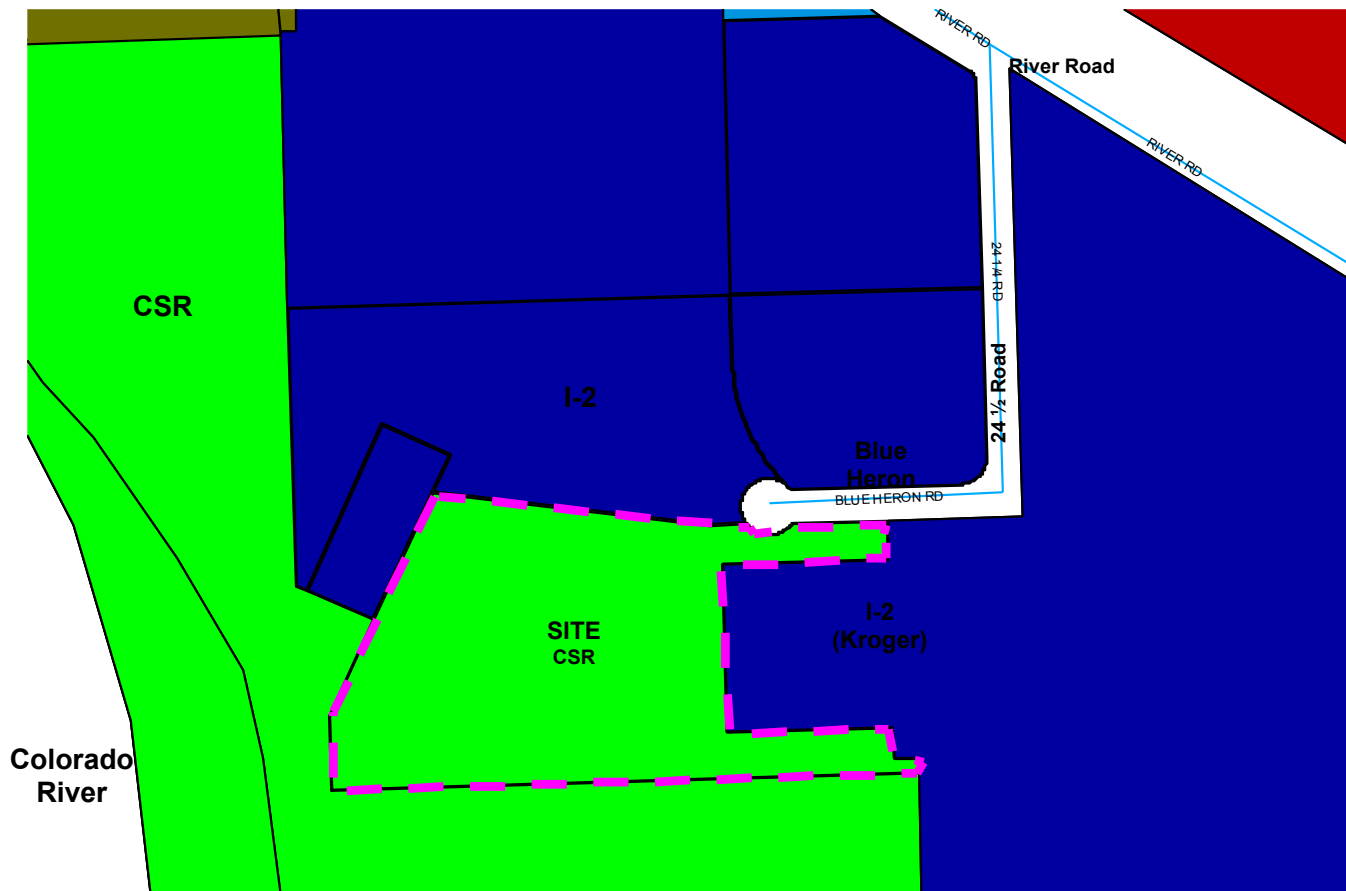
# Future Land Use Map

Figure 3

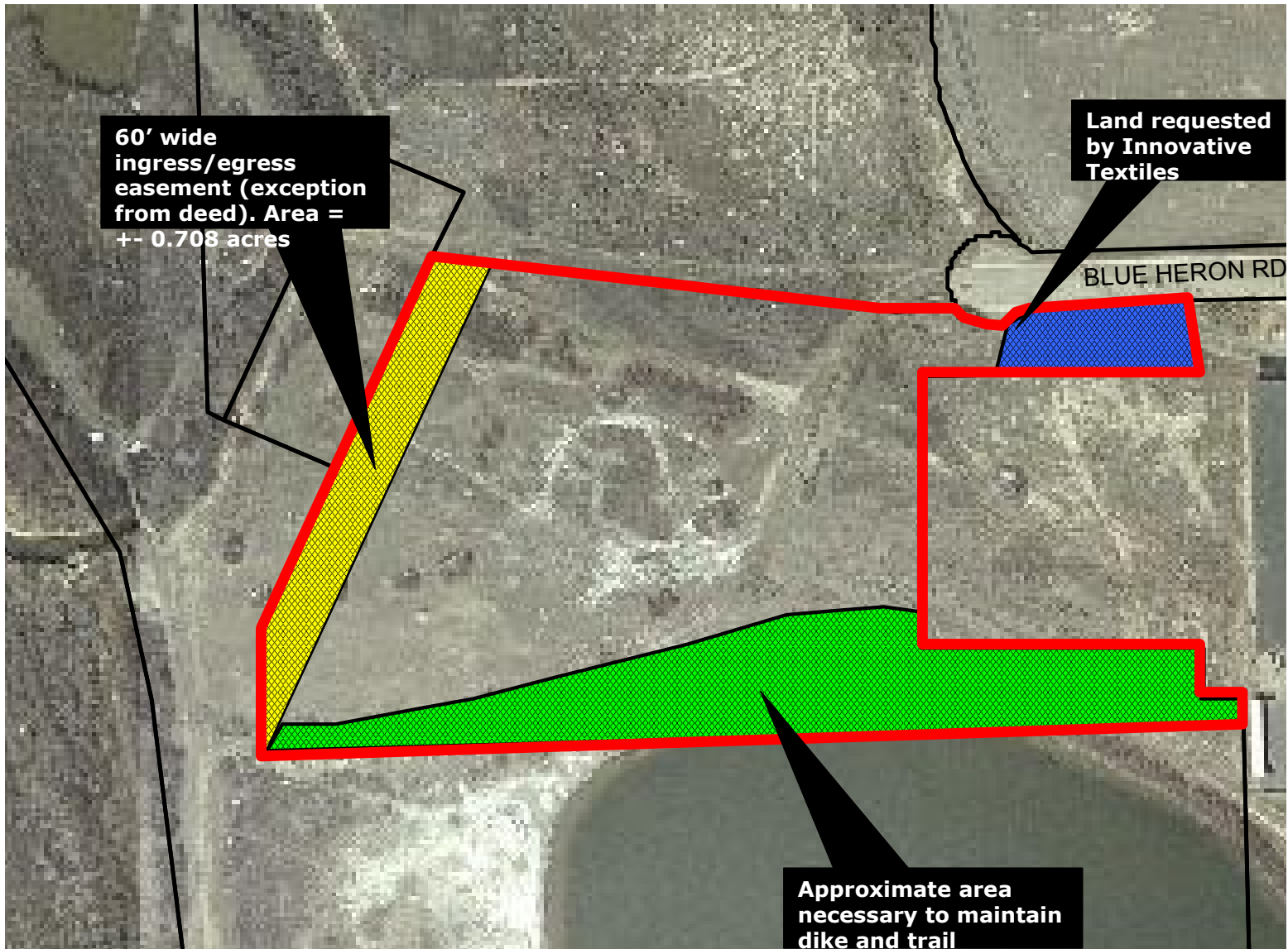


# Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING A PARCEL OF LAND FROM CSR  
(COMMUNITY SERVICES AND RECREATION) TO I-2 (GENERAL INDUSTRIAL)**

**LOCATED ON THE SOUTH SIDE OF BLUE HERON ROAD,  
EAST OF THE BLUE HERON RIVER TRAIL**

Recitals.

**After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from CSR zone district to the I-2 zone district.**

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as forth by the Growth Plan, Industrial. 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 I-2 ZONE DISTRICT:**

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 9, 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 Blue Heron Industrial Park, as same is recorded in Plat Book 12, Page 10, Public Records of Mesa County, Colorado, and as depicted on the City Market Subdivision, as same is recorded in Book 3602, Page 397, Public Records of Mesa County, Colorado, and assuming the South right of way line for Blue Heron Road, as depicted on said Blue Heron Industrial Park and City Market Subdivision, bears S 89°58'39" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°58'39" W along the South line of said Blue Heron Road and the North line of Lot 2 of said City Market Subdivision, a distance of 242.59 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°03'37" E a distance of 73.29 feet; thence N 89°58'08" W along the North line of said Lot 2, a distance of 300.00 feet; thence S 00°03'37" E along the West line of said Lot 2, a distance of 268.91 feet; thence N 74°43'37" W a distance of 44.26

feet to a point being the beginning of a 225.00 foot radius curve, concave South, whose long chord bears S 89°40'28" W with a long chord length of 121.00 feet; thence 122.51 feet Westerly along the arc of said curve, through a central angle of 31°11'50"; thence S 74°04'34" W a distance of 185.14 feet; thence S 79°33'20" W a distance of 156.08 feet; thence S 82°45'43" W a distance of 122.39 feet; thence S 88°16'46" W a distance of 46.96 feet; thence N 84°34'25" W a distance of 54.20 feet; thence N 00°09'48" W a distance of 95.11 feet; thence N 26°09'09" E a distance of 443.79 feet, more or less, to a point on the South line of Lot 3, Blue Heron Industrial Park Filing No. Two, as same is recorded in Plat Book 12, Page 359, Public Records of Mesa County, Colorado; thence S 81°50'45" E along the South line of said Lot 3, a distance of 505.77 feet; thence N 89°58'39" E along the South line of said Lot 3, a distance of 67.11 feet to a point on the right of way for said Blue Heron Road, being the beginning of a 50.00 foot radius curve, concave North, whose long chord bears N 89°58'39" E with a long chord length of 80.00 feet; thence Easterly 92.73 feet along the arc of said curve, through a central angle of 106°15'37"; thence N 89°58'39" E along the South right of way for Blue Heron Road, a distance of 174.09 feet, more or less, to the Point of Beginning.

CONTAINING 6.552 Acres, more or less, as described.

Introduced on first reading on the 7th day of April, 2004.

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

Attest:

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

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



**Attach 19  
Public Hearing Text Amendments to SSID Manual**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Hold a Public Hearing and Consider Final Passage on the proposed ordinance for text amendments to the SSID Manual (Submittal Standards for Improvements and Development).					
<b>Meeting Date</b>	April 21, 2004					
<b>Date Prepared</b>	April 12, 2004			File # TAC-2003-01.04		
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

**Summary:** Staff recently completed needed changes to the SSID Manual that reflect changes in the Zoning and Development Code adopted in 2002. The manual pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage of the proposed ordinance for text amendments to the SSID Manual (Submittal Standards for Improvements and Development).

**Background Information:** See attached Staff Report/Background Information. The draft version was previously distributed.

**Attachments:**

- 17. Staff report/Background information
- 18. Synopsis of changes
- 3. Ordinance

## Background Information:

The *Submittal Standards for Improvements and Development Manual*, referred to as SSID, pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code. The Departments of Community Development and Public Works have the responsibility to enforce the provisions of the SSID Manual and the Zoning and Development Code. Section 6.8 of the Zoning and Development Code, titled, Standards for Required Reports, Studies and Special Plans states: The applicant shall submit to the Administrator those materials as listed in the SSID Manual (under separate cover). The purpose of the SSID manual is to help eliminate uncertainties regarding what is expected by the various review agencies. The SSID manual is used as a guide for the level of detail and process that is involved in the design of projects and application submittal guidelines and requirements. The manual is highly technical in nature, with many cross-references throughout the document. It contains flow charts, abbreviations, drafting symbols, definitions and engineering terms for the benefit of consistent review and interaction between the City and the developer.

It was first released in 1993 as a concerted effort by the Community Development Department and the Public Works Department to help guide the development community in quality planning, design and construction. Over the years it has become the guidance manual for all City development applications, requiring consistency in all types of development. This was and still is the primary goal of the document.

Staff recently completed needed changes to the SSID Manual that reflect the changes in the Zoning and Development Code adopted in 2002. The last time the SSID Manual was formally updated was in 1995. There were other updates done in 1998. Over the past several years, Staff has made some minor changes to some of the checklists and has provided them to developers. The development community has had some exposure to the upcoming changes and they have already used the checklists that have previously been changed. In January, a memo was sent to 57 interested parties soliciting their input and comments for review of the document. One phone call was received as a result of that memo regarding the possible changes. Peter Krick, City Surveyor, met with the surveyors in the area and explained changes in the SSID Manual to meet the state requirements for platting. Rick Dorris, City Development Engineer, has met with several engineers and developers to discuss their concerns regarding the requirements of the manual.

At the City Council meeting of March 17, 2004, the Council postponed the final adoption of the amendments to April 21, 2004, to allow Staff time to prepare a side by side comparison of the changes. That document was prepared for review and on April 1<sup>st</sup>, another memo was sent to the original 57 possible interested parties, the Mayor and City Council, inviting them to review this additional document and solicit any additional comments they might have. Comments were to be provided by April 9<sup>th</sup>. No comments nor inquiries were received.

The Planning Commission reviewed the proposed draft at their regularly scheduled meeting of January 13, 2004, and recommended approval of the draft document, finding it consistent with the Growth Plan and the Zoning and Development Code.

## SYNOPSIS OF CHANGES TO SSID MANUAL / 2004

In the introduction to the manual, the 2<sup>nd</sup> Edition was revised and updated from May 1995, to the present date. This will be considered the 3<sup>rd</sup> Edition.

The Table of Contents was revised and expanded with more detail.

The Purpose and Scope section was updated and reworded.

The section titled, *City Development Standards*, which is a list of adopted plans and policies was updated.

In the section titled “General Terms”, the term “Qualified Person” was added. This section was also modified to allow a “Qualified Person” to inspect construction work instead of a Professional Engineer. It is important to note that we never enforced the requirement for a Professional Engineer to inspect the construction. Since we didn’t previously enforce our requirement, this will be viewed as an additional requirement.

Since the application process was revised, it was necessary to revise this section of the manual. Application sequence charts were reduced from eight, to two.

In the Preface, the term “Quality Review Team” is to be changed to “Development Review Team”, since that is what the review team is called.

There are 27 proposed submittal checklists in this draft. The original document contained only 16 checklists, they were:

1. Change of Use
2. Concept Plan
3. Conditional Use Permit
4. Major Subdivision: Final
5. Major Subdivision: Preliminary
6. Minor Subdivision
7. Outline Development Plan (ODP)
8. Planned Development
9. Resubdivision
10. Revocable Permit
11. Rezone
12. Site Plan Review
13. Special Use Permit
14. Temporary Use Permit
15. Vacation
16. Variance

The proposed draft contains the following 27 checklists.

1. Change of Use Review
2. Concept Plan
3. Conditional Use Permit
4. Conditional Use Permit – Gravel Pit
5. Conditional Use Permit – Site Plan Review
6. Conditional Use Permit – Telecommunications Tower
7. Condominium Plat
8. Floodplain Permit
9. Growth Plan Amendment
10. Historic Designation
11. Institutional & Civic Facility Master Plan
12. Outline Development Plan (ODP)
13. Planned Development – Preliminary
14. Planned Development – Final
15. Revocable Permit
16. Rezone
17. Rezone – Preliminary Plan
18. Site Plan Review, Major
19. Site Plan Review, Minor
20. Site Plan – Simple Subdivision
21. Subdivision, Major – Preliminary
22. Subdivision, Major – Final
23. Subdivision, Simple
24. Temporary Use Permit
25. Vacation of: Easement, ROW, Plat
26. Variance
27. Variance - Sign

In the old version of the Code we did not have criteria to address telecommunications towers, gravel pits, and master plans for large facilities. A variance for a sign is different from a variance from the bulk standards. Combined projects are more and more common, such as a site plan with a simple subdivision. The evolution of the Code has necessitated the need for additional checklists. Some revised forms have been out for 2 years.

In addition to new and needed checklists, changes to the existing checklists were needed to help facilitate the review process. The revised checklists in section IV, added review agencies to enhance reviews and deleted agencies and items that were not needed. Added submittal items where necessary to make the submittals more thorough.

These changes include:

1. A space for the Planners name was added.
2. An expiration date was added.

3. Resubdivision was deleted since it is considered a Simple Subdivision in the new Code.
4. A Minor Site Plan Review checklist was added.
5. A new Gravel Pit checklist provided.
6. Telecommunications Tower checklist provided.
7. Condominium Plat process was added.
8. Floodplain Permit was added.
9. Historic Designation was added.
10. Institutional & Civic Master Plan was added.
11. Variance checklist for "signs only" was added.
12. Combined checklist of CUP/Site Plan Review was added.
13. Combined checklist for Rezone and Preliminary Plans.
14. Combined checklist for Simple Subdivision/Site Plan review.
15. A new Growth Plan Amendment checklist was provided.
16. Urban Trails were added as a review agency to the checklists.
17. Application Fee no longer has a dot, but a \$ for the amount due.
18. Development Application form was moved in the sequence.
19. A reduction of the Assessor's Map is no longer required.
20. "Sketch of proposed sign" was changed to "Sign Plan/sign package".
21. The term "Lease Agreement" was added to the "Evidence of title" line.
22. Fire Flow Form was added to checklists where they may be required.
23. The site data table requirement was added to the checklists for the purpose of determining parking requirements where needed.
24. Geotechnical report is now a required document for Preliminary Plans/Plats.
25. The City, in cooperation with the State, requires a copy of the NPDES Construction Activity Permit, prior to approving construction plans and was added to the appropriate checklists.
26. "Phase 1 Environmental" was changed to "Transaction Screen Process", which is a less costly review. Should the Transaction Screen Process indicate that a Phase 2 Environmental study needs to be done, or we are aware of contaminated soils to begin with, then the Phase 2 can be ordered up front, or after the Transaction Screen Process shows a need for further investigation.
27. A Drainage and Irrigation Checklist was added to SSID. This is the same form the County uses, to provide more consistency to developers.
28. The City Traffic Engineer was added to the checklists as a review agency.
29. Site Analysis checklist was added as per the new Code requirement.
30. Addition of Clifton Fire on all checklists next to City Fire Department for the purpose of expediting the review to the correct agency.
31. The landscape plan requirement was added to some checklists. Previously it had to be written in if it was required for some types of site plan review.
32. The RTPO was added to some checklists.
33. Fence and wall plans are required for major subdivisions at final review, per the new Code requirements.

34. Special Use Permit checklist was eliminated as there is no longer a “Special Use” in the Code.
35. On the Temporary Use checklist a line was added for Code Enforcement review.

Another change to the checklists was required due to the naming of the utility companies. As the utility companies buy and sell and change their names, the checklists were incorrect. For example, Public Service is no longer Public Service, they are Xcel Energy. Grand Valley Rural Power is now Grand Valley Power. AT&T, Qwest, TCI cable, etc. have all had name and service changes. Staff is proposing to change the franchise name to just what the service is that is provided.

Section VI, “Construction Phase Submittals” is used by the Development Engineers during construction of the development. This was revised to clarify and expand the requirements. The process for submitting and approving Quality Assurance data was greatly improved to identify problems before any hard surfacing is installed. Construction Phase Submittals also includes a format for submitting applications and the drawing standards. This section was revised to include electronic versions, email and GIS applications that pertain to submittals. There are progress and construction approval forms; submittal chart; an updated inspection form; these items make it clear up front what the developer will be expected to perform on a project and when the City will accept any public improvements on the project. The completion inspection checklist was revised to further improve Quality Assurance.

Lighting plans have been a requirement of the Code for some time but no checklist for a drawing standard was available. This edition of the manual has been expanded to include a better explanation of the lighting requirements and how they should be provided for review. The same is true for Site Analysis, a requirement of the Code for any parcel over 50 acres. A new drawing standards checklist was provided for clarification of what should be provided for the Site Analysis requirement.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION'S "SUBMITTAL STANDARDS FOR IMPROVEMENTS AND DEVELOPMENT", SSID MANUAL, AND AUTHORIZING PUBLICATION OF THE AMENDMENTS BY PAMPHLET

Recitals:

Ordinance No. 3390 adopted the City of Grand Junction Zoning and Development Code, including Submittal Standards for Improvements and Development (SSID).

Since the adoption of the Zoning and Development Code certain corrections, deletions and amendments to the SSID Manual have been proposed. Many of the amendments proposed for adoption are corrections and additions necessitated by working with and through the "new" Zoning and Development Code.

The revised SSID manual is available for review in the Community Development Department and the City Clerk's office. Because of the number of pages constituting the amendments the Council has determined that publication in book or pamphlet, as authorized by the Charter, is appropriate.

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

1. The SSID *Submittal Standards for Improvements and Developments* is hereby amended to read as shown in the attached book or pamphlet. Specific references to each section number of each amendment, as well as the specific changes to the text are shown therein.
2. On January 13, 2004, the Planning Commission considered the amendments to the SSID manual and recommended approval to the City Council of the text amendments to the SSID Manual
2. All amendments are necessary or required by law and the amendments are in accordance with law.
3. Because of the number of pages, (approximately 150) publication by book or pamphlet is authorized in accordance with the Charter Article VI, Paragraph 51.
4. The hearing prior to final passage shall be held on April 21, 2004 at 7:30 p.m. in the Council chambers located at 250 N. 5<sup>th</sup> Street Grand Junction Colorado. The purpose of such hearing being the consideration of the amendments to the SSID Manual, as stated in this ordinance.



5. The book or pamphlet containing the amendments shall be available for inspection in the City Community Development Department and the City Clerk's Office, 250 N.5th Street, Grand Junction CO. Hours for inspections shall be 8:00 a.m. to 5:00 p.m., Monday through Friday except legal holidays.

6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

INTRODUCED ON FIRST READING this 17<sup>th</sup> day of March, 2004.

PASSED, ADOPTED AND APPROVED this \_\_\_ day of \_\_\_\_\_ 2004.

Attest:

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

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

**Attach 20  
Transportation Engineering Design Standards Update**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Transportation Engineering Design Standards Update							
<b>Meeting Date</b>		April 21, 2004							
<b>Date Prepared</b>		April 9, 2004					<b>File #</b>		
<b>Author</b>		Laura Lamberty			Development Engineer				
<b>Presenter Name</b>		Tim Moore			Public Works Manager				
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Council will consider amendments to the adopted City Transportation Engineering Design Standards (TEDS) Manual to add performance based Alternate Residential Street Standards and revisions to dead end street limitations.

**Budget:** No budget impacts are anticipated.

**Action Requested/Recommendation:** Adopt a resolution approving the amendments to the Transportation Engineering Design Standards (TEDS) manual.

**Attachments:**

1. TEDS Chapter 15 (new)
2. TEDS 5.1.3 (revision)
3. TEDS 5.1.3 (current version)
4. Public Involvement Plan and Report
5. Resolution

**Background Information:** The proposed changes were brought before the Grand Junction Planning Commission on March 23, 2004. The Planning Commission forwarded a recommendation for approval of the revisions to the TEDS Manual to the City Council at that meeting.

The changes will be incorporated in the document, all holders of the current manual will be notified of the changes and the web page will be changed to reflect the new version of the manual.

The Transportation Engineering Design Standards (TEDS Manual) were adopted by resolution No. 111-01 by the Grand Junction City Council on November 7, 2001. The TEDS Manual was first adopted by reference in Chapter 6 of the Zoning and Development Code by City Council on March 7, 2000. A periodic update was approved on September 17, 2003.

Currently, based on street classification, the City has approved cross-sections: dimensional standards for the width of streets, curbs, gutters, and sidewalks, as well as sidewalk separations and medians, if any. To vary from these approved standards would require an expensive and time-consuming process – either a PD Zoning or a Variance.

Staff, the development community and their design professionals have identified the need to have the option of creating a site-specific design which meets our performance-based criteria at an administrative level. This would allow streetscaping, narrowed streets, and other alternatives which are tailored to a site's layout enhancing aesthetic appeal and function.

Also included in this update are changes to TEDS Section 5.1.3, Cul-de-sacs and Dead End Streets. This proposed revision brings lot limitations and length limitations into conformance with the International Fire Code.

15.0 ALTERNATE RESIDENTIAL STREET STANDARDS

The intent of this chapter is to provide flexibility in the creation, approval and use of public street infrastructure that varies from the cross-sectional standards provided in Chapter 5, and to accommodate such proposals under administrative approval procedures. This resulting alternate street standard may be used to create neighborhood character, enhance visual appeal, and to accommodate unique topographical or site features. Further, implementation of these standards should result in “a better solution”, allowing alterations to the standard street section that produce benefit to the community.

**15.1 Performance Criteria**

All public streets considered for alternate cross-sections shall meet certain minimum performance-based standards and meet all intent for function of a public right-of-way. Each proposal must be framed within the specific context of the use.

*15.1.1 Horizontal Geometry*

The horizontal geometry of street and path layouts must meet TEDS requirements elsewhere herein. The design must accommodate large vehicles such as fire trucks, trash trucks and semi trucks at an appropriate level of service.

A minimum pavement width of 20', from flowline of gutter to flowline of gutter, is required for all streets. Path widths or pedestrian walkways shall meet minimum widths as required in the Standard Contract Documents for Construction by path classification.

Horizontal curb radii must be 15' minimum for chicanes, parking bulb-outs and other similar features.

Intersection geometry is as required elsewhere herein.

#### *15.1.2 Vertical Geometry*

The vertical geometry of street and path layouts must meet TEDS requirements elsewhere herein and ADA requirements.

#### *15.1.3 Sight Distance*

The design must achieve all sight distance requirements listed elsewhere in TEDS.

#### *15.1.4 Connectivity*

Minimum connectivity requirements remain unchanged. Provision of access to adjacent parcels is required. Additional inter- or intra- parcel connectivity may be necessary where reduced street width is considered.

Example: One case where narrow streets and the concept of “queueing” is frequently and successfully used is in older downtown neighborhoods across the country. The streets typically have a grid layout, limited block length, and possibly an alley, allowing a narrow street with fairly high density and high use of on-street parking to function satisfactorily.

#### *15.1.5 Parking*

Adequate parking must be provided both on- and off- street. Zoning and Development Code minimums are required on-site. The on-street parking range is required at 0.5 to 1.5 on-street parking spaces per dwelling unit. Higher density development will demand on-street parking in the upper end of that range.

Clustering of on-street parking in pods is encouraged where full on-street parking is not provided. The provision of on-street parking shall consider availability of parking for long vehicles or vehicles with trailers.

Adequate parking outside of the travel lane must be provided. On the other hand, excessive availability of parking contributes to higher speeds due to width of travel lane available as well as to increased construction and maintenance costs.

#### *15.1.6 Pedestrian Facilities*

The design must provide adequate pedestrian facilities equal or better than existing adopted street sections. Detached walk and additional walk width are encouraged.

Sidewalk is required to create continuous pedestrian walkways parallel with the public roadway. Generally, if lots front both sides of the street, sidewalk will be required on both sides of the street.

#### *15.1.7 Drainage*

Curb and gutter is generally considered necessary. However, in limited instances, other options may be considered. Examples include an inverted crown as typically used in concrete alley applications and areas where attached curb and gutter may not be practical due to certain soil conditions. In these cases, adequate drainage facilities must be provided per the Stormwater Management Manual. Alternate drainage facilities must not require additional maintenance effort above conventional facilities.

Surface drainage at bulb-outs and chicanes is preferred along a continuous gutter without drain troughs or otherwise inaccessible sections of gutter.

Narrower street sections will not carry the same amount of water as the standard street sections. Analysis of the street stormwater carrying capacity by use of the SWMM nomographs will not be permitted.

#### *15.1.8 Surfacing and Construction Requirements*

Hard surfacing (Portland cement concrete or asphalt pavement) is required and shall meet the structural design requirements contained in TEDS 7.0. Gravel surfacing is not allowed. Construction requirements are contained in the Standard Contract Documents.

#### *15.1.9 Right-of-way and Multi-Purpose Easements*

Right-of-way and infrastructure dimension and configuration must provide adequate room for all necessary public facilities including, but not limited to, storm drainage; water lines and meters; sanitary sewer lines; electrical, natural gas, cable, telephone supply lines, service lines, pedestals and appurtenances; traffic control signage; irrigation supply and drainage; cut or fill slopes; and other public utility lines and appurtenances.

The standard 14' multi-purpose easement may be reduced in width if adequate space is shown to exist within the right-of-way.

Right-of-way configuration must provide adequate access to public utilities. Fencing of easement areas is discouraged as it reduces access to utilities and improvements.

#### *15.1.10 Private Streets, Shared Drives and Alleys*

Nothing in this section shall expressly prohibit the use of private streets and shared drives, as allowed elsewhere herein, to be used in conjunction with alternate standard streets.

The use of alleys is likewise permitted and may be used in conjunction with alternate standard streets to achieve utility service delivery, alternate access to off-street parking or enhance connectivity.

### 15.1.11 *Traffic Calming*

Traffic calming requirements are the same as required elsewhere herein. Elements of narrowed streets may be considered part of the traffic calming system.

### 15.1.12 *Other Right-of-Way Elements*

All elements of the function of the right-of-way must be considered in the design process.

#### 15.1.12.1 Mail Receptacles.

Streets shall include design elements necessary to meet USPS requirements for access to mail receptacles. Mail receptacles will not be permitted within sight distance triangles at intersections or located such that they interfere with the safe and normal function of the street. Parking shall be provided adjacent to the mail receptacle.

#### 15.1.12.2 Urban Trails

Where Urban Trails, primary school walk routes, bike lanes, or other non-motorized transportation routes are indicated on adopted City, school district, or other plans, these elements must be incorporated into the design. The design must meet all requirements of City, State and Federal standards, including ADA.

## **15.2 Application**

The applicant shall submit a written report requesting alteration of the standard as a part of a Pre-Application Conference, Preliminary Plan or other application process. The applicant is encouraged to make this application as early in the process as feasible. The report and plan shall contain the following:



- a. A specific request for alteration of the standard, detailing elements of the standard that are altered and the proposed alternative.
- b. A narrative explaining the reasons for requesting the alteration and proposed benefits.
- c. A narrative addressing design elements above.
- d. A site plan showing limits and extents of proposed alterations.
- e. A site plan indicating proposed density, approximate lot size and frontage, access locations, street network, and other pertinent elements.  
Approximate horizontal and vertical geometry may be required, dependent on topography or other site constraints.

### **15.3 Approval**

The Director or his/her assigned representative(s) shall make a final determination of adequate conformance to these criteria, and have the authority to approve or reject each proposed alternative. Staff or agency members may provide comment or modification to the proposal. The Director may consult with or delegate review and approval authority to City Staff, outside review agencies, or outside consultants.

Where the proposed alternate may affect utility placement, approval of the Utility Coordinating Committee is required prior to the consideration by the Director or his designee.

Deviation from the standard street cross-sections may continue to be accomplished through a Variance or a Planned Development procedure as permitted in the Zoning and Development Code.

PROPOSED AMENDMENT TO TEDS  
PLN-2004-041

Amendment and changed text is indicated below.

*5.1.3 Cul-de-Sacs and Dead End Streets*

No cul-de-sac shall be more than 750 feet long, measured from the center of the intersection to the center of the turnaround.

No more than 30 lots shall be located on a cul-de-sac street. All cul-de-sacs shall have a turnaround at the terminus point.

Surface drainage of a cul-de-sac shall be conveyed toward the intersecting street, if possible, and if not possible a drainage easement shall be provided leading out of the cul-de-sac.

[Fire Department access standards](#) contain additional details to assist developers and designers in meeting the requirements of the fire department.

~~Unless the street meets all of the requirements for a cul-de-sac, no dead end streets shall be allowed except in cases where such streets are designed to connect with future streets on adjacent land. In that case, if any lots in the subdivision are dependent upon the dead end street for access, the plat shall include a temporary turnaround easement at the terminus of the street.~~

Single access street systems shall be allowed for a maximum of 100 dwelling units. The layout of the subdivision shall meet sections D 104.3 and D 107 of the International Fire Code. A future secondary access is required to be platted as public right-of-way and constructed to public street standards to the property line of the subdivision. A temporary turnaround shall be constructed if the stub street access is longer than 150'.

## Alternative Residential Street Standards Public Involvement Plan and Report

### **Concept Development**

Based on requests and interest expressed by developers and design professionals, Staff felt it was a benefit to the community to create a platform for local residential developments to be created with street cross-sectional dimensions and layout that were not our approved standard in a manner that was not costly and time consuming for the applicant. The outcome was a performance-based standard that allows developers to deal with challenging topography, unique site conditions and a desire for an improved and unique look. This process is entirely optional and the standard cross-section may still be used.

The concept was developed by staff in late summer of 2003 and introduced to local design professionals with only one party commenting.

### **Open House**

An open house was held November 6, 2003 at City Hall. It was attended by 28 people plus City staff, including developers, HBA members, and design professionals. Feedback was very positive. Comments and concerns were incorporated into the final draft where pertinent.

The open house was advertised by flyer and e-mail and sent to over 220 members of the Home Builders Association, Engineers Group, and Development stakeholders including developers, design professionals, and builders.

### **Final Draft**

Final draft of the proposed additions to the TEDS manual was circulated to the parties that attended the Open House, interested design professionals and a local engineers group. No comments were received.

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

**A RESOLUTION ADOPTING THE REVISED TRANSPORTATION ENGINEERING  
DESIGN STANDARDS (TEDS) MANUAL**

RECITALS:

The City of Grand Junction Public Works Department, Transportation Engineering Division, has completed a revision to the Transportation Engineering Design Standards (TEDS) Manual.

The proposed TEDS manual changes have been referred to various public and private agencies and design consultant and engineering firms for their review and comments; those comments have been incorporated and resulted in revisions as appropriate.

Grand Junction Planning Commission, at its March 23, 2004 hearing, recommended that the City Council adopt the revised TEDS.

The TEDS Manual was first adopted by reference in Chapter 6 of the Zoning and Development Code by the City Council on March 7, 2000 and subsequently revised and adopted by Resolution No. 111-01 on November 7, 2001. Because the manual being adopted by this resolution is the latest edition of the document the adoption may occur by resolution.

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

The TEDS Manual with revisions dated April 2004 is hereby approved and shall be in full force and effect.

PASSED and ADOPTED this \_\_\_\_\_ day of April, 2004.

ATTEST:

\_\_\_\_\_

City Clerk

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President of the Council

