

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

WEDNESDAY, JULY 7, 2004, 7:30 P.M.

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Michael Torphy, Religious Science Church

**APPOINTMENTS**

APPOINTMENTS TO RIVERFRONT COMMISSION

RATIFICATION OF APPOINTMENTS TO URBAN TRAILS

RATIFICATION OF APPOINTMENT TO BUILDING CODE BOARD OF APPEALS

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Summary of the June 14, 2004 Noon Workshop, Summary of the June 14, 2004 Workshop and the Minutes of the June 16, 2004 Regular Meeting*

2. **Setting a Hearing for the Zoning of Red Tail Ridge II Annexation** [File #ANX-2004-094]

[Attach 2](#)

Introduction of a proposed zoning ordinance to zone the Red Tail Ridge II, Annexation RSF- 4, Located South and West of Buena Vista Drive on Orchard Mesa

Proposed Ordinance Zoning the Red Tail Ridge II Annexation to RSF-4 Located South and West of Buena Vista Drive on Orchard Mesa

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

Staff presentation: Senta L. Costello, Associate Planner

3. **Setting a Hearing for the Haremza Annexation Located at 2126 Hwy 6 & 50**  
[File #ANX-2004-121] [Attach 3](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.895 acre Haremza annexation consists of 1 parcel.

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

Resolution No. 57-04 – 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, Haremza Annexation Located at 2126 Hwy 6 & 50

®Action: *Adopt Resolution No. 57-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Haremza Annexation Approximately 7.895 Acres Located at 2126 Hwy 6 & 50

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 18, 2004*

Staff presentation: Senta L. Costello, Associate Planner

4. **Gardunio Revocable Permit Located at 2030 N. 6<sup>th</sup> Street** [File #RVP-2004-090]  
[Attach 4](#)

The petitioner is requesting approval and issuance of a revocable permit to place large boulders in the City right-of-way adjacent to their rear property line.

Resolution No. 61-04 – A Resolution Concerning the Issuance of a Revocable Permit to Rose Gardunio and Gordon Gardunio

®Action: *Adopt Resolution No. 61-04*

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing for the Flint Ridge III Annexation, Located at 2946 and 2952 D Road** [File #ANX-2004-101] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.1275 acre Flint Ridge III Annexation consists of 2 parcels located at 2946 and 2952 D Road.

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

Resolution No. 62-04 – 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, Flint Ridge III Annexation Located at 2946 and 2952 D Road

®Action: *Adopt Resolution No. 62-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Flint Ridge III Annexation Approximately 19.1275 Acres Located at 2946 and 2952 D Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 18, 2004*

Staff presentation: Lisa E. Cox, Senior Planner

6. **Setting a Hearing for the Castanha Annexation No. 1, No. 2, No. 3, No. 4, Located at 2250 Saddlehorn Road** [File #ANX-2004-135] [Attach 6](#)

Castanha Annexation, a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road and including portions of the 22 ½ Road and Saddlehorn Road Rights-of-Way, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

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

Resolution No. 63-04 – 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, Castanha Annexation No. 1, 2, 3, & 4 Located at 2250 Saddlehorn Road

®Action: *Adopt Resolution No. 63-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 1, Approximately 0.039 Acres Located at 2250 Saddlehorn Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 2, Approximately 0.133 Acres Located at 2250 Saddlehorn Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 3, Approximately 1.188 Acres Located at 2250 Saddlehorn Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 4, Approximately 3.535 Acres Located at 2250 Saddlehorn Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for August 18, 2004*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

7. **2004 South Broadway Trail and 2004 South Camp Road Curb and Gutter Improvements** [Attach 7](#)

Award of a construction contract to Reyes Construction in the amount of \$244,051.65 for the 2004 South Broadway Trail and South Camp Road Curb and Gutter Improvements.

Action: *Authorize the City Manager to Sign Construction Contract for the 2004 South Broadway Trail and South Camp Road Curb and Gutter Improvements with Reyes Construction in the Amount of \$244,051.65*



Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Public Hearing - Appeal a Planning Commission Decision – 2938 North Avenue – Palace Pointe Market Place** [File #VAR-2004-056] [Attach 8](#)

**APPELLANT HAS REQUESTED CONTINUANCE TO AUGUST 18, 2004**

The appellant, North Avenue Center, LLC, wishes to appeal the Planning Commission's decision regarding the denial of their variance request of the Zoning & Development Code's requirement to provide a six foot (6') masonry wall between a C-1, Light Commercial and a RMF-8, Residential Multi-Family – 8 units/acre (County) Zoning District. This appeal is per Section 2.18 E. of the Zoning & Development Code which specifies that the City Council is the appellant body of the Planning Commission.

*Action: Conduct a Hearing to Review the Appeal of the Appellant*

Staff presentation: Scott D. Peterson, Associate Planner

9. **Public Hearing - Amending the Planned Development (PD) for the Summer Hill Subdivision** [File #RZP/FPP-2004-028] [Attach 9](#)

Consider final passage of a proposed ordinance rezoning 1.6 acres of land from RSF-4 (Residential Single Family with a maximum of 4 units per acre) to PD (Planned Development) and amending Ordinance No. 3136 to establish an underlying zone district and include bulk standards. The applicant is also requesting Council approval of the Summer Hill Subdivision development schedule to extend beyond December 31, 2004 and allow construction traffic to use Lanai Drive and Catalina Drive for a 60 day construction period.

Ordinance No. 3647– An Ordinance Amending Ordinance No. 3136 to Include Additional Property and Establish Underlying Zoning and Bulk Standards for the Summer Hill Planned Development

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3647*

Staff presentation: David Thornton, Principal Planner

10. **Public Hearing – Peregrine Estates Annexation Located at 2157 S. Broadway**  
[File #ANX-2004-060] [Attach 10](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Peregrine Estates Annexation, located at 2157 S. Broadway. The 18.585 acre annexation consists of 1 parcel of land.

**a. Accepting Petition**

Resolution No. 64-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Peregrine Estates Annexation Located at 2157 S. Broadway is Eligible for Annexation

*®Action: Adopt Resolution No. 64-04*

**b. Annexation Ordinance**

Ordinance No. 3648 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peregrine Estates Annexation, Approximately 18.548 Acres Located at 2157 S. Broadway

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3648*

Staff presentation: Senta L. Costello, Associate Planner

11. **Public Hearing - Zoning the Peregrine Estates Annexation Located at 2157 S. Broadway** [File #ANX-2004-060] [Attach 11](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Peregrine Estates Annexation RSF-2, located at 2157 S. Broadway. The Peregrine Estates Annexation is 18.548 acres and is proposed for a new 25 lot single family residential subdivision.

Ordinance No. 3649 – An Ordinance Zoning the Peregrine Estates Annexation to RSF-2, Located at 2157 S. Broadway

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3649*

Staff presentation: Senta L. Costello, Associate Planner

12. **Public Hearing - Amending Chapter 32 Code of Ordinances Regarding Sidewalk Dining** [Attach 12](#)

A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main St. In order to allow this, a revocable permit for use of this public right-of-way is required. This amendment provides for this revocable permit for use of the public right-of-way for use for food and alcohol service and is similar to the terms and conditions of several other communities in Colorado that offer such service.

Ordinance No. 3650 – An Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Permits for Activities in the Downtown

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3650*

Staff presentation: Harold Staf, Executive Director, DDA

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

14. **OTHER BUSINESS**

15. **EXECUTIVE SESSION** – TO CONFER WITH AND RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING PENDING LITIGATION WITH THE GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT, UNDER SECTION 402 (4) (B) OF THE OPEN MEETINGS LAW

16. **ADJOURNMENT**

## **Attach 1**

### Minutes of Previous Meetings

## **GRAND JUNCTION CITY COUNCIL ADDITIONAL WORKSHOP SUMMARY**

**June 14, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, June 14, 2004 at 11:44 a.m. at the Whitman School, 248 S. 4<sup>th</sup> Street to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Bruce Hill. Absent was Councilmember Jim Spehar.

Also present besides staff was Mesa County Commissioner Tillman Bishop.

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

1. **ECONOMIC DEVELOPMENT PARTNERS PRESENT THE BUSINESS VISITATION PROGRAM:** Thea Chase, Ann Driggers and Ric Gibson representing the Economic Development Partners (ED Partners) were present. Ms. Driggers explained the purpose of ED Partners is to address issues affecting the economy, and to strategize. They have identified local business as a priority, specifically retention and expansion of local businesses. They are proposing a Business Visitation Program whereby companies at risk will be identified and their needs targeted such as expansion opportunities, assistance and education needed and to form relationships. They are proposing a pilot program using a state-owned software package, hiring a coordinator and they proposed a budget for this program. They asked Council for \$15,000 in financial assistance and for City representation/participation. The Chamber is offering assistance by providing office space. City Manager Kelly Arnold suggested that the new Assistant to the City Manager Sheryl Trent be the City's staff person.

**Action summary:** City Council agreed to assist in the pilot program and will fund their portion out of the Economic Development Fund. City Councilmembers will participate on survey/interview teams in the Business Visitation Program.

2. **ACTION BINDERY PROPOSAL FOR CITY-OWNED PROPERTY AT BLUE HERON:** City Manager Kelly Arnold reviewed the history of the property being discussed and introduced the CEO of Action Bindery, Grady Busse.

Mr. Busse advised that Action Bindery makes school planners and ships over 750,000 to all 50 states. They are trying to attain 11% of the market share of this product. Mr. Busse said that he has looked at other parcels that will accommodate his new building (his business has been in the Incubator and has outgrown that facility) and other parcels are less expensive but this location will create a positive environment for his employees. He wants a workplace where his employees can excel. He staffs up for four months of the year and pays bonuses at the end of the four months for good performance. He asked that Council consider an \$80,000 business expansion incentive as well as consider discounting the price of the land. Mr. Busse is planning to expand into other markets to have a year-round work force.

The land was donated to the City from the Prinster family for the purpose of economic development. No additional restrictions were placed on the deed.

**Action summary:** City Council discussed several options but decided that they would donate the land to Industrial Development Inc. (IDI) and allow that entity and the EDP to negotiate the terms, with the bottom line being that Action Bindery would take possession of the property with no monetary consideration, with a reversion clause if Action Bindery does not stay on the property. That will be the total contribution from the City, there will be no additional cash incentive.

**The meeting adjourned at 12:44 p.m.**

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP SUMMARY**

**JUNE 14, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, June 14, 2004 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Bruce Hill. Absent was Councilmember Jim Spehar.

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

1. **SPRING CLEAN UP REVIEW:** Public Works Staff reviewed with the City Council this year's program. A short video was shown on the program. Tim Moore, Public Works Manager, recognized Dave Van Wagoner for his work on the film. He then summarized the differences, in particular the increases, that occurred in the program this year. A book with all the data of the program will be distributed to Council. The program was more efficient this year due to moving the collection spots to the streets and the efficiency of the crews and resources. Councilmember Kirtland noted there were no major incidents or injuries.

**Action summary:** Council was very complimentary and appreciative of Staff's work.

2. **UPDATE ON THE RIVERSIDE PARKWAY 1601 PROCESS:** This update covered the progress to date, the proposed schedule and proposed alignments. Public Works & Utilities Director Mark Relph introduced this item. He introduced Ed Fink, CDOT, and thanked CDOT for their assistance. Project Engineer Jim Shanks then introduced Larry Gibson and Jay Brasher from Carter Burgess. He then went through the status and reviewed what the project team is currently working on. He reviewed the three alignments through lower downtown that will be analyzed. Each of the alternatives have issues to be dealt with. They will be presented at the June 15<sup>th</sup> open house and public comments will be taken. Following that there will be an environmental assessment process. Mr. Shanks advised that so far the project is on schedule. RFQ's have been sent out and are due back July 2. They will hopefully have a short list of proposals for the design/build contract. They anticipate a contract will be brought to City Council in March, 2005. Ed Fink from CDOT replaces Owen Leonard, CDOT Regional Director, addressed Council and complimented Staff and the City on their work on this project.

**Action summary:** Council welcomed Mr. Fink to his post and thanked and complimented Staff on all its work.

3. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold introduced the update. He directed Council's attention to the GVRTC minutes and then deferred to Councilmember Kirtland for an overview. Governance and financing are two of the issues. Mr. Arnold reminded Council that the current funding agreement goes through 2005. A renewal or new agreement will be brought to the City Council for consideration in the spring of 2005 in order to place it ahead of budget discussions. Councilmember Kirtland added that there will be increasing demands as federal funding is diminishing. Other bus systems are also struggling. There will be a new executive director, Rod Ghearing.

On Housing, the forum has been set for August 26<sup>th</sup>. A homeownership proclamation has been prepared for Wednesday night.

On July 8<sup>th</sup> from 6 p.m. until 9 p.m. at Two Rivers Convention Center, City Council will be the meeting with Winters and Company on the Jarvis Property Master Plan.

The lunch meeting with Kezziah Watkins to discuss the two year update to the Strategic Plan has been set for June 29<sup>th</sup>. City Council was advised that they will be able to spend time focusing on the solutions. The meeting is a lunch meeting at Two Rivers Convention Center.

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

4. **Youth Council Update:** Seth Hoffman, Management Intern referred to a memo distributed by Councilmember Butler on some of the issues on membership on the Youth Council. Councilmember Butler advised that there were a few applicants that were not City residents or going to schools in the City limits. He suggested using the 201 Boundary as the boundary instead of the guidelines previously set.

Council discussion included support by Councilmember Enos-Martinez. Councilmember Palmer wanted fair representation of schools. Councilmember McCurry supported using the 201 boundary. Councilmember Kirtland agreed noting that the Pear Park area is a fast-growing area. Council President Hill said it is a positive to have representation from all youth and felt there is no need to have established criteria but rather have some flexibility in their guidelines. For example, to be able to include Central High School which is not within the 201 boundary.

**Action summary:** City Council supported maintaining the flexibility to involve all interested youth, not to the exclusion of any interested, qualified student.

**The meeting adjourned at 9:02 p.m.**

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

**June 16, 2004**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of June 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Gregg Palmer. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Kirtland led the pledge of allegiance. The audience remained standing for the invocation by Pastor Eldon Coffey, Central Orchard Mesa Community Church.

**PROCLAMATIONS**

PROCLAIMING JUNE 18-19 AS "GRAND JUNCTION RELAY FOR LIFE DAYS" IN THE CITY OF GRAND JUNCTION

PROCLAIMING JUNE AS "HOMEOWNERSHIP MONTH" IN THE CITY OF GRAND JUNCTION

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Enos-Martinez, seconded by Councilmember McCurry, and carried by roll call vote to approve Consent Calendar Items #1 through #11.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the June 2, 2004 Special Workshop, and the Minutes of the June 2, 2004 Regular Meeting*

2. **Airport Improvement Program Grants**

AIP-29 is for (1) Transition design of Landing View Lane relocation, construction of Landing View Lane and construction of a 30" water line. (2) Taxiway C-1A Rehabilitation; and (3) Design New Runway 4/22 General Aviation Development Area. The design phase will address specific drainage, elevation, and line-of-sight issues so that new



construction is developed such that impacts to airport operations are mitigated and as feasible as possible. Estimated grant amount is \$3,308,452.

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

*Action: Authorize the Mayor to Sign FAA AIP Grant 29 for Capital Improvements at Walker Field and also Authorize the City Manager to Sign the Supplemental Co-Sponsorship Agreement for AIP-29 after they have been reviewed and approved by the City Attorney*

3. **Setting a Hearing for Amending Chapter 32 Code of Ordinances Regarding Sidewalk Dining**

A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main St. In order to allow this, an outdoor dining lease for use of this public right-of-way is required. This amendment provides for this outdoor dining lease for use of the public right-of-way for use for food and alcohol service and is similar to the terms and conditions of several other communities in Colorado that offer such service.

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

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for July 7, 2004*

4. **Preparation, Printing and Distribution of Code Supplement**

The Code of Ordinances, Sec. 1-10, requires that City Council approve by motion the preparation and printing of the Code supplements in order to incorporate ordinances and certain resolutions approved by the City Council in recent years into the Code Book.

*Action: Authorize the Preparation, Printing and Distribution of the Fifth Supplement to the Code of Ordinances*

5. **Purchase of Two 5 Yard Dump Trucks with Snow Removal V-Boxes**

This is for the purchase of two 2005 International Dump Trucks with snow removal V-Boxes. 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 Two 2005 International Dump Trucks with V-Boxes from McCandless International*

*Trucks of Colorado, Aurora, CO and O. J. Watson Equipment, Denver, CO in the Amount of \$187,820.00.*

6. **Setting a Hearing on Amending the Planned Development (PD) for the Summer Hill Subdivision** [File #RZP/FPP-2004-028]

Introduction of a proposed ordinance rezoning 1.6 acres of land from RSF-4 (Residential Single Family with a maximum of 4 units per acre) to PD (Planned Development) and amending Ordinance No. 3136 to establish an underlying zone district and include bulk standards. Planning Commission recommended approval.

Proposed Ordinance Amending Ordinance No. 3136 to Include Additional Property and Establish Underlying Zoning and Bulk Standards for the Summer Hill Planned Development

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for July 7, 2004*

7. **Rename Glenwood Avenue to Glenwood Drive** [File #MSC-2004-034]

Rename Glenwood Avenue located in Orchard Mesa to Glenwood Drive.

Resolution No. 53-04 – A Resolution to Renaming Glenwood Avenue in Orchard Mesa to Glenwood Drive

*®Action: Adopt Resolution No. 53-04*

8. **Rename 27 ½ Road to 27 ½ Court** [File #MSC-2004-109]

Rename a section of 27 ½ Road located south of G Road to 27 ½ Court.

Resolution No. 54-04 – A Resolution to Renaming the North/South Segment of 27 ½ Road to 27 ½ Court Located South of G Road

*®Action: Adopt Resolution No. 54-04*

9. **Vacate Water Line Utility Easement Located at 215 27 Road** [File #VE-2004-036]

Request approval of a resolution to vacate an abandoned water line utility easement, described in a document recorded in Book 175 at Page 219 of the Mesa County records, located at 215 27 Road. A new 15' utility easement will be dedicated where the existing Kannah Creek line is located.

Resolution No. 55-04 – A Resolution Vacating a Utility Easement Located at 215 27 Road (SGH Easement Vacation)

®Action: *Adopt Resolution No. 55-04*

10. **Setting a Hearing for the Red Tail Ridge II Annexation Located South and West of Buena Vista Drive (Orchard Mesa)** [File #ANX-2004-094]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.7655 acre Red Tail Ridge II Annexation consists of 2 parcels. The Annexation is planned for development into a single family residential subdivision in the future.

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

Resolution No. 56-04 – 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, Red Tail Ridge II Annexation Located at South and West of Buena Vista Drive

®Action: *Adopt Resolution No. 56-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge II Annexation Approximately 19.7655 Acres Located at South and West of Buena Vista Drive

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

11. **Setting a Hearing on Zoning the Peregrine Estates Annexation Located at 2157 S. Broadway** [File #ANX-2004-060]

Introduction of a proposed zoning ordinance to zone the Peregrine Estates Annexation to RSF-2, located at 2157 S. Broadway.

Proposed Ordinance Zoning the Peregrine Estates Annexation to RSF-2, Located at 2157 S. Broadway

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

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

**Construction Contracts**

**a. F ½ Road Area Corridor Study Contract Modification**

City Council will consider a contract amendment with Baker Engineering to complete phase 2 and 3 of the F ½ Road Area Corridor Study in the amount of \$72,050.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the purpose of the amendment and how the alternatives have been reviewed through a public process. This study will look at how the proposed roadway will connect to 25 Road.

**b. 2004 Asphalt Overlay Project**

Award of a construction contract for the 2004 Asphalt Overlay Project to United Companies of Mesa County in the amount of \$1,004,727.00

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the project, the start and completion dates and the scope of the project. The City received two bids for this project.

**c. Patterson Road – 12<sup>th</sup> Street Right Turn Lane**

Award of a construction contract to Vista Paving Corp. in the amount of \$54,369.11 for construction of an east bound right turn lane at the south west corner of 12<sup>th</sup> Street and Patterson Road and reconstruction of two driveway approaches into the Village Fair Shopping Center.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the project and noted that the shopping center, Village Fair was planning to widen their driveways so the two projects are being coordinated, with Village Fair paying their share. He said work will be started early July and will be complete in August.

Council President Hill inquired if there will still be room for a sidewalk as it is very narrow at that intersection. Mr. Relph assured that will be included. Council President Hill asked about the capacity of the stacking lane. Although Mr. Relph could not provide the number, he assured Council they would utilize the area to the driveway into Village Fair and the engineers have designed sufficient capacity.

**d. Orchard Mesa Pool Roof Project**

Remove existing membrane roof system on pool and replace with a full replacement, 20 year warranty, membrane roofing system.

Mari Steinbach, Recreation Superintendent, reviewed this item. Ms. Steinbach explained the scope of the project, including removing the original roof system and replacing with a similar system, meeting today's standards. The total cost will be shared with Mesa County. Kruger Roofing can begin in August with completion in September. The pool will have to be closed for two weeks. The two week period will be between the summer and school seasons. Lincoln Park Pool will still be open. If there is any delay, the Lincoln Park Pool will stay open longer. The warranty on the new roof will be twenty years.

Councilmember Kirtland moved to Authorize the City Manager to Sign a Construction Contract Amendment for F ½ Road Area Corridor Study with Baker Engineering in the Amount of \$72,050; to Authorize the City Manager to Sign a Construction Contract for 2004 Asphalt Overlay Project with United Companies of Mesa County in the Amount of \$1,004,727.00; to Authorize the City Manager to Sign a Construction Contract for Patterson Road – 12<sup>th</sup> Street Right Turn Lane Project with Vista Paving Corporation in the Amount of \$54,369.11; and to Authorize the City Manager to Execute a Contract with Kruger Roofing, Inc. for the Removal and Replacement of the Orchard Mesa Community Center Roof in the Amount of \$98,900.00. Councilmember McCurry seconded the motion. Motion carried.

**Citizens Corp Grant Acceptance**

The Grand Junction Police Department has been awarded a \$25,000 grant from the Governors Commission on Community Service. This grant will be used to establish a Citizens Corp Council and to support neighborhood meetings as a part of the Neighborhood Beat System. Council approved the application for this grant in January of 2004.

Greg Morrison, Chief of Police, reviewed this item. He asked Council to accept the grant from Homeland Security in the amount of \$25,000. It will be used to fund neighborhood meetings by paying officers overtime and to pay the supervisors to attend. The first meeting will be the 20<sup>th</sup> anniversary of Neighborhood Night Out and there will be meetings in every neighborhood. A total of 44 meetings will be held.

Councilmember Spehar asked why the reduced amount as the grant application was for twice the amount. Chief Morrison explained there were many other entities that had applied so the amount was reduced.

Councilmember Spehar moved to Authorize Acceptance of this Grant and Approval of the Inter Agency Agreement with the State of Colorado, Department of Public Safety. Councilmember Enos-Martinez seconded the motion. Motion carried.

**Public Hearing on the Bretsel Annexation and Zoning Located at 3145 E ½ Road** [File #ANX-2004-065]

Resolution for acceptance of petition to annex and hold a public hearing and consider final passage of the annexation ordinance for the Bretsel Annexation located at 3145 E ½ Road. The 23.3 acre annexation currently consists of three (3) parcels of vacant land and adjoining portions of right-of-ways of E ½ Road, I-70B and 31 ¼ Road (Warrior Way). The existing three (3) parcels of land will become two (2) parcels through a Simple Subdivision Plat process in the near future. The petitioner's intent is to annex and then develop the properties in anticipation of future commercial development. A portion of the proposed annexation lies within the Persigo 201 sewer district.

The public hearing opened at 8:00 p.m.

Scott D. Peterson, Associate Planner, reviewed this item, combining the review of annexation and zoning. He described the site, the surrounding zoning and the parcel size and the plan to divide the property into two parcels. He described the surrounding uses. The plan for the property is an automobile dealership, which has generated some concerns from the surrounding property owners. Mr. Peterson identified the surrounding zoning designations and noted the existing zoning by Mesa County is not consistent with the Growth Plan as the area is commercial in nature. He advised that a temporary traffic signal will be installed at Warrior Way until such time as a permanent light is installed by CDOT at 31 Road. The proposal meets the criteria for annexation and zoning. Staff and Planning Commission recommend approval.

Stan Seligman, 3032 I-70 Business Loop, the applicant, said the land use plan designated the land as commercial. The only objection they have had is a mitigation plan. The parcel is under contract to an automobile dealership with reasonably priced cars. The residential objections are against the lighting and site impacts. Mr. Seligman explained the reasons for wanting to be within the City. He said they would like to be on the Persigo system, rather than stay on the Clifton Sanitation District II. He also said that commercial property in that area is needed. The request for zoning is C-1. The site plan will mitigate any concerns from the residents.

There were no public comments.

The public hearing was closed at 8:14 p.m.

Councilmember Kirtland said he appreciated the applicant sharing his discussions with the surrounding property owners.

**a. Accepting Petition**

Resolution No. 58-04 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Brestel Annexation Located at 3145 E ½ Road and Including a Portion of E ½ Road, a Portion of I-70B, and the 31 ¼ Road (Warrior Way) Right-of-Ways is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3642 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bretsel Annexation, Approximately 23.382 Acres Located at 3145 E ½ Road and Including a Portion of E ½ Road, a Portion of I-70 B and 31 ¼ Road (Warrior Way) Right-of-Ways

**c. Zoning Ordinance**

Ordinance No. 3643 – An Ordinance Zoning the Bretsel Annexation to Light Commercial (C-1) Located at 3145 E ½ Road

Councilmember Kirtland moved to adopt Resolution No. 58-04, Ordinances No. 3642 and No. 3643 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

**Public Hearing – SGH 27 Road Annexation and Zoning Located at 215 27 Road** [File #VE-2004-036]

Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinance for the SGH 27 Road Annexation located at 215 27 Road.

The public hearing opened at 8:15 p.m.

Lisa E. Cox, Senior Planner, reviewed this item, combining the annexation and the zoning. She explained the reason the project was identified as a vacation request. The vacation request was approved under the consent calendar.

Ms. Cox described the location of the site, the existing uses, a single residence, the Growth Plan designation for the site and the surrounding land use designations. The surrounding zoning was identified. The property is adjacent to the land where the City's water treatment plant is located. The request meets all the annexation and zoning criteria, both Staff and the Planning Commission recommend approval. She noted that the request is actually at the lower end of the growth plan designation, due to the physical constraints of the property.

Therefore RSF-2 is being recommended. Clustering will be an option for the development.

Ted Ciavonne, architect representing Skip Berthorst, the developer, stated there are some physical constraints that would prevent development of this property at RSF-4, so RSF-2 is the appropriate zoning.

Councilmember Kirtland asked what is the number of home sites for the property. Mr. Ciavonne said there will be around 225.

There were no public comments.

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

**a. Accepting Petition**

Resolution No. 59-04 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the SGH 27 Road Annexation Area is Eligible for Annexation Located at 215 27 Road

**b. Annexation Ordinance**

Ordinance No. 3644 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, SGH 27 Road Annexation, Approximately 160.003 Acres Located at 215 27 Road

**c. Zoning Ordinance**

Ordinance No. 3645 – An Ordinance Zoning the SGH 27 Road Annexation to Residential Single Family-2 (RSF-2), Located at 215 27 Road

Councilmember Enos-Martinez moved to adopt Resolution No. 59-04, Ordinances No. 3644 and No. 3645 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

**Public Hearing – Sanitary Sewer Improvement District No. SS-45-03 (26 ½ Road)**

Sanitary sewer facilities have been installed as petitioned by and for the special benefit of nine properties located in the vicinity of North 7<sup>th</sup> Street (26 ½ Road) and F ½ Rd. The proposed ordinance would levy assessments in the amount of \$7,416.05 upon each of the nine benefiting parcels.

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



Mark Relph, Public Works and Utilities Director, reviewed this item. He reported a savings on the construction of this improvement district. This is part of the Septic System Elimination Program. It has been a positive and active program. The construction does not include hooking the individual homes to the main line. There were no public comments.

The public hearing was closed at 8:27 p.m.

Ordinance No. 3646 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Sanitary Sewer Improvement District No. SS-45-03, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of said Cost to each Lot or Tract of Land or Other Real Estate in said District; Assessing the Share of said Cost against each Lot or Tract of Land or Other Real Estate in said District; Approving the Apportionment of said Cost and Prescribing the Manner for the Collection and Payment of said Assessments

Councilmember Spehar moved to adopt Ordinance No. 3646 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

### **Public Hearing – Adoption of CDBG 2004 Action Plan**

City Council will consider final adoption of the 2004 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of CDBG funds. The Action Plan includes the CDBG projects for the 2004 Program Year City Council approved for funding on May 19, 2004.

The public hearing opened at 8:27 p.m.

David Varley, Assistant City Manager, reviewed this item. He described the purpose for the public hearing and that each year the City is required to put together an Action Plan. Every five years the Consolidated Plan is put together. The request tonight is for the 2004 Program year. There is a thirty day review/comment period before it will be submitted to HUD. The program year begins September 1<sup>st</sup>.

There were no public comments.

The public hearing was closed at 8:31 p.m.

Councilmember Kirtland noted there have been a number of public meetings on this item and applauded the efforts. Council President Hill identified three projects funded by CDBG – the Homeless Shelter, the Linden Point housing project and the Catholic Outreach Center.

Resolution No. 60-04 – A Resolution Adopting the 2004 Program Year Action Plan as a Part of the City of Grand Junction’s 2001 Five-year Consolidation Plan for the Grand Junction Community Development Block Grant (CDBG) Program Councilmember Butler moved to Adopt Resolution No. 60-04. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

The meeting adjourned at 8:34 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

Setting a Hearing for the Zoning of Red Tail Ridge II Annexation

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Zoning the Red Tail Ridge II Annexation, located at South and West of Buena Vista Dr. on Orchard Mesa to RSF-4.						
<b>Meeting Date</b>	July 7, 2004						
<b>Date Prepared</b>	June 28, 2004				File #ANX-2004-094		
<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:** Introduction of a proposed zoning ordinance to zone the Red Tail Ridge II Annexation RSF-4, located South and West of Buena Vista Dr. on Orchard Mesa.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for July 21, 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. Letters from neighboring property owners
8. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		South and West of Buena Vista Dr on Orchard Mesa		
<b>Applicants:</b>		Owner/Developer: La Cima II LLC – Jay Kee Jacobson Representative – Ciavonne & Associates – Ted Ciavonne		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Single Family Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Vacant		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Vacant		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County AFT & City RSF-4		
	<b>South</b>	County AFT & PUD		
	<b>East</b>	County AFT & City RSF-4		
	<b>West</b>	County AFT & PUD		
<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:**

**Zone of Annexation:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

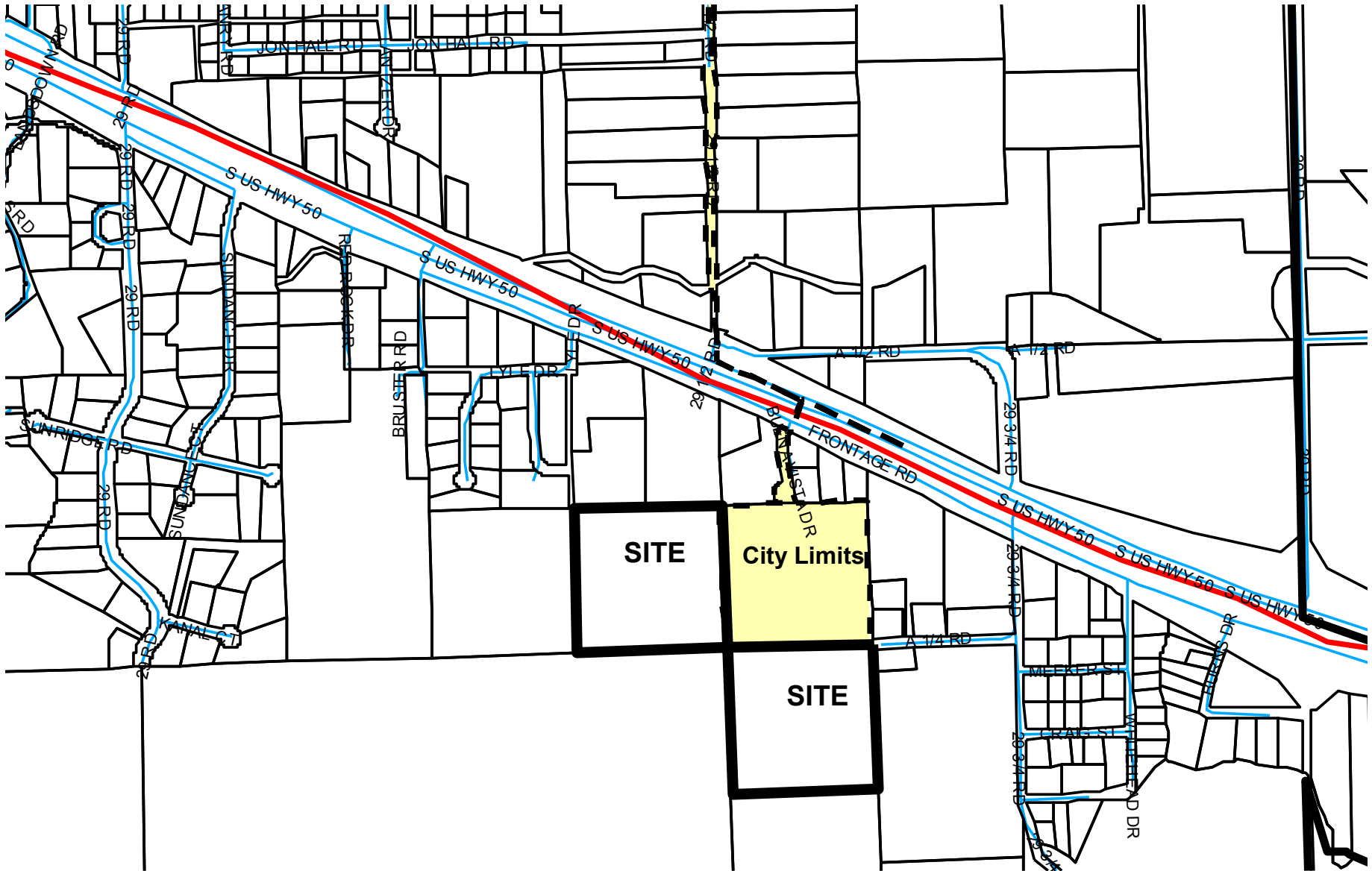
## **STAFF RECOMMENDATION**

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

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

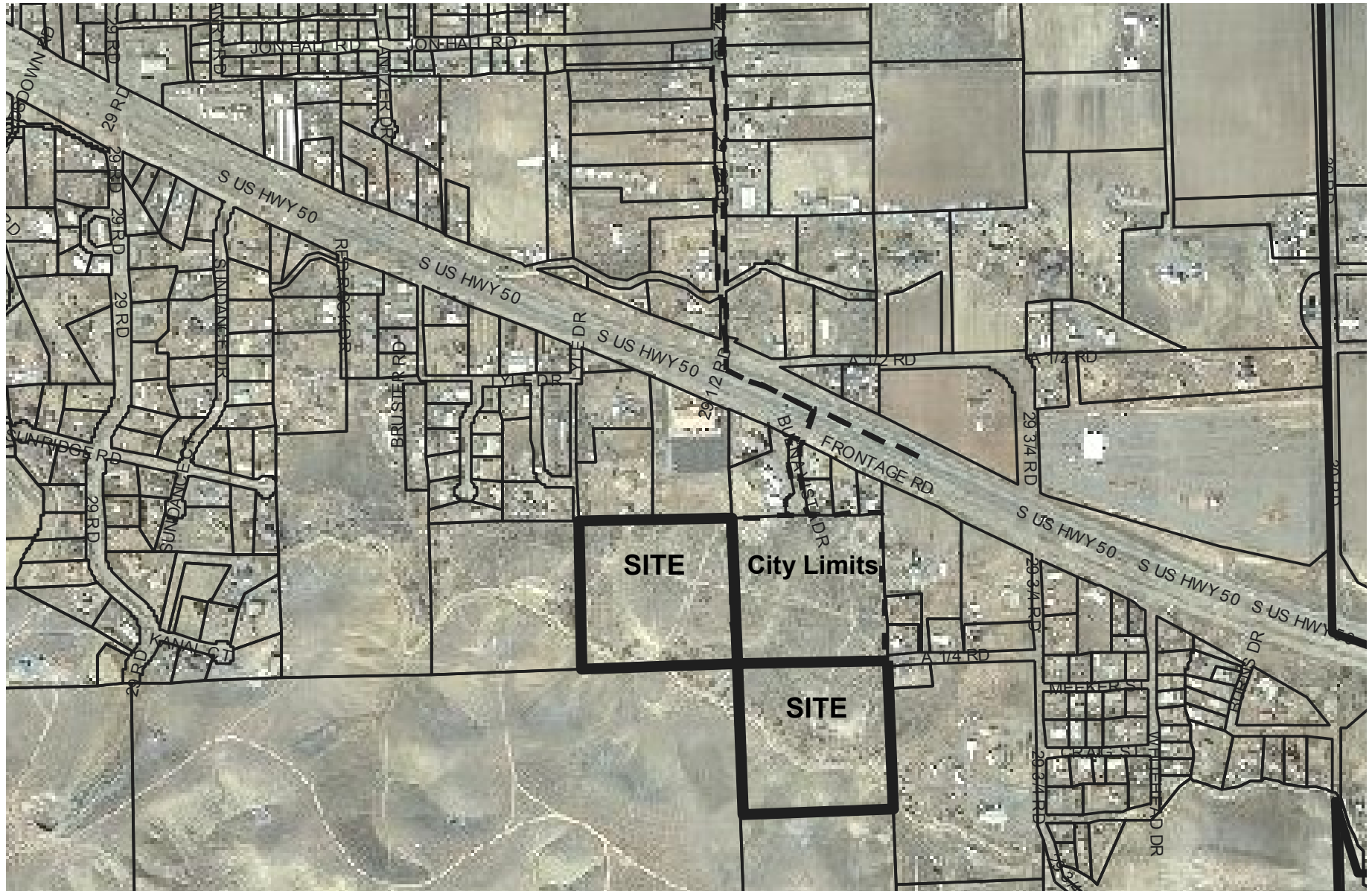
# Site Location Map

Figure 1



# Aerial Photo Map

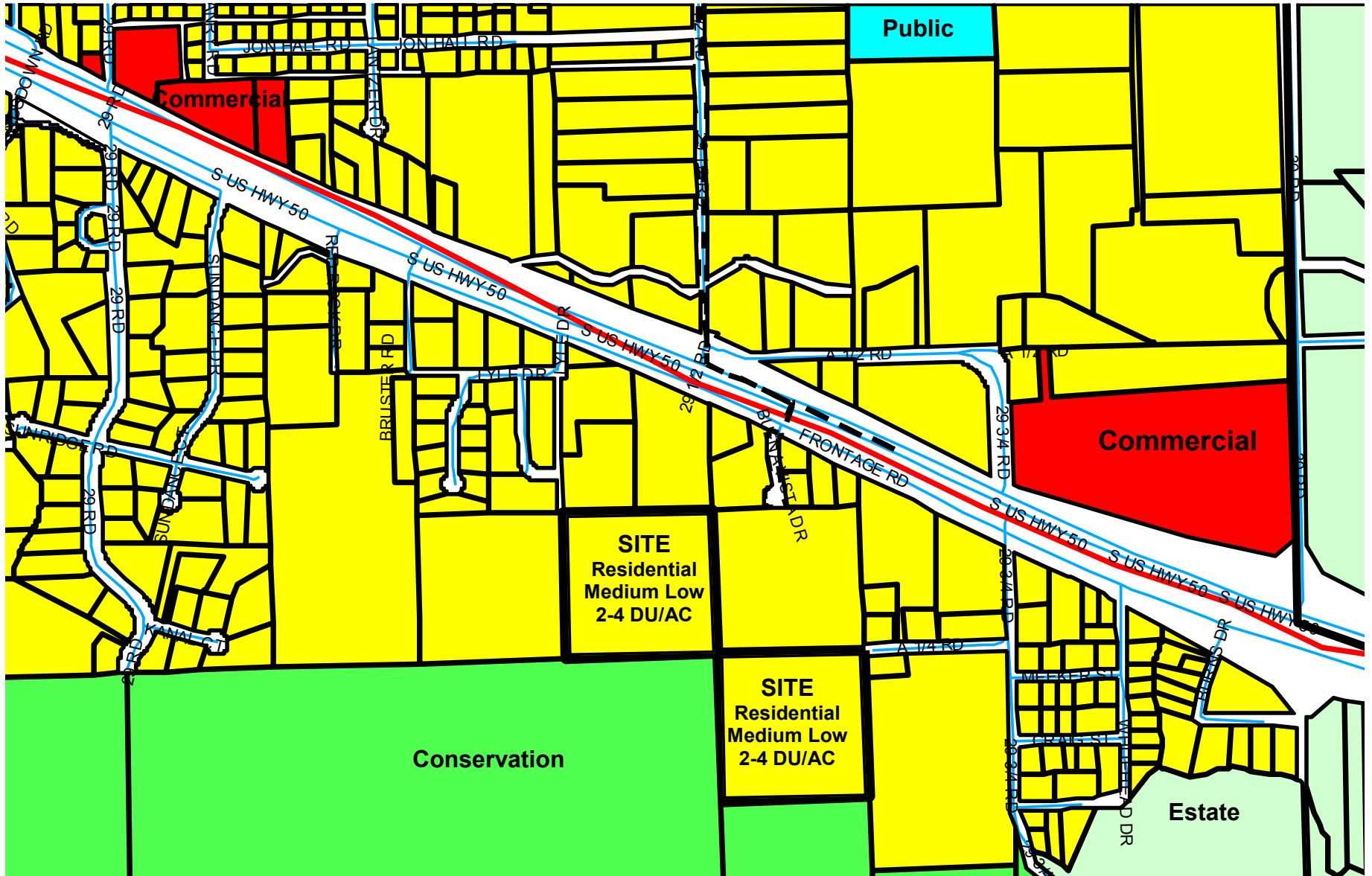
Figure 2





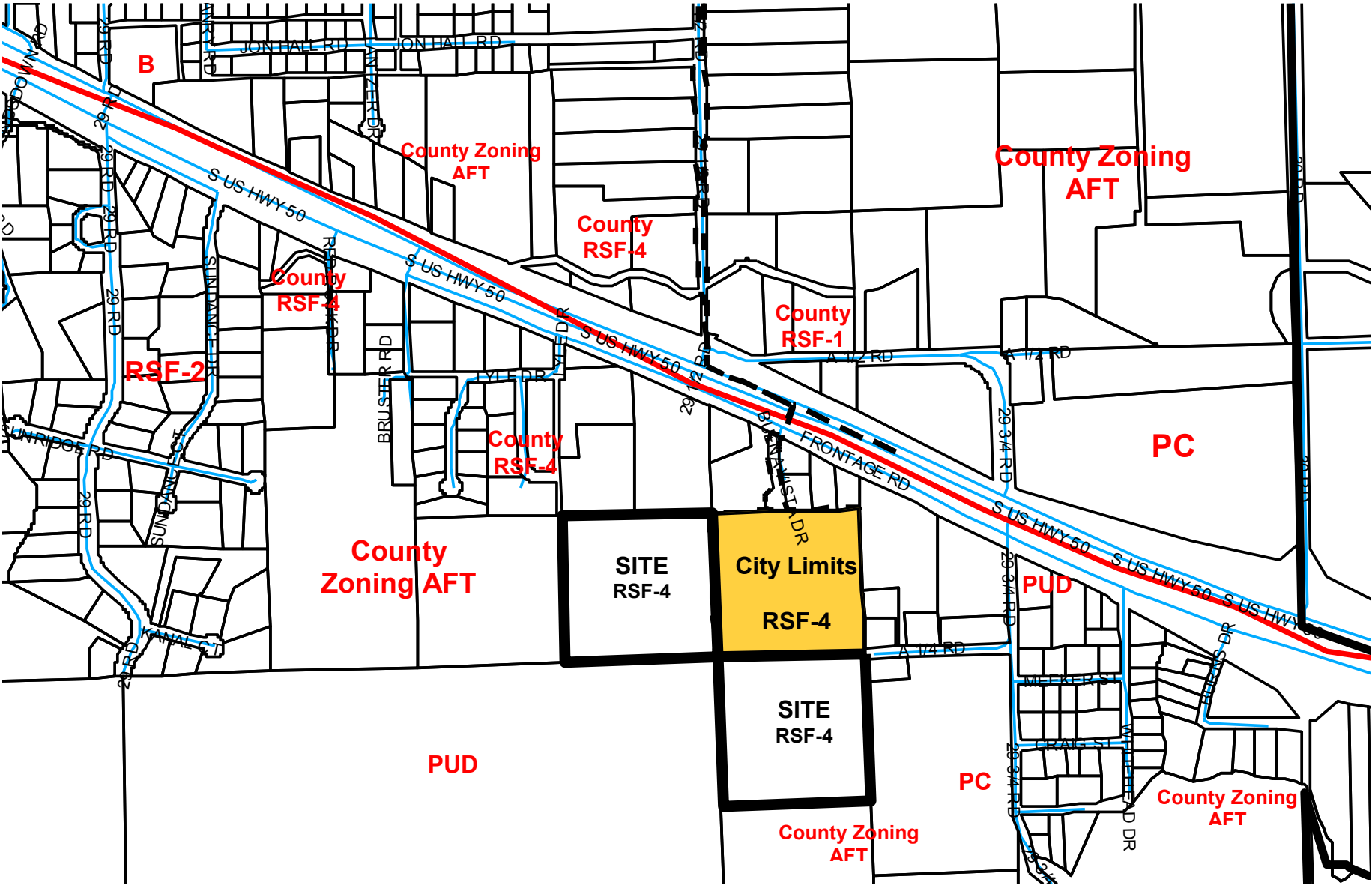
# Future Land Use Map

Figure 3



# Existing City and County Zoning

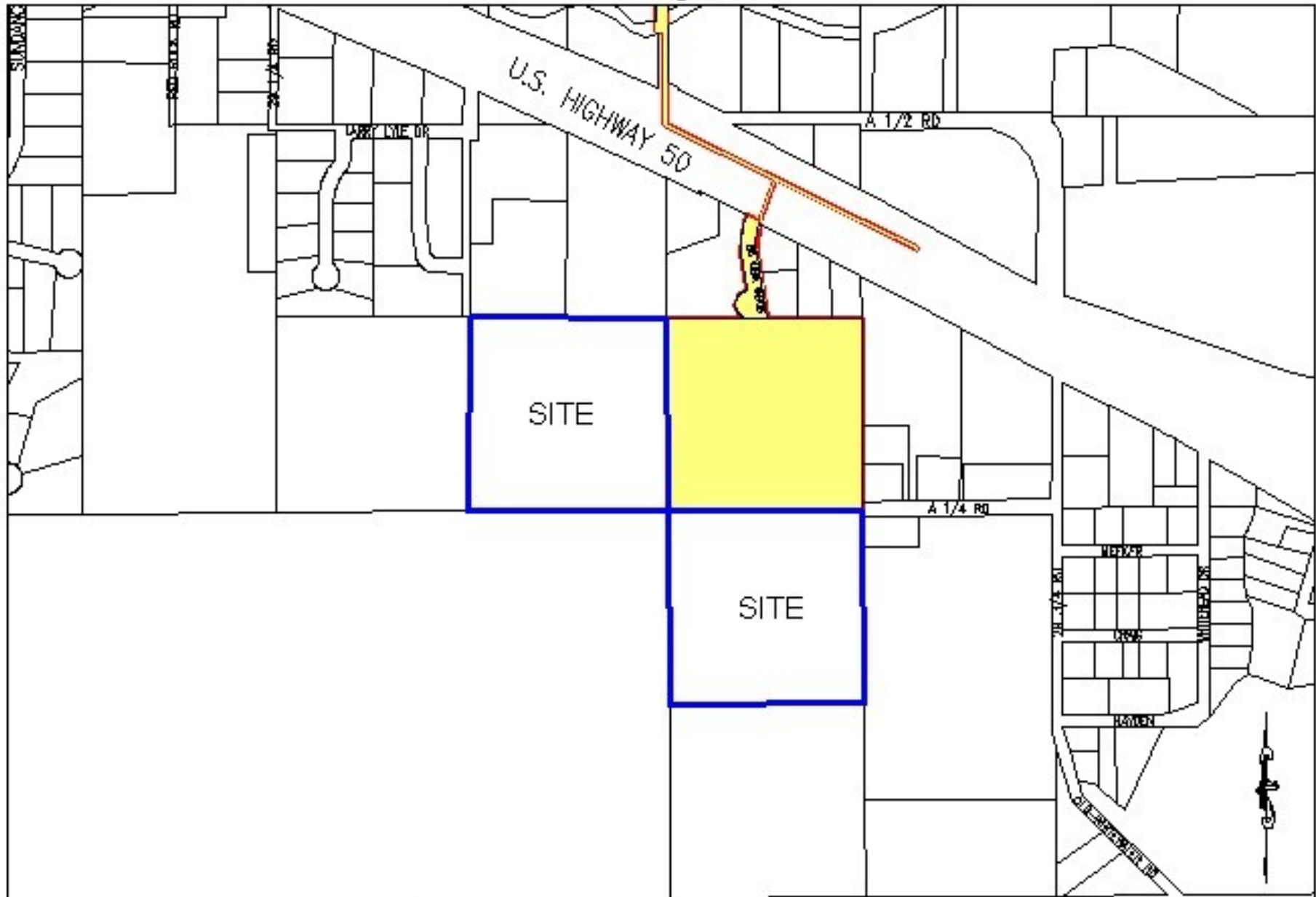
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof." <sup>21</sup>

# Red Tail Ridge II Annexation

Figure 5



 City Limits     Annexation Boundary

RECEIVED  
JUN 17 2004  
COMMUNITY DEVELOPMENT  
DEPT.

JUN 16 2004

*John Shuster*  
*John Shuster*  
*John Shuster*

Grand Junction City Council  
250 N. 5th St.  
Grand Junction, CO 81501

June 15, 2004

Gentlemen:

We have owned a home at 125 29-3/4 Rd for 27 years. Our driveway has become A-1/4 Rd in order to provide access to the Redtail Ridge I subdivision located to the West of our property. The other access is via Buena Vista Dr. on the North side of the subdivision. Redtail Ridge is 10 acres zoned RSF4 despite the opposition of all adjacent homeowners, and has the potential of 40 homesites. The proposed development of Redtail Ridge II, which is South and West of Redtail Ridge I, contains 20 acres, and, if rezoned RSF4, could add 80 additional sites to this already congested area. This could result in a total of 120 sites with an extremely limited access by only 2 roads, and no potential for additional outlet roads.

We hope the council members will take the time to personally visit this site and realize the very limited access to the developments total 30 acres. In addition, Highway 50 is an extremely heavily traveled access to Grand Junction, with an already high level of accidents. This additional traffic at approximately the intersection of 29-3/4 Rd and Highway 50 can only make the existing traffic problems an even larger problem. It would be in the best interest of not only the existing neighborhood but all concerned services to keep the existing zoning of RSF2 and limit the potential sites to an addition of 40 in conjunction to the 40 of Redtail Ridge I,

Thank you for your consideration of this matter.

Sincerely,



Rolland & Rawlene Bainter  
125 29-3/4 Rd.  
Grand Junction, CO 81503

(970) 243-0541

cc: Senta Costello, planner

RECEIVED

JUN 18 2004

COMMUNITY DEVELOPMENT  
DEPT.

Planning Commission  
250 N. 5<sup>th</sup> St.  
Grand Jct, Co. 81501

Linda Sparks  
141 Buena Vista Dr.  
Grand Junction, Co. 81503  
Re: ANX-200-230 RED TAIL RIDGE – Hwy 50 at South end of Buena Vista Dr.

June 18, 2004

Dear Planning Commission;

Now that the Red Tail Ridge Subdivision is 30 acres instead of just ten, I am more concerned than ever that there will be no place for recreation for the children and families. This may be a matter for the City Council, but rather than bring it up too late, I want to voice my concern. In the initial hearings, the 10 acres was considered too small for a park or common area, but even then Mr. Theobald pointed out that should the development of the surrounding area occur, a park should be taken under consideration.

Thank you for your consideration in these matters.

Respectfully,

  
Linda Sparks

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE RED TAIL RIDGE II ANNEXATION TO  
RSF-4**

**LOCATED SOUTH AND WEST OF BUENA VISTA DR. ON ORCHARD MESA**

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 zoning the Red Tail Ridge II Annexation to the RSF-4 zone district for the following reasons:

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

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

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

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

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

**RED TAIL RIDGE II ANNEXATION**

Two certain parcels of land lying in Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows: The Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW 1/4 SW 1/4 SE 1/4) of said Section 32, TOGETHER WITH, the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE 1/4 NE 1/4 SW 1/4) of said Section 32. CONTAINING 19.7655 Acres, (860,985.5 Sq. Ft.) more or less, as described.

Introduced on first reading this 7<sup>th</sup> day of July, 2004 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 3**

Setting a Hearing for the Haremza Annexation Located at 2126 Hwy 6 & 50  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>	Setting a hearing for the Haremza Annexation located at 2126 Hwy 6 & 50						
<b>Meeting Date</b>	July 7, 2004						
<b>Date Prepared</b>	June 28, 2004				<b>File #ANX-2004-121</b>		
<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	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.895 acre Haremza annexation consists of 1 parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Haremza Annexation petition and introduce the proposed Haremza Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for August 18, 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



<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
<b>Location:</b>		2126 Hwy 6 & 50		
<b>Applicants:</b>		Owner - Jim Haremza		
<b>Existing Land Use:</b>		<i>Vacant</i>		
<b>Proposed Land Use:</b>		Future Light Industrial		
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial/Industrial Outdoor Storage; Single Family Residential		
	<b>South</b>	Persigo WWTF		
	<b>East</b>	Vacant Industrial		
	<b>West</b>	Commercial/Industrial Uses		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City I-1		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R		
	<b>South</b>	City I-1		
	<b>East</b>	County RSF-R / City I-1		
	<b>West</b>	County C-2		
<b>Growth Plan Designation:</b>		Commercial / Industrial		
<b>Zoning within density range?</b>		X	Yes	No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 7.895 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. 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 Haremza 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.

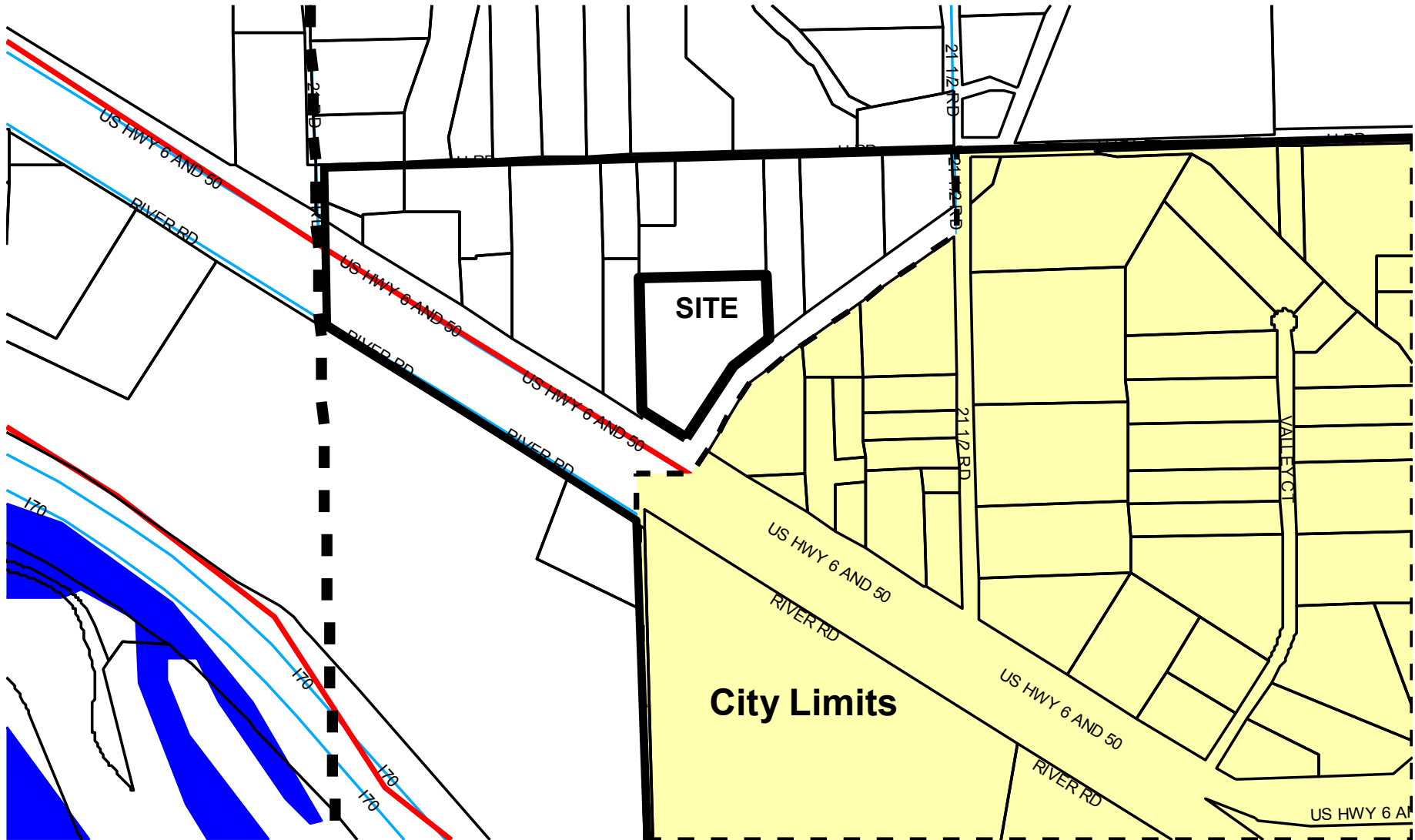
The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>July 7, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>July 27, 2004</b>	Planning Commission considers Zone of Annexation
<b>August 4, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>August 18, 2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>September 19, 2004</b>	Effective date of Annexation and Zoning

HAREMZA ANNEXATION SUMMARY		
<b>File Number:</b>		ANX-2004-121
<b>Location:</b>		2126 Hwy 6 & 50
<b>Tax ID Number:</b>		2697-362-00-067
<b>Parcels:</b>		1
<b>Estimated Population:</b>		0
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		7.895 ac
<b>Developable Acres Remaining:</b>		6.34 ac
<b>Right-of-way in Annexation:</b>		1.169 ac
<b>Previous County Zoning:</b>		RSF-R
<b>Proposed City Zoning:</b>		I-1
<b>Current Land Use:</b>		Vacant
<b>Future Land Use:</b>		Commercial / Industrial Use
<b>Values:</b>	<b>Assessed:</b>	= \$27,090
	<b>Actual:</b>	= \$93,400
<b>Address Ranges:</b>		2126 Hwy 6 & 50
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Lower Valley Fire District
	<b>Irrigation/Drainage :</b>	Grand Junction Drainage District / Grand Valley Irrigation Co
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	None

# Site Location Map

Figure 1



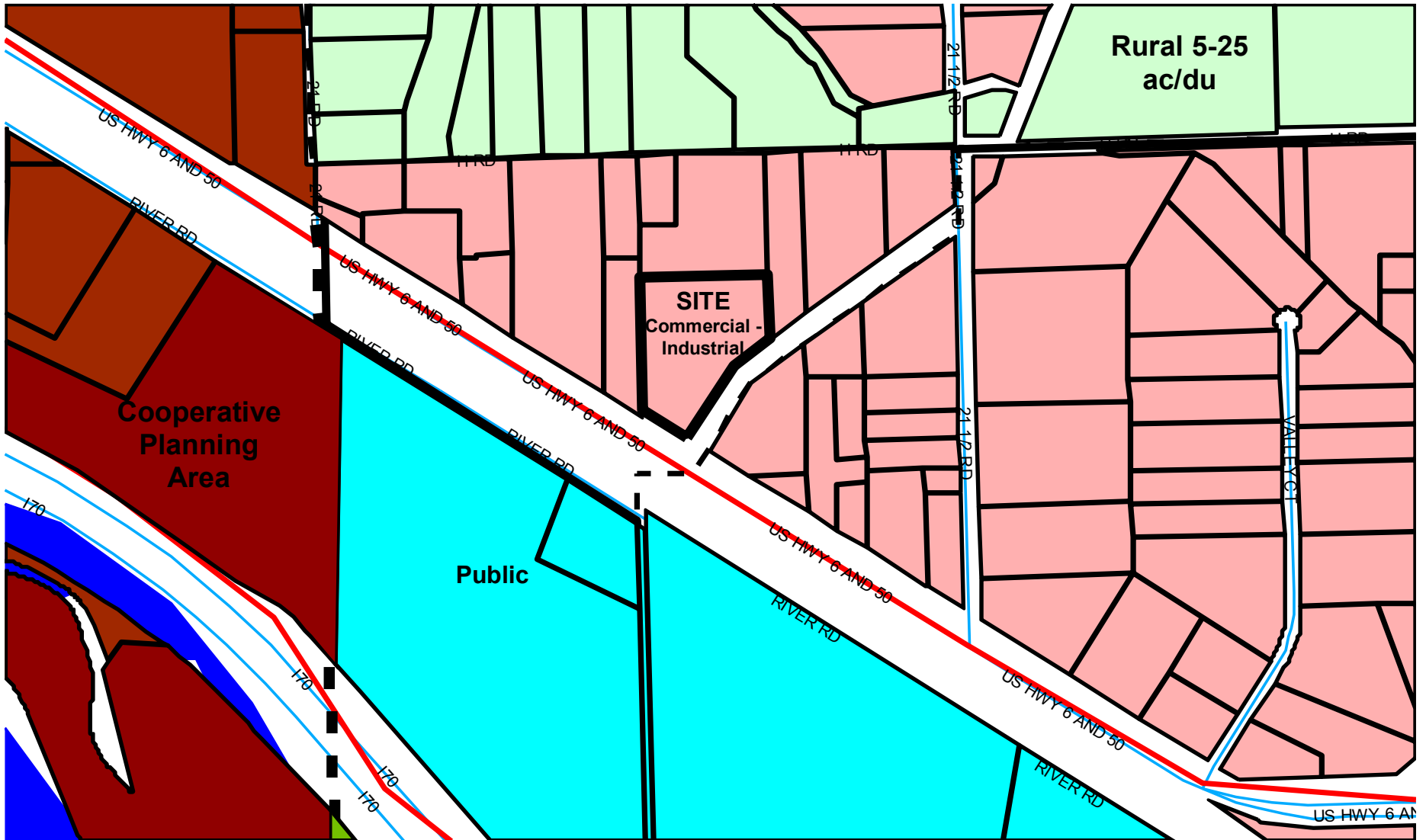
# Aerial Photo Map

Figure 2



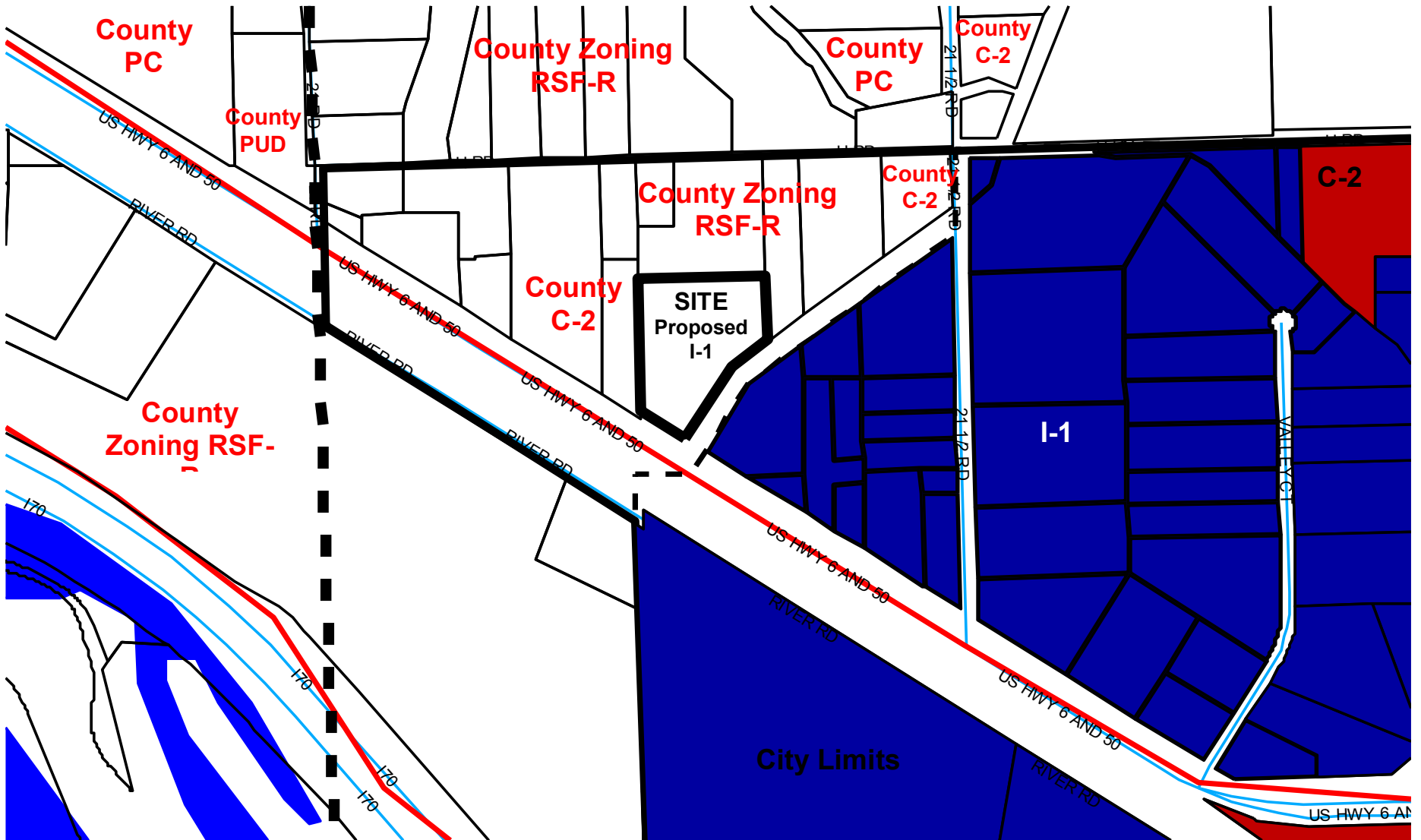
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map.<sup>34</sup> Please contact Mesa County directly to determine parcels and the zoning thereof."

# Haremza Annexation

Figure 5



 City Limits     Annexation Boundary



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7<sup>th</sup> of July, 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**

**HAREMZA ANNEXATION**

**LOCATED at 2126 Hwy 6 & 50**

WHEREAS, on the 7<sup>th</sup> day of July, 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:

**HAREMZA ANNEXATION**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 of said Section 36 and assuming the North line of the NW 1/4 of said Section 36 bears N 89°52'49" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°52'49" W along the North line of the NW 1/4 of said Section 36 a distance of 812.40 feet; thence S 00°04'11" W a distance of 509.95 feet, more or less, to a point being the Northeast corner of that certain parcel of land described in Book 1820, Page 181, Public Records of Mesa County, Colorado and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°04'11" W along the East line (and its Southerly projection) of said parcel of land, a distance of 393.67 feet to its intersection with the South line of the Pritchard Wash, as same is described in Book 228, Page 27 and Book 230, Page 12, Public Records of Mesa County, Colorado and also being the North line of Persigo Annexation No. 2 as same is recorded in Book 1876, Page 346 through 349, inclusive, Public Records of Mesa County, Colorado, with City of Grand Junction Ordinance Number 2556; thence S 55°23'23" W along the South line of said Pritchard Wash, a distance of 144.66 feet; thence continuing along said South line and the North line of said Persigo Annexation No. 2, S 33°15'11" W a distance of 476.29 feet; thence continuing along the North line of said Persigo Annexation No. 2, N 89°58'33" W a distance of 132.67 feet, more or less, to its intersection with the Southerly projection of the West line of said parcel of land described in said Book 1820, Page 181;

thence N 00°04'21" E along said West line, a distance of 875.16 feet, more or less, to a point being the Northwest corner of that parcel of land described in said Book 1820, Page 181, thence N 89°52'49" W along the North line of that parcel of land described in said Book 1820, Page 181, a distance of 512.27 feet to the Point of Beginning.

CONTAINING 7.895 Acres (343,903 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 18<sup>th</sup> day of August, 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 7<sup>th</sup> day of July, 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>July 9, 2004</b>
<b>July 16, 2004</b>
<b>July 23, 2004</b>
<b>July 30, 2004</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**HAREMZA ANNEXATION**

**APPROXIMATELY 7.895 ACRES**

**LOCATED AT 2126 HWY 6 & 50**

**WHEREAS**, on the 7<sup>th</sup> day of July, 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 18<sup>th</sup> day of August, 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:

**HAREMZA ANNEXATION**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 of said Section 36 and assuming the North line of the NW 1/4 of said Section 36 bears N 89°52'49" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°52'49" W along the North line of the NW 1/4 of said Section 36 a distance of 812.40 feet; thence S 00°04'11" W a distance of 509.95 feet, more or less, to a point being the Northeast corner of that certain parcel of land described in Book 1820, Page 181, Public Records of Mesa County, Colorado and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°04'11" W along the East line (and its Southerly

projection) of said parcel of land, a distance of 393.67 feet to its intersection with the South line of the Pritchard Wash, as same is described in Book 228, Page 27 and Book 230, Page 12, Public Records of Mesa County, Colorado and also being the North line of Persigo Annexation No. 2 as same is recorded in Book 1876, Page 346 through 349, inclusive, Public Records of Mesa County, Colorado, with City of Grand Junction Ordinance Number 2556; thence S 55°23'23" W along the South line of said Pritchard Wash, a distance of 144.66 feet; thence continuing along said South line and the North line of said Persigo Annexation No. 2, S 33°15'11" W a distance of 476.29 feet; thence continuing along the North line of said Persigo Annexation No. 2, N 89°58'33" W a distance of 132.67 feet, more or less, to its intersection with the Southerly projection of the West line of said parcel of land described in said Book 1820, Page 181; thence N 00°04'21" E along said West line, a distance of 875.16 feet, more or less, to a point being the Northwest corner of that parcel of land described in said Book 1820, Page 181, thence N 89°52'49" W along the North line of that parcel of land described in said Book 1820, Page 181, a distance of 512.27 feet to the Point of Beginning.

CONTAINING 7.895 Acres (343,903 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 7<sup>th</sup> day of July, 2004 and ordered published.

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

Attest:

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

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

**Attach 4**  
Gardunio Revocable Permit

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Gardunio Revocable Permit located at 2030 N. 6 <sup>th</sup> Street						
<b>Meeting Date</b>	July 7, 2004						
<b>Date Prepared</b>	May 17, 2004				File #RVP-2004-090		
<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	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The petitioner is requesting approval and issuance of a revocable permit to place large boulders in the City right-of-way adjacent to their rear property line.

**Budget:** N/A

**Action Requested/Recommendation:** Consideration of the Resolution authorizing issuance of a revocable permit to Gordon and Rose Gardunio.

**Attachments:**

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City and County Zoning Map
5. Resolution authoring the Revocable Permit
6. Revocable Permit

**Background Information:** See attached

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		2030 N. 6 <sup>th</sup> Street		
<b>Applicants:</b>		Gordon and Rose Gardunio		
<b>Existing Land Use:</b>		Existing single family residence		
<b>Proposed Land Use:</b>		Boulders within dedicated right-of-way		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential single family		
	<b>South</b>	Residential single family		
	<b>East</b>	Residential single family		
	<b>West</b>	Residential single family		
<b>Existing Zoning:</b>		RMF-5		
<b>Proposed Zoning:</b>		RMF-5		
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-5		
	<b>South</b>	RMF-5		
	<b>East</b>	RMF-5		
	<b>West</b>	RMF-5		
<b>Growth Plan Designation:</b>		Residential Medium (4-8 du/acre)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Action Requested:** Approval of the Resolution authorizing the issuance of a revocable permit.

**Staff Analysis:** The petitioners are requesting approval of a Revocable Permit to place large boulders on dedicated City right-of-way adjacent to their rear property line and existing fence along the north/south alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street and Walnut Avenue and Orchard Avenue.

The proposed boulders would be placed in an existing dirt area adjacent to the paved alley way and would line up with an existing sidewalk that extends from the residence to the alley. The paved alley is depicted on the site plan to be 14'-9" in width, which is ample room for emergency vehicles and sanitation trucks to navigate and would not impede residential traffic.



This request is being generated due to damage being inflicted to the existing chain link fence from adjacent property owner and the applicants state that this is an ongoing occurrence. The applicants felt that this would be a solution to prevent future encroachments. While rock materials are defined as landscaping and would normally not require a revocable permit, the proposed placement of boulders as a deterrent to vehicle movement warrants this review process.

A Revocable Permit must be evaluated by the criteria set forth in Section 2.17 of the Zoning and Development Code. Applications shall demonstrate compliance with all of the following:

1. There will be benefits derived by the community or area by granting the proposed revocable permit;

The area would benefit as the alley way would be aesthetically improved with the rock barrier instead of just a strip of dirt. The rock barrier would be beneficial to the applicants as it would reduce future property damage.

2. There is a community need for the private development use proposed for the City property;

The placement of the boulders adjacent to the property fence would prevent property damage from alley traffic.

3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;

The revocable permit area is suitable for the proposed use as it is not part of the existing paved area of the alleyway. There is an existing sidewalk constructed that extends from the residence and would be adjacent to the proposed area to be utilized.

4. The proposed use shall be compatible with the adjacent land uses;

The proposed boulders are equivalent to landscape rocks placed in other areas of the community and have been proven to be compatible with no adverse impacts.

5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;

As previously mentioned, the proposed rock area is adjacent to a 14'-9" paved alleyway, which is wide enough for residential traffic and service vehicles to navigate.

6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and policies, intents and requirements of this Code;

The proposed use would be in conformance upon the approval of a revocable permit, as this proposal is improving the aesthetics of the alleyway in this particular

area of the neighborhood, which is one of the objectives of the Growth Plan and the Code.

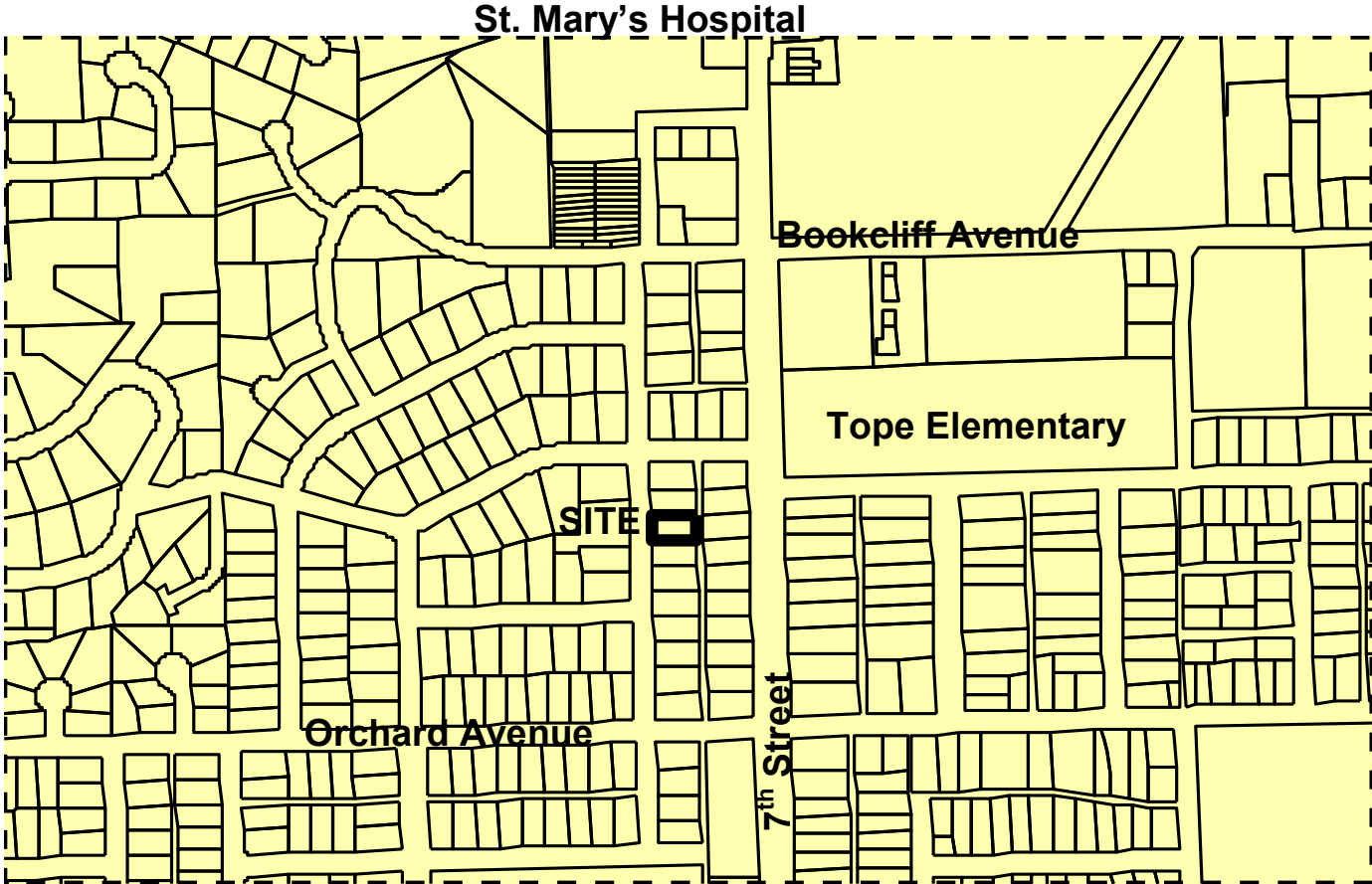
7. The application complies with the submittal requirements as set forth in Section 127 of the City Charter, this Chapter Two and the SIDD Manual.

The application was complete and does comply with the submittal requirements.

**Recommendation:** Approval of the revocable permit request.

# Site Location Map

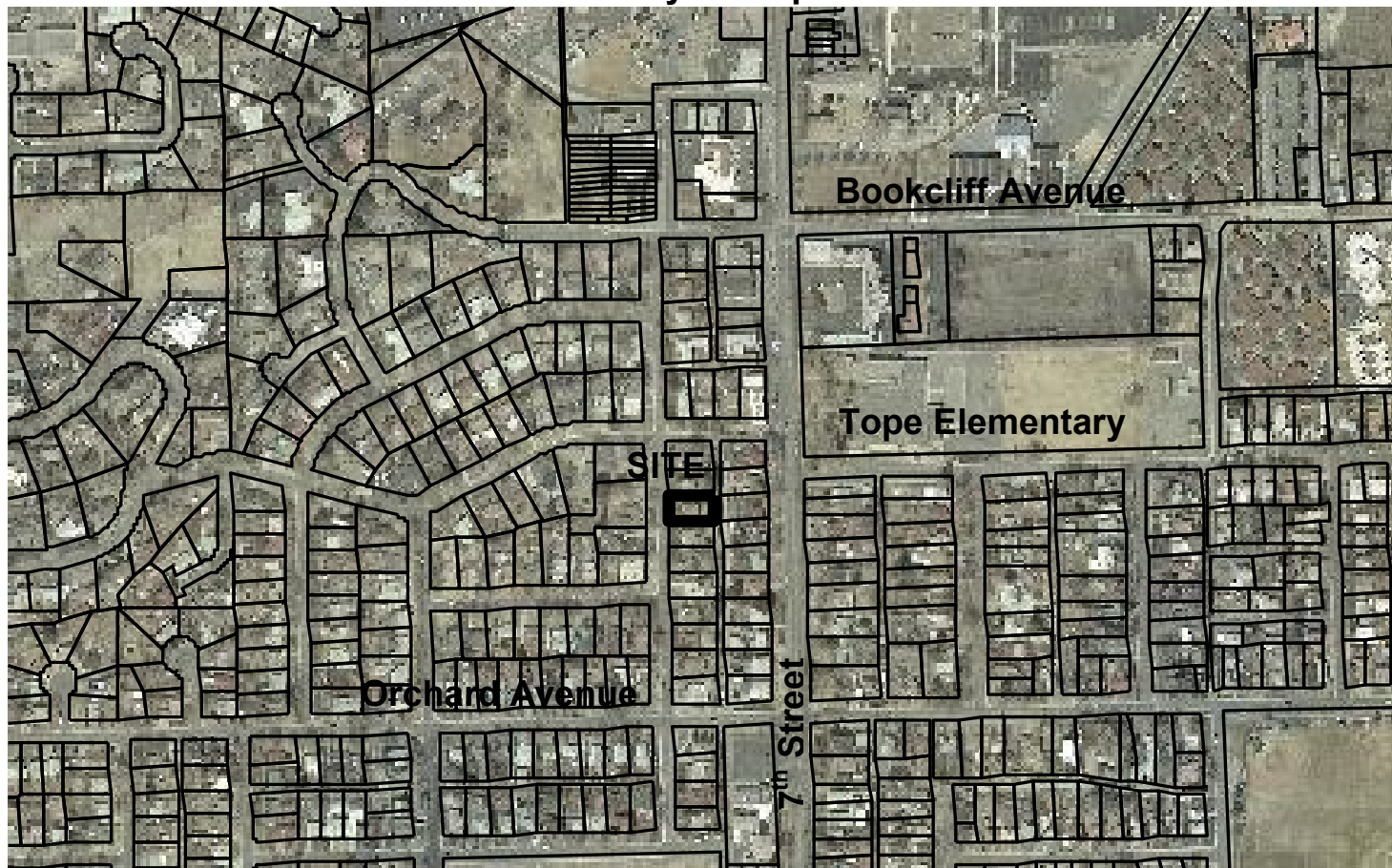
Figure 1



# Aerial Photo Map

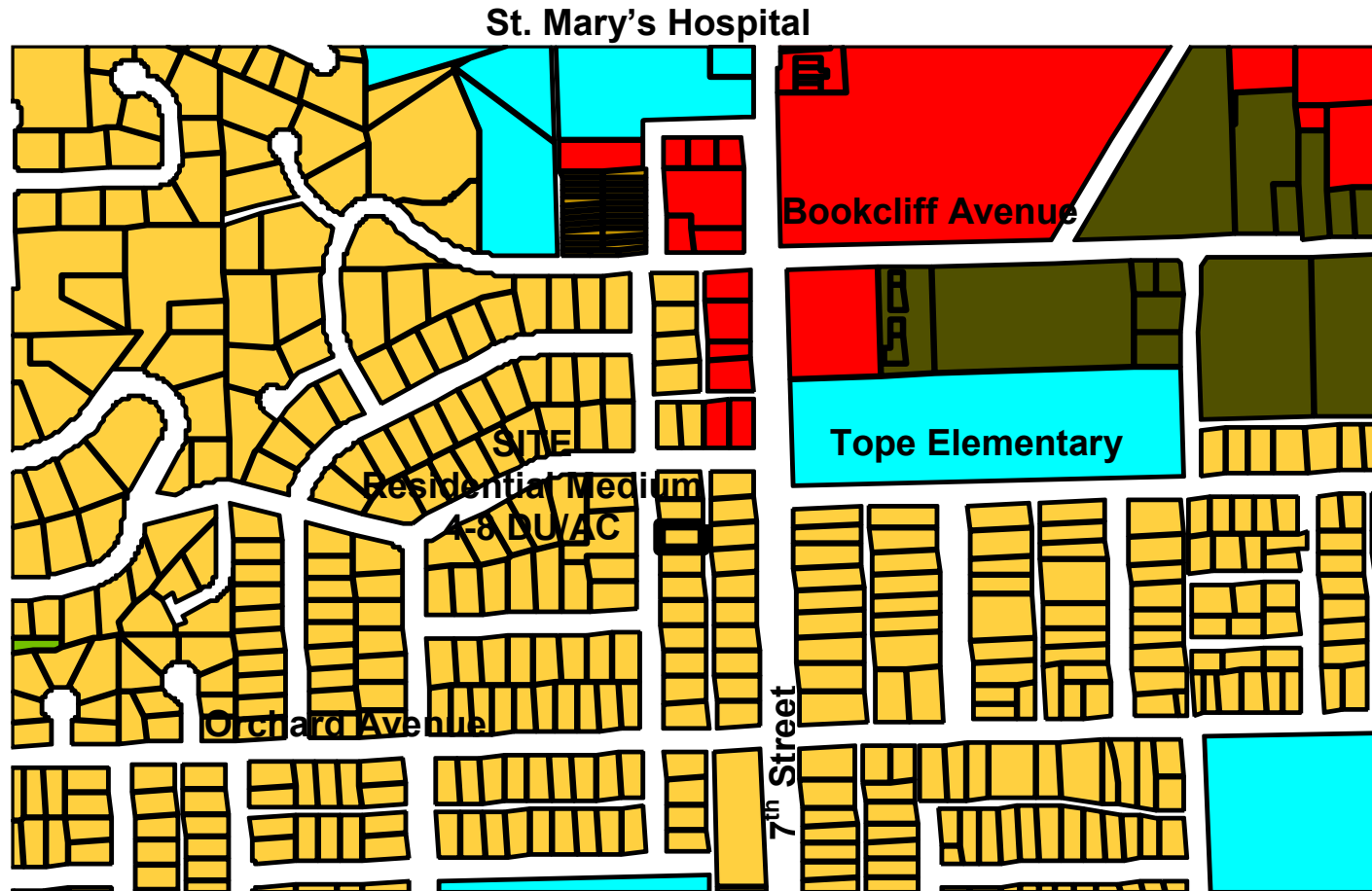
Figure 2

St. Mary's Hospital



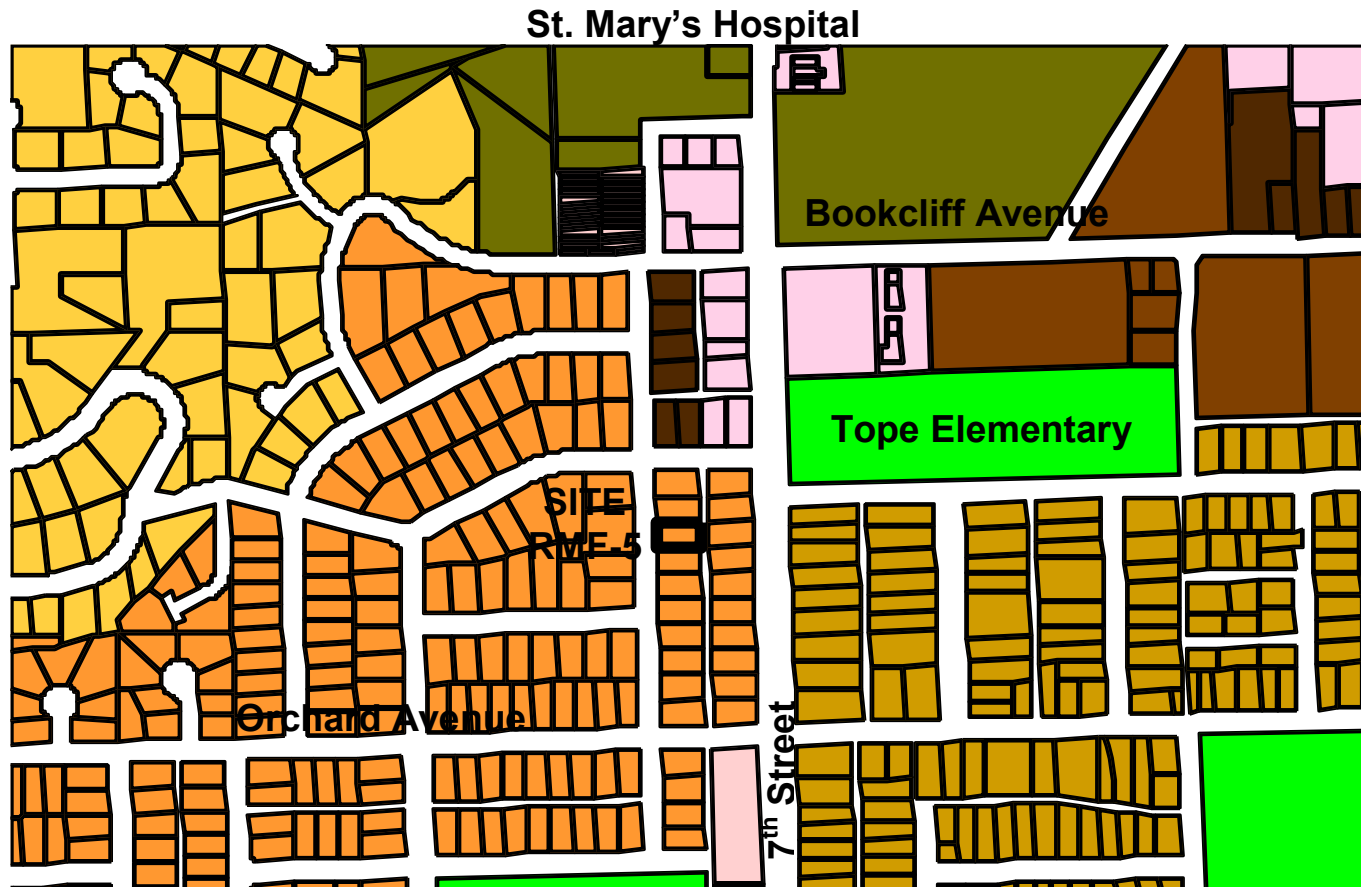
# Future Land Use Map

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."



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

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT  
TO  
ROSE GARDUNIO AND GORDON GARDUNIO**

**Recitals.**

A. Rose Gardunio and Gordon Gardunio, hereinafter referred to as the Petitioners, represent that they are the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 3 in Block 8 of Bookcliff Park, situate in the NW  $\frac{1}{4}$  of Section 11, Township 1 South, Range 1 West of the Ute Meridian, also known as 2030 North 6<sup>th</sup> Street and identified by Mesa County Tax Schedule Number 2945-112-05-018.

B. Petitioners have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install rock barriers within the following described public alley right-of-way for the purposes of protecting a fence:

Commencing at the Southeast corner of Lot 3, Block 8 of Bookcliff Park Subdivision; thence North along the East boundary line of said Lot 3 a distance of 17.5 feet to the Point of Beginning; thence North along the East boundary line of said Lot 3 a distance of 32.0 feet; thence leaving the East boundary line of said Lot 3, East a distance of 2.8 feet; thence South a distance of 32.0 feet; thence West a distance of 2.8 feet to the Point of Beginning.

C. Relying on the information supplied by the Petitioners and contained in File No. RVP-2004-090 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioners for the purposes aforescribed and within the limits of the public alley right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 16<sup>th</sup> day of June, 2004



Attest:

---

President of the City Council

---

City Clerk

## REVOCABLE PERMIT

### Recitals.

A. Rose Gardunio and Gordon Gardunio, hereinafter referred to as the Petitioners, represent that they are the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 3 in Block 8 of Bookcliff Park, situate in the NW  $\frac{1}{4}$  of Section 11, Township 1 South, Range 1 West of the Ute Meridian, also known as 2030 North 6<sup>th</sup> Street and identified by Mesa County Tax Schedule Number 2945-112-05-018.

B. Petitioners have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install rock barriers within the following described public alley right-of-way for the purposes of protecting a fence:

Commencing at the Southeast corner of Lot 3, Block 8 of Bookcliff Park Subdivision; thence North along the East boundary line of said Lot 3 a distance of 17.5 feet to the Point of Beginning; thence North along the East boundary line of said Lot 3 a distance of 32.0 feet; thence leaving the East boundary line of said Lot 3, East a distance of 2.8 feet; thence South a distance of 32.0 feet; thence West a distance of 2.8 feet to the Point of Beginning.

C. Relying on the information supplied by the Petitioners and contained in File No. RVP-2004-090 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioners a Revocable Permit for the purposes aforescribed and within the limits of the public alley right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public alley right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioners, for themselves and for their heirs, successors, assigns and for all persons claiming through the Petitioners, agree that they shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioners or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioners agree that they shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioner's heirs, successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioners shall, at the sole cost and expense of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

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

Attest: The City of Grand Junction,  
a Colorado home rule  
municipality

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

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

Acceptance by the Petitioners:

---

Rose Gardunio

---

Gordon Gardunio

**AGREEMENT**

Rose Gardunio and Gordon Gardunio, for themselves and for their heirs, successors and assigns, do hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;
- (d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

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

\_\_\_\_\_  
Rose Gardunio

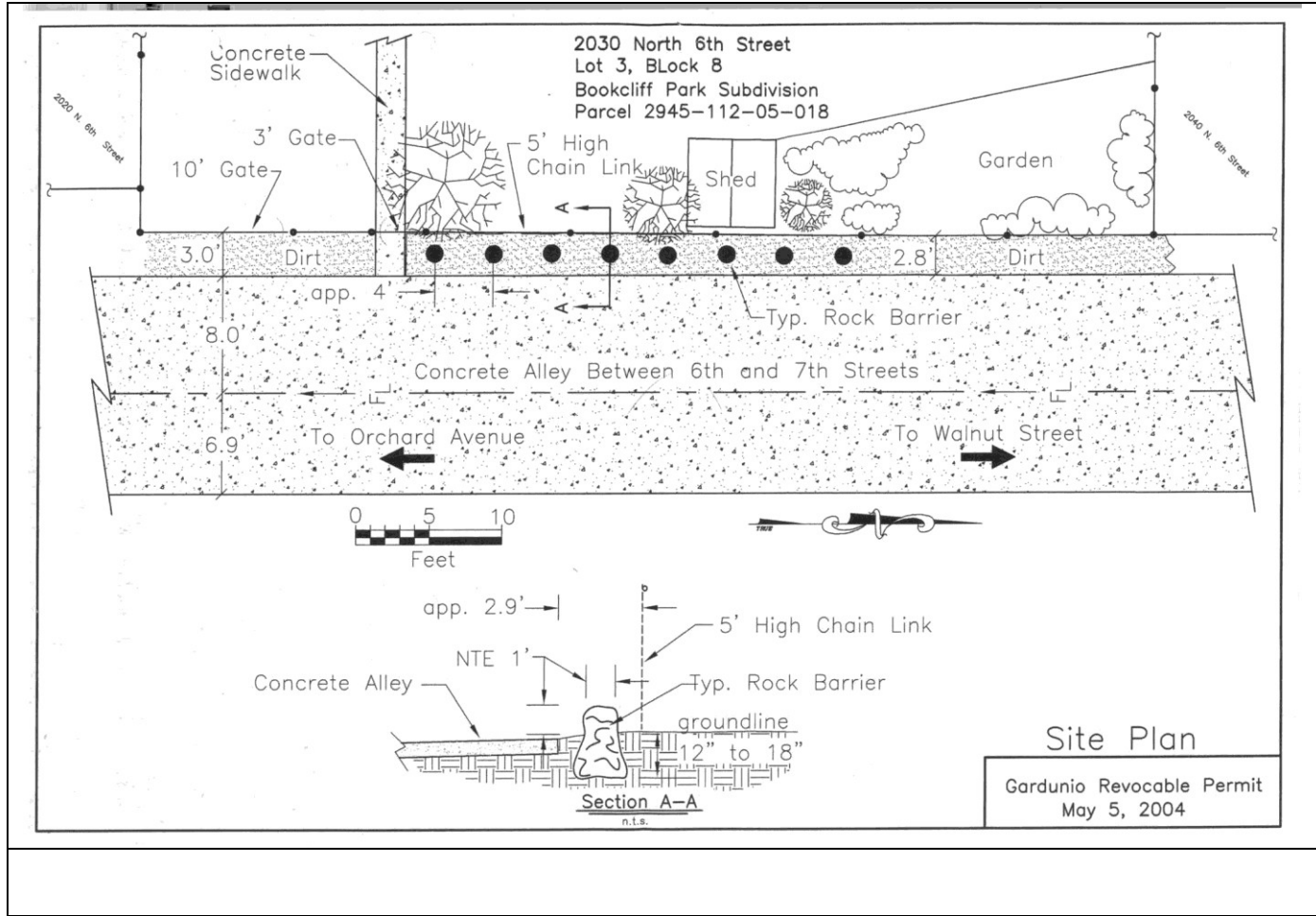
\_\_\_\_\_  
Gordon Gardunio

State of Colorado )  
  )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ day of \_\_\_\_\_, 2004, by Rose Gardunio and Gordon Gardunio.

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public



NOTE Time Tracks



5.25.04 Looking North towards Walnut



NOTE Tire Tracks



5.05.04 Looking South towards Orchard ave.



**Attach 5**

Setting a Hearing for the Flint Ridge III Annex Located at 2946 & 2952 D Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Flint Ridge III Annexation, located at 2946 and 2952 D Road						
<b>Meeting Date</b>	July 7, 2004						
<b>Date Prepared</b>	June 24, 2004				File #ANX-2004-101		
<b>Author</b>	Lisa E. Cox, AICP			Senior Planner			
<b>Presenter Name</b>	As above			As above			
<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 ordinance. The 19.1275 acre Flint Ridge III Annexation consists of 2 parcels located at 2946 and 2952 D Road.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the annexation petition and introduction of the proposed Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for August 18, 2004.

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

**Attachments:**

- 17. Staff report/Background information
- 18. Site Location Map (Figure 1)
- 19. Aerial Photo Map (Figure 2)
- 20. Future Land Use Map (Figure 3)
- 21. Existing City and County Zoning Map (Figure 4)
- 22. Annexation Map (Figure 5)
- 23. Resolution Referring Petition
- 24. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2946 and 2952 D Road		
<b>Applicants:</b>		Don Balerio, Phyllis Galvan, Miguel and Bertha Flores		
<b>Existing Land Use:</b>		Residential/Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential/Agricultural		
	<b>South</b>	Mining/Residential		
	<b>East</b>	Agricultural		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	County PD and RSF-R		
	<b>South</b>	County RSF-R/City RSF-R		
	<b>East</b>	City RMF-8		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium, 4-8 DU/AC		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

It is staff's professional opinion, based on their 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 subject property is eligible to be annexed because of compliance with the following requirements. An affidavit has been signed and submitted to the City Clerk establishing the following:

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

- expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
  - e) The area is capable of being integrated with the City;
  - f) No land held in identical ownership is being divided by the proposed annexation;
  - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

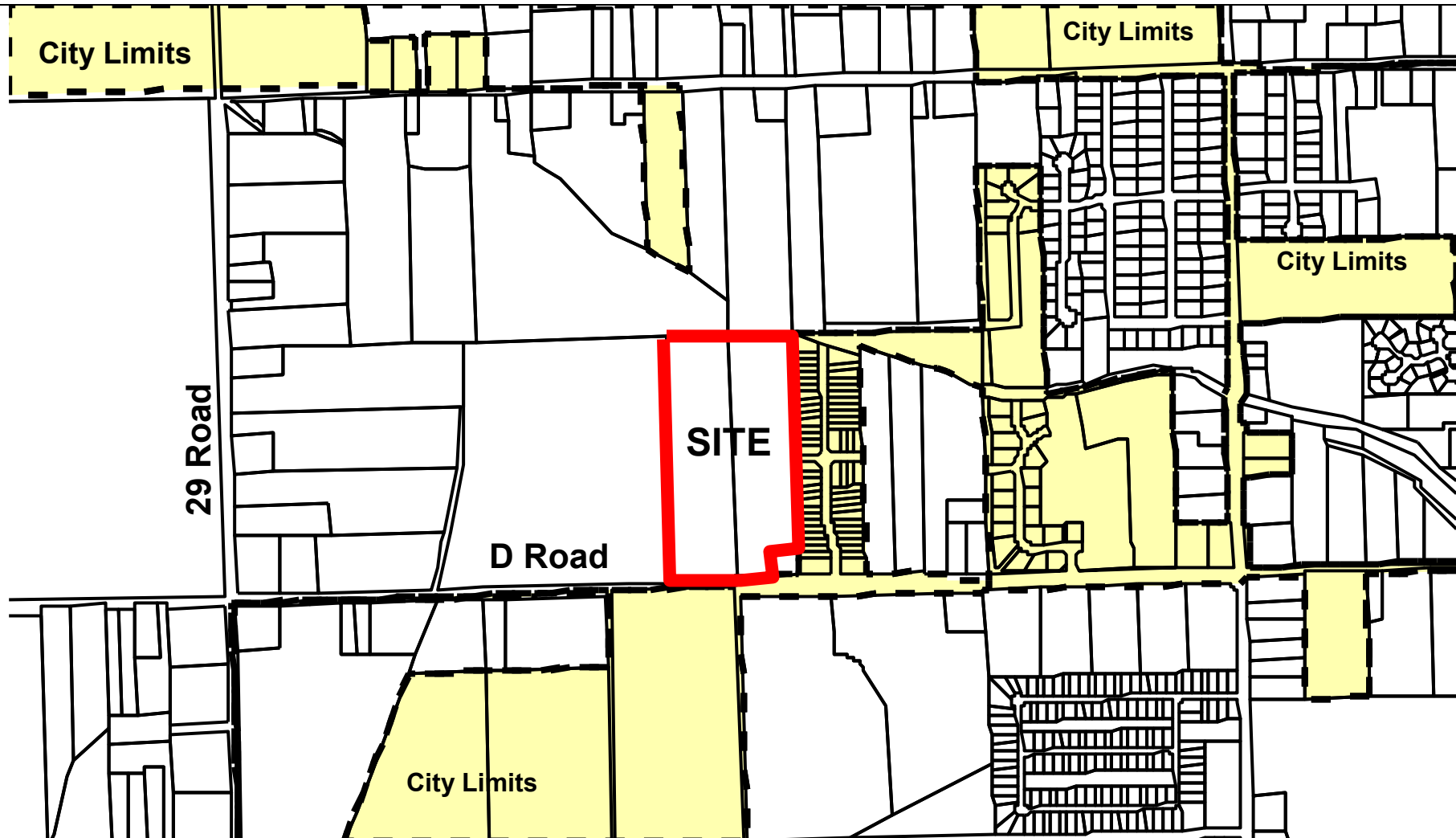
<u>ANNEXATION SCHEDULE</u>	
<b>7-07-2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>7-13-2004</b>	Planning Commission considers Zone of Annexation
<b>8-04-2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>8-18-2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>9-19-2004</b>	Effective date of Annexation and Zoning

**ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2004-101
<b>Location:</b>		2946 and 2952 D Road
<b>Tax ID Number:</b>		2943-173-00-108/2943-174-00-173
<b>Parcels:</b>		2
<b>Estimated Population:</b>		5
<b># of Parcels (owner occupied):</b>		2
<b># of Dwelling Units:</b>		2
<b>Acres land annexed:</b>		19.1275
<b>Developable Acres Remaining:</b>		Same
<b>Right-of-way in Annexation:</b>		329' of north half of D Road (14,805 sf)
<b>Previous County Zoning:</b>		RSF-R
<b>Proposed City Zoning:</b>		RMF-8
<b>Current Land Use:</b>		Residential/Agricultural
<b>Future Land Use:</b>		Residential
<b>Values:</b>	<b>Assessed:</b>	\$17,720
	<b>Actual:</b>	\$192,440
<b>Census Tract:</b>		n/a
<b>Address Ranges:</b>		2946-2954 D Road, even only
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	GJ Rural
	<b>Irrigation/ Drainage:</b>	Grand Junction Drainage District
	<b>School:</b>	District 51
	<b>Pest:</b>	n/a

# Site Location Map

Figure 1



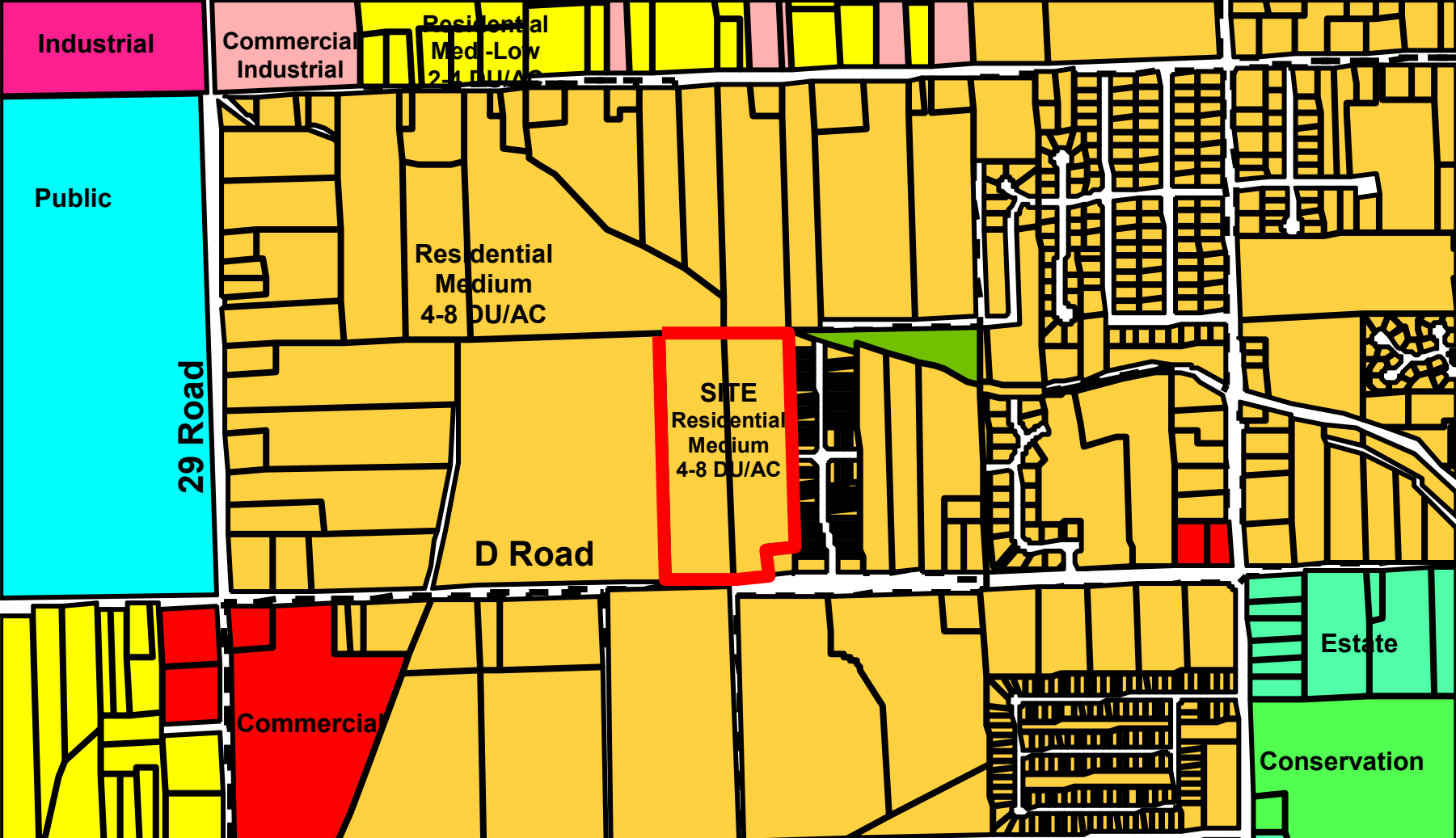
# Aerial Photo Map

Figure 2



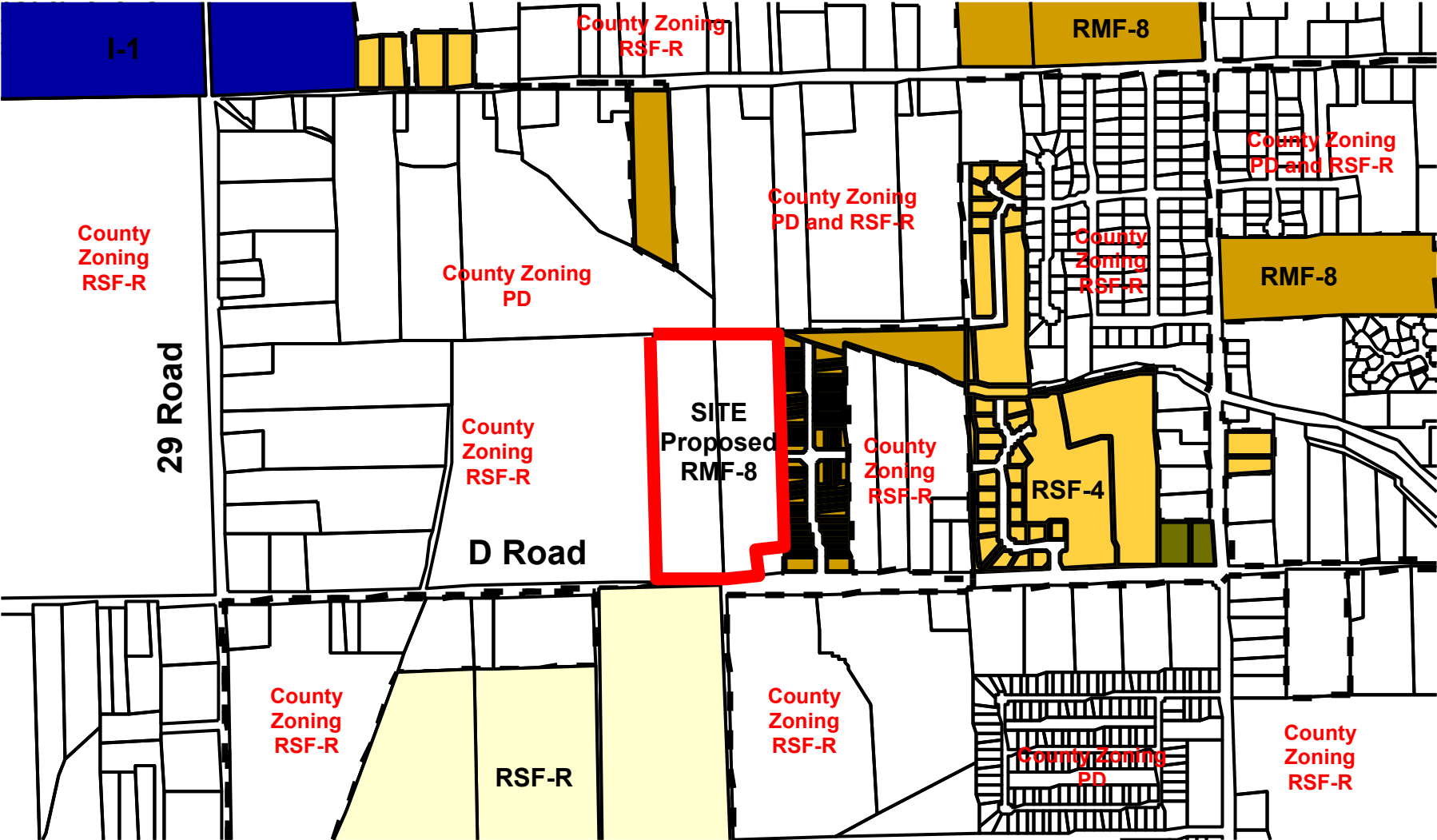
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4

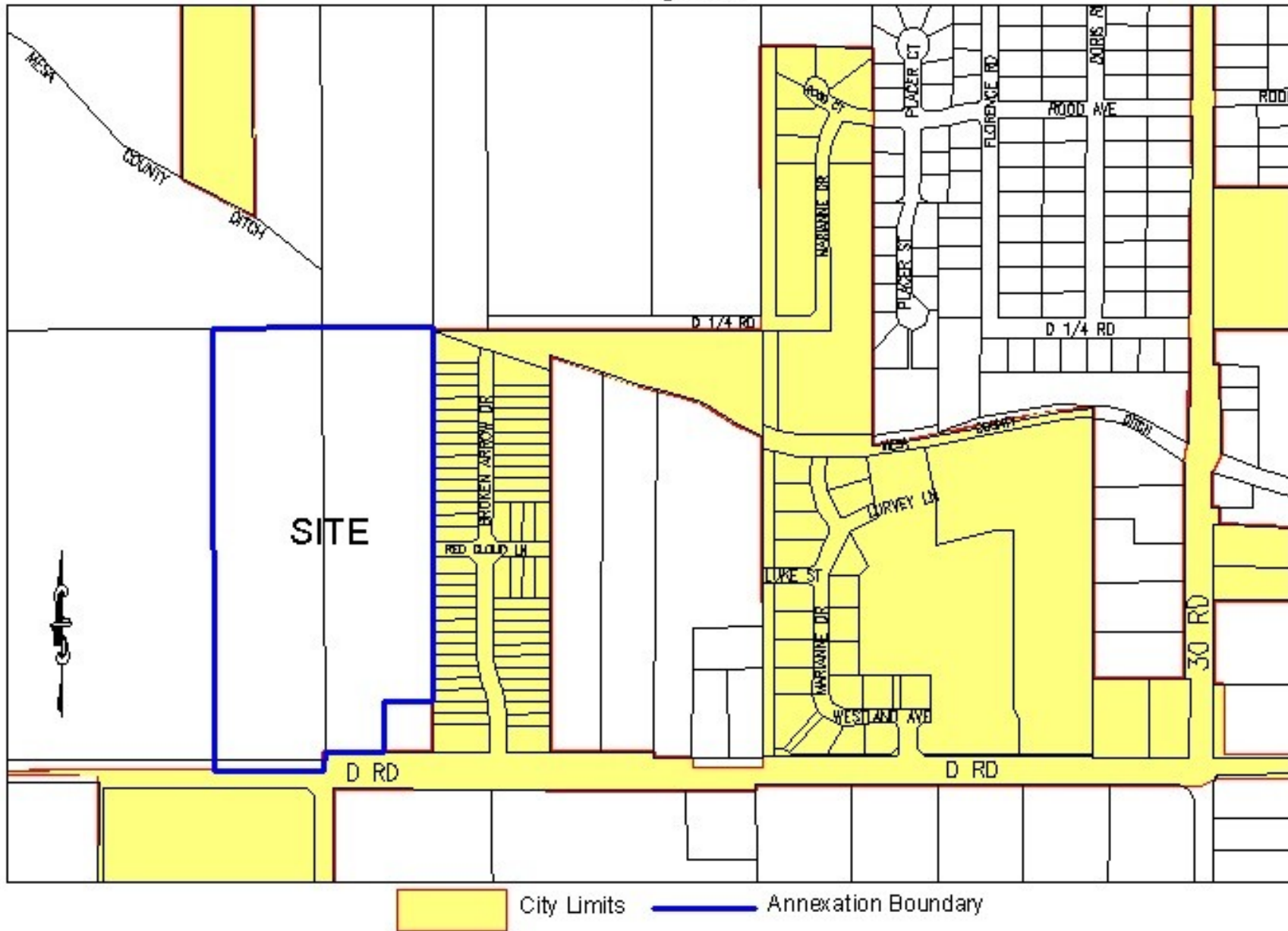


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



# Flint Ridge III Annexation

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 July 7, 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**

**FLINT RIDGE III ANNEXATION**

**LOCATED at 2946 and 2952 D Road**

WHEREAS, on July 7, 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:

**FLINT RIDGE III ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 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 South Quarter (S 1/4) corner of said Section 17 and assuming the East line of the SE 1/4 SW 1/4 of said Section 17 bears N 00°15'44" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°15'44" W along the East line of the SE 1/4 SW 1/4 of said Section 17, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'45" W along a line 5.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 17, a distance of 329.39 feet; thence N 00°18'52" W along the West line of the East Quarter (E 1/4) of the SE 1/4 SW 1/4 of said Section 17, a distance of 1315.68 feet to a point on the North line of the SE 1/4 SW 1/4 of said Section 17; thence N 89°59'36" E along the North line of the SE 1/4 SW 1/4 of said Section 17, a distance of 330.59 feet to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 17; thence N 89°59'36" E along the North line of the SW 1/4 SE 1/4 of said Section 17, a distance of 334.59 feet to a point being the Northwest corner of Flint Ridge Subdivision Filing No. 2, as same is recorded in Plat Book 19, Pages 231 and 232, Public Records of Mesa County, Colorado; thence S 00°02'31" E along the West line of said Flint Ridge Subdivision Filing No. 2 and the West line of Flint Ridge Subdivision Filing No. 1, as same is recorded in Plat Book 18, Pages 266 and 267, Public Records of Mesa County, Colorado, a distance of 1120.50 feet; thence S 89°58'45" W along a line 200.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 17, a distance of 153.00 feet; thence S 00°02'31" E a distance of 150.00

feet; thence S 89°58'45" W along a line 50.00 feet North of and parallel with, the South line of the SW 1/4 SE 1/4 of said Section 17, a distance of 176.70 feet to a point on the East line of the SE 1/4 SW 1/4 of said Section 17; thence S 00°15'44" E along said East line, a distance of 45.00 feet, more or less, to the Point of Beginning.

CONTAINING 19.1275 Acres (833,193.3 Sq. Ft.), more or less, as described.

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

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

3. That a hearing will be held on August 18, 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.
4. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED on July 7, 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

<b>DATES PUBLISHED</b>
<b>July 9, 2004</b>
<b>July 16, 2004</b>
<b>July 23, 2004</b>
<b>July 30, 2004</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**FLINT RIDGE III ANNEXATION  
APPROXIMATELY 19.1275 ACRES  
LOCATED AT 2946 and 2952 D Road**

**WHEREAS**, on July 7, 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 August 18, 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:

**FLINT RIDGE III ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 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 South Quarter (S 1/4) corner of said Section 17 and assuming the East line of the SE 1/4 SW 1/4 of said Section 17 bears N 00°15'44" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°15'44" W along the East line of the SE 1/4 SW 1/4 of said Section 17, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'45" W along a line 5.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 17, a distance of 329.39 feet; thence N 00°18'52" W along the West line of the East Quarter (E 1/4) of the SE 1/4 SW 1/4 of said Section 17, a distance of 1315.68 feet to a point on the North line of the SE 1/4 SW 1/4 of said Section

17; thence N 89°59'36" E along the North line of the SE 1/4 SW 1/4 of said Section 17, a distance of 330.59 feet to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 17; thence N 89°59'36" E along the North line of the SW 1/4 SE 1/4 of said Section 17, a distance of 334.59 feet to a point being the Northwest corner of Flint Ridge Subdivision Filing No. 2, as same is recorded in Plat Book 19, Pages 231 and 232, Public Records of Mesa County, Colorado; thence S 00°02'31" E along the West line of said Flint Ridge Subdivision Filing No. 2 and the West line of Flint Ridge Subdivision Filing No. 1, as same is recorded in Plat Book 18, Pages 266 and 267, Public Records of Mesa County, Colorado, a distance of 1120.50 feet; thence S 89°58'45" W along a line 200.00 feet North of and parallel with ,the South line of the SW 1/4 SE 1/4 of said Section 17, a distance of 153.00 feet; thence S 00°02'31" E a distance of 150.00 feet; thence S 89°58'45" W along a line 50.00 feet North of and parallel with, the South line of the SW 1/4 SE 1/4 of said Section 17, a distance of 176.70 feet to a point on the East line of the SE 1/4 SW 1/4 of said Section 17; thence S 00°15'44" E along said East line, a distance of 45.00 feet, more or less, to the Point of Beginning.

CONTAINING 19.1275 Acres (833,193.3 Sq. Ft.), more or less, as described.

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

**INTRODUCED** on first reading on July 7, 2004 and ordered published.

**ADOPTED** on second reading on August 18, 2004.

Attest:

---

President of the Council

---

City Clerk

**Attach 6**

Setting a Hearing for the Castanha Annex No. 1, 2, 3, 4 Located at 2250 Saddlehorn Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Castanha Annexation 1, 2, 3 & 4; Resolution referring a petition for annexation; introduction of a proposed ordinance and Exercise Land Use Jurisdiction immediately.					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 23, 2004			File #ANX-2004-135		
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Castanha Annexation, a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Castanha Annexation petition and introduce the proposed Castanha Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for August 18, 2004.

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

**Attachments:**

- 25. Staff report/Background information
- 26. General Location Map
- 27. Aerial Photo
- 28. Future Land Use Map
- 29. Zoning Map
- 30. Annexation map
- 31. Resolution Referring Petition



32. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2250 Saddlehorn Road		
<b>Applicants:</b>		John and Susan Castanha, owners Rolland Engineering, representative		
<b>Existing Land Use:</b>		Single family residence		
<b>Proposed Land Use:</b>		4 lot residential subdivision		
<b>Surrounding Land Use:</b>	<b>North</b>	residential		
	<b>South</b>	residential		
	<b>East</b>	residential		
	<b>West</b>	residential		
<b>Existing Zoning:</b>		Mesa County RSF-4		
<b>Proposed Zoning:</b>		RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	Mesa County RSF-4		
	<b>South</b>	Mesa County RSF-4		
	<b>East</b>	Mesa County RSF-4		
	<b>West</b>	Mesa County RSF-4		
<b>Growth Plan Designation:</b>		Residential medium low (2 to 4 du/ac)		
<b>Zoning within density range?</b>	X	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.895 acres of land and is comprised of one parcel. The applicants have submitted a Preliminary Plat for subdivision of this parcel. The 1998 Persio Agreement requires annexation into to City of Grand Junction to proceed with this request.

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 Castanha 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.

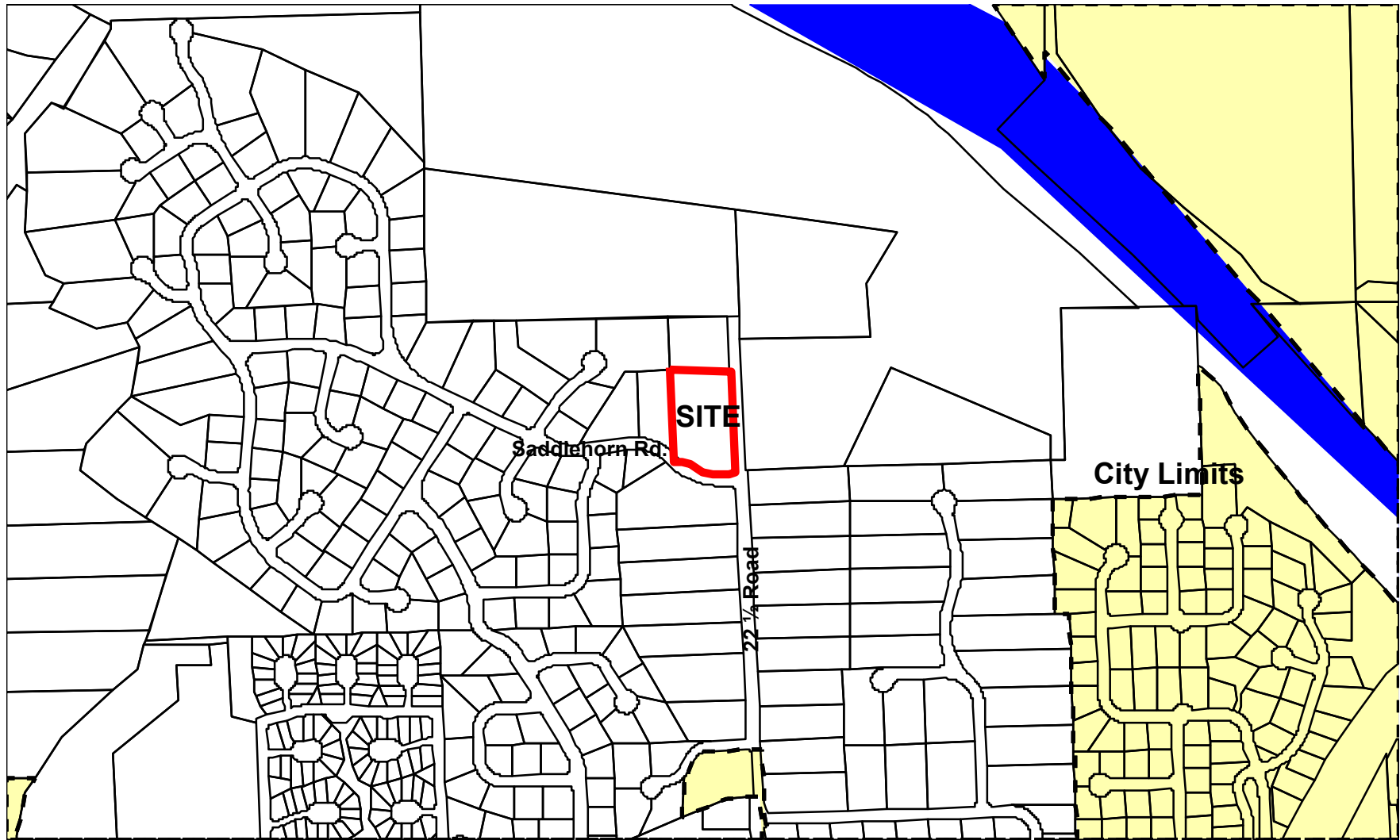
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>July 7<sup>th</sup></b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>July 13<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>Aug 4<sup>th</sup></b>	First Reading on Zoning by City Council
<b>Aug 18<sup>th</sup></b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>Sept 19<sup>th</sup></b>	Effective date of Annexation and Zoning

**CASTANHA ANNEX. SUMMARY**

<b>File Number:</b>	<b>ANX-2004-135</b>	
<b>Location:</b>	<b>2250 Saddlehorn Road</b>	
<b>Tax ID Number:</b>	<b>2945-072-06-001</b>	
<b>Parcels:</b>	<b>1</b>	
<b>Estimated Population:</b>	<b>0</b>	
<b># of Parcels (owner occupied):</b>	<b>1</b>	
<b># of Dwelling Units:</b>	<b>1</b>	
<b>Acres land annexed:</b>	<b>4.895 acres for annexation area</b>	
<b>Developable Acres Remaining:</b>	<b>0 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>59,248 sq. ft. along 22 ½ Road</b>	
<b>Previous County Zoning:</b>	<b>RSF-4 (County)</b>	
<b>Proposed City Zoning:</b>	<b>(RSF-2) Residential Single Family not to exceed 2 dwelling units per acre</b>	
<b>Current Land Use:</b>	<b>Single family residence</b>	
<b>Future Land Use:</b>	<b>3 additional residential lots</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>= \$13,490</b>
	<b>Actual:</b>	<b>= \$204,440</b>
<b>Address Ranges:</b>	<b>None</b>	
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water</b>
	<b>Sewer:</b>	<b>City of Grand Junction</b>
	<b>Fire:</b>	<b>City of Grand Junction</b>
	<b>Drainage:</b>	<b>None</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>Redlands Mosquito Control District</b>

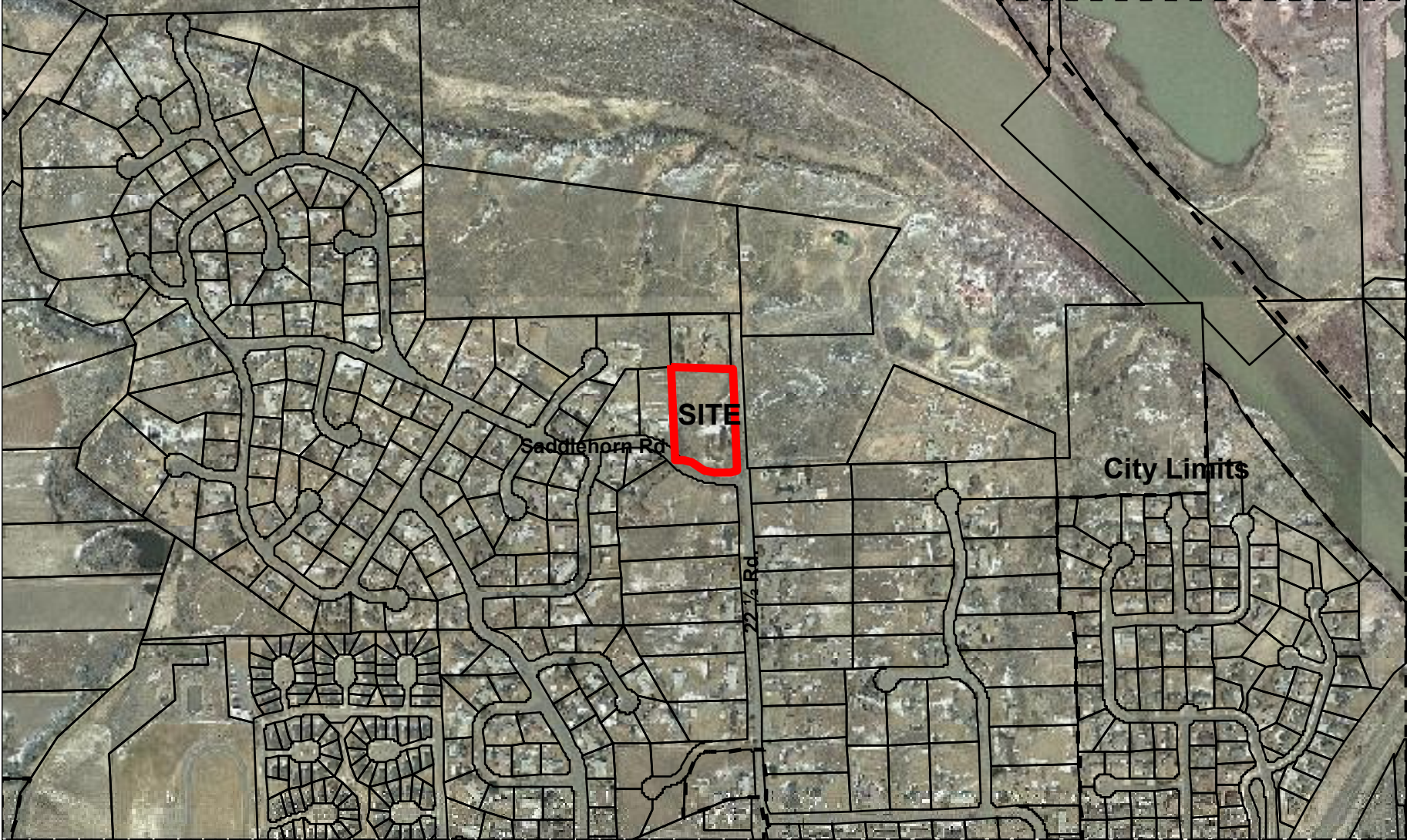
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2

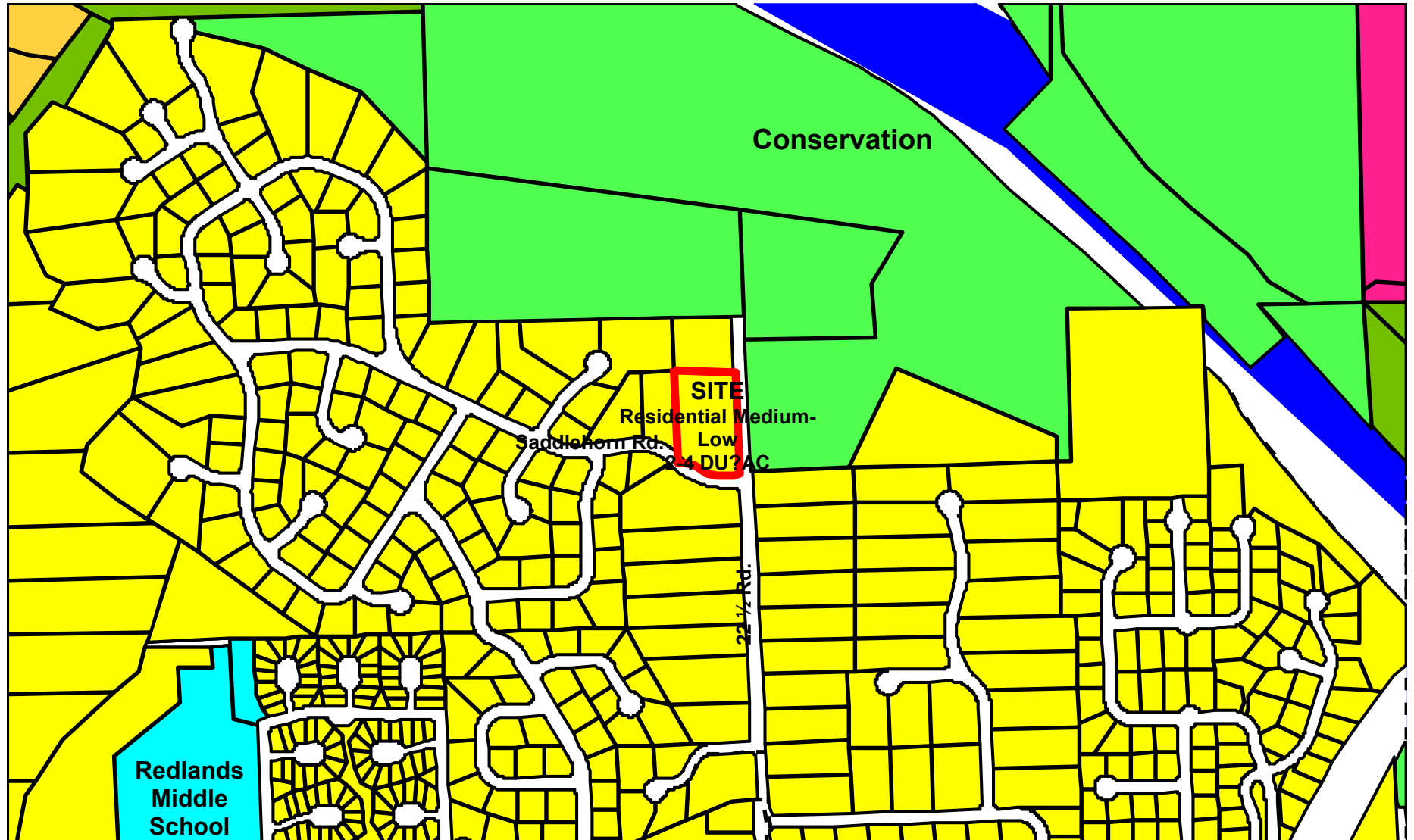






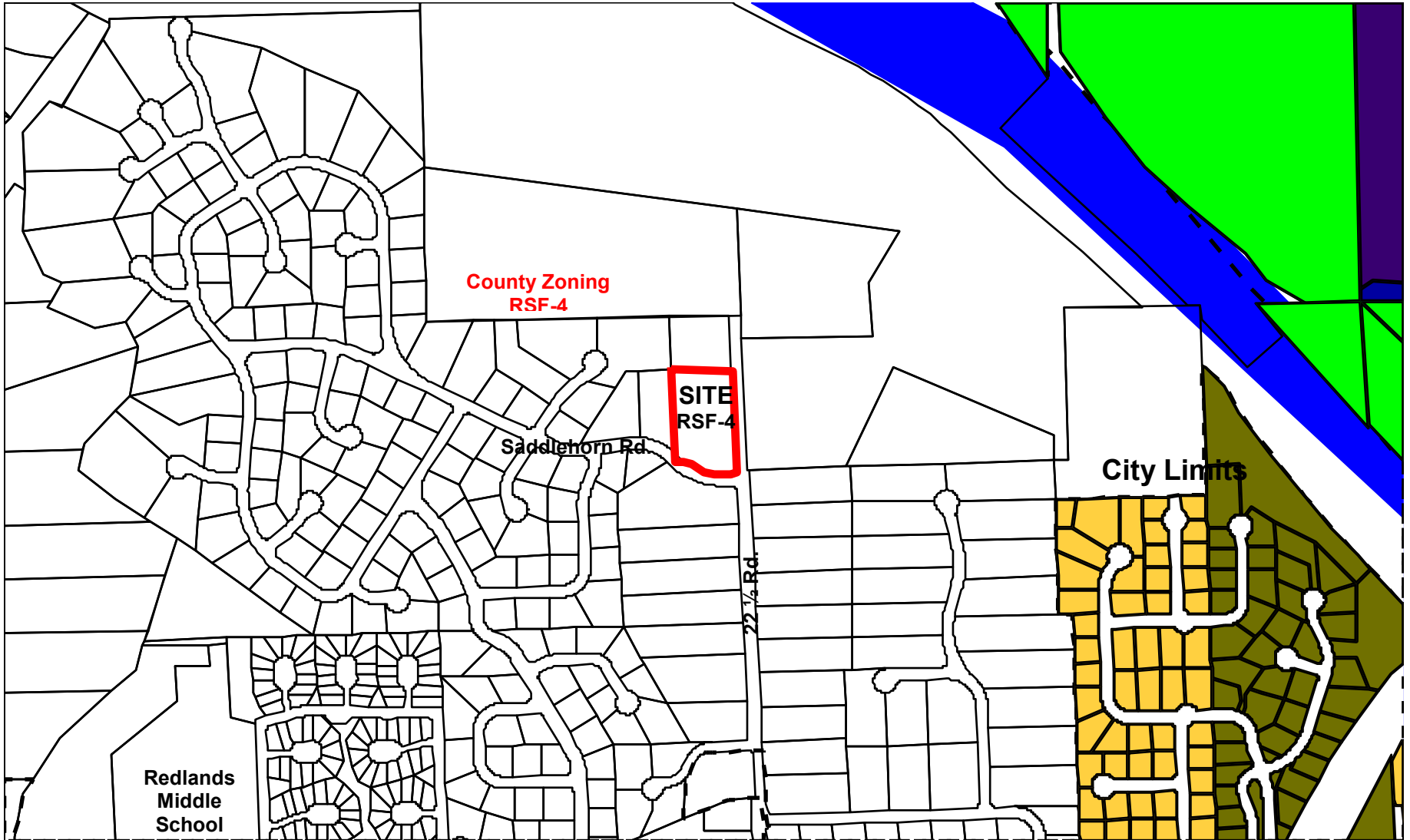
# Future Land Use Map

Figure 3



# Existing City and County Zoning

City Limits Figure 4



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







**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 7th of July, 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**

**CASTANHA ANNEXATION 1, 2, 3, & 4**

**LOCATED at 2250 Saddlehorn Road.**

WHEREAS, on the 7th day of July, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION**

**CASTANHA ANNEXATION**

(A Serial Annexation consisting of Castanha Annexation No. 1, Castanha Annexation No. 2, Castanha Annexation No. 3 and Castanha Annexation No. 4)

**CASTANHA ANNEXATION NO. 1**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°36'13" W along the Easterly projection of the South right of way for said Perona Court, a distance of 60.01 feet; thence N 00°28'40" W a distance of 10.00 feet; thence S 89°36'13" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40"

E along said West line, a distance of 119.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.039 Acres (1,700.0 Sq. Ft.) more or less, as described.

### CASTANHA ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 119.99 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°35'49" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence N 89°36'13" W a distance of 50.01 feet; thence N 00°28'40" W a distance of 30.00 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence S 89°27'40" E a distance of 40.01 feet; thence N 00°28'40" W a distance of 90.09 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 90°00'00" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 339.27 feet, more or less, to the Point of Beginning.

CONTAINING 0.133 Acres (5,790.4 Sq. Ft.), more or less, as described.

### CASTANHA ANNEXATION NO. 3

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of

Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 459.26 feet; thence N 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7 and the POINT OF BEGINNING; thence from said Point of Beginning, S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 89°35'49" W a distance of 10.00 feet; thence S 00°28'40" E a distance of 90.09 feet; thence N 89°27'40" W a distance of 40.01 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing NO. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence N 00°28'40" W along the East line of said Block 8, a distance of 1052.73 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, being a portion of the Southerly right of way for Saddle Horn Road, as same is shown on said Redlands Village Filing No. 4; thence N 89°31'20" E a distance of 50.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet, more or less, to the Point of Beginning.

CONTAINING 1.188 Acres (51,757.6 Sq. Ft.), more or less, as described.

#### CASTANHA ANNEXATION NO. 4

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Block 9, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°28'40" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 428.59 feet; thence N 89°31' 20" E a distance of 10.00 feet to a point being the Northwest corner of Lot 1, Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado; thence S 00°28'40" E along the West line of said Redlands Village Acres Filing No. 1, a distance of 724.49 feet; thence S 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, with a long chord bearing of N 44°58'40" W and a long chord length of 35.05 feet; thence 38.83 feet Northwesterly along the arc

of said curve, through a central angle of 89°00'00"; thence N 89°28'40" W, along the South right of way for Saddle Horn Road, a distance of 25.86 feet to a point being the beginning of a 325.00 foot radius curve, concave Northeast, with a long chord bearing of N 65°50'40" W and a long chord length of 260.57 feet; thence continuing along the South right of way for said Saddle Horn Road, 268.11 Northwesterly along the arc of said curve, through a central angle of 47°16'00"; thence N 47°47'58" E a distance of 50.00 feet to a point being the Southwest corner of said Lot 1, Block 9; thence N 00°28'40" W along the West line of said Lot 1, Block 9, a distance of 356.60 feet to a point being the Northwest corner of said Lot 1, Block 9; thence S 89°28'540" E, along the North line of said Lot 1, Block 9, a distance of 250.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.535 Acres (153,997.3 Sq. Ft.), more or less, as described.

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

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

5. That a hearing will be held on the 18<sup>th</sup> day of August, 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.
6. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 7<sup>th</sup> day of July, 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>DATES PUBLISHED</i>
July 9, 2004
July 16, 2004
July 23, 2004
July 30, 2004

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CASTANHA ANNEXATION NO. 1**

**APPROXIMATELY 0.039 ACRES**

**LOCATED AT 2250 SADDLEHORN ROAD**

**WHEREAS**, on the 7<sup>th</sup> day of July, 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 18<sup>th</sup> day of August, 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:

**CASTANHA ANNEXATION NO. 1**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°36'13" W along the Easterly

projection of the South right of way for said Perona Court, a distance of 60.01 feet; thence N 00°28'40" W a distance of 10.00 feet; thence S 89°36'13" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 119.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.039 Acres (1,700.0 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 7th day of July, 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**

**CASTANHA ANNEXATION NO. 2**

**APPROXIMATELY 0.133 ACRES**

**LOCATED AT 2250 SADDLEHORN ROAD**

**WHEREAS**, on the 7<sup>th</sup> day of July, 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 18<sup>th</sup> day of August, 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:

**CASTANHA ANNEXATION NO. 2**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance

No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 119.99 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°35'49" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence N 89°36'13" W a distance of 50.01 feet; thence N 00°28'40" W a distance of 30.00 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence S 89°27'40" E a distance of 40.01 feet; thence N 00°28'40" W a distance of 90.09 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 90°00'00" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 339.27 feet, more or less, to the Point of Beginning.

CONTAINING 0.133 Acres (5,790.4 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 7th day of July, 2004 and ordered published.

**ADOPTED** on second reading this <> day of <>, 2004.

Attest:

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President of the Council

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CASTANHA ANNEXATION No. 3**

**APPROXIMATELY 1.188 ACRES**

**LOCATED AT 2250 SADDLEHORN ROAD**

**WHEREAS**, on the 7th day of July, 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 18th day of August, 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:

**CASTANHA ANNEXATION NO. 3**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 459.26 feet; thence N 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7 and the POINT OF BEGINNING; thence from said Point of Beginning, S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 89°35'49" W a distance of 10.00 feet; thence S 00°28'40" E a distance of 90.09 feet; thence N 89°27'40" W a distance of 40.01 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing NO. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence N 00°28'40" W along the East line of said Block 8, a distance of 1052.73 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, being a portion of the Southerly right of way for Saddle Horn Road, as same is shown on said Redlands Village Filing No. 4; thence N 89°31'20" E a distance of 50.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet, more or less, to the Point of Beginning.

CONTAINING 1.188 Acres (51,757.6 Sq. Ft.), more or less, as described.

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

**INTRODUCED** on first reading on the 7th day of July, 2004 and ordered published.

**ADOPTED** on second reading this <> day of <>, 2003.

Attest:

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President of the Council

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CASTANHA ANNEXATION NO. 4**

**APPROXIMATELY 3.535 ACRES**

**LOCATED AT 2250 SADDLEHORN ROAD**

**WHEREAS**, on the 7th day of July, 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 18th day of August, 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:



CASTANHA ANNEXATION NO. 4

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Block 9, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°28'40" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 428.59 feet; thence N 98°31' 20" E a distance of 10.00 feet to a point being the Northwest corner of Lot 1, Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado; thence S 00°28'40" E along the West line of said Redlands Village Acres Filing No. 1, a distance of 724.49 feet; thence S 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, with a long chord bearing of N 44°58'40" W and a long chord length of 35.05 feet; thence 38.83 feet Northwesterly along the arc of said curve, through a central angle of 89°00'00"; thence N 89°28'40" W, along the South right of way for Saddle Horn Road, a distance of 25.86 feet to a point being the beginning of a 325.00 foot radius curve, concave Northeast, with a long chord bearing of N 65°50'40" W and a long chord length of 260.57 feet; thence continuing along the South right of way for said Saddle Horn Road, 268.11 Northwesterly along the arc of said curve, through a central angle of 47°16'00"; thence N 47°47'58" E a distance of 50.00 feet to a point being the Southwest corner of said Lot 1, Block 9; thence N 00°28'40" W along the West line of said Lot 1, Block 9, a distance of 356.60 feet to a point being the Northwest corner of said Lot 1, Block 9; thence S 89°28'540" E, along the North line of said Lot 1, Block 9, a distance of 250.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.535 Acres (153,997.3 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 7th day of July, 2004 and ordered published.

**ADOPTED** on second reading this <> day of <>, 2003.

Attest:

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

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

**Attach 7**

2004 S Broadway Trail and 2004 S Camp Rd Curb and Gutter Improvements

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Construction Contract for <b>2004 South Broadway Trail and South Camp Road Curb and Gutter Improvements</b>					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 30, 2004			File # - N/A		
<b>Author</b>	T. Kent Harbert, Project Engineer					
<b>Presenter Name</b>	Mark Relph, Public Works and Utilities Director					
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Award of a construction contract to **Reyes Construction** in the amount of \$244,051.65 for the **2004 South Broadway Trail and South Camp Road Curb and Gutter Improvements**.

**Budget:** This contract consists of two projects, both funded under Fund 2011, Activity F45700 . The combined 2004 budget for both projects is **\$269,000**. The 2004 project costs and funding are summarized below:

Project Costs:

	<u>S. Broadway Trail</u>	<u>S. Camp Rd</u>
Construction Contract (low bid)	\$132,781.90	\$111,269.75
Design (2004 portion)	\$4,600.00	\$5,600.00
Construction Inspection and Administration (est.)	<u>\$7,000.00</u>	<u>\$7,000.00</u>
Subtotals	\$144,381.90	\$123,869.75
Total Costs		\$268,251.65

Project Funding:

Revenue from Mesa County	\$104,241.00
City Funds (Account 2011-F45700)	<u>\$164,757.00</u>
Total Funds Available	\$269,000.00
Total Costs	<u>\$268,251.65</u>
Balance	\$748.35

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **2004 South Broadway Trail and South Camp Road Curb and Gutter Improvements** with **Reyes Construction** in the amount of **\$244,051.65**.

**Attachments:** Map

**Background Information:**

The following bids were opened on June 22, 2004:

Bidder	From	South Broadway Trail	S. Camp Curb & Gutter	Bid Amount
Reyes Construction	Grand Junction	\$132,781.90	\$111,269.75	\$244,051.65
Mays Concrete	Grand Junction	\$222,177.00	\$128,855.00	\$351,032.00
Engineer's Estimate		\$121,470.00	\$126,187.50	\$247,657.50

Two projects in close proximity to each other were bid concurrently and will be awarded under a single contract. The **South Broadway Trail** project consists of 1343 feet of 10-foot wide concrete trail along the south side of South Broadway from South Camp Road to where the detached asphalt trail on Redlands Parkway currently ends, in front of the new Redlands Water and Power building. Currently the connection between South Camp Road and the existing trail on Redlands Parkway is a widened shoulder on South Broadway. Most of the new trail will be detached from the road and will cross the drainage channel that runs along South Broadway at two locations. A short portion of the trail (175 ft.) will include a monolithic curb and gutter section where the drainage channel crosses under South Broadway and forces the trail against the roadway. The right-of-way for the trail was donated by the Redlands Water and Power Company.

The **South Camp Road Curb and Gutter Improvements** project includes construction of 3010 feet of curb and gutter along the northeast side of South Camp Road from where it currently ends opposite Buffalo Drive to the east end of the Monument Valley Filing 6 Subdivision, southeast of East Dakota Drive. The curb and gutter improvements are being done because of development agreements executed by Mesa County when Monument Valley, Filing 6 was platted. Approximately 84% of the cost of these improvements is being paid with funds that have collected from the developer by the County and transferred to the City. South Camp Road is now within the city limits; therefore, the City designed the improvements and will administer the construction.

Construction is scheduled to begin on or before July 26 and will be completed by the end of September.



**Attach 8**

Public Hearing Appeal a Planning Commission Decision 2938 North Ave. Palace  
Pointe Market Place

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	Conduct a hearing for an appeal of a Planning Commission decision regarding the denial of a variance request – 2938 North Avenue – Palace Pointe Market Place					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 25, 2004				File #VAR-2004-056	
<b>Author</b>	Scott D. Peterson		Associate Planner			
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		Consent	X <b>Individual Consideration</b>

**Summary:** The appellant, North Avenue Center, LLC, wishes to appeal the Planning Commission’s decision regarding the denial of their variance request of the Zoning & Development Code’s requirement to provide a six foot (6’) masonry wall between a C-1, Light Commercial and a RMF-8, Residential Multi-Family – 8 units/acre (County) Zoning District. This appeal is per Section 2.18 E. of the Zoning & Development Code which specifies that the City Council is the appellant body of the Planning Commission.

**Budget:** N/A

**Action Requested/Recommendation:** Conduct a hearing to review the appeal of the appellant.

**Background Information:** See attached Background Information.

**Attachments:**

1. Background Information
2. Site Location Map

3. Aerial Photo Map
4. Future Land Use Map
5. Existing City and County Zoning Map
6. Approved Site Plan
7. Planning Commission Staff Report/Planning Clearance
8. Photos
9. General Project Report from Applicant
10. Letters/Petitions received
11. Transcript of May 11, 2004 Planning Commission Meeting/Appeal Letter

**Background Information:**

On May 11, 2004 the Planning Commission conducted a Public Hearing to consider the request for a Variance to the requirement to provide a six foot (6') masonry wall between a C-1, Light Commercial and a RMF-8, Residential Multi-Family – 8 units/acre (County) Zoning District in accordance with Table 6.5 and Section 6.5 F. of the Zoning & Development Code. At the Public Hearing, the Planning Commission received testimony from City staff, the applicant, North Avenue Center, LLC, and also residents from the adjacent residential condominium properties who voiced their opposition to the granting of the variance request (see attached transcript and Planning Commission background materials).

This appeal hearing is in accordance with Section 2.18 E. 4. h., of the Zoning & Development Code which states that the City Council shall review the record of the Planning Commission's action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record.

If the City Council would grant the appeal, the following approval criteria as expressed in Section 2.18 E. 1. of the Zoning & Development Code would have to be found:

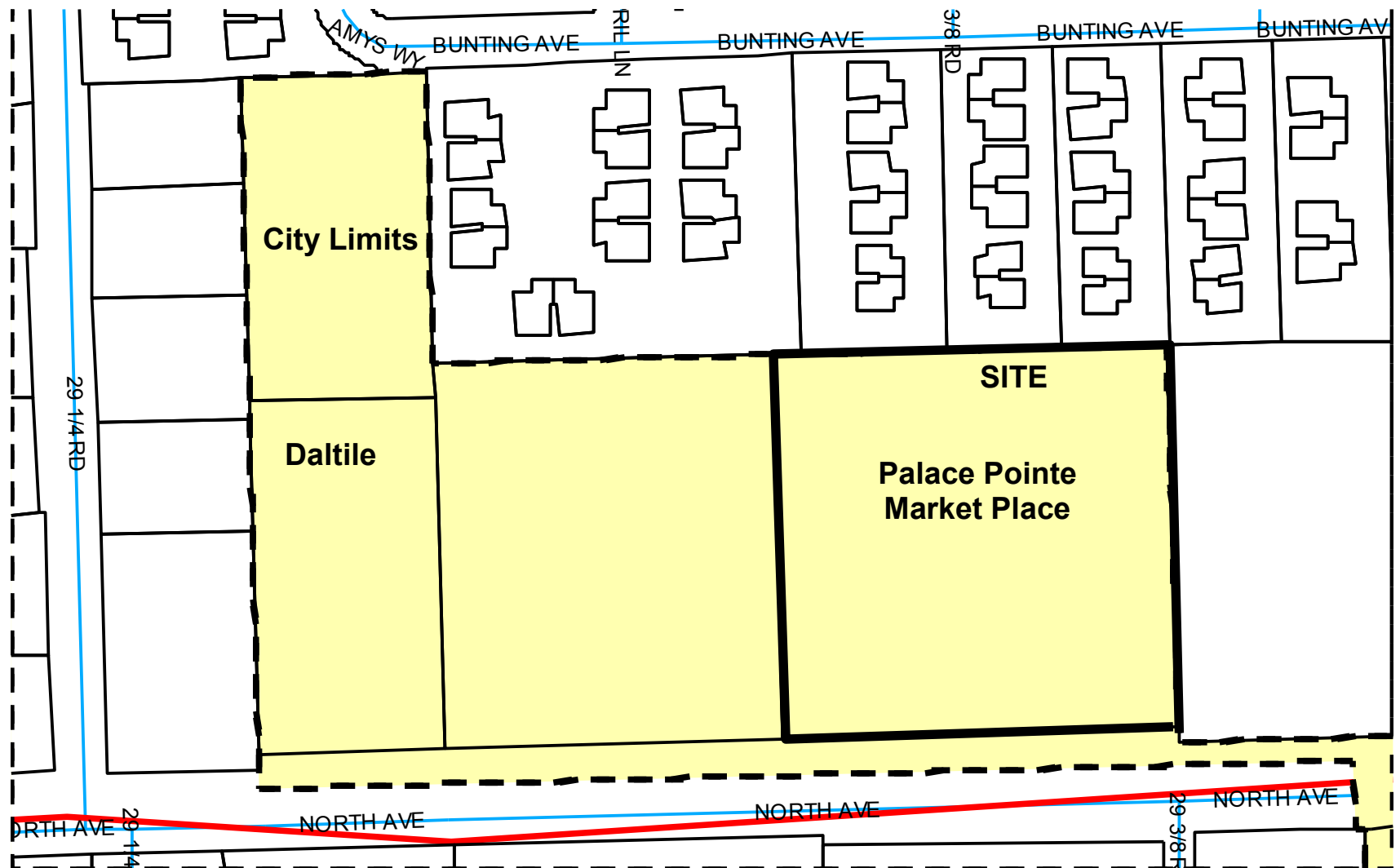
- (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code.
- (2) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
- (3) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (4) The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
- (5) In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.





# Site Location Map – 2938 North Avenue

Figure 1



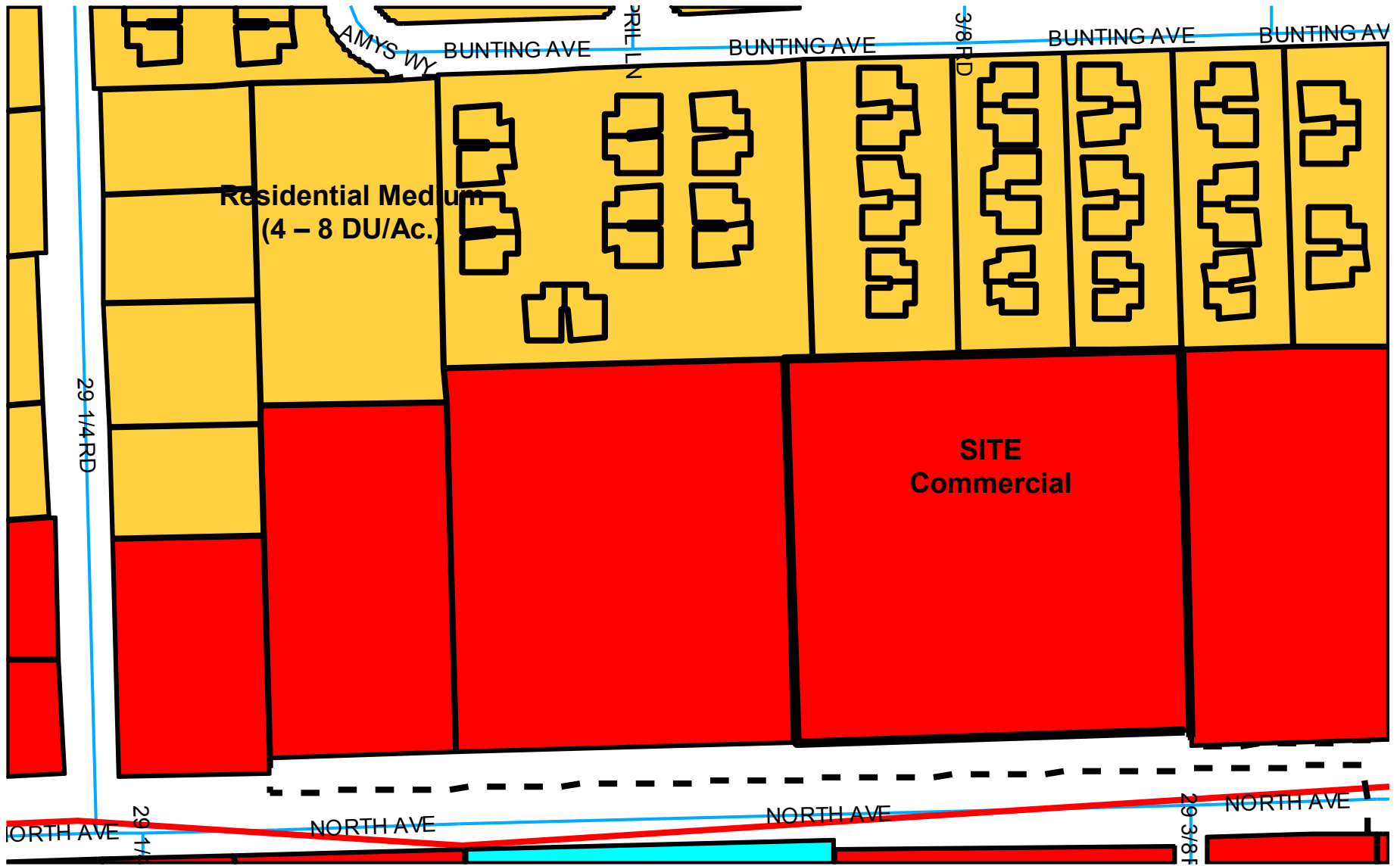
# Aerial Photo Map – 2938 North Avenue

Figure 2



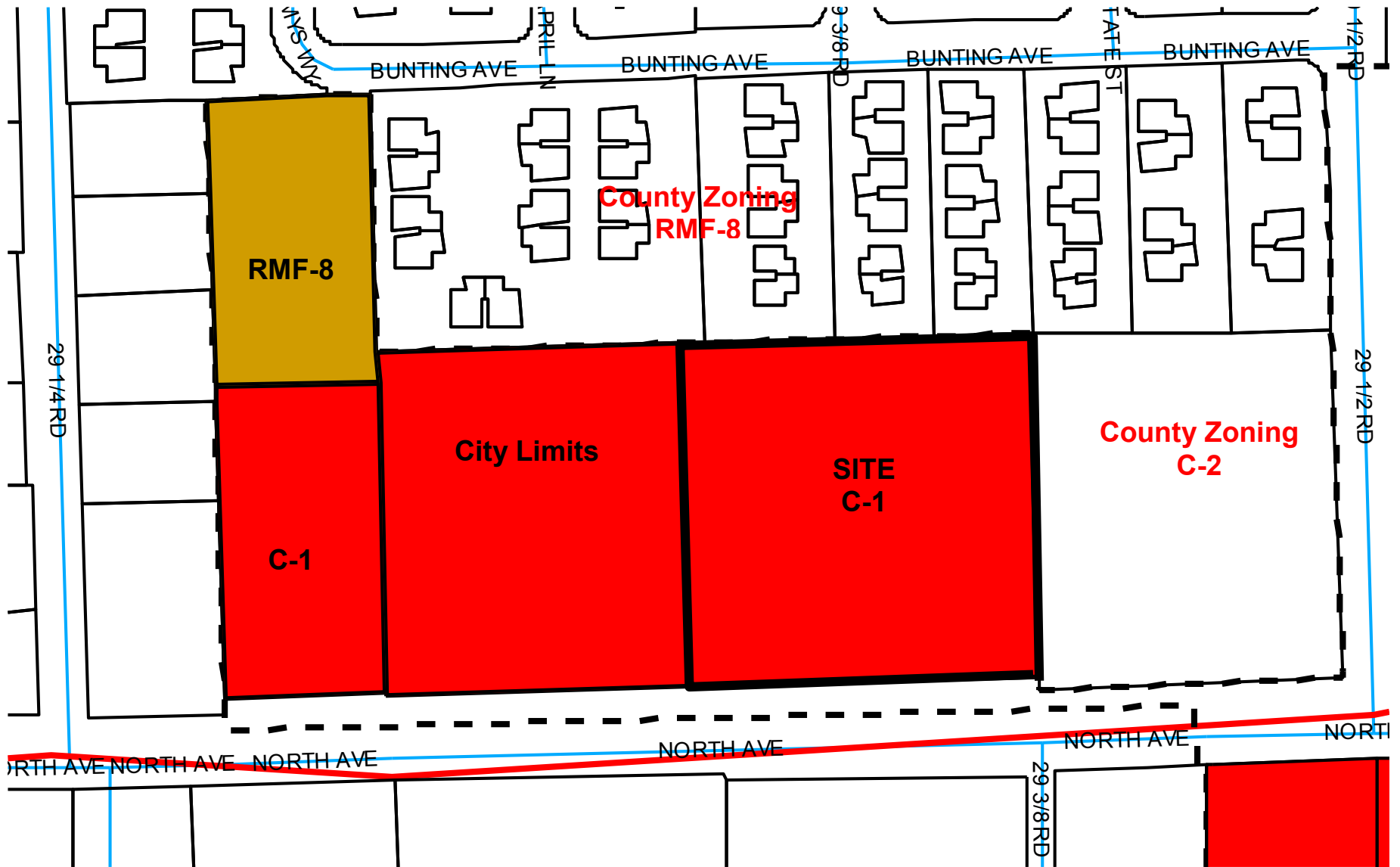
# Future Land Use Map – 2938 North Avenue

Figure 3



# Existing City and County Zoning – 2938 North Avenue

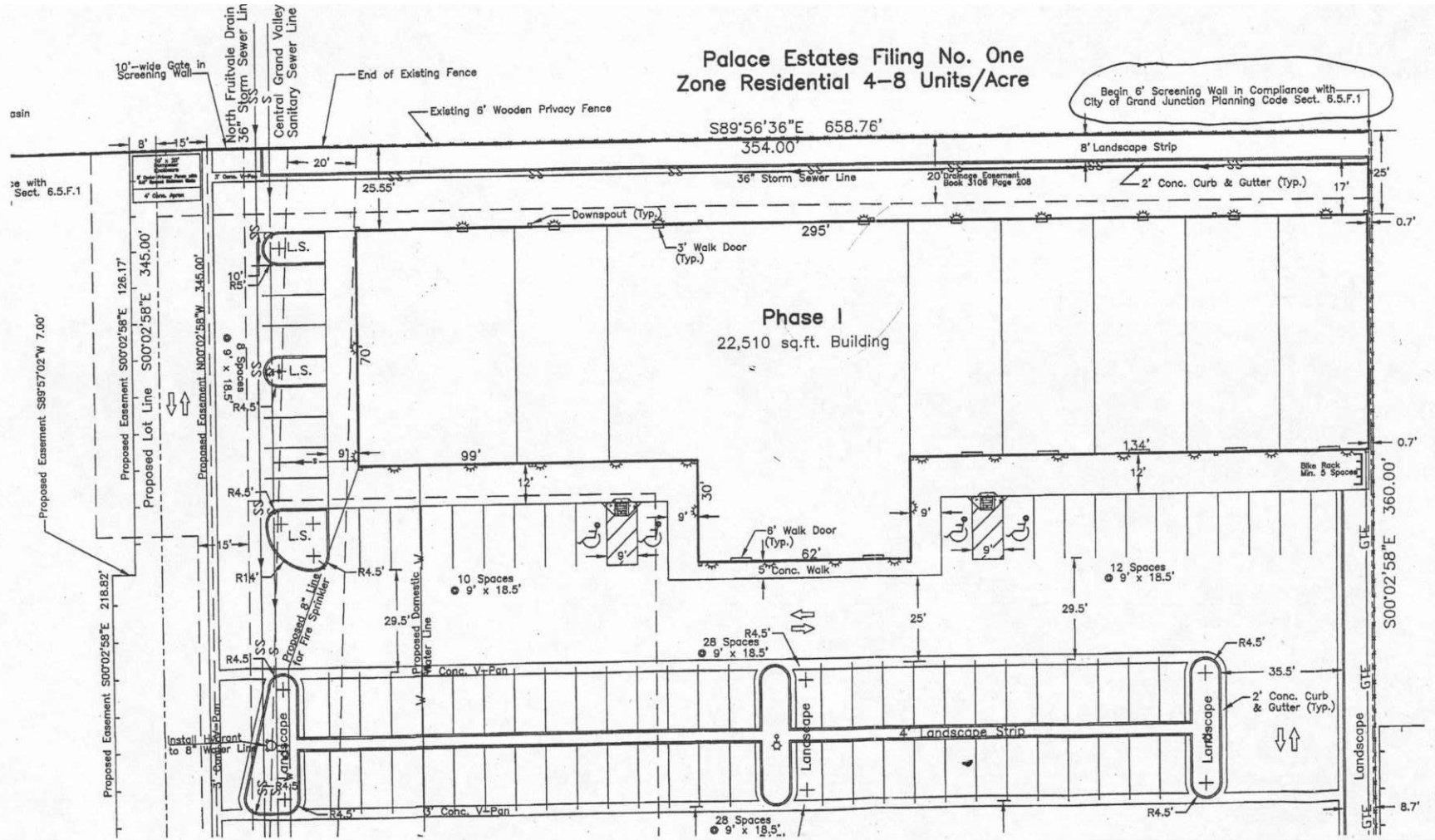
Figure 4



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."

Palace Estates Filing No. One  
Zone Residential 4-8 Units/Acre

Begin 6' Screening Wall in Compliance with  
City of Grand Junction Planning Code Sect. 6.5.F.1



**AGENDA TOPIC:** Variance to the requirement to provide a six foot (6') masonry wall between a C-1, Light Commercial and a RMF-8, Residential Multi-Family – 8 units/acre (County) Zoning District – 2938 North Avenue – Palace Pointe Market Place.

**ACTION REQUESTED:** Request for a variance to Table 6.5 and Section 6.5 F. of the Zoning and Development Code regarding the requirement to provide a six foot (6') masonry wall between a commercial and residential zoning district.

<b>BACKGROUND INFORMATION</b>		
<b>Location:</b>		<b>2938 North Avenue</b>
<b>Applicant:</b>		North Avenue Center LLC, Owner
<b>Existing Land Use:</b>		<b>Recently constructed 22,510 sq. ft. retail/office complex</b>
<b>Proposed Land Use:</b>		<b>N/A</b>
Surrounding Land Use:	North	<b>Residential (Palace Estates Condominiums)</b>
	South	<b>Commercial &amp; Vacant (School Dist. Career Center)</b>
	East	<b>Commercial (Auto Sales)</b>
	West	<b>Commercial (Retail)</b>
<b>Existing Zoning:</b>		C-1, Light Commercial
<b>Proposed Zoning:</b>		N/A
Surrounding Zoning:	<b>North</b>	RMF-8, Residential Multi-Family – 8 units/acre (County)
	<b>South</b>	C-2, General Commercial (County)
	<b>East</b>	C-2, General Commercial (County)
	<b>West</b>	C-1, Light Commercial
<b>Growth Plan Designation:</b>		Commercial

<b>Zoning within density range?</b>	<b>N/A</b>	<b>Yes</b>		<b>No</b>
-------------------------------------	------------	------------	--	-----------

**PROJECT DESCRIPTION:** The petitioner is requesting a variance to waive the requirement to provide a six foot (6') masonry wall between a C-1, Light Commercial and a RMF-8, Residential Multi-Family – 8 units/acre (County) Zoning District. The petitioners have recently finished construction of a 22,510 sq. ft. retail/office complex on Lot 2 in the Palace Pointe Subdivision, adjacent to the residential Palace Estates Condominiums which requires the construction of a six foot (6') masonry wall between commercial and residential zoning districts. A Variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district.

**RECOMMENDATION:** Denial of the variance request to waive the requirement to provide a six foot (6') masonry wall between a C-1, Light Commercial and a RMF-8, Residential Multi-Family – 8 units/acre (County) Zoning District, finding the request to be inconsistent with the Growth Plan and Section 2.16 C. 4. of the Zoning & Development Code.

**ANALYSIS:**

**1. Background:**

The petitioner received a Planning Clearance from the City on April 4, 2003 to construct a 22,510 sq. ft. retail/office complex on Lot 2, Palace Pointe Subdivision. The original Site Plan and Planning Clearance that was approved by City staff in April, 2003, indicated a six foot (6') screening wall would be constructed in compliance with Section 6.5 F. of the Zoning & Development Code, along the north, rear property line, adjacent to the Palace Estates Condominiums. City staff understood at that time that the petitioner expressed reservations with this requirement and wished to appeal the six foot (6') wall requirement.

Table 6.5 of the Zoning & Development Code lists the buffering requirements between zoning districts. The petitioner's property is zoned C-1, Light Commercial while the adjacent residential townhouse condominium development is zoned RMF-8 in the County. In accordance with Table 6.5, the land use is residential which requires an eight foot (8') wide landscaping strip with trees and shrubs, which the petitioner has constructed, along with the construction of a six foot (6') masonry wall as described in Section 6.5 F. of the Zoning & Development Code.

Screening between commercial/industrial and residential land uses is essential as it creates a transition between incompatible zoning districts to visually shield,

block noise, lights and other nuisances that commercial/industrial land uses generally create for the benefit of the residential development. The commercial/industrial development triggers the construction of the wall, not the residential development.

**2. Consistency with the Growth Plan:** The proposed variance request does not meet with the goals and policies of the adopted Growth Plan with regards to screening and buffering standards between commercial and residential zoning districts.

**3. Section 2.16 C. 4. of the Zoning and Development Code:**

Requests for a variance from the bulk, performance, use-specific and other standards of the Zoning and Development Code will only be approved when the applicant establishes that **all** of the following criteria are met:

- a. **Hardship Unique to Property, Not Self-Inflicted.** There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property.

A variance should only grant relief from a hardship that affects the property that would also be encountered by others, besides just the applicant. The hardship is self-inflicted in this case, as the petitioner's do not wish to construct the six foot (6') masonry wall. There is nothing extraordinary or topography concerning the property that would prevent the petitioner's from constructing the wall, other than they don't want to do it. The petitioner only wants to utilize the existing residential fence for their benefit and use.

- b. **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district.

The granting of this variance will confer a "special privilege" to this property owner by not allowing the construction of the required six foot (6') wall between commercial and residential zoning districts. One of the purposes of the six foot (6') masonry wall requirement between commercial/industrial and residential zones is to protect the residents of the adjacent residential properties from undue nuisances.

- c. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly



enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.

There is nothing extraordinary about this property that would prevent the petitioner's from constructing the six foot (6') wall. There is an existing six foot (6') wooden fence between properties; however it is the residential condominium development's fence, not the applicants and could be removed at any time by the residential Homeowner's Association. It is the responsibility of the commercial/industrial property at the time of development to construct the screening wall to provide a permanent buffer between commercial and residential land uses.

- d. **Reasonable Use.** The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance.

The proposed masonry wall will not be the only masonry wall in the area (see attached photos). To the west, the property located at 2930 North Avenue (Daltille & International Imports), one (1) lot away from the applicants, was developed in 2001 as a retail complex with RMF-8 zoning located to the north. In accordance with the current Zoning & Development Code, a six foot (6') masonry/concrete block wall was constructed by the new commercial development adjacent to the residential zoning. However this constructed concrete block wall does not meet with the requirements of Section 6.5 F. 1. c. of the Zoning & Development Code as it is not finished on both sides. Unfinished or merely painted concrete block is not permitted. City staff is looking into this matter for a possible Code violation.

- e. **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures.

The petitioner's lot is relatively flat and there is nothing extraordinary concerning the lot that would prevent them from constructing the six foot (6') masonry wall, the applicant simply doesn't want to construct it.

- f. **Compatible with Adjacent Properties.** The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare.

The granting of the variance request will be detrimental to the adjacent residents of the condominium development as it will not provide a permanent screen/buffer between commercial and residential land uses. The owner's of the existing fence, the condominium development, is under no obligation to screen or buffer from the petitioner's property and could remove their fence at any time. The construction of the masonry wall on the petitioner's property along with the future

development of the Palace Pointe Market Place (Lot 1), will assure the residents of the Palace Estates Condominiums a permanent screened buffer in the future.

- g. **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code.

By granting the variance, it will alter the character of the neighborhood by not allowing the construction of the six foot (6') masonry wall adjacent to a residential neighborhood from a new commercial development, in direct violation of the principals and standards of the Zoning & Development Code regarding screening and buffering requirements.

- h. **Conformance with the Growth Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Growth Plan.

Goal Number 11 as stated from the Growth Plan is the promotion of stable neighborhoods and land use compatibility throughout the community. The first policy of this goal is to promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques. If the proposed variance request is granted, there would be no physical separation between the land uses other than the existing six foot (6') wooden fence that is owned by the residential condominium development, which will be in direct conflict with the development values of the community of providing a six foot (6') masonry wall between commercial/industrial and residential zoning districts.

#### **FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Palace Pointe Market Place variance application, VAR-2004-056 for a variance to Table 6.5 and Section 6.5 F. of the Zoning and Development Code, to waive the requirement to provide a six foot (6') masonry wall between a C-1 and RMF-8 zoning district staff recommends that the Planning Commission make the following findings of fact and conclusions:

1. The requested variance is not consistent with the Growth Plan.
2. The review criteria in Section 2.16 C. 4. of the Zoning and Development Code have not all been met.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission deny the requested variance to Table 6.5 and Section 6.5 F. of the Zoning and Development Code, VAR-2004-056, with the findings and conclusions listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:** Mr. Chairman, on item VAR-2004-056, I move that we approve the variance to waive the requirement to provide a six foot (6') masonry wall between a C-1 and a RMF-8 zoning district, finding the request to be consistent with the Growth Plan and Section 2.16 C. 4. of the Zoning & Development Code.

Attachments:

Vicinity Map  
Aerial Photo  
Growth Plan Map  
Zoning Map  
Site Plan  
Planning Clearance  
Photos  
General Project Report from Applicant

\$ N/A	Drainage <u>N/A</u>
\$ 4207.00	School Impact \$ <u>N/A</u>

3 PERMIT NO. <u>89102</u>
FILE # <u>AUX-2002-243</u>

**PLANNING CLEARANCE**

(site plan review, multi-family development, non-residential development)  
**Grand Junction Community Development Department**

THIS SECTION TO BE COMPLETED BY APPLICANT

BUILDING ADDRESS <u>7938 N. Avenue</u>	TAX SCHEDULE NO. <u>7943-083-00-099</u>
SUBDIVISION <u>PALACE POINT</u>	SQ. FT. OF PROPOSED BLDG(S)/ADDITION <u>30, <del>510</del></u> <small>(22,510 - 8,000) SQ. FT.</small>
FILING _____ BLK _____ LOT <u>2</u>	SQ. FT. OF EXISTING BLDG(S) <u>0</u>
OWNER <u>N. Avenue Center LLC</u>	NO. OF DWELLING UNITS: BEFORE <u>0</u> AFTER <u>0</u> CONSTRUCTION
ADDRESS <u>2030 Baseline Dr.</u>	NO. OF BLDGS ON PARCEL: BEFORE <u>0</u> AFTER <u>2</u> CONSTRUCTION
TELEPHONE <u>970-242-4490</u>	USE OF ALL EXISTING BLDGS <u>NA</u>
APPLICANT <u>ALCO Bldg/Bob Turner</u>	DESCRIPTION OF WORK & INTENDED USE: _____
ADDRESS <u>529 25 1/2 Rd G. Jct. 81505</u>	<u>Construct two buildings for commercial</u>
TELEPHONE <u>970-242-1423</u>	<u>retail or office use</u>
✓ Submittal requirements are outlined in the SSID (Submittal Standards for Improvements and Development) document.	

THIS SECTION TO BE COMPLETED BY COMMUNITY DEVELOPMENT DEPARTMENT STAFF

ZONE <u>C-1</u>	LANDSCAPING/SCREENING REQUIRED: YES <u>X</u> NO _____
SETBACKS: FRONT: <u>15'</u> from Property Line (PL) or from center of ROW, whichever is greater	PARKING REQUIREMENT: <u>123 SPACES</u>
SIDE: <u>0'</u> from PL REAR: <u>10'</u> from PL	SPECIAL CONDITIONS: <u>6 SCREENING WALL IN</u> <u>COMPLIANCE WITH SECTION 6.5 F. 1. REQUIRED.</u>
MAXIMUM HEIGHT <u>40'</u>	CENSUS TRACT _____ TRAFFIC ZONE _____ ANNX _____
MAXIMUM COVERAGE OF LOT BY STRUCTURES <u>N/A</u>	

Modifications to this Planning Clearance must be approved, in writing, by the Community Development Department Director. The structure authorized by this application cannot be occupied until a final inspection has been completed and a Certificate of Occupancy has been issued by the Building Department (Section 307, Uniform Building Code). Required improvements in the public right-of-way must be guaranteed prior to issuance of a Planning Clearance. All other required site improvements must be completed or guaranteed prior to issuance of a Certificate of Occupancy. Any landscaping required by this permit shall be maintained in an acceptable and healthy condition. The replacement of any vegetation materials that die or are in an unhealthy condition is required by the Grand Junction Zoning and Development Code.

Four (4) sets of final construction drawings must be submitted and stamped by City Engineering prior to issuing the Planning Clearance. One stamped set must be available on the job site at all times.

I hereby acknowledge that I have read this application and the information is correct; I agree to comply with any and all codes, ordinances, laws, regulations, or restrictions which apply to the project. I understand that failure to comply shall result in legal action, which may include but not necessarily be limited to non-use of the building(s).

Applicant's Signature <u>x Bob Turner</u>	Date <u>12/5/02</u>
Department Approval <u>Scott D. Peter</u>	Date <u>4/2/03</u>

Additional water and/or sewer tap fee(s) are required: YES <input checked="" type="checkbox"/> NO _____	W/O No. <u>15893</u>
Utility Accounting <u>Bothe Turner</u>	Date <u>4-4-03</u>

VALID FOR SIX MONTHS FROM DATE OF ISSUANCE (Section 2.2.C.1 Grand Junction Zoning and Development Code)

(White: Planning) (Yellow: Customer) (Pink: Building Department) (Goldenrod: Utility Accounting)















**GENERAL PROJECT REPORT**

**March 30, 2004**

**VARIANCE REQUEST  
FOR  
PALACE POINTE MARKET PLACE  
2938 North Avenue  
Grand Junction, CO 81505**

**ALCO BUILDING  
529 - 25 ½ Road  
Grand Junction, CO 81505**

**1. General Location and Description**

The project (Palace Pointe Market Place) is located at 2938 North Avenue which consists of Lot 2 of Palace Point Simple Subdivision. This lot comprises about 2.8 acres. The property is within of the City of Grand Junction (SE 1/4 of the SW 1/4, Section 8, T1S, R1E, Ute Meridian). The property was annexed into the City last year when it was divided and developed. The current zoning is C-1. The subject land is bounded by Palace Estates Subdivision on the north, by the Cantrell Subdivision (City zone C-1) on the west, and by Armantrout Auto (County Zone C-2) on the east. North Avenue bounds the property on the south.

There is currently a 22,510 ft<sup>2</sup> commercial lease building for retail shops and/or offices on the property with a footprint for an additional 8,000 ft<sup>2</sup> commercial building (Phase II). All parking, lighting, landscaping, and drainage features which were part of Phase I construction have been completed. The remaining outstanding issue is in regards the insistence of City Planning on having a 6 foot high masonry wall constructed along the north property boundary next to an existing 6 foot high cedar privacy fence. The related parts of the Zoning and Development Code are Section 6.5.F.1 and Table 6.5. The petitioner is requesting a variance as detailed in part 3 below.

**2. Public Benefit**

The project has helped fill in an undeveloped portion of a commercial strip along North Avenue. The development provided additional right-of-way and street improvements along North Avenue. The City will benefit from increased sales tax revenues generated at the site. Fire water lines have been extended across the property and two hydrants were installed for fire protection.

**3. Variance Criteria**

The above referenced sections of the Code are in regards to screening required between

commercial and residential property zones, the condition which exists along the boundary between the subject property and Palace Estates Subdivision to the north. A variance to the requirement for a 6 foot high masonry wall is being requested due to the already existing 6 foot high cedar privacy fence (part of the Palace Estates development) which combined with the 8 foot wide landscape strip installed by the petitioner meets the screening/buffering intent of the Code.

a. **Hardship Unique to Property, Not Self-Inflicted**

The property has a unique condition, that is, there is an existing 6 ft high privacy fence which already provides screening between the Commercial and Residential properties. The fence was existing before the development of the Palace Point Market Place, so the condition was not self-inflicted.

b. **Special Privilege**

The requested variance is not a special privilege as there are at least 2 other projects in similar commercial zone districts that have been granted a variance under the same conditions, that is, a 6 foot high masonry wall was not required for screening between commercial and residential zones due to the prior existence of a 6 foot high privacy fence. These two properties include Johnson Family Simple Subdivision at 584 North Commercial Drive and the Scariano Building on 570 East Crete Circle.

c. **Literal Interpretations**

The interpretation of the Code section 6.5.F.1 is in contention. The City Planning Director interprets the Code statement which includes in part "Nothing in this Code **shall** require "back to back" placement of fences and/or walls", to mean that a wall would not be required to be built only if there was an existing wall in place, so the existing fence is irrelevant. The petitioner interprets this statement to mean that if there is an existing fence which provides screening between the properties, then a wall is unnecessary. In the two cases cited above variances have been granted for the same condition, thus the Planning Director's interpretation could be considered to deprive the applicant of rights commonly enjoyed by other properties in the same

zoning district. The cost of constructing the 6 foot high masonry wall would be about \$17,000 and the petitioner feels that this would be an unnecessary and undue hardship.

d. **Reasonable Use**

This criteria does not apply.

e. **Minimum Necessary**

This variance is the minimum necessary to make possible the reasonable use of the property. All other requirements of the Code related to landscape screening have been met.

f. **Compatible with Adjacent Properties**

This variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to public health, safety or welfare. In fact, the opposite is true. The requirement of building a wall adjacent to an existing fence is not only not necessary but creates a safety hazard. The accumulation of windblown trash between the structures would present a fire hazard and would also present a potential trap for children who might scale the fence from the residential side to retrieve a ball or toy that has fallen between the two structures.

g. **Conformance with the Purposes of this Code**

The purpose of the code section is to ensure that there is adequate screening between the residential and commercial land uses. Since the existing 6 foot high cedar privacy fence provides screening and the 8 foot wide landscape strip provides buffering, the purpose of the code is met and granting of the variance does not conflict with the purpose of the code.

h. **Conformance with the Growth Plan**

The granting of this variance will not conflict with the goals or principles in the City's Growth Plan.





**Property Management Division**  
603 28 1/4 Road • 81506  
PO Box 3025  
Grand Junction, Colorado 81502  
(970) 243-5323 • FAX (970) 683-1077  
info@monumentrealtygj.com

May 3, 2004

Scott D. Peterson  
City of Grand Junction  
P O Box 1809  
Grand Junction, CO 81502

**RECEIVED**  
MAY 04 2004  
COMMUNITY DEVELOPMENT  
DEPT.

Dear Mr. Peterson,

The Board of Directors of the Palace Estates Filing No. 2 Condominiums, Inc. has asked me to inform you of their strong objection to a variance to the requirement to provide a six foot (6') masonry wall between the 22,510 square foot retail office complex on Lot 2 in the Palace Pointe Subdivision, 2938 North Avenue, adjacent to the residential Palace Estates Condominiums.

The Board of Directors feels the six foot (6') masonry wall is essential to create a transition to visually shield, block noise, lights and other nuisances that the commercial land use creates which negatively influences the existing residential Palace Estates Condominiums development directly north of the Palace Pointe Subdivision.

Please reject the variance and require the North Avenue Center LLC to construct the six foot (6') masonry wall between 2938 North Avenue and the Palace Estates Condominiums.

Sincerely,

Dean M. Pfannenstiel, CPM  
Managing Agent  
Palace Estates Condominiums

xc: Palace Estates Filing No. 2 Board of Directors  
Palace Estates correspondence file

RESIDENTIAL • COMMERCIAL • PROPERTY MANAGEMENT • INVESTMENTS • LAND • FARM / RANCH  
CONSTRUCTION • DEVELOPERS OF EXCITING NEW COMMUNITIES





Property Management Division  
P.O. Box 3025 • 759 Horizon Drive, Suite C  
Grand Junction, Colorado 81506  
(970) 243-5323 • FAX (970) 241-6743

March 4, 2003

Tom Bolger  
North Avenue Center  
2030 Baseline Drive  
Grand Junction, CO 81503

Dear Tom,

Per your request, I spoke with Max Smith, Palace Estates Filing No. 1 President and Les Brown, Palace Estates Filing No. 2 President regarding the possibility of sharing the cost of a block fence on Palace Estates' southern property line and your northern property line at 2940 North Avenue.

Max and Les agreed that neither Palace Estates Filing No. 1 or Palace Estates Filing No. 2 would be interested in sharing the cost of a block fence on the property line. An existing, six-foot cedar privacy fence owned by Palace Estates already exists on this property line.

Sincerely,

Dean M. Pfannenstiel, CPM  
Monument Property Management

xc: Palace Estates No. 1 and Palace Estates No. 2  
correspondence files

RESIDENTIAL • COMMERCIAL • PROPERTY MANAGEMENT • INVESTMENTS • LAND • FARM/RANCH  
CONSTRUCTION • DEVELOPERS OF EXCITING NEW COMMUNITIES



My name is Jan Kohles and I am a homeowner and resident of Palace Estates subdivision, which is directly north of the petitioner's commercial property, Palace Pointe. I would like to ask the Planning Commission to deny North Avenue LLC's request for a variance. In his report, Mr. Peterson states how the request is inconsistent with the Growth Plan and the Zoning & Development code. As a resident of the adjacent neighborhood, I would like to add my perspective to those stated in the report.

Section 2.16 C.4 of the Zoning & Development Code states that all of the eight listed criteria must be met in order for a variance to be granted. The first criterion is **Hardship Unique to Property, Not Self Inflicted**. The presence of the existing residential fence is not unique or a hardship. It is also not an adequate barrier from the business activities that will take place. If construction of the wall would require removal of some of the existing landscaping, then I feel that hardship would be self-inflicted by the petitioner.

In the petitioner's supporting statement for the **Special Privilege** criterion, he cites two properties across town that were each granted a variance from constructing the six foot masonry wall. It is my understanding that with one of these properties, the adjacent residents did not object to the variance. The other was not really a variance at all but an oversight by city staff. I also visited the properties in question and they are not comparable to Palace Pointe. They are relatively small buildings with limited parking. Palace Pointe is a 22,000 square foot retail building with over 100 parking spaces. This indicates to me that it is expecting heavy traffic, and the neighboring residential areas should be protected from that activity. Also, as noted in Mr. Peterson's report, the property one lot away from the petitioner's property constructed the masonry wall as required. In my opinion, granting this variance would definitely confer a special privilege on the petitioner.

As for **Literal Interpretation**, the petitioner has a different opinion of the meaning of the code than the city staff does. The petitioner's interpretation of the code would save the petitioner money by not requiring construction of the permanent masonry wall. The petitioner would have you believe that a masonry wall and a wooden fence provide the same quality and permanence of separation between the business and the residential area. I agree with the city staff that it is the responsibility of the commercial property to provide a permanent buffer between commercial and residential land uses.

*(Does not substantially meet the code.)*



The required masonry wall would not deprive the petitioner of **Reasonable Use** of the property. In fact, I believe it would enhance the use of the property. If the wooden fence is ever compromised or removed, anyone and everyone would have access to the rear doors of the businesses, through the landscaped buffer. This would severely damage the landscaping and allow potential security problems for the businesses. Also, in the petitioner's own report, "Reasonable Use" is said to not apply. The code states that all of the criteria must be met, not just the "applicable criteria".

The **Minimum Necessary** criterion is not met either. In my opinion, the variance is not needed for the petitioner to make reasonable use of the property.

Granting the requested variance is not **Compatible with Adjacent Properties**. The code states that the variance will not be injurious to or reduce the value of the adjacent properties. On the contrary, I believe the quality of life and property values of the Palace Estates neighborhood will be negatively affected if the permanent wall is not constructed. The petitioner anticipates a safety hazard with the wall adjacent to the existing fence, but I believe those issues can be adequately addressed.

Granting this variance would not provide **Conformance with the purposes of this Code** or **Conformance with the Growth Plan**. My opinion is that the existing wooden fence does not provide adequate, permanent screening between the commercial and residential land uses. In addition, accepting the existing wooden fence as an adequate barrier would shift the responsibility for that separation from the commercial development to the residential development. I believe that it is, and should be, the responsibility of the commercial development to separate their activities from the residential area.

I agree with the city staff findings that the requested variance is not consistent with the Growth Plan and that the criteria in Section 2.16 C.4 of the Zoning and Development Code have not been met. The neighborhood petition that you were provided with shows that the majority of the residents of Palace Estates agree also. I urge the Planning Commission to uphold these documents and protect the Palace Estates Neighborhood by denying this variance. Thank you.

May 11, 2004

Scott Peterson  
Community Development  
City of Grand Junction  
FAX: 256-4031

RECEIVED  
MAY 11 2004  
COMMUNITY DEVELOPMENT  
DEPT.

RE: VAR-2004-056 Palace Pointe 6 Ft Wall Variance

Dear Mr. Peterson,

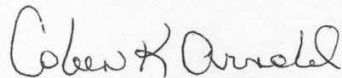
I had hoped to present my opinion on this matter this evening at the city's planning meeting. However, due to a previous commitment, I am unable to attend. Please accept this letter on my behalf.

I recently purchased a home in the Palace Estates Subdivision. My property is directly affected by the issue brought forth in this variance request, being located at the end of Bunting Avenue and directly north of the Palace Pointe Business Development. One of my primary concerns when originally considering the purchase of my home was the traffic noise from North Avenue and from the access to the business property directly south of the planned fence. At the time, I was informed that disruptive traffic noise to area residents would be mitigated by the construction of a 6-ft. wall by the developer on the opposite side of an existing cedar fence.

I am seriously concerned to learn that a variance is now pending that would release the developer from the obligation of having to build this wall. I would respectfully request that the planning commission deny this request and ensure that the wall is put in place as originally planned. The quality of life for residents in this area is impacted in particular by the noise from this traffic. The planned wall would provide a much-needed buffer from the traffic noise generated by cars and trucks traveling to and from businesses in the area.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Coleen K. Arnold

2941 Bunting Ave, Unit 6  
Grand Junction, CO 81504  
(970) 263-4578 home (970) 242-3214 work

2933 Bunting Avenue, Unit E  
Grand Junction, CO 81504  
May 2, 2004

Scott Peterson, Associate Planner  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

RECEIVED  
MAY 04 2004  
COMMUNITY DEVELOPMENT  
DEPT.

Dear Mr. Peterson:

I understand the the builders of Palace Pointe Market Place have requested a variance to the requirement to build a 6' masonry wall between their complexes and our residences of Palace Estates. I am opposed to giving this variance.

My home is adjacent to the area that has not yet been developed. I am very concerned about the problems that could arise if no wall is constructed.

Presently, our wooden fences provide some privacy, but wooden fences do not prevent the daily annoyances of noise, lights, and trash. I am amazed by the amount of trash that turns up in my back yard, as well as by the level of noise from North Avenue. Building these complexes so near to our residences will magnify the existing problems. The masonry wall will provide a better buffer than any wooden fence.

Also, I am concerned about the maintenance & replacement of our privacy fences if these

buffer walls are not built. Will these businesses accept responsibility in the care of these fences? If they are not now accepting responsibility for putting up the masonry walls which they knew was part of the code, why would they accept responsibility for these fences?

To the west of Palace Pointe Market place is a business which complied with the code and put up a masonry wall. In fact, their wall was built even before the construction of the homes adjacent to their business. It seems reasonable that Palace Point Market Place should follow the same code.

Another concern that I have is about the types of businesses that might move into these complexes. Not all businesses are compatible with residential areas.

To maintain the safety and comfort of our homes in Palaces Estates, I ask that you deny the requested variance.

Sincerely,

Bert Noesen

Bertha M. Noesen

P.S. I will not be in town on the date of the meeting, May 11<sup>th</sup>. I thank you for this opportunity to share my concerns.

We the residents of Palace Estates Subdivision adjacent to the commercial development identified as Palace Pointe, located at 2938 North Avenue, do hereby state our opposition to the petition for variance VAR-2004-056. The variance is being requested by the developer to waive the requirement to build a six-foot wall between the development and the adjacent neighborhood.

Our opposition is based primarily on our belief that the variance would be in direct opposition to the adopted Growth Plan and the Zoning and Development Code. Specifically, with regard to the Growth Plan goal number 11, we feel that the stated intent of providing a buffer between commercial and residential areas is of utmost importance, and we believe that this should be strongly adhered to not only in our area but throughout the county.

Also, as stated in Section 2.16 C.4 of the Zoning and Development Code, we believe that at least six, and as many as eight, of the criteria for a variance have not been met. Since the Code requires all the criteria be met we believe this to be reason for denial of the petition.

We further believe that if the variance is allowed, there would be adverse effects on the neighboring communities. The buffer is necessary for the current light commercial use and would be even more critical should future uses be more disruptive as allowed by the C-1 designation. Without the appropriate permanent wall in place, there would be no effective barrier between the development and the residential neighborhood. Accepting the present fence, which was constructed by the homeowners themselves, does not provide adequate buffering and shifts the responsibility of meeting the Code from the commercial landowner to the residents of Palace Estates.

For the above reasons, we the undersigned strongly urge the Planning Commission to deny the petitioner's request for a variance.

Name	Address
Max L. Smith	513-B 29 <sup>3</sup> / <sub>8</sub> Rd G.S. 81504
Shawn L. Smith	513-B 29 <sup>3</sup> / <sub>8</sub> Rd, G.S. 81504
Nina J. Audino	513-A 29 <sup>3</sup> / <sub>8</sub> Rd - G.S. 81504
Jimmy C. Anderson	2939 BUNTING #1 "
John M. Glassa for Scott Campbell	2941 Bunting Ave #4
Tyler Jark	2941 Bunting Ave #5
Rosafie Morlan	2939 Bunting Ave #5
Aug Rayden III	512 A 29 <sup>3</sup> / <sub>8</sub> RD
Ellie M. Pappal	514 A 29 <sup>3</sup> / <sub>8</sub> Rd
Zephra Gordanier	54 B 29 <sup>3</sup> / <sub>8</sub> RD



Name	Address
Brandon Giddings	516 29 3/8 Road #A
Hazel Brenom	516 29 3/8 Rd #B
<del>_____</del>	518 29 3/8 RD #A
George R. O'Rourke	517 29 3/8 Rd Co
Walter Pat Estern	515 B 29 3/8 Rd Co
Kathleen Sharp	2941 Bunting Ave #1
<del>_____</del>	515 29 3/8 Rd #A G.J. CO 8150
Richard B. Hunter	2939 Bunting Ave #4
Tamera D Foster	2945 Bunting Ave #6
Eric M. Walsh	512 B 29 3/8 Rd G.J. CO 8150
Wayne Plunio	2945 B S. Palace 81504
Brian N. Monchee	2939 Bunting #6
Logan Evray / TYLER NASH	2941 Bunting #5
Jakey Aquello	2941 Bunting Ave #2
<del>_____</del>	2945 Bunting #5
<del>_____</del>	2943 Bunting #4
Mon D. Palm	2945 Bunting #2
<del>_____</del>	510 B ESTATE
Earl Balch	512 B ESTATE
<del>_____</del>	514 A ESTATE
Ray W. Brandstete	516 B Estate St.
John B. B. B.	519 B ESTATE ST.



We the residents of Palace Estates Subdivision adjacent to the commercial development identified as Palace Pointe, located at 2938 North Avenue, do hereby state our opposition to the petition for variance VAR-2004-056. The variance is being requested by the developer to waive the requirement to build a six-foot wall between the development and the adjacent neighborhood.

Our opposition is based primarily on our belief that the variance would be in direct opposition to the adopted Growth Plan and the Zoning and Development Code. Specifically, with regard to the Growth Plan goal number 11, we feel that the stated intent of providing a buffer between commercial and residential areas is of utmost importance, and we believe that this should be strongly adhered to not only in our area but throughout the county.

Also, as stated in Section 2.16 C.4 of the Zoning and Development Code, we believe that at least six, and as many as eight, of the criteria for a variance have not been met. Since the Code requires all the criteria be met we believe this to be reason for denial of the petition.

We further believe that if the variance is allowed, there would be adverse effects on the neighboring communities. The buffer is necessary for the current light commercial use and would be even more critical should future uses be more disruptive as allowed by the C-1 designation. Without the appropriate permanent wall in place, there would be no effective barrier between the development and the residential neighborhood. Accepting the present fence, which was constructed by the homeowners themselves, does not provide adequate buffering and shifts the responsibility of meeting the Code from the commercial landowner to the residents of Palace Estates.

For the above reasons, we the undersigned strongly urge the Planning Commission to deny the petitioner's request for a variance.

Name	Address
Jan Kohles	2933-B Bunting ave.
Andrea Glover	2933 A Bunting Ave
Janette Salazar	2933 D Bunting Ave
Paul Salazar	2933 D Bunting Ave
Bert Noesen	2933 Bunting Ave, # E
Helen Gonzalez	2931 A Bunting
<del>Jan</del>	2931 C Bunting
<del>Shyris Carrasco</del>	2931 D Bunting Ave
<del>John</del>	2935 B BUNTING AVE
Jiffany Candelario	2935C Bunting Ave



Name	Address
William Z Cody	2935 Bunting Unit D
Suzette Massey	2933 Bunting Ave Unit C
Lisa Bellamy	2931 Bunting Ave Unit E
Hayden Jay Duke	514 B April Lane
Kevin LaDuke	514 B April Lane
Lita Lee Ross	516 A April Lane
George Riss	516 A April Lane
Deb Franklin	518 April Ln Unit A
Nora P. McEllin	518 B April Ln.
Ann Brown	520 A APRIL LN.
Eileen Brown	520 April Ln. # C
Jessica Trujillo	520 B April Ln.
Evelyn Baker	517 B April Ln.
Timothy Steven	517 A April Ln
Inson T. Larson	513 B April Lane
Kim Melgares	513 B April Lane
Fra G. Hedrick	513 A April Lane
Jade Ojeda	512 A Amy's Way
Shandra Jace	514 B Amy's Way
Selena Champagne	516 A Amy's Way
Zynda Fleming	519 B Amy's Way
Carol Morrill	515 A Amy's Way
Lisa Smith	515 A April Lane

Name	Address
James Masquiz	2933 Bunting Ave Unit C
Michelle Sisson	2934 B Kennedy Ave
Kelley Jones	2936 B Kennedy Ave
Melissa Stewart	2932 B Kennedy ave
Robert Stewart	" "
Nancy Kramer	2938 Kennedy Ave # A
Doraw Randaer	2928 A Kennedy
How Randall	2928 A Kennedy
Cobert Arnold	2941 Bunting # 10

We the residents of Palace Estates Subdivision adjacent to the commercial development identified as Palace Pointe, located at 2938 North Avenue, do hereby state our opposition to the petition for variance VAR-2004-056. The variance is being requested by the developer to waive the requirement to build a six-foot wall between the development and the adjacent neighborhood.

Our opposition is based primarily on our belief that the variance would be in direct opposition to the adopted Growth Plan and the Zoning and Development Code. Specifically, with regard to the Growth Plan goal number 11, we feel that the stated intent of providing a buffer between commercial and residential areas is of utmost importance, and we believe that this should be strongly adhered to not only in our area but throughout the county.

Also, as stated in Section 2.16 C.4 of the Zoning and Development Code, we believe that at least six, and as many as eight, of the criteria for a variance have not been met. Since the Code requires all the criteria be met we believe this to be reason for denial of the petition.

We further believe that if the variance is allowed, there would be adverse effects on the neighboring communities. The buffer is necessary for the current light commercial use and would be even more critical should future uses be more disruptive as allowed by the C-1 designation. Without the appropriate permanent wall in place, there would be no effective barrier between the development and the residential neighborhood. Accepting the present fence, which was constructed by the homeowners themselves, does not provide adequate buffering and shifts the responsibility of meeting the Code from the commercial landowner to the residents of Palace Estates.

For the above reasons, we the undersigned strongly urge the Planning Commission to deny the petitioner's request for a variance.

Name	Address
Wesley D. Bowers	535B 29 <sup>3</sup> / <sub>8</sub> Rd G.J. 81504
Wanda Rebb	535A 29 <sup>3</sup> / <sub>8</sub> Rd GJ 81504
Sandy King	2941B North Palace Cir 81504
Emmett King	2941B NORTH Palace Cir <sup>G.J.</sup> 81504
Sheryl Thompson	2942 B N. Palace Cir 81504
Cindy Ward	2942 A N. PALACE Cir. 81504
Donna May	531 29 <sup>3</sup> / <sub>8</sub> Rd #B GJ 81504
Mike Smith	531 29 <sup>3</sup> / <sub>8</sub> Rd #A GJ 81504
John	529A 29 <sup>3</sup> / <sub>8</sub> Rd. GJ 81504
Harrel Dohseal	2942 B S. Palace Cir.

Name	Address
Brian Bostwick	2948 N. P-lace Cir Unit B
Kathy Wang	537 293/8 Rd #A
Wershel Utter	2942 - A Sandra Ave.
Shelley Utter	2942 - A Sandra Ave
Jesse J. Summers	2942 B Sandra Ave. G.J.C
Isabella Summers	2942 B Sandra Ave GJC
Chris Brewer	2931 Bunkling Ave #E GJC

**GRAND JUNCTION PLANNING COMMISSION  
MAY 11, 2004 MINUTES  
7:00 P.M. to 11:00 P.M.**

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

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), John Evans, John Redifer, Bill Pitts, Travis Cox, William Putnam and Tom Lowrey (alternate). Roland Cole was absent.

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

Also present were Jamie Kreiling (Assistant City Attorney), and Rick Dorris and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were 42 interested citizens present during the course of the hearing.

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**Verbatim Minutes for VAR-2004-056**

**VAR-2004-056 VARIANCE--PALACE POINTE 6-FOOT WALL VARIANCE**

**A request for a variance to the requirement to provide a six-foot masonry wall between a C-1 (Light Commercial) and an RMF-8 (Residential Multi-Family, 8 units/acre) zone district.**

**Petitioner: Tom Bolger, North Avenue Center, LLC**

**Location: 2938 North Avenue**

**STAFF'S PRESENTATION**

**Scott Peterson:** Associate Planner in the Community Development Office. Last item on the agenda tonight is a Variance Application to the 6 Foot Masonry Wall requirement between Commercial and Residential Zoning District. This is at 2938 North Avenue, which is the Palace Pointe Market Place. The applicant in this case is North Avenue Center, LLC.

This is the site location map Palace Market Place located North of North Avenue and East of 29 ¼ Road. Petitioners, as many of you know have just recently finished construction of a 22,510 square foot retail office complex, which is located on Lot 2, which is this site, which is in the Palace Point Subdivision. Part of the approval process was the construction of a 6 foot masonry wall, in accordance to table 6.5 in section 6.5F, of the Zoning and Development Code. And that 6 foot wall would be constructed along the north property line, between the commercial and the residential zoning districts.



This is an aerial photo of the property taken in 2002, which shows the close proximity of the residential and commercial uses. Future land use map shows this side to be commercial in character with a Palace's Estate Condominium development to the North, as identified as a residential median with four to eight dwellings units per acre.

Existing zoning is C-1, in the city limits, and to the north is county RMF-8. This was the picture of the approved site plan that showed or labeled as the circle in the upper right hand corner, which talks about the construction of the 6 foot masonry wall that was approved on the site plan.

City staff knew at that time that the applicant had a problem with that requirement. However, in order to obtain a planning clearance it was labeled on the plan, so he could move forward with this project, and then submit a variance application at a later date, so we are here tonight to review that variance application. On Section 2.16 C4 of the Zoning and Development Code it talks about the request for a variance from the bulk performance and use specific standards of the Zoning Code. It will only be approved if the applicant establishes that all the following criteria, which is A through H are met.

A -The first item is the hardship that would be to the property, and the hardship itself afflicted in this case is they do not wish to construct a 6 foot masonry wall. And there is nothing extraordinary or topography concerning the property that would prevent them from constructing the masonry wall. Other than they wish to utilize the existing residential fence for their benefit and use, and as you can see in this photo, the back, this is Palace Pointe Market Place here, the back of their property, and the close proximity to the -----

**Chairman Dibble:** Could you use your mouse and draw a line approximately where the hard wall would go.

**Scott Peterson:** The existing fence belongs to the Residential Home Owners Association for the condominium development. The wall would basically run along the property line all the way down. So, they did, the applicant did construct the 8 foot landscaping strip that is per the code, the 8 foot buffer strip it would be called, they did provide that. However, the masonry wall was not constructed.

Number B - is the special privilege. The granting of this Variance will confer a special privilege to this property owner that would not be conferred to other adjacent commercial properties. One of the purposes of the 6 foot masonry wall requirement, between the commercial and residential zoning districts, is protect the residences from adjacent undo nuisances that would be created. Literal interpretation, again, there is nothing extraordinary about this property that would prevent the applicant from constructing the wall. And is also the responsibility of the commercial property at the time of the development to construct a screening wall to provide a permanent buffer between different land uses.

D – Is reasonable use. The proposed masonry wall will not be the only wall in the area. Two lots down, the property located at 2930 North Avenue, which is Dal Tile and International Imports, they did construct a wall between the commercial and residential land uses in 2001, when that property developed. However, this concrete block wall does not meet the intent of the code as it, basically, the code requires to finish the wall on both sides, and just merely painting concrete block is not permitted as an acceptable masonry wall between the commercial and residential zoning districts.

**Chairman Dibble:** Is there anything you consider code violation?

**Scott Peterson:** That's something the city staff is researching. It happened in 2001 after the present code came into effect. City staff is researching that item to see if there is a possible code violation there.

E - Minimum Necessary. The Petitioners lot is relatively flat as shown on the previous photos, and there was nothing that would, concerning the lot, that would prevent them from constructing the masonry wall.

F – The Compatibility with Adjacent Properties. The granting of the Variance request will be detrimental to the adjacent residents of the condominium development, as it will not provide permanent screen buffer between the commercial and residential land uses. The construction of this wall on the Petitioners property, along with the future development of Lot 1, to the west of the Palace Pointe Subdivision, which is currently vacant, will assure the residents of the condominium development, a permanent screen buffer in the future. Again, this slide shows the existing fence on the residential side.

G – Conformance with the Purposes of this Code. Granting the Variance will alter the character of the neighborhood, by not allowing the construction, of this 6 foot masonry wall in direct violation of our code, regarding screen and buffering requirements.

H – Conformance with the Growth Plan. Code number 11, as stated from the Growth Plan, is the promotion of stable neighborhoods and land use compatibility throughout the community. If a proposed Variance is granted, there would not be physical separation between land uses, other than the residence fences. This is the first policy of this plan is to promote compatibility by addressing traffic, noise, lighting, height differences between uses and other sources of incompatibility through the use of physical separation, buffering, screening, and other techniques. This would be in direct conflict with the development values that the community has.

Findings, facts and conclusions: The requested Variance is not consistent with the Growth Plan and the review criteria of Section 2.16C, which is our Variance Section, have not all been meet. And city staff would recommend that the Planning Commission deny this request of Variance to waive the 6 foot wall requirement between C1 and RMF-8 zoning district.

Staff did receive three letters from the adjacent, from some of the adjacent property owners, requesting that the Planning Commission deny this request, and there was also a petition that was circulated in the neighborhood that was also basically in favor with the staffs' recommendations. One of those letters was from the Home Owners Association itself, and copies were provided in your packet. So with that, I will entertain any questions that the Commission may have. I know the applicant would wish to speak to this, and I know there are some residents from the neighborhood who would also like to speak.

**Chairman Dibble:** Any questions of Staff this evening?

**Commissioner Cox:** Mr. Peterson, you said the code requires finishing on both sides of the stone wall, and painting the blocks won't work, and leaving the blocks bare won't work. What are the options after that? Is it stucco?

**Scott Peterson:** Stucco, solid masonry, it just can't be this concrete block.

**Commissioner Cox:** If this Variance was not granted, and a block wall was required to be built next to this fence; first of all, let's assuming, is that what staff is recommending we require a block wall built next to the fence, or tear this fence down and put a block wall up?

**Scott Peterson:** Well in order to construct a wall, they would have to temporarily take the current fence down in order for it to work along the property line. And they would have to coordinate that with HOA and it would be up to HOA if they would wish to basically put their fence back if there was a concrete wall at that location.

**Commissioner Cox:** OK

**Scott Peterson:** I know during the site plan review process, I know the applicant contacted the HOA to see if they would cost-share the construction of the wall. And they were told at that time that HOA was not interested in cost-sharing then.

**Commissioner Cox:** Thank you.

**Commissioner Putnam:** We've been faced with this kind of issue before, which raises the question, some document in our packet refers to the proof of built location as Phase I. That thing sort of implies that in phase II or maybe III. Would the development of a Phase II, maybe on the property to the west, would that also require a wall.

**Scott Peterson:** Currently the current site that is out there now, was constructed right here in this area. The applicant currently owns this property to the west, which is vacant. That would be their next phase of their shopping retail development.

**Commissioner Cox:** Also requiring.....



**Scott Peterson:** It would also trigger, because the property to the north again is residential development, which would trigger again, another wall requirement.

**Commissioner Cox:** How about to the East?

**Scott Peterson:** To the east, this is Armantrout Auto, which is currently located in the county. If development would occur, they would have to basically annex to come under city jurisdiction

**Commissioner Putnam:** And to develop, they would have to have wall as well.

**Scott Peterson:** That's correct. Because it is commercial zoning.

**Commissioner Putnam:** What I'm getting at is there have been times when it seemed ridiculous to require a little bitty wall down a long stretch. I'm trying to explore whether this would be that kind of a situation. Apparently not.

**Scott Peterson:** The current wall that doesn't meet the requirement, the concrete block wall, is located right here, to the north is another residential development that is zone, they are RMF-8 that block wall is located here, so if the applicant would construct their concrete wall, there would be a permanent blockage between all three of those properties to the residential properties to the north.

**Commissioner Cox:** Palace Pointe Market Place has their certificate of occupancy, if I'm not mistaken.

**Scott Peterson:** That is correct.

**Commissioner Cox:** They have a planning clearance based on the fact that they put up a security for the block wall.

**Scott Peterson:** That is correct.

**Commissioner Cox:** The money was somewhat near the estimate what the block wall would cost. Part of the concern for them not putting up a block wall is that someday that fence may be taken down, or if the block wall is not there, the ownence is in on the residential subdivision to provide the screening. Is there a possibility in your mind of keeping the escrowed money for the block wall that Palace Pointe put up to get their CO. And using that money when, having them build it and giving them the money back, whichever works. When and if that fence comes down.

**Scott Peterson:** Well I don't know if the applicant would want his money tied up indefinitely like that. Again, that's the responsibility of the commercial development to construct the buffer or the wall. Because the HOA could take their fence down anytime. It is not a requirement that they have a fence adjacent to that property.

**Commissioner Cox:** So no? Just a crazy idea.

**Chairman Dibble:** Ok, any other questions? We would like to ask the Petitioner if he would like to come forward.

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

**Bill Oswald:** My name is Bill Oswald, I'm with Alco Building Company, and I'm going to speak to some of the technical things for the owner. Our contention all along in this process has not been on the basis of securing a Variance to the Code. We feel the Code covers the situation as it now stands. And I'm reading from the Code book, Chapter 6, page 22; Fences, Walls and Berms. And under Fences and Walls, it states 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. Now let me just go back to a few key words; SHALL in the norm of legalese and code writing is not questionable. SHALL, shall be in every sense what it means. Second thing, huh, when we got our interpretation of the staffs' and interpretation of the code, they took this statement to read that if there was a fence up, another fence would not be required. Yet in this statement, it says if an existing fence or wall is up, and it meets substantially the requirement, then it is, according to the code, based on nothing in this code shall require the back-to-back of fence or wall. Can I read, maximum height is six feet, which that fence is. Its solid wood, the wall is not masonry, we know that. Location within 3 feet of the property. The wall on E is a masonry wall. Any fence over 6 feet requires a building permit, and no person shall construct the fence without getting a "Fence/Wall Permit". This is the basis of our argument, and because we never thought this was a Variance, and that's the reason we've never constructed the wall. We always thought we would prevail here. And I think when the code was written, when the Zoning Code was written, it was written based primarily for new development in open areas. And a couple years ago the City Council made a statement about "Infill" projects. And I think this particular part of the code addresses that more than most of the other zoning problems. The fact that the wall, or the fence was there, meets this requirement. And that's the basis of our technical request not to build it. And with that.....

**Chairman Dibble:** Were there other examples too?

**Bill Oswald:** Yes, I'm sorry. This same situation came before the Commission on two other situations. Omega Realty Development at 570 East Crete Circle and the Johnson Development located at 584 North Commercial Drive, which the Commission OK'd that situation. The wall was there, it was a fence, but it meet this provision. So with that, Tom you want to.....

**Chairman Dibble:** Scott, can I just have you show alley way again behind the building?

**Tom Bolger:** I think the primary reason that you want a wall up there is to block the noise. Now, once you see the alleyway, you are going to see that it's only about 20 feet

wide. There's not going to be any trucks back there, plus it's a dead end, right there, it dead ends down there. That's not a through alleyway. So there's not going to be any deliveries, and you have 330 feet of buildings that will block any noise from the road. And also on the wooden fence, I contacted, I think his name was Vansel, the guy that represented, huh, the one and two, and I said it stands to recommendation that I ask to share cost share. And they said no, and I said OK, well look, I'll take the fence down and put a block fence. And they no, they liked their wood fence. And so, I don't know.

**Steve Kessler:** I'm Steve Kessler, I'm one of the partners in this project. We not only went to the group there, the residents there, we actually talked to them about the whole thing. Not only did they not want us to take their fence down to construct our wall, they didn't want us to touch their fence to begin with. They don't want our wall there, they want their fence there. And end of the discuss Travis, I appreciate your trying work with everyone. I mean all of you guys, I mean I don't know how you do this. I think you all deserve medals. But, that said, I think we made more than reasonable effort. They said they did not want a wall there, they want their fence there. The noise abatement thing is so obvious, that building goes almost the whole length of the development, it's what 60 foot long, its 20 foot tall. That's far better noise abatement than you're ever going to get from any 6 foot high wall. So we feel like, not only have we met the requirement as written in the Code, we can understand the difference, of course, understand there is something, I guess, magical about the masonry wall verses a wood fence. But realistically, you can't plan for, that's not reasonable, to think you should be planning for what happens if that fence goes down. There is an awful lot of what ifs in the world. We feel like we met the requirement of the Code, there are at least two other identified exceptions, that we are asking for, and in terms of noise abatement, which I think should be the main concern for the people there, our building is far better than any masonry wall. And the people we went to there, said, that they don't want a masonry wall, they want their wood fence. So we feel like we've done everything in terms of community, in terms of meeting the requirements and we are asking for the Variance.

**Tom Bolger:** And the six foot wood fence meets your requirements, according to the Code.

**Chairman Dibble:** Who is Mr. Turner? Who is Mr. Turner, I noticed this Don Turner, or ...

**Tom Bolger:** Bob Turner, VP of Alco, he's the builder.

**Chairman Dibble:** I'm looking at the planning clearance, and I see specifically a wall is required and signed off by Mr. Turner. Did he not understand what was required? Or what am I missing?

**Bill Oswald:** Well, at that time in the project, we had been trying to get through the development planning situation for over six months.

**Steve Kessler:** Eight months.

**Bill Oswald:** Eight months

**Steve Kessler:** I want to answer that.

**Bill Oswald:** OK.

**Steve Kessler:** We did build here exactly what this was zoned to build here. Exactly. There is no argument from anybody about that. And yet, it took us, I forget, eight, nine, eight months, I mean this is a matter of economy here, we had to get something built to do this, to make any sense out of it at all. And the reasons it took so long, I guess that would be another long discussion, but we feel like sometime in this thing for us to move forward. They knew, as you've heard already numerous times, that we did not feel that was even by code. But, yes we had to sign off on it at the beginning just to move forward with the project. But everybody knew, as you have heard from Staff, that we did not believe that was a fair requirement for us at the time. We said then, if everybody agreed, we'd go ahead and build it. We built it, but we did know about that, but they also knew about our disagreement, and in fact, our clear interpretation of the code.

**Bill Oswald:** We were told it would take another two months to get the permit if we didn't sign up on it.

**Chairman Dibble:** Catch 22. Can I ask Jamie in question; my understanding is there's a difference in interpretation of a wall and fence. Is that, can you give us any light on that. We right now have a fence made out of wood. If we build a concrete or stucco wall there, what would be the difference between the two?

**Jamie Kreiling:** I don't think for the purpose of why it's being required under the code, whether it be the wall or the fence, really makes the difference. I think the real difference is just determining if an existing fence or wall substantially meets the requirements of the section, and the big difference between this is we can require their wall to be there. It is a commercial area and its part of the code. We can not require that the neighborhood keep their fence. That is not a requirement that we have control over, at this time. The expectation under the code, in requiring the commercial to have to provide the wall, was to hold them responsible for the cost and the expense, blocking the noise and the reasons for why the wall needs to be there. It's not the responsibility of the neighborhood to have to do that. So, does it substantially meet the requirements of the purpose under the code for why we are requiring the wall?

**Chairman Dibble:** So we are talking about the word "permanent" as a key word?

**Jamie Kreiling:** In comparison.

**Chairman Dibble:** And permanent would be under the control of the developer of the property, the commercial property. Whereas, the other is questionable, and may or may not be permanent with no control by the .....



**Jamie Kreiling:** That's correct.

**Bill Oswald:** Can I ask you a question? Would you explain "shall" to me, and ....

**Steve Kessler:** No, we think the code is very clear. If you read the code, that statement that Bill made, it specifically says, nothing in the code shall require fences and walls built adjacent to each other

**Steve Kessler:** It's your code; the code that exists says that. But let's go further, number one if the noise abatement is the concern, we're sure not going to tear down the building. That building again, is 60 foot deep, its 20 foot high. That is a better noise abater than anything we going to do there. Again, we also talked to the community, and again, if you put a wall there, and they want their fence, now look what you've done. You've got a wall and a fence, side by side; you can't have them touching each other. So now you're going to have one of those spaces between each other. That's a fire, a trash, a whatever; children falling in between is dangerous.

**Chairman Dibble:** Let me ask the staff a question. Does their understanding of that section of the code, which I don't think we have in front of us, but is it the staff's understand of that section of the code correct with theirs. Part of 216C, that I'm reading, says that it's the responsibility of the commercial industrial property, at the time of development to construct the screening wall to provide a permanent buffer between commercial and residential land use. It doesn't mention another....

**Scott Peterson:** This is section F

**Chairman Dibble:** Section F OK. Do we have Section F?

**Scott Peterson:** It's on Chapter 6, page 22.

**Chairman Dibble:** OK, I'll take his word for it, if he concurs that that part is there. I take your word for it too.

**Robert Blanchard:** Dr. Dibble, could I interrupt here for just a second. With all do respect to the applicant, the issue here tonight is the Variance, not the interpretation of the code. I believe it was made clear that when I made my interpretation, that if they wanted to appeal the interpretation, which is the language, that goes to the Zoning Board of Appeals. And they chose to apply for the Variance. You can make your own findings tonight, as this relates, but I think the debate tonight isn't your interpretation of the code verses mine, or theirs. It's the Variance application.

**Chairman Dibble:** And you've made an administrative determination of interpretation of the code.

**Robert Blanchard:** Yes, that's what we meet with, and that's the debate that their having tonight with you. I just wanted to put that out as procedure. Obviously, you can react to the Variance based on the information you are receiving tonight.

**Commissioner Lowrey:** Mr. Blanchard, are you saying this Board does not have the p----- or jurisdiction to rule on the interpretation of the code?

**Robert Blanchard:** Yes.

**Jamie Kreling:** Mr. Chairman, if I may interrupt you, I didn't speak fully in your question in regards to the fence and the wall. There is a section under Table 6.5 C1, in the requirement for having the buffer and the wall, it does distinctly say a wall, and doesn't give the option of a fence.

**Chairman Dibble:** I'm reading this again and again, and maybe it's just the lateness of the hour, but, I m' not sure I can see where, what your referring to an existing fence and then requiring a masonry wall to... I don't see the prohibition of it in part F here. Am I missing something?

**Bill Oswald:** Well, it says nothing in this code shall require back to back

**Chairman Dibble:** Which sub part of F1 are you looking at?

**Bill Oswald:** One, fences and walls.

**Chairman Dibble:** OK and the requirements of the section, you're saying, would not require the rest of Section C, then, the literal interpretation. And this is what Mr. Blanchard is referring to as his interpretation as an administrative decision. Is that correct Bob?

**Robert Blanchard:** That's the section that I interpreted, that's correct.

**Chairman Dibble:** OK. So you're welcome to look at this gentlemen, if you want to, but

**Commissioner Cox:** Can I address the Petitioners? Given that we are not allowed to, we don't have the jurisdiction to rule on the intent of that, I tell you that I agree with your interpretation of it, but can you address the Variance criteria?

**Bill Oswald:** It's hard for us to just.... just that you had granted the Variance that would make them guilty. It's been granted twice before, for the very same reason.

**Steve Kessler:** Well, let me ask the Commission. Why is there a requirement, I mean even Bob Blanchard, why is there a requirement for a wall. There's no roads there, so there's not going to be traffic through there. I mean is sound a major issue here?

**Commissioner Lowrey:** Now, what's that road behind the building we can see?

**Steve Kessler:** It's a 20 foot alley way, and there is a fence down at the other end, it doesn't go through.

**Commissioner Lowrey:** What's that for?

**Steve Kessler:** It's just that they have to access the back door. All of the deliveries are made through the front. All the business in front have double doors.

**Bill Oswald:** We did specifically large double doors in front so they could have their deliveries.

**Chairman Dibble:** I don't think that this commission can determine why or why not there is a section in the Code that requires a wall. That is not within our purview this evening, I don't know how to answer that.

**Bill Oswald:** Speak to the Variance Code, and my understanding is that you have the report that we turned in for the Variance request, and that, in affect, response to of each of the comments that Scott made in the various sections of that. And we can certainly go through those. If you like....

**Chairman Dibble:** Well, you say a variance to the requirement, for a 6 foot masonry wall is being requested due to the already existing six foot high cedar fence. So you are using that as a justification for the variance itself?

**Bill Oswald:** I mean there is hardship unique to this property, and there is a .... Do you have this?

**Chairman Dibble:** Yes, that is what I'm reading from.

**Bill Oswald:** For example, special privilege, requested variance is not a special privilege in that there are at least two other projects in similar commercial zone districts that have been granted a variance under the same conditions, that is a six foot high masonry wall was not required for screening between commercial and residential zones due to the prior existence of a six foot high privacy fence. These two properties include Johnson family, Simple Subdivision at 584 North Commercial Drive, and the Scariano Building on 570 E. Crete Circle. Legal interpretation it refers to that part of the code. Where this code shall not...

**Chairman Dibble:** Literal interpretations?

**Bill Oswald:** Literal... that's item C

**Chairman Dibble:** You said legal, I just wanted to

**Bill Oswald:** I'm sorry, literal.

**Robert Blanchard:** Sir, could you address Item E, minimum necessary for reasonable use of the land. Could you address those criteria?

**Bill Oswald:** The minimum necessary and I don't have...is the wall has to perform certain functions. And the wood fence does perform those functions.

**Robert Blanchard:** The criteria for the variance is minimum necessary and it reads, the variance is the minimum necessary to make possible the reasonable use of the land or structures in such that if this variance is not granted the petitioners won't have reasonable use of this property. So to say, if there is a wall there they won't get the reasonable use. Can you address that?

**Bill Oswald:** This is the minimum reasonable use. I can't.... the criterion says does not apply. And that was . . . .

**Robert Blanchard:** Right, the minimum necessary criteria.

**Steve Kessler:** Well, I can say this that again, I heard you say something Scott, and I'm not quite sure what you were saying. We went to the HOA, they told us did not want their fence down, they did want replaced. So that's a hardship to somebody, to take their fence down to put a wall up and then create an unsafe situation with two joining walls. Which is why I assumed it was in the code to begin with if they don't want adjoining walls.

**Chairman Dibble:** Gentlemen, lets do this, you'll have another shot at it, to answer the question, tonight, I mean that's what I mean. Now let's see if we can get some public input to perhaps clarify their position on this. We still haven't heard whether or not they want the wall to come down. We were told the wall, is required to build a masonry wall, their wall, their fence must come down. They may want to put it back up, they may not, we don't know that yet. Let's see if we can add a little sunshine to that area as well as some others from their perspectives and then we'll ask you to come back and we'll talk some more. Would that be fair enough? That way we will give the public a chance to get in on this. They have not had that yet. So thank you very much and its 10:30 and I'd like to ask now for public input. Those that are in favor of this project, if you would like to come forward. In favor of the variance being granted. Those that are opposed to the variance being granted. Thank you.



## PUBLIC COMMENTS

**Max Smith:** My name is Max Smith, I live at 513 29 3/8 Road, I am also President of Filing 1, HOA of Palace Estates. Accompanying me tonight are officers Far Filey, as well as another Filey. I believe you have a copy of the petitions that we had circulated in the past several days, which, excuse me gentlemen, but it doesn't show that everyone wants that fence down. It shows that they want your masonry wall up. In regards to the two properties you alluded to early, to where a variance was granted, I just ask your consideration on comparing apples to apples and oranges to oranges. Those are much smaller properties, they are at least two miles from where we are talking about to begin with. One of those, I believe, the person operates on a mobile service so customers don't really come to them. And the other is a much smaller operation here at Palace Pointe, we are talking about parking spaces of over 100 cars. So it's not really apples to apples, oranges to oranges. There are always extenuating circumstances, and I can see why in those cases you probably did grant a variance. I am curious as to when the gentlemen did meet with the HOA. I've been our president for a little over two years, I'm still trying to recall such a meeting. My learned colleagues don't recall any contact. And if there was, then perhaps we were all absent that time, and I would like to know when the date was, and who represented us. A comment was made by a representative for our association that we wanted the wall down. I don't know if you did get this copy of the letter that was previously submitted to Mr. Peterson from Dean Pfannensteil. Which would be completely counter of course, to the statement made just moments ago, alluding to the fact that we wanted the wall down, our fence down. That's not the case. We don't intend to take our wood fence down and replace it at our expense. That will not happen. If I may read for the benefit of the record, if you think it is necessary, our basic position on the petition that were circulated. If you have that on record, then I will let that stand on its own merit. The Palace Pointe Mall has been open a relatively short time, we welcome new business. We're not against new business by any means, and we hope that's not the picture we are painting. When efforts began fourteen, fifteen months ago for the establishment of the new shopping area, word was that they wanted to be good neighbors to the existing condominium area of Palace Estates. Has that now changed, to put the chill of responsibility on the requirement that a masonry wall be built? Is that a good neighbor policy to change twelve, thirteen months later? I don't think so. While making my circulation for petition signatures those supporting us just two nights ago, I had a complaint from the resident at 2945 Bunting Ave., apartment 5, that loud noises were emanating in the evening from the one office on the west end that is open, by leaving the back door open while the cleaning crew was there, and the loud music going on. So where I see one zoning area and we've already had a complaint, and there is only two occupants in the whole building. I see one zoning has allowed for itself the possibility for a saloon or bar, which we're not opposed to that, but it brings with it certain agendas that we're all aware of. That's a concern to our neighborhood. We have many young children living in those apartments right there on the screen that you see. The fence is not a solid wood fence, by that the boards are not butted together. They are 1/4 to 1/2 inch apart, it's a see through fence. The fence was established seven years ago. Seven, five and four years ago, while there was a vacant lot where the Palace Pointe is not located. The fence was put up for esthetic purposes, not to shut out noises from increased

pedestrian traffic and retail traffic. If you have any questions of me, I'll be glad to answer them.

**Jan Kohles:** My name is Jan Kohles, I live at 2933 Bunting Avenue, Unit B. I am a homeowner and resident of the Palace Estate Subdivision, which is directly north of the petitioners' commercial property. I would like to also say, I have been in my HOA close to five years now and this is the first I've heard ever proposal to cost share. Mr. Peterson has told me that he does have a letter to that effect, so I will look into that. But I find it very interesting that several people who have been involved don't know about that. Huh, I would like to ask the Planning Commission to deny North Avenue, LLC's request for variance. In his report, Mr. Peterson states how the request is inconsistent with the grown plan and the zoning and development code. As a resident of the adjacent neighborhood, I would like to add my perspectives to those stated in the report. Section 2.16, C.4 of the Zoning and Development Code, states that all of the eight listed criteria must be met in order for a variance to be granted. The first criterion is hardshiping each property, not self inflicted. The presence of the existing residential fence is not unique or a hardship. It is also not an adequate barrier from the business activities that will take place. If construction of the wall would require removal of some of the existing landscaping, then I feel that hardship would be self inflicted by the petitioner. In the petitioners supporting statement for the special privilege criterion, he sites two properties across town that were each granted a variance from constructing the 6 foot masonry wall. It is my understanding that with one of these properties, the adjacent residents did not object to the variance. The other was not really a variance at all, but an oversight by city staff. I also visited the properties in question, and they are not comparable to Palace Pointe. They are relatively small buildings with limited parking. Palace Pointe is a 22,000 square foot retail building, with over 100 parking spaces. This indicated to me that they are expecting heavy traffic, and the neighboring residential areas should be protected from that activity. Also, as noted in Mr. Petersons report, the property one lot away from the petitioners' property constructed a masonry wall, as required. In my opinion, granting this variance would definitely confer a special privilege upon the petitioner. As for the literal interpretation, the petitioner has a different opinion of the meaning of the code than the city staff does. The petitioners' interpretation of the code would say the petitioner money, by not requiring construction of the permanent masonry wall. The petitioner would have you believe that a masonry wall and a wooden fence provide the same quality and permanence of separation, between the business and the residential area. I agree with the city staff, that it is the responsibility of the commercial property to provide a permanent buffer between commercial and residential land uses. The existing wooden fence does not substantially meet the code. The required masonry wall would not deprive the petitioner of reasonable use of the property. In fact, I believe it would enhance the use of the property. If the wooden fence is every compromised or removed, anyone and everyone would have access to the rear doors of the businesses through the landscaped buffer. This would severely damage the landscaping, and allow for potential security problems for the businesses. Also, in the petitioners own report, reasonable use is said to not apply. The code states that all of the criteria must be met, not just the applicable criteria. The minimum necessary criterion is not met either. In my opinion, the variance is not needed for the petitioner to make reasonable use the property. Granting the

requested variance is not compatible with adjacent properties. The code states that the variance will not be injurious to or reduce the value of the adjacent properties. On the contrary, I believe the quality of life and the property values of the Palace Estates neighborhood will be negatively affected if the permanent wall is not constructed. The petitioner anticipates a safety hazard with the wall adjacent to the existing fence, but I believe those issues can be adequately addressed. Granting this variance would not provide conformance with the purposes of this code or conformance with the growth plan. My opinion is that the existing wooden fence does not provide adequate permanent screening between the commercial and residential uses. In addition, accepting the existing wood fence as an adequate barrier would shift the responsibility for that separation from the commercial development to the residential development. That's wrong. I believe that it is, and should be the responsibility of the commercial development to separate their activities from the residential area. I agree with the city staff's findings that the requested variance is not consistent with the growth plan, and that the criteria in Section 2.16, C.4, of the Zoning and Development Code, which relates to granting a variance, have not been met. The neighborhood petition that you were provided with shows that the majority of the residents of Palace Estates agree also. I urge the Planning Commission to uphold these documents, and protect the Palace Estates neighborhood by denying this variance. Thank you.

**Keith Boughton:** Keith Boughton is my name. We've owned property in the Palace Estates since 1996, when it was first started. We feel it is a very fine neighborhood, we're proud of it, we would like to keep it separate from the commercial side of things and we agree with what's been said on our side. Thank you.

**Chairman Dibble:** Would anyone else like to comment? O.K., we'll close the public section of the hearing and we'll ask the petitioners to come forward again, if you would like and to respond to this or add anything further for our consideration.

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

**Tom Bolger:** Yeah, I'm not exactly sure what they want. Whether they want me to take that fence down and put another fence up, or put it back to back, or, and the other question I have, a couple of times I've been accused of not talking to anybody and making that up.

**Tom Bolger:** This is from a Mr. Pfannenstiel, what I did I went to the condos and I said who represents you, who is the head of the Association. And they said that actually there two or three associations that are represented by Monument Realty, this Mr. Pfannenstiel, and he told me he went to see the heads of these boards.

**Chairman Dibble:** Do you all have a copy of the May 3<sup>rd</sup>, 2004? Yes.

**Bill Oswald:** We've essentially been accused here of fabricating all this. Here's our letter, we didn't make this up. The idea that they had never heard of this before, well, this is what we have, we did not go to each house in the neighborhood.



**Tom Bolger:** The other thing is that, I'm not sure how many filings there are. I think you represent one and two here don't you? Huh? Three are here? Because I think there is like three different filings.

**Chairman Dibble:** Regardless of that, we've heard from the public, representing themselves, if nothing more. And one is reported to represent at least filing one and two. So, I believe that's what I heard, is that correct. O.K. I guess I would ask you to come to your point here.

**Tom Bolger:** Well the point is, if they want me to take down their wood fence and put up a cinderblock fence with stucco, I'll do that.

**Chairman Dibble:** In your opinion, would you need to take the fence down in order to build the stucco fence?

**Tom Bolger:** Well, I think it's a dangerous situation, if you have a back to back fence.

**Chairman Dibble:** Yes or no? In order to create the fence...

**Tom Bolger:** Oh, you'd have to take it down.

**Chairman Dibble:** You would have to take it down, and if you did take it down it's only reasonable you would put it back up, if they require it. Because it's their fence. Is that fair, or is that a fair statement?

**Bill Oswald:** So they don't..... I don't know, I think we're done. I think we should go.

**Chairman Dibble:** I guess if you take their property and do something with it, you must restore it, if you're required to do something that requires you to put the masonry up, you have to take theirs down in order to do that. Then I would think from reasonable men, you would be required to put it back in the condition it was before. If they require it, regardless of whether there is a foot or so behind it.

**Tom Bolger:** It sounded to me like they wanted the stucco fence up. Is that what you want, I'm sorry.

**Chairman Dibble:** I don't know. They have a fence, I don't know that, I don't know. I don't think I heard that either, but..

**Tom Bolger:** I would have done that in the beginning.

**Steve Kessler:** This whole thing doesn't, it's not like we haven't been available, all eighteen months/2 years for someone to talk to. So, for something like this to happen like this right now, feels to me, I'd better not say what I really feel. We had been available, we made effort, we showed the letter, you've seen it, those are people named. If those

weren't the right people we weren't told ---- for these people to say they have never heard of us, or whatever, and act like we were trying to get around them is just absurd. And I feel absolutely like we have been set up. That's how I feel.

**Chairman Dibble:** Am I correct in saying the May 3, 2004, is that a week and a half ago? The May 3, what a week and 1 day ago? Is there another letter I'm missing?

**Scott Peterson:** There was another letter from over a year ago that was not included in your packet. Because it really didn't pertain to.....

**Chairman Dibble:** We're talking about another letter, not the one of May 3, 2004 then?

**Scott Peterson:** This is over a year ago, probably from March. It was during the site plan review stage, when we were debating the wall issue with the applicant and city staff. They went to the representative from the HOA at that time, about the idea of the cost share, and it came back that the HOA was not part of, didn't wish to huh, be a part of that cost share.

**Chairman Dibble:** Then to answer your coworkers' question, no we have not seen that letter, to my knowledge then. It is not included in our packet. So, no we have not seen that letter.

**Commissioner Cox:** Scott, your interpretation of the variance criteria is anywhere in there whether they have discussed anything with any neighbors? Is that a criteria of variance at all?

**Scott Peterson:** I mean it's required that the wall be constructed. However they get to that point, whether it's cost share or they foot the bill themselves, we require the wall to be constructed, so...

**Tom Bolger:** The only thing I have to say, we have to put, your code says: you shall not be required to put back to back fences or walls, and it's going to be a dangerous situation, you're going to have weeds growing in there, there could be a fire, children could climb over and get trapped in there. If you want I'll take their fence down, which meets your code. I'll take that down, I'll put up a cinderblock fence, if that's what their saying. I'm not sure that's what they want though.

**Chairman Dibble:** I think the definition of the cinderblock is that's not what we are talking about. We're talking about a masonry. A masonry, stucco, finished on both sides.

**Tom Bolger:** It's got to be cinderblock first.

**Chairman Dibble:** I still don't have the answer, maybe Max, would you object, if it's necessary for them to take the wall down, the fence down, would you object....

**Max Fent:** May we have a 5 minute recess?

**Chairman Dibble:** What?

**Max Fent:** May we have a 5 minute recess to confer?

**Chairman Dibble:** Yes, 5 minute adjournment.

**(A brief recess was called at 10:42 p.m. The public hearing reconvened at 10:47 p.m.)**

**Chairman Dibble:** Back to order. We have copy of the March 4, 2003, happens to be the same date a year later. So we do have 2003. And if I understand this correctly, it does refer to shared cost proposal. Which does not address the variance, in my opinion. So, shall we go back to... Gentlemen, would you like to conclude or?

**Bill Oswald:** Beyond here, what recourse do we have, where can we go? Can we go to City Council?

**Chairman Dibble:** I'm going to ask legal opinion on that?

**Jamie Kreiling:** I'm going to have to check that.

**Chairman Dibble:** I think appeals .....

**Bill Oswald:** I would also, Mr. Blanchard said he gave us two options, and we only have reference to one, that our only recourse was to try and get a variance. Even though he really understood what our thinking was, where we coming, he understood that. In fact, we asked him to give us a written, the interpretation of Staff's of the code. And, which he did. And I'll be happy to read it to you if like.

**Chairman Dibble:** I don't believe it's appropriate at this time, we are talking about the variance at hand. So, ask legal if they would....

**Jamie Kreiling:** The variance that goes to the Planning Commission for decision can be appealed to the City Council.

**Chairman Dibble:** OK then that's the answer.

**Bill Oswald:** One other question, they can come back with what they want to do. I have another question, we've talked about fences and right at this point we're not....Tom mentioned about we'd take the fence down and put a wall up. I think they want a masonry wall there, and we're going to think about whether we will pay for the cost of taking the fence down, if we have to put the wall up. At this point. If we could put the fence on the inside of the wall, I mean that's one option we have. We also want to think about where we go from here based on whatever ya'lls decision is.

**Chairman Dibble:** Thank you. HOA you've had a few minutes to discuss this. What is your thinking on this?

**Max Fent:** Yes Mr. Chairman, thank you. We went into our discussion based upon the comments given to us leading to our discuss for the purpose of our discussion. Referring for just a moment back to the letter of a year ago. Obviously, the petitioner realized that there, something would have to be built. That's why the question came to our attention, would be willing to share in the cost of it. And our answer of course is no. And it still is. It's our opinion that if the petitioner wants to stand by their original comment, made a few moments ago, that they would remove our fence and build their masonry barrier in compliance with the requirements, and dispose of the fence, and maintain their masonry fence; and so say this in writing and present it to a special meeting of our executive board of all three filings. We would concur.

**Chairman Dibble:** OK. Thank you. There is the answer. We've asked for that answer, and we just received it. Any further comments.

**Max Fent:** Well, I think at this point, we still have the same understanding of the code that we had before we came in here. You all had a discussion with Mr. Blanchard on various, where he is coming from, that we didn't hear. So we can't rebut that.

**Chairman Dibble:** Well, I don't know that that was the case, but...I can't attest to that.

**Max Fent:** I think at this point, we'll do what we have to do, aside from if we want to go further than your Commission. I guess, that's kind of where we are.

**Chairman Dibble:** Fine. You are within your rights to do that.

**Jamie Kreiling:** Mr. Chairman, if we could for clarification, there had been a question asked by Mr. Lowery in regards to I think the reference that's just been made, that he had questioned Mr. Blanchard. And Mr. Lowery if you would like to ask that question, again we can clarify it for him.

**Commissioner Lowrey:** I don't have a question. I just have a statement when we get there.

**Chairman Dibble:** I'm going to return this to the purview and the jurisdiction of the Planning Commission. We have the final authority on this. It can be appealed, as I understand, if that's correct? And at this point, I'll open it for discussion for the Commission. Yes, Mr. Lowery

**Commissioner Lowrey:** Petitioners presented the argument that Subsection F, of the code, which states "nothing in the code requires back to back placement of fences and or walls". It goes on to say, "if an existing fence", which would be the wood fence, "substantially meets the requirements of this section, then an additional fence is not

required". The problem with petitioner's argument is that the existing fence does not meet the requirements of the section, because the section, via Table 6.5, requires a 6 foot masonry wall. So, the argument that Subsection F, would allow you not to have to build the additional wall. It doesn't fly, because the existing wall doesn't meet the requirements of the code. The code being that when you have commercial and residential properties adjacent to each other, a concrete wall is required. Now I'm going to kind of intend the spirit of the code. I think you want a concrete wall, and not only for noise barrier, but also something that is more substantial than a wood fence, which vehicles could knock over, even small vehicles. People backing in or whatever could knock over. I think there is a good valid reason for wanting a concrete wall between commercial and residential properties, other than just noise. So, based on what the code says, and I don't think there is a hardship putting up the concrete wall. I would deny the variance.

**Commissioner Cox:** I agree with Mr. Lowery, in that his interpretation of the code might be ----- as well. I also believe that the applicant did not meet the criteria's of (D) reasonable use, (B) minimum necessary, and (H) conformance with growth plan. I have given that all criteria for variance must be met. I would have to vote no on variance.

**Commissioner Putnam:** I think a persuasive case was made that, this situation is markedly and thoroughly different from the other cases that were cited as precedence. And so that, we do not have to be guided by those precedence.

**Commissioner Redifer:** You know, I think one of the most amazing things to me about this whole discussion, is when I first came on this Board, I never would have suspected that one of the most contentious things we have to deal with is expenses. It seems to me, like we have had several vary contentious discussions about fences of all types. Quite frankly, I really hate the idea of having two fences back to back. Which is where I think we are heading. It doesn't make sense to me. But, I also think, that in our rule in the Board we have to have a fairly strict interpretation of the criteria that is laid before us, and I don't see how we can stretch these criteria to make it work on behalf of the applicant for the variance. So I would have to agree with my fellow commissioners that this variance be denied.

**Commissioner Evans:** I concur with that also. I don't feel it has....

**Commissioner Cox:** I really concur with the frustration of having to deal with fences, and fences and fences.

**Chairman Dibble:** Criteria (A), I don't believe has been met because of the hardship has been self inflicted. Criteria (C), literal interpretation, states literally, it has its responsibility of the commercial industrial property, at the time of development to construct the screening wall, regardless of what's there. And to provide a permanent buffer between commercial and residential land uses. And I go back to the agreement, which I look at this as a prima-facie agreement of the planning clearance, and signed off by both the applicant and the department, that a 6-foot screening wall, in compliance with Section 6.5.F.1, is required. And it's in plain English, and it's clearly written, I think the



understanding was there originally, and I think that thoughts perhaps have changed since that. So I would also be in favor of denying the request of variance. If all minds are clear, any further thoughts? A call for the vote, and I call for the recommended planning commission motion.

**MOTION**

**Commissioner Cox:** Mr. Chairman, on item VAR-2004-056, I move that we approve the variance to waive the requirement to provide a six foot masonry wall between a C-1 and an RMF-8 zoning district, finding the group request to be consistent with the Growth Plan and Section 2.16.C.2 of the zoning and development code.

**Chairman Dibble:** Do I hear a second?

**Commissioner Evans:** Second.

**Chairman Dibble:** We moved and seconded that we deny the requested variance. All in favor of? The motion was to approve it. All in favor of approving this variance signify by saying I.

**All:** (No Response.)

**Chairman Dibble:** All opposed signify by saying nay.

**All:** Nay

**Chairman Dibble:** That motion has been denied. Thank you very much. If there is no other business before the Commission, I move that we adjourn.,

**The public hearing was adjourned at 11:00 p.m.**

**Planning  
Solutions, Inc.**

JO MASON

674 26 Road  
Grand Junction, CO 81506  
Phone: 970-242-7999  
Fax: 970-255-6434

E-mail: plansolutns@aol.com

Professional Land Development Consulting Services

May 20, 2004

Scott Peterson  
City of Grand Junction  
Community Development Department  
250 5<sup>th</sup> Street  
Grand Junction, CO 81501

RE: Palace Pointe Market Place

Dear Mr. Peterson:

On behalf of my clients, Mr. Tom Bolger and Alco Building Company, Inc., please except this letter as a request to be heard before the City Council on a decision that was made by the City Planning Commission on May 11, 2004, for a variance on the Palace Point Market Place property.

After speaking with staff in your Department this is the direction we were given. Please notify me of the date of the hearing and the procedures for submittal.

If you have questions or wish to discuss this matter, please do not hesitate to contact me at 242-7999.

Sincerely,



Jo Mason  
PLANNING SOLUTIONS, INC.

xc: Mr. Tom Bolger  
Mr. William Oswald, Alco Building Company, Inc.

RECEIVED  
MAY 21 2004  
COMMUNITY DEVELOPMENT  
DEPT.

**P**lanning  
**S**olutions, Inc.

JO MASON

674 26 Road  
Grand Junction, CO 81506  
Phone: 970-242-7999  
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Mr. William Oswald, Alco Building Company, Inc.

RECEIVED  
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**Attach 9**

Public Hearing Amending the Planned Development (PD) for the Summer Hill Subdivision

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Amending the Planned Development (PD) ordinance to include additional land, establish underlying zoning and bulk standards for the Summer Hill Subdivision.					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 25, 2004			<b>File #</b> RZP/FPP-2004-028		
<b>Author</b>	David Thornton		Principal Planner			
<b>Presenter Name</b>	David Thornton		Principal Planner			
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<b>X</b>		<b>Formal Agenda</b>		<b>Consent</b> <b>X</b> <b>Individual Consideration</b>

**Summary:** Consider final passage of a proposed ordinance rezoning 1.6 acres of land from RSF-4 (Residential Single Family with a maximum of 4 units per acre) to PD (Planned Development) and amending Ordinance No. 3136 to establish an underlying zone district and include bulk standards. The applicant is also requesting Council approval of the Summer Hill Subdivision development schedule to extend beyond December 31, 2004 and allow construction traffic to use Lanai Drive and Catalina Drive for a 60 day construction period.

**Budget:** NA

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of proposed zoning ordinance; and approval by motion to extend the development schedule beyond December 31, 2004 and allow construction traffic to use Lanai Drive and Catalina Dive for a 60 day construction period. Planning Commission recommended approval.

**Attachments:**

- Background Information/Analysis
- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map

- Proposed 2004 Preliminary Plan
- May 21<sup>st</sup> letter from Bray on Construction Traffic (2 pages)
- Yard Setbacks Exhibit A
- Deck/Patio Cover Diagram Exhibit B
- Planned Development Rezone Ordinance (2 pages)

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>Summer Hill Blvd. North of Paradise Hills</b>	
<b>Applicants:</b>		<b>Paradise Hills Partnership Rep: Robert Bray</b>	
<b>Existing Land Use:</b>		<b>Vacant</b>	
<b>Proposed Land Use:</b>		<b>Residential - approved for 201 dwellings</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Airport</b>	
	<b>South</b>	<b>Paradise Hills Subdivision</b>	
	<b>East</b>	<b>Airport</b>	
	<b>West</b>	<b>Agricultural and Grand Vista Subdivision</b>	
<b>Existing City Zoning:</b>		<b>Planned Development with 2.5 units per acre</b>	
<b>Proposed City Zoning:</b>		<b>No Change</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>Planned Development Airport</b>	
	<b>South</b>	<b>RSF-4</b>	
	<b>East</b>	<b>Planned Development - Airport</b>	
	<b>West</b>	<b>RSF-4</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium Low density: 2 to 4 units/acre</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

## ANALYSIS

---

**The Petitioner is seeking City Council consideration to:**

By Ordinance:

- I. Rezone a 1.546 acre parcel from RSF- 4 Residential Single Family-4 du/ac) to PD-2.5 (Planned Development-2.5 du/ac);
- II. Establish underlying zone districts of RSF-4 and RMF-8 for the PD-2.5 zone district;
- III. Establish bulk standards for the PD-2.5 zone district;

By Motion:



allows for the development of larger lots in the revised preliminary plan for filing 5. The number of residential lots approved, by ordinance for the entire Summer Hill Subdivision remains at 201. The total number of filings for the preliminary plan remains at eight and there are no proposed changes for filings 6 through 8. Filings 1 through 4 have already been recorded and built. With the revised preliminary plan, the amount of acreage in lot area for all eight filings increases by 0.90 acres and the amount of open space increases by 0.86 acres.

**All nine conditions of approval of the original preliminary plan as required by City Council on April 21, 1999 will remain and are or will be complied with by the developer of Summer Hill, except the Construction Traffic issue as noted below.**

Construction Traffic Issue – see attached letter. A condition of the 2001 approved Preliminary Plan was for all construction traffic for all filings to use Summer Hill Way and not use Catalina Drive or Lanai Drive. Signs have been posted at both locations. However, due to the need to construct permanent street improvements on Summer Hill Way and Spring Crossing which lie on portions of the temporary construction road and that currently connects Summer Hill Way (filing 4) with Spring Crossing (filing 3) through proposed filing 5, the developer is requesting a 60 day timeframe to make these permanent construction improvements. During the 60 days, construction traffic accessing filings 2 and 3 will need to use Catalina or Lanai Drive. Following the 60 day construction period there will no longer be a “construction road” and all construction traffic will be required to use Summer Hill Way and Spring Crossing.

**The petitioner is requesting reprieve from this construction traffic requirement for only the 60 day construction period.**

**I. Rezone a 1.546 acre parcel from RSF-4 Residential Single Family-4 du/ac) to PD-2.5 (Planned Development-2.5 du/ac);**

Requesting a Rezone

The petitioner is requesting that a 1.546 acre tract of land acquired from the Grand Vista Subdivision be incorporated as part of the Summer Hill Subdivision and zoned Planned Development (PD at 2.5 units per acre) the same zoning as the existing Summer Hill Subdivision. The current zoning of this tract of land is RSF-4.

Since this development application was originally reviewed and approved under the Old Zoning and Development Code the rezone criteria from that code must be met. The following rezoning criteria provided in Section 4-4-4 of the Zoning and Development Code (OLD CODE) is as follows.

- a. Was the existing zoning an error at the time of adoption?

*Response: No, however now that ownership of this tract of land is held by Summer Hill, it makes sense to rezone it the same and incorporate it into the Summer Hill Development.*

- b. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc.?

*Response: Summer Hill was rezoned in 1999. Grand Vista was annexed and rezoned in 2000. The area has become increasing urbanized over this time period.*

- c. Is there an area of community need for the proposed rezone?

*Response: With the additional land being rezoned and tied to the Summer Hill Subdivision, there will be better maintenance opportunities of this area by the Summer Hill Homeowners than there would be by the Grand Vista Home Owners due to accessibility of the site which lies within the Leach Creek drainage.*

- d. Is the proposed rezone compatible with surrounding area or will there be adverse impacts?

*Response: the rezone to PD at 2.5 units per acre is within the allowable density range recommended by the Growth Plan and is the same zoning as the rest of Summer Hill.*

- e. Will there be benefits derived by the community, or area, by granting the proposed rezone?

*Response: With the additional land being rezoned and tied to the Summer Hill Subdivision, there will be better maintenance opportunities of this area by the Summer Hill Homeowners than there would be by the Grand Vista Home Owners due to accessibility of the site which lies within the Leach Creek drainage.*

- f. Is the proposal in conformance with the policies, intents and requirements of this Code (OLD CODE), with the City Master Plan (Growth Plan), and other adopted plans and policies?

*Response: The rezone to PD at 2.5 units per acre is within the allowable density range recommended by the Growth Plan.*

- g. Are adequate public facilities available to serve development for the type and scope suggested by the proposed rezone? If utilities are not available, could they be reasonable extended?

*Response: Adequate public facilities are currently available or will be made available and can address the impacts of development consistent with the PD zone district.*



**II. Establish underlying zone districts of RSF-4 and RMF-8 for the PD-2.5 zone district;**

Request to establish an underlying zone district for the PD zone

The proposed zoning ordinance will identify an underlying zone district that will prevail when circumstances occur that are not addressed by the approved standards in the PD 2.5 zone district. The underlying zone district will apply for all eight filings of the Summer Hill development. For zoning requirements in filings with attached single family development, minimum lots sizes of 4,500 square feet, the RMF-8 zone district will be the underlying zone district. For filings with detached single family development, minimum lots sizes of 14,000 square feet, the RSF-4 will be the underlying zone district. This determination was based on minimum lot sizes established by the Summer Hill Preliminary Plan.

**III. Establishing bulk standards for the PD-2.5 zone**

Request to establish the bulk standards for the PD zone district

The following bulk standards have been approved previously, but not as part of the original zoning ordinance. It is proposed that City Council establish these bulk standards as part of the PD zoning ordinance.

**BULK STANDARDS**

SINGLE FAMILY DETACHED FILINGS

- Minimum Lot Area: 14,000 SF
- Minimum Street Frontage: 40 FT
- Minimum Building Height: 32 FT
- Minimum Side Yard (Principal Structure): 10 FT
- Minimum Side Yard (Accessory Structure): 3 FT
- Minimum Rear Yard (Principal Structure): 30 FT
- Minimum Rear Yard (Accessory Structure): 10 FT
- Minimum Rear Yard (Deck): 0 FT
- Minimum Front Yard: 20 FT
- Maximum Building Coverage: 30%

SINGLE FAMILY ATTACHED FILINGS

- Minimum Lot Area: 4,500 SF
- Minimum Street Frontage: 20 FT
- Minimum Building Height: 32 FT
- Minimum Lot Width: 30 FT
- Minimum Side Yard (Principal Structure): 7 FT
- Minimum Side Yard (Accessory Structure): 3 FT
- Minimum Rear Yard (Principal Structure): 15 FT
- Minimum Rear Yard (Accessory Structure): 10 FT
- Minimum Front Yard: 20 FT

Maximum Building Coverage: 50%

Minimum Rear Yard (Deck):

In the rear yard beginning twenty feet back from the front of the house:

- Open and uncovered decks and concrete slab patio areas located on the ground level of the home shall have a rear and side yard (including common wall property line) setback of zero feet.
- Open and covered (including overhang) decks and concrete slab patio areas located on the ground level of the home shall have a rear and side yard (including common wall property line) setbacks of zero feet for the deck or concrete slab, three feet for all support columns and one foot for the overhang.

See Exhibits A and B (Attached) for further detail.

#### **IV. Establish the phasing schedule for filings 6 - 8**

Request to extend the approved development schedule to beyond December 31, 2004 to allow for future Filings under the OLD Code

*Section 1.18.B.4 in the New Zoning and Development Code states, "To any development that has received preliminary approval under the former Code on or before January 31, 2001, unless specifically approved by the City Council, no development schedule may extend the applicability of the former Code beyond December 31, 2004."*

Summer Hill has an approved development schedule (see background information) to obtain approval for the remaining filings 6 through 8 under the 1997 (OLD) Code and to keep the development active with previous City approval, but under the current Zoning and Development Code, will expire after December 31, 2004 unless extended by City Council action. The following development schedule for the remaining three filings was part of Planning Commission's approval on August 12, 2003.

- |            |                   |
|------------|-------------------|
| • Filing 6 | December 31, 2005 |
| • Filing 7 | December 31, 2006 |
| • Filing 8 | June 15, 2008     |

Please note that the dates above are deadlines the petitioner must meet for application submittal to the City of Grand Junction for each remaining filing to be in compliance with the development schedule. This phasing scheduled has never been taken to City Council for their approval and needs to for any filings considered after December 31, 2004. As part of this development application, it is proposed that this occur now with this rezone application.

Findings of Fact/Conclusions

After reviewing the Summer Hill development application, RZ/FPP-2004-028, for an amended zoning ordinance, staff makes the following findings of fact and conclusions:

3. The requested zoning ordinance is consistent with the Growth Plan.
4. The review criteria in Section 4-4-4 of the 1997 Zoning and Development Code have all been met.

**STAFF RECOMMENDATION:** Approval

**PLANNING COMMISSION RECOMMENDATION:**

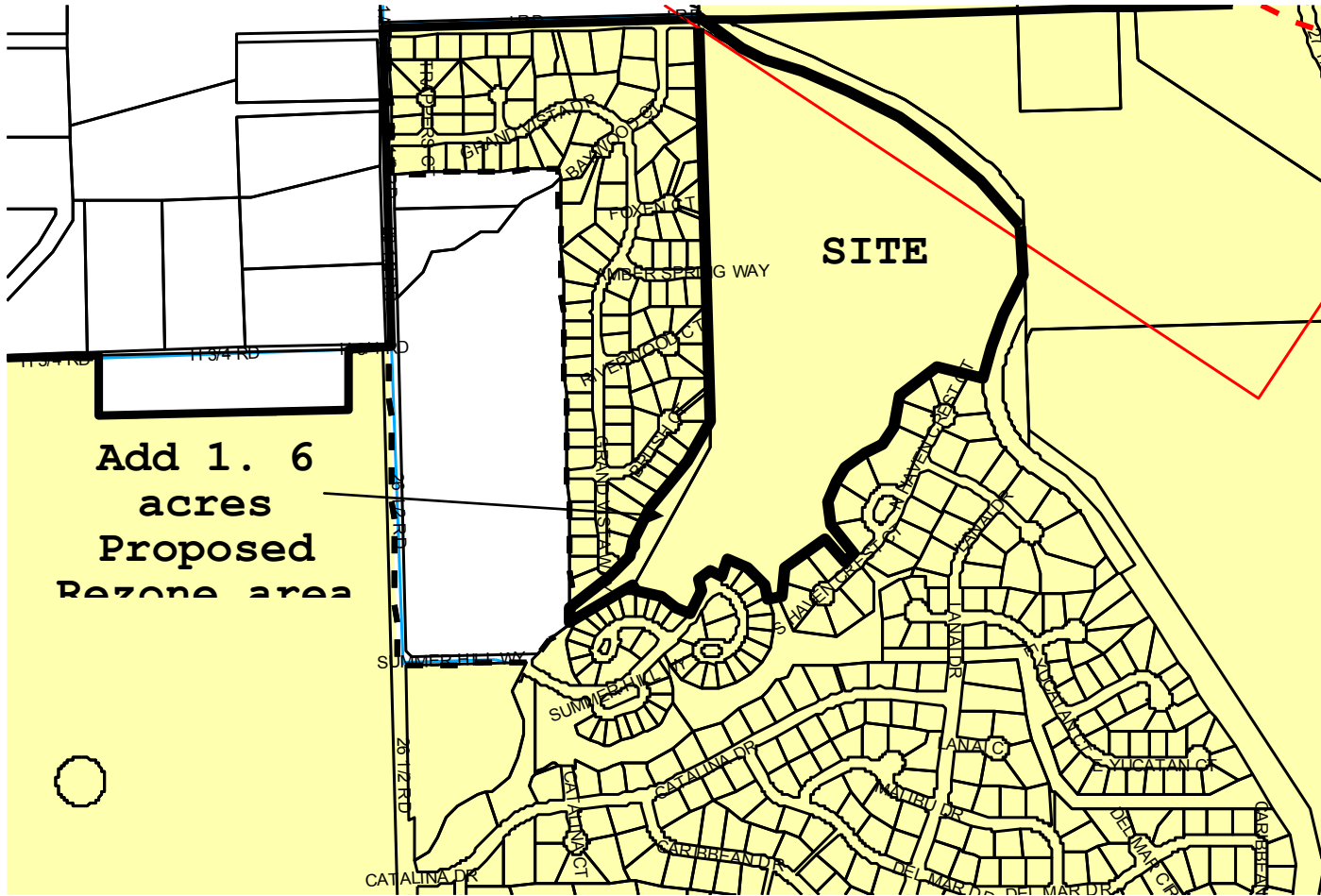
Approval for:

1. Amending the PD zoning ordinance to include the additional acreage, establish an underlying zone district, and establish bulk standards;
2. Extending the development schedule beyond December 31, 2004;
3. Allowing construction traffic to use Lanai Drive and/or Catalina Drive for a 60 day construction period.

(CC Staff Report – Summer Hill filing 5 – First Reading.doc)

# Site Location Map

Figure 1

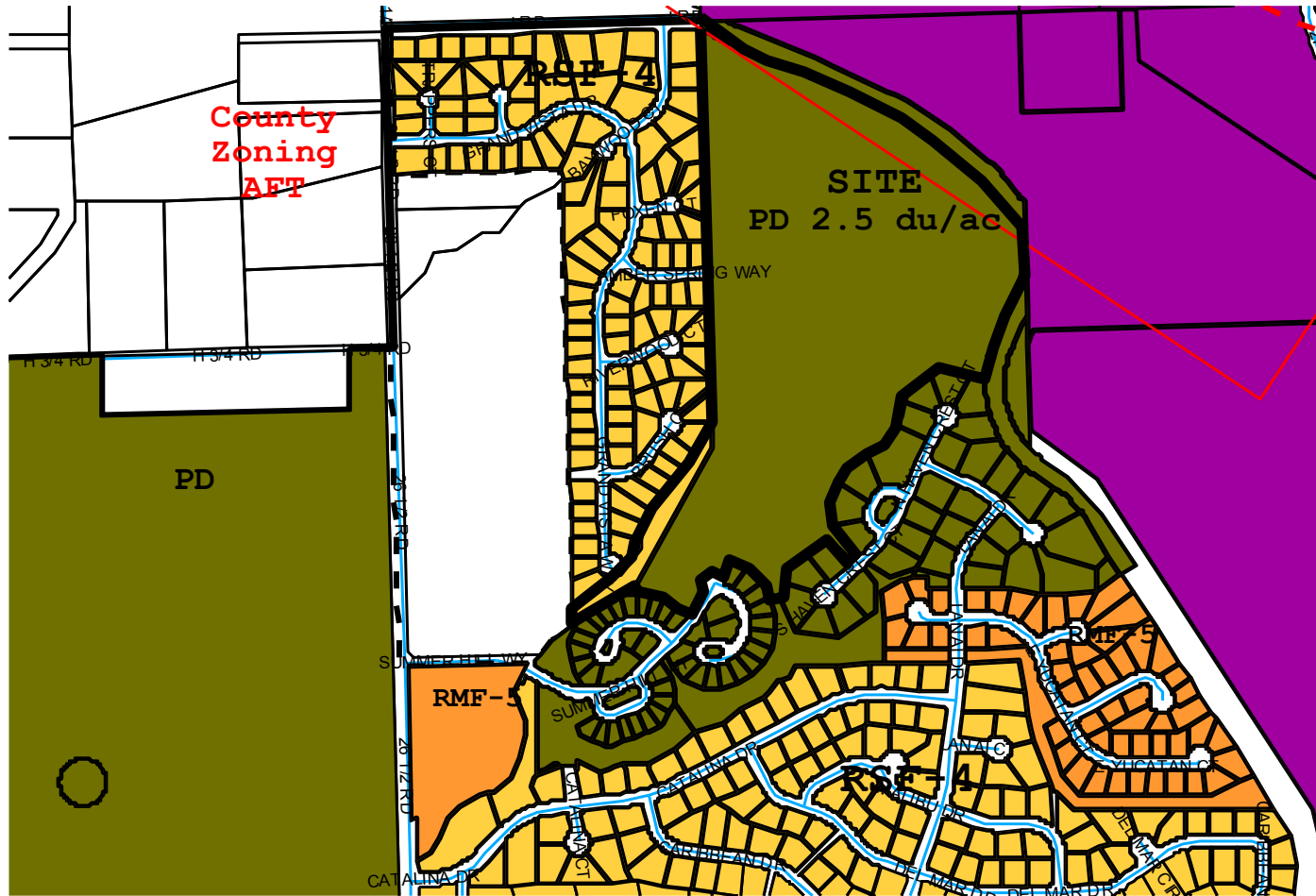






# Existing City and County Zoning

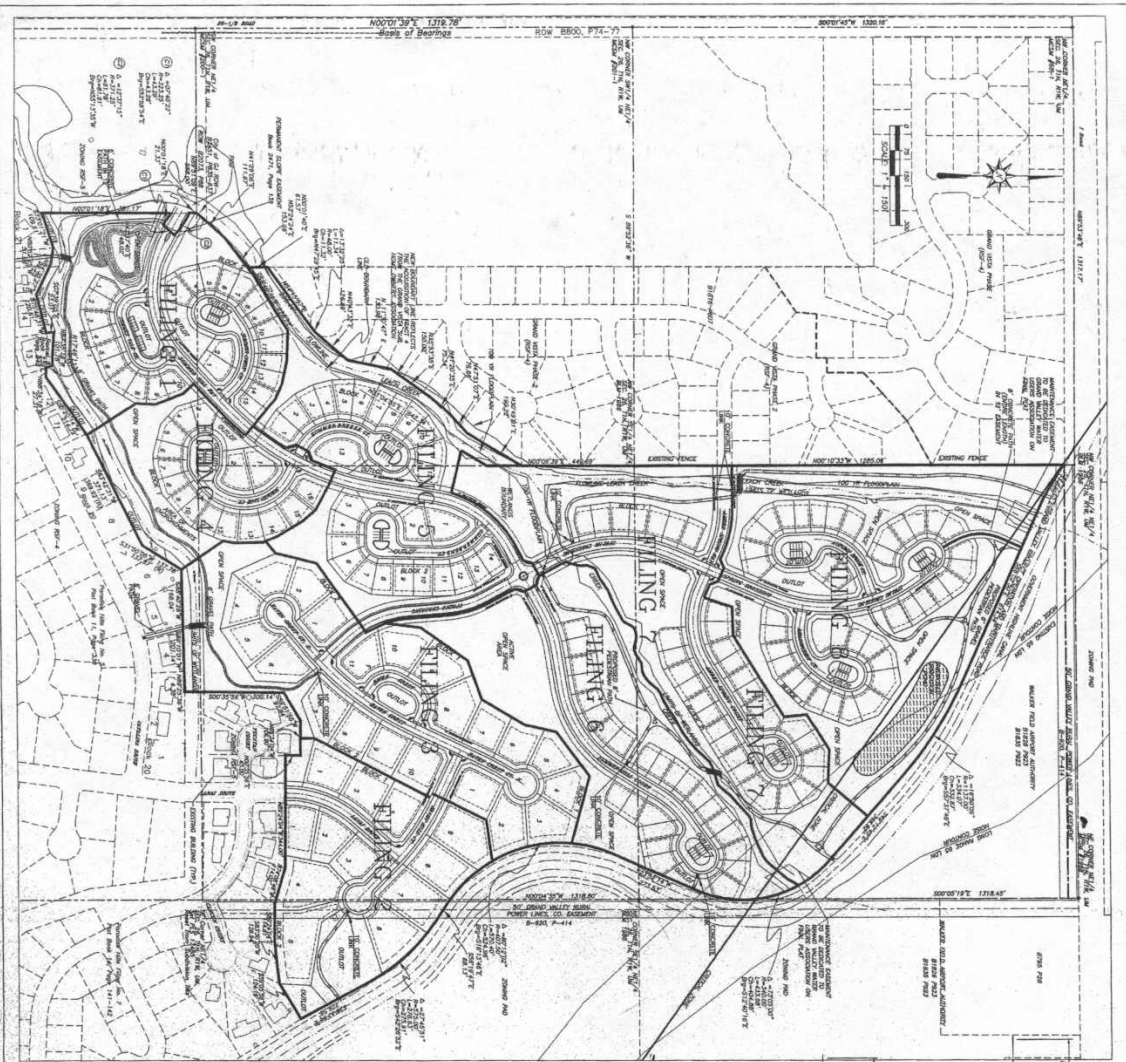
Figure 4



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."





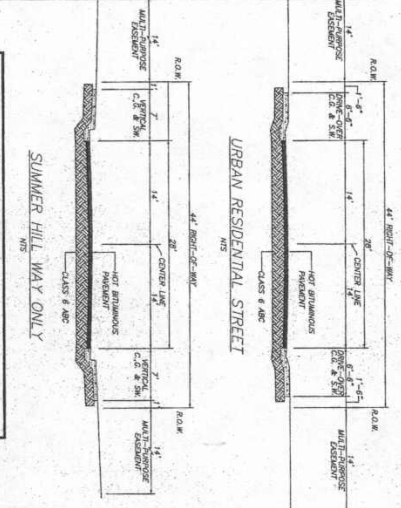
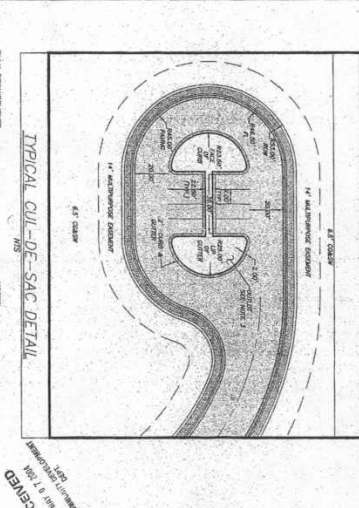


**BLK. RECONSTRUCTION**

SHADED AREAS TO BE DEMOLISHED AND RECONSTRUCTED TO CONFORM WITH THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.01, AND THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.02.

**REVISIONS:**

1. EXISTING AND NEW LOTS TO BE RECONSTRUCTED TO CONFORM WITH THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.01, AND THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.02.
2. EXISTING AND NEW LOTS TO BE RECONSTRUCTED TO CONFORM WITH THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.01, AND THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.02.
3. EXISTING AND NEW LOTS TO BE RECONSTRUCTED TO CONFORM WITH THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.01, AND THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.02.
4. EXISTING AND NEW LOTS TO BE RECONSTRUCTED TO CONFORM WITH THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.01, AND THE CITY OF GRAND JUNCTION, COLORADO, ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.02.



NO.	DATE	DESCRIPTION	BY	CHKD.
1	9/25/01	REVISE TO CITY OF G. J. REVIEW COMMENTS	MWT	DAT
2	10/25/01	REVISE PER ADDITIONAL CITY OF G. J. REVIEW COMMENTS	MWT	DAT
3	2/22/02	REVISE TO REFLECT PROPOSED LAND SWAP BETWEEN SUMMER HILL AND GRAND VISTA	MWT	DAT
4	12/5/03	TRACT 4 GRAND VISTA SWAP ADDED, PLANS 5 LAYOUT	BOB	JHM
5	10/17/04	REVISED CURB & GUTTER ADDED IN CUL-DE-SACS	BOB	JHM
6	10/17/04	REVISE BLK. STD. PER CITY OF G. J. REVIEW COMMENTS	BOB	JHM

**THOMPSON-LANGFORD CORP.**  
**ENGINEERS AND LAND SURVEYORS**  
 559 25 1/2 RD., SUITE 2010  
 GRAND JUNCTION, COLORADO  
 PH. (970) 243-6097  
 FAX (970) 241-2845  
 tl@tll-west.com

**PARADISE HILLS PARTNERSHIP**

**SUMMER HILL**  
**REVISED PRELIMINARY PLAN**

*Proposed  
2004*

May 21, 2004

David Thornton, Planner  
Community Development Dept  
City of Grand Junction  
250 N 5<sup>th</sup> Street  
Grand Junction, CO 81501

**RECEIVED**  
MAY 25 2004  
COMMUNITY DEVELOPMENT  
DEPT.



Dear David:

As we discussed on the phone recently Bray and Company is in the process of planning and ultimately developing Filing #5 in SummerHill Subdivision. As you recall, filing #5 includes the road connection to the larger homes in filing #3. Also, we have agreed to provide a construction road access at the terminus of the existing SummerHill Way to filing #3 and have encouraged our builders to use this construction access.

In our development of filing #5 it will be necessary to close this construction access for a period of hopefully no more than 60 days. We are anticipating this period beginning somewhere around the middle of July through the middle of September. This will be necessary to construct sewer and water lines and pave such streets. There is no other access available for construction related vehicles in this period of time other than to the east of filing #3 over Lanai Drive and Haven Crest streets.

At the completion of Spring Crossing in filing #5 plan, we will again encourage any construction access to filing #3 across SummerHill Way and Spring Crossing.

For your information the construction road access has been in place for approximately 3 years now and this access way will be available again after completion of our new Spring Crossing Road. I wanted to advise you of this matter so that all appropriate authorities will have the necessary information.

Please call if you should have any questions.

Sincerely,

Robert L. Bray, CEO  
Bray and Company

RLB/ma

Enc.

"WE COVER THE WESTERN SLOPE"

□ GLENWOOD SPRINGS  
1429 Grand #103  
Glenwood Springs, CO 81601  
(970) 945-8626

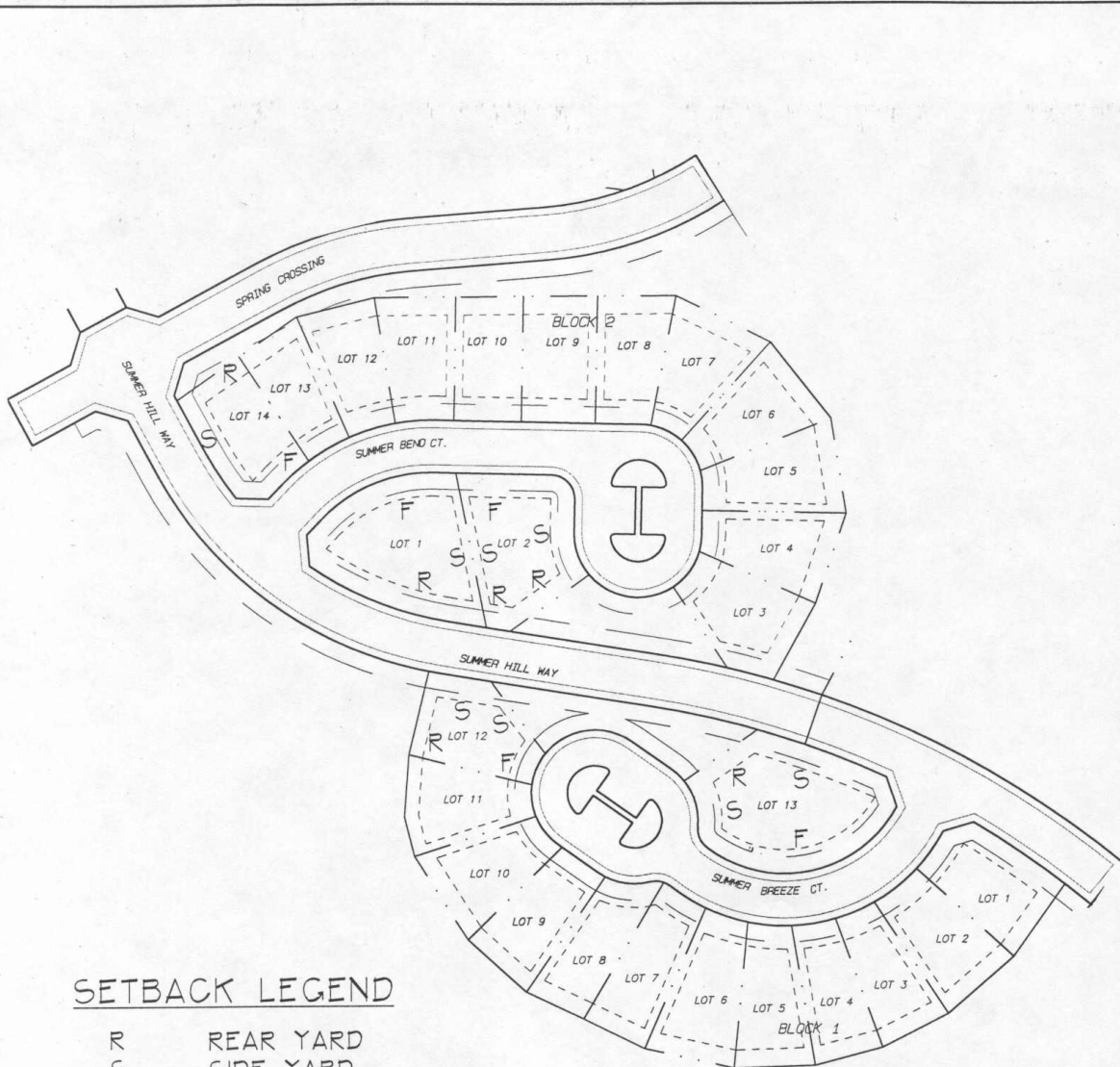
□ GRAND JUNCTION  
1015 North 7th Street  
Grand Junction, CO 81501  
(970) 242-3647

□ DELTA  
540 Main, Ste. 105  
Delta, CO 81416  
(970) 874-0550

□ MONTROSE  
1140 S. Townsend  
Montrose, CO 81401  
(970) 249-4666







**SETBACK LEGEND**

- R REAR YARD
- S SIDE YARD
- F FRONT YARD
- LOT LINES
- - - BUILDING SETBACK
- · · EASEMENT

NORTH

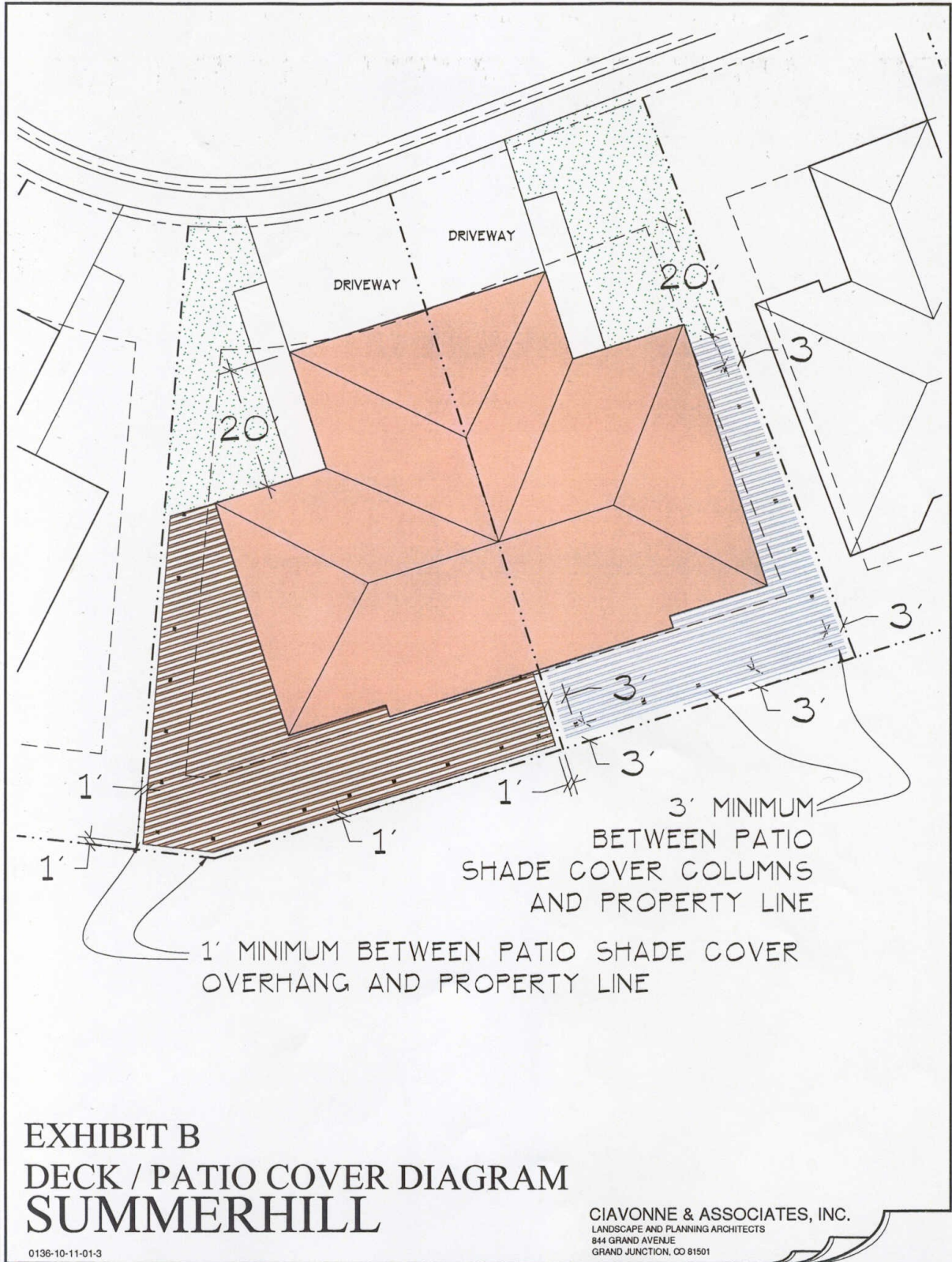


**SUMMERHILL FILING 5  
YARD SETBACKS, EXHIBIT A**

DRAWING # 0332-4-30-04-1

**ClAVONNE & ASSOCIATES, INC.**  
LANDSCAPE AND PLANNING ARCHITECTS  
844 GRAND AVENUE  
GRAND JUNCTION, CO 81501





**CITY OF GRAND JUNCTION**

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

**AN ORDINANCE AMENDING ORDINANCE NO. 3136 TO INCLUDE  
ADDITIONAL PROPERTY AND ESTABLISH UNDERLYING ZONING AND  
BULK STANDARDS FOR SUMMER HILL PLANNED DEVELOPMENT**

**Recitals:**

Summer Hill was zoned PD (Planned Development) and a Preliminary Plan approved in 1999. The approval was for a total of 201 dwelling units in 8 filings. Filings 1 through 4 have been approved and recorded. The developer is now requesting an amendment to the PD zoning to include additional property, establish bulk requirements and establish an underlying zoning.

In cooperation with the development to the west, Grand Vista Subdivision, it was determined that it would be in the best interest of both projects to adjust property lines in accordance with the natural boundary created by Leach Creek. This results in 1.546 acres being added to the Summer Hill Planned Development. The additional acreage allows for increasing the size of lots and open space.

The original ordinance zoning Summer Hill PD (Planned Development) did not include an underlying zoning or bulk requirements. This ordinance will amend Ordinance No. 3136 to include two underlying zone districts, RSF-4 and RMF-8, which will cover circumstances that are not addressed by the approved standards in the PD ordinance. It will also include the approved bulk standards for the PD, which includes a provision to allow patios/decks and patio shade covers within limited rear and side yard setback areas.

The Planning Commission and City Council find that the request is in compliance with the Zoning and Development Code and Growth Plan.

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

That the land described below is hereby rezoned to PD (Planned Development) and included as part of the Summer Hill Subdivision Planned Development.

Tract 4, Grand Vista Filing 2, a plat recorded in the Mesa County Clerk and Records Office at Reception No. 2094236, Mesa County, Colorado

And;

That Ordinance No. 3136 is hereby amended to include the above property, as well as the original Summer Hill development as described in Ordinance No. 3136; establish underlying zone districts of RSF-4 for detached single family uses and RMF-8 for attached single family uses; and establish the following bulk standards:

SINGLE FAMILY DETACHED FILINGS

Minimum Lot Area: 14,000 SF  
Minimum Street Frontage: 40 FT  
Minimum Building Height: 32 FT  
Minimum Side Yard (Principal Structure): 10 FT  
Minimum Side Yard (Accessory Structure): 3 FT  
Minimum Rear Yard (Principal Structure): 30 FT  
Minimum Rear Yard (Accessory Structure): 10 FT  
Minimum Rear Yard (Deck): 0 FT  
Minimum Front Yard: 20 FT  
Maximum Building Coverage: 30%

SINGLE FAMILY ATTACHED FILINGS

Minimum Lot Area: 4,500 SF  
Minimum Street Frontage: 20 FT  
Minimum Building Height: 32 FT  
Minimum Lot Width: 30 FT  
Minimum Side Yard (Principal Structure): 7 FT  
Minimum Side Yard (Accessory Structure): 3 FT  
Minimum Rear Yard (Principal Structure): 15 FT  
Minimum Rear Yard (Accessory Structure): 10 FT  
Minimum Front Yard: 20 FT  
Maximum Building Coverage: 50%  
Minimum Rear Yard (Deck):

In the rear yard beginning twenty feet back from the front of the house:

- Open and uncovered decks and concrete slab patio areas located on the ground level of the home shall have a rear and side yard (including common wall property line) setback of zero feet.
- Open and covered (including overhang) decks and concrete slab patio areas located on the ground level of the home shall have a rear and side yard (including common wall property line) setbacks of zero feet for the deck or concrete slab, three feet for all support columns and one foot for the overhang.

INTRODUCED for FIRST READING and PUBLICATION this \_\_\_\_ day of June, 2004.

PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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

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



**Attach 10**

Public Hearing – Peregrine Estates Annexation 2157 S. Broadway

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>	A hearing for the Peregrine Estates Annexation located at 2157 S. Broadway					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 28, 2004				File #ANX-2004-060	
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	No		Yes	When	
<b>Citizen Presentation</b>		Yes		No	Name	
	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		Consent	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Peregrine Estates Annexation, located at 2157 S. Broadway. The 18.585 acre annexation consists of 1 parcel of land.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

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

**Attachments:**

- 33. Staff report/Background information
- 34. General Location Map
- 35. Aerial Photo
- 36. Growth Plan Map
- 37. Zoning Map
- 38. Annexation map
- 39. Acceptance Resolution
- 40. Annexation Ordinance

*STAFF REPORT / BACKGROUND INFORMATION*

<b>Location:</b>		<i>2157 S Broadway</i>		
<b>Applicants:</b>		Owner: Guy & Martha Stephens Developer/Representative: Ray Rickard – Peregrine Estates		
<b>Existing Land Use:</b>		<i>1 Single Family Home</i>		
<b>Proposed Land Use:</b>		<i>Single Family Home subdivision</i>		
<b>Surrounding Land Use:</b>	<b>North</b>	<i>Riggs Hill</i>		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Wetlands		
<b>Existing Zoning:</b>		County RSF-2		
<b>Proposed Zoning:</b>		City RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	<i>City RSF-R &amp; CSR</i>		
	<b>South</b>	County RSF-2		
	<b>East</b>	County RSF-2		
	<b>West</b>	<i>County RSF-2</i>		
<b>Growth Plan Designation:</b>		Residential Low ½ -2 ac/du		
<b>Zoning within density range?</b>		X	Yes	No

**Staff Analysis:**

**ANNEXATION:  
ANNEXATION:**

This annexation area consists of 18.548 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of

wishing to develop a residential subdivision. Under the 1998 Persigo Agreement all Major Subdivisions 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 Peregrine Estates 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.

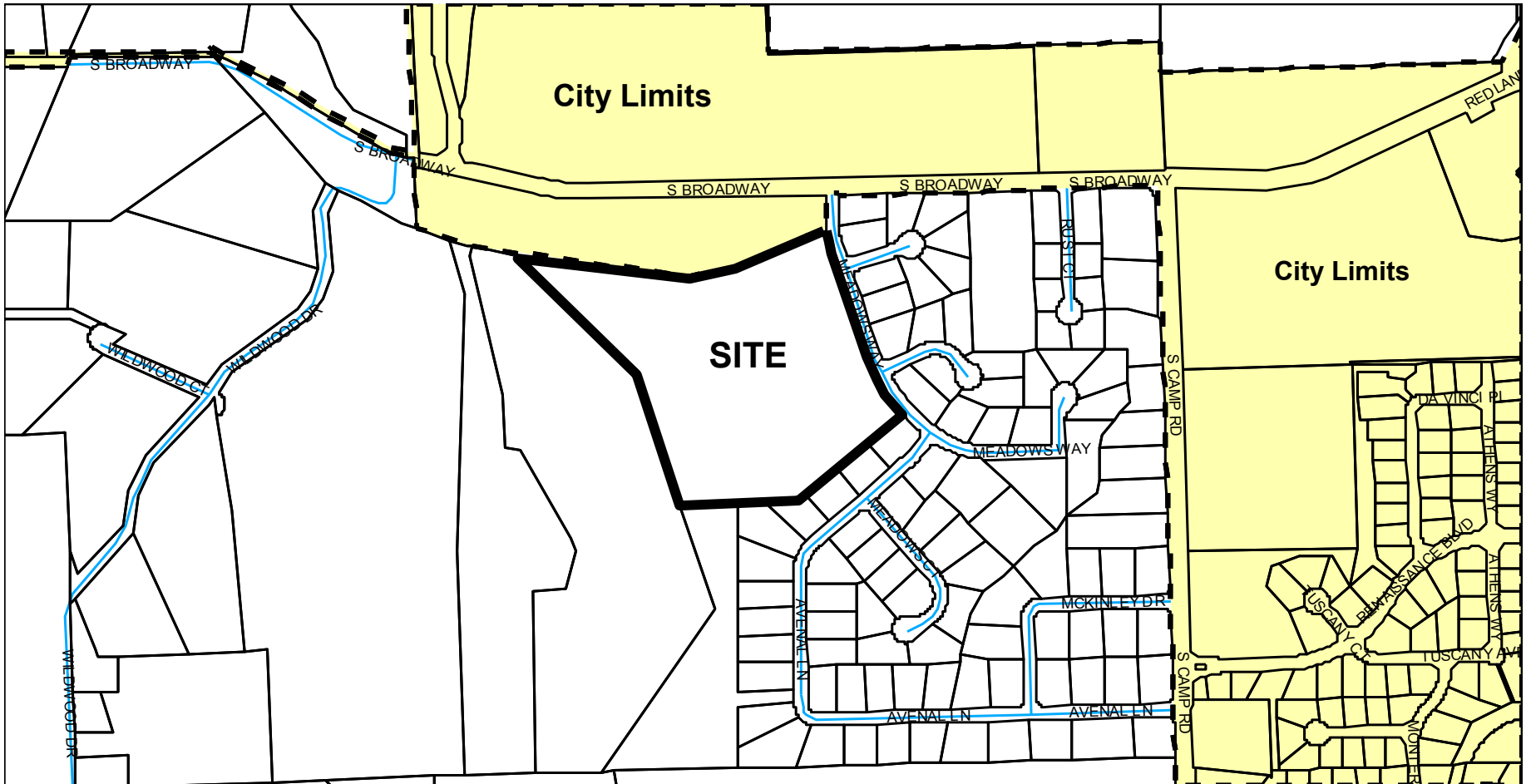
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>May 19, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 8, 2004</b>	Planning Commission considers Zone of Annexation
<b>June 16, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
<b>July 7, 2004</b>	Zoning by City Council
<b>August 8, 2004</b>	Effective date of Annexation and Zoning

**PEREGRINE ESTATES ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-060	
<b>Location:</b>	2157 S Broadway	
<b>Tax ID Number:</b>	2947-262-00-038	
<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>	18.548	
<b>Developable Acres Remaining:</b>	17.87	
<b>Right-of-way in Annexation:</b>	Approximately 720' of Meadows Way	
<b>Previous County Zoning:</b>	RSF-2	
<b>Proposed City Zoning:</b>	RSF-2	
<b>Current Land Use:</b>	Single Family Home	
<b>Future Land Use:</b>	Single Family Residential Subdivison	
<b>Values:</b>	<b>Assessed:</b>	= \$11,450
	<b>Actual:</b>	= \$138,290
<b>Address Ranges:</b>	2157 S Broadway, 449 – 465 Meadows Way – Odd only	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation/Drainage :</b>	Redlands Water & Power
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	Redlands Mosquito District

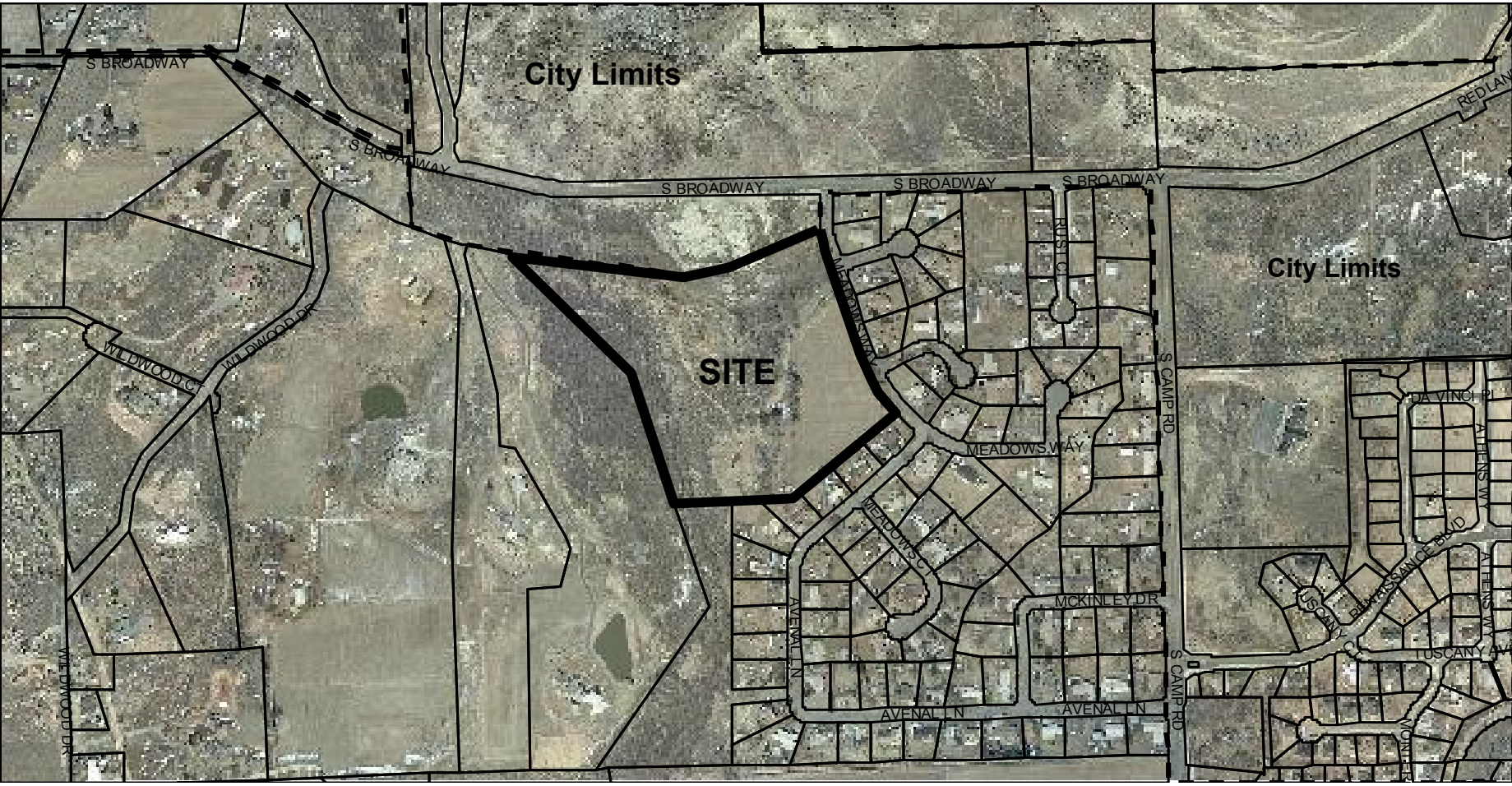
# Site Location Map

Figure 1



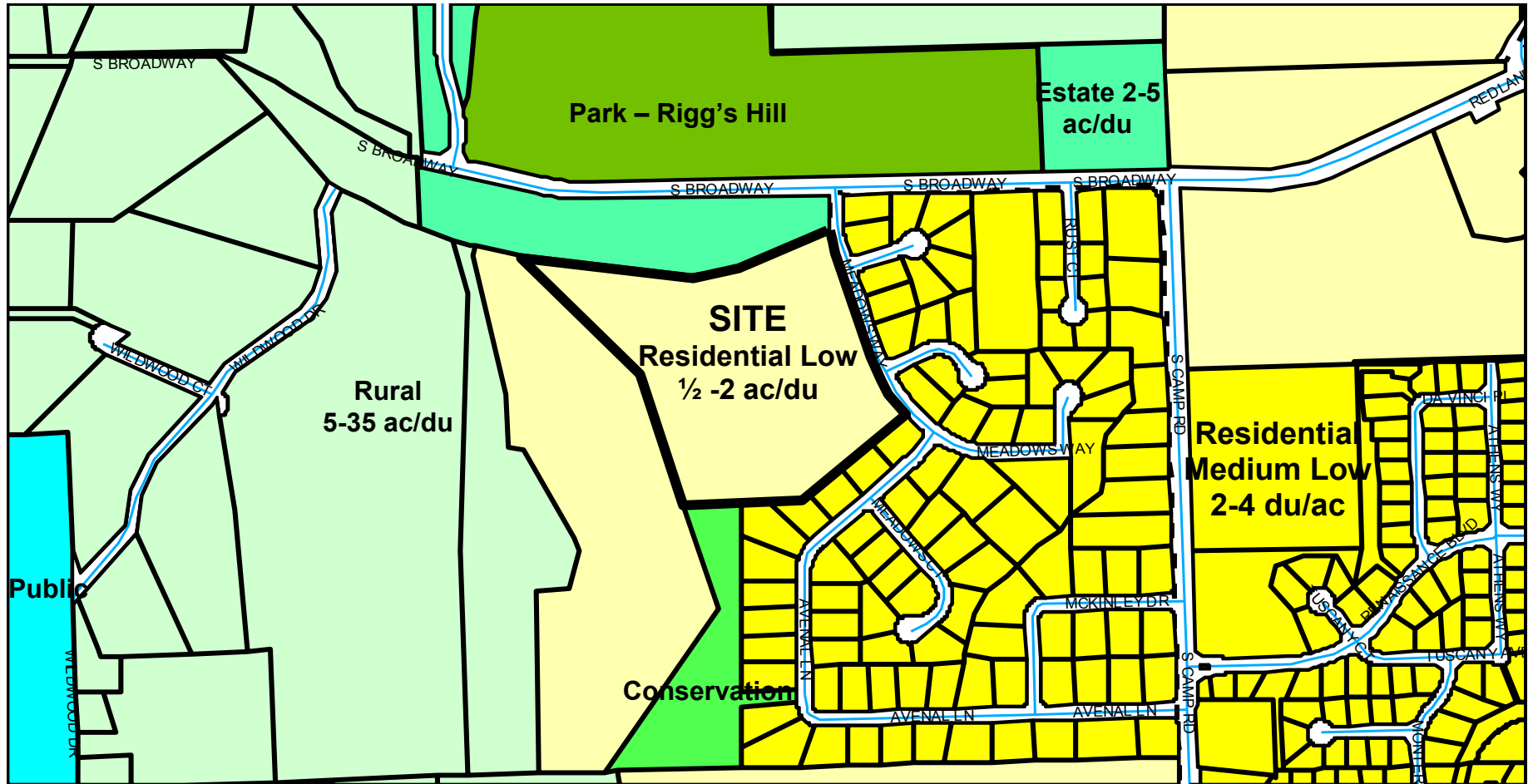
# Aerial Photo Map

Figure 2



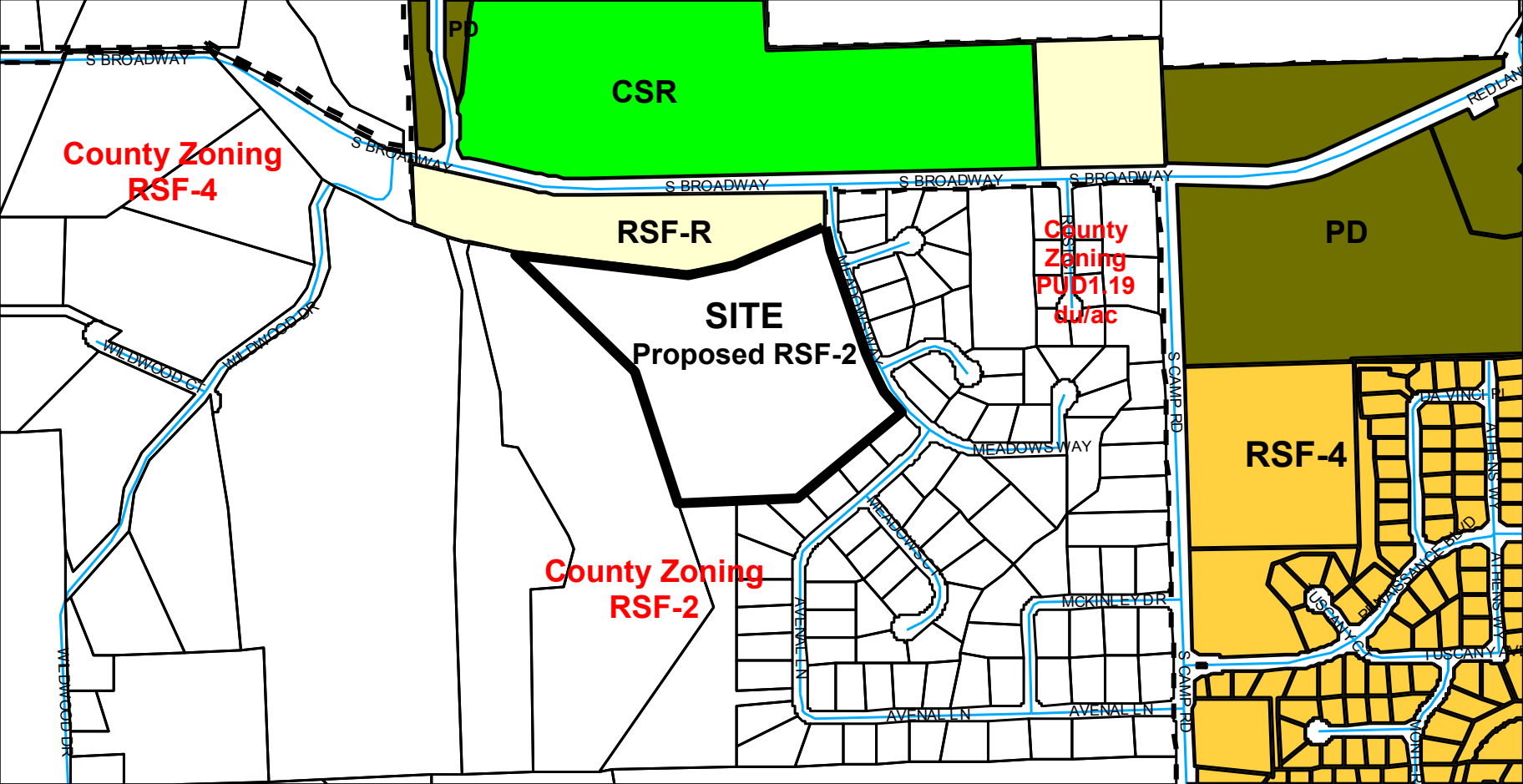
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4

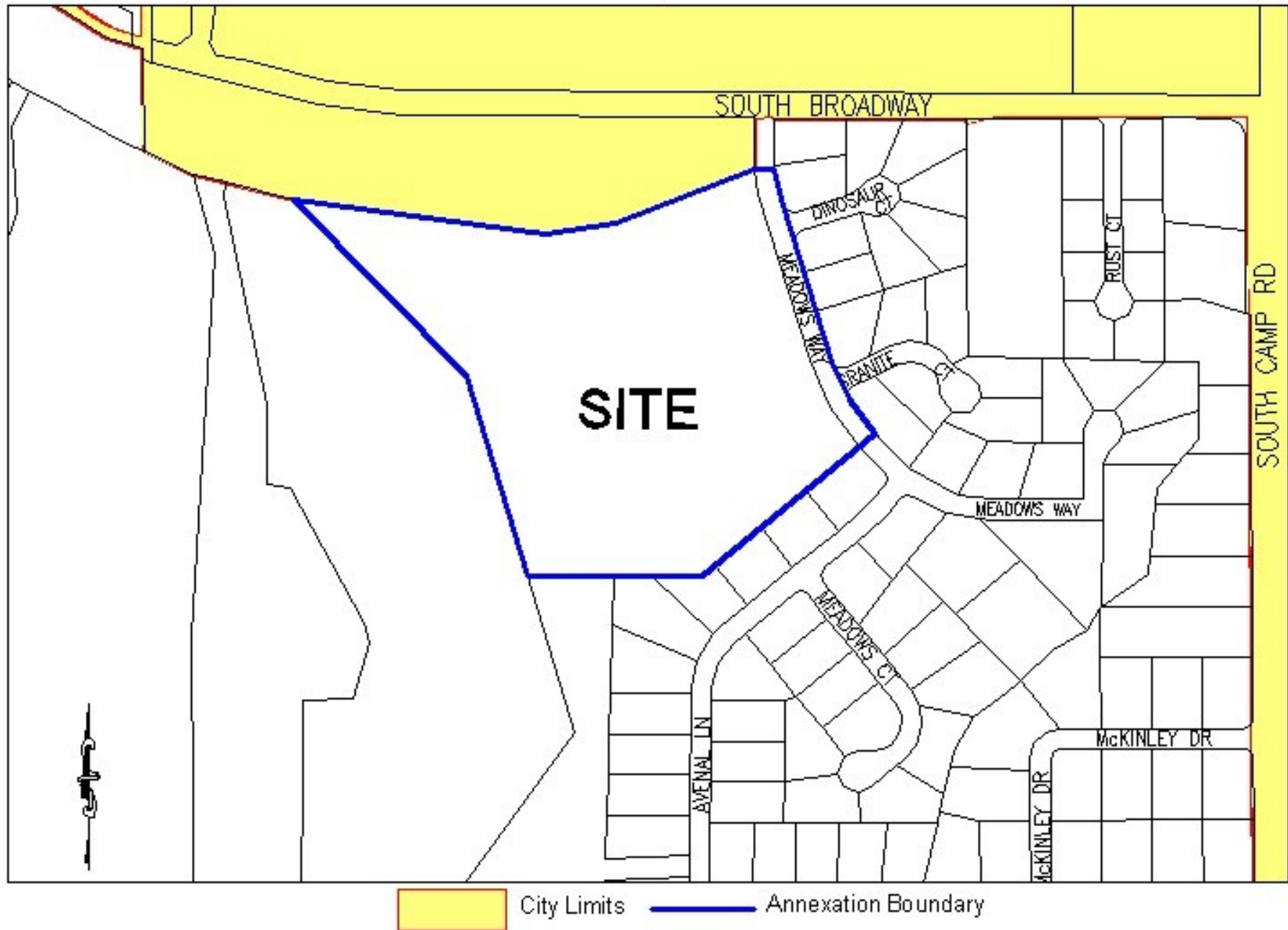


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



# Peregrine Estates Annexation

Figure 5



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

**A RESOLUTION ACCEPTING A**

**PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE  
PEREGRINE ESTATES ANNEXATION**

LOCATED at 2157 S. BROADWAY

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19<sup>th</sup> day of May, 2004, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PERIGRINE ESTATES ANNEXATION**

A certain parcel of land lying in Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, lying West of the East right of way for Meadows Way, as same is shown on the Replat of Lots 2 through 6, Block 4, 1st Addition to Monument Meadows, as same is recorded in Plat Book 11, Page 74, Public Records of Mesa County, Colorado, North of Lots 12 through 16, Block 5 and Tract "A", all as shown on the 1st Addition to Monument Meadows, as same is recorded in Plat Book 11, Page 18, Public Records of Mesa County, Colorado, South of the South line of Lot 3, Rump Subdivision, as same is recorded in Plat Book 18, pages 140 through 142, Public Records of Mesa County, Colorado and East of that certain parcel of land with Mesa County Parcel Control Number 2947-263-00-067 and being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3, Rump Subdivision and assuming the bearings of the following described parcel to be in the meridian of said Rump Subdivision with the East line of said Lot 3 bearing S 00°13'53" W; thence from said Point of Beginning, S 89°46'07" E a distance of 50.00 feet to a point on the East right of way for Meadows Way; thence along the East right of way for said Meadows Way, S 00°13'53" W a distance of 2.96 feet; thence Southeasterly 46.85 feet along the arc of a 152.10 foot radius curve, concave East, through a central angle of 17°39'00", whose long chord bears S 08°32'27" E with a long chord length of 46.67 feet; thence continuing along said East right of way, S 17°21'57" E a distance of 428.30 feet to a point being the beginning of a 525.00 foot radius curve, concave Northeast, whose long chord bears S 29°51'25" E with a long chord length of 227.10 feet; thence Southeasterly 228.91 feet along the arc of said curve, through a central angle of 24°58'56" to a point;

thence S 50°54'03" W along the North line of said Block 5, a distance of 549.97 feet; thence N 89°51'57" W along the North line of said Block 5, a distance of 433.51 feet to a point being the Northwest corner of Tract "A" of said 1st Addition to Monument Meadows; thence N 16°48'42" W a distance of 511.49 feet; thence N 44°01'44" W a distance of 613.39 feet, more or less, to a point on the South line of said Lot 3, Rump Subdivision; thence S 82°04'17" E along the South line of said Lot 3, a distance of 627.50 feet; thence N 81°43'43" E along said South line, a distance of 177.90 feet; thence N 68°48'43" E a distance of 363.13 feet, more or less, to the Point of Beginning.

CONTAINING 18.548 Acres (807,934 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of July, 2004; and

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

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

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

**ADOPTED** this 7<sup>th</sup> day of July, 2004.

Attest:

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President of the Council

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PEREGRINE ESTATES ANNEXATION**

**APPROXIMATELY 18.548 ACRES**

**LOCATED AT 2157 S BROADWAY**

**WHEREAS**, on the 19<sup>th</sup> day of May, 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 7<sup>th</sup> day of July, 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:

**PEREGRINE ESTATES ANNEXATION**

A certain parcel of land lying in Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, lying West of the East right of way for Meadows Way, as same is shown on the Replat of Lots 2 through 6, Block 4, 1st Addition to Monument Meadows, as same is recorded in Plat Book 11, Page 74, Public Records of Mesa County, Colorado, North of Lots 12 through 16, Block 5 and Tract "A", all as shown on the 1st Addition to Monument Meadows, as same is recorded in Plat Book 11, Page 18, Public Records of Mesa County, Colorado, South of the South line of Lot 3, Rump Subdivision, as same is recorded in Plat Book 18, pages 140 through 142, Public Records of Mesa County, Colorado and East of that certain parcel of land with Mesa County Parcel Control Number 2947-263-00-067 and being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3, Rump Subdivision and assuming the bearings of the following described parcel to be in the meridian of said Rump Subdivision with the East line of said Lot 3 bearing S 00°13'53" W; thence from said Point of Beginning, S 89°46'07" E a distance of 50.00 feet to a point on the East right of way for Meadows Way; thence along the East right of way for said Meadows Way, S 00°13'53" W a distance of 2.96 feet; thence Southeasterly 46.85 feet along the arc of a 152.10 foot radius curve, concave East, through a central angle of 17°39'00", whose long chord bears S 08°32'27" E with a long chord length of 46.67 feet; thence continuing along said East right of way, S 17°21'57" E a distance of 428.30 feet to a point being the beginning of a 525.00 foot radius curve, concave Northeast, whose long chord bears S 29°51'25" E with a long chord length of 227.10 feet; thence Southeasterly 228.91 feet along the arc of said curve, through a central angle of 24°58'56" to a point; thence S 50°54'03" W along the North line of said Block 5, a distance of 549.97 feet; thence N 89°51'57" W along the North line of said Block 5, a distance of 433.51 feet to a point being the Northwest corner of Tract "A" of said 1st Addition to Monument Meadows; thence N 16°48'42" W a distance of 511.49 feet; thence N 44°01'44" W a distance of 613.39 feet, more or less, to a point on the South line of said Lot 3, Rump Subdivision; thence S 82°04'17" E along the South line of said Lot 3, a distance of 627.50 feet; thence N 81°43'43" E along said South line, a distance of 177.90 feet; thence N 68°48'43" E a distance of 363.13 feet, more or less, to the Point of Beginning.

CONTAINING 18.548 Acres (807,934 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 19<sup>th</sup> day of May, 2004 and ordered published.

**ADOPTED** on second reading this 7<sup>th</sup> day of July, 2004.

Attest:

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President of the Council

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City Clerk

**Attach 11**  
Zoning Peregrine Estates

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Peregrine Estates Annexation, located at 2157 S. Broadway to RSF-2.					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 28, 2004				File #ANX-2004-060	
<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>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of the Zoning ordinance to zone the Peregrine Estates Annexation RSF-2, located at 2157 S. Broadway. The Peregrine Estates Annexation is 18.548 acres and is proposed for a new 25 lot single family residential subdivision.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of the zoning ordinance.

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

**Attachments:**

41. Staff report/Background information
42. General Location Map
43. Aerial Photo
44. Growth Plan Map
45. Zoning Map
46. Annexation map
47. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2157 S Broadway		
<b>Applicants:</b>		Owner: Guy & Martha Stephens Developer/Representative: Ray Rickard – Peregrine Estates		
<b>Existing Land Use:</b>		1 Single Family Home		
<b>Proposed Land Use:</b>		Single Family Home subdivision		
<b>Surrounding Land Use:</b>	<b>North</b>	Riggs Hill		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Wetlands		
<b>Existing Zoning:</b>		County RSF-2		
<b>Proposed Zoning:</b>		City RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	City RSF-R & CSR		
	<b>South</b>	County RSF-2		
	<b>East</b>	County RSF-2		
	<b>West</b>	County RSF-2		
<b>Growth Plan Designation:</b>		Residential Low ½ -2 ac/du		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RSF-2 district is consistent with the Growth Plan density of Residential Low ½ - 2 ac/du. The existing County zoning is RSF-2. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **PLANNING COMMISSION RECOMMENDATION:**

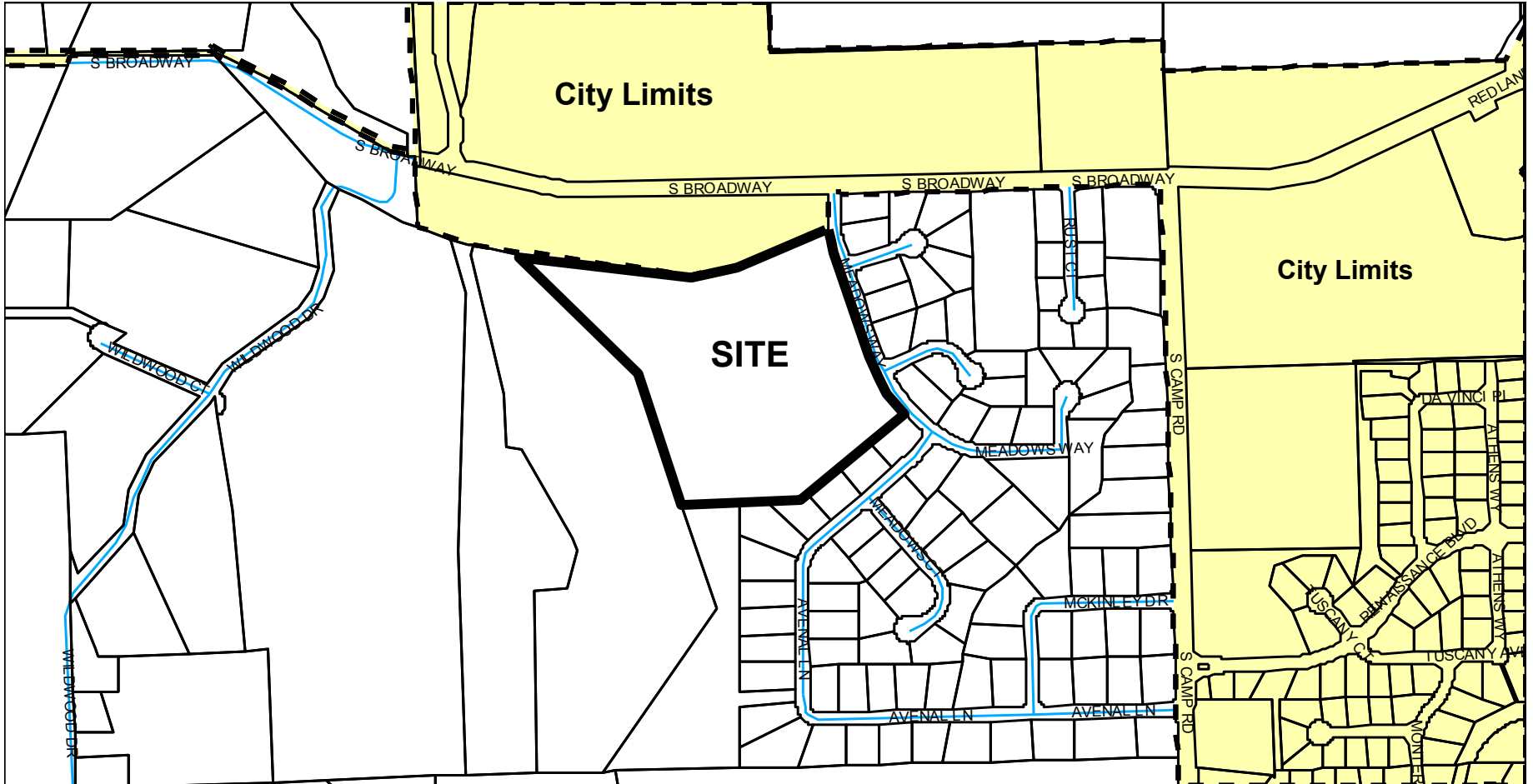
The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-2 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.





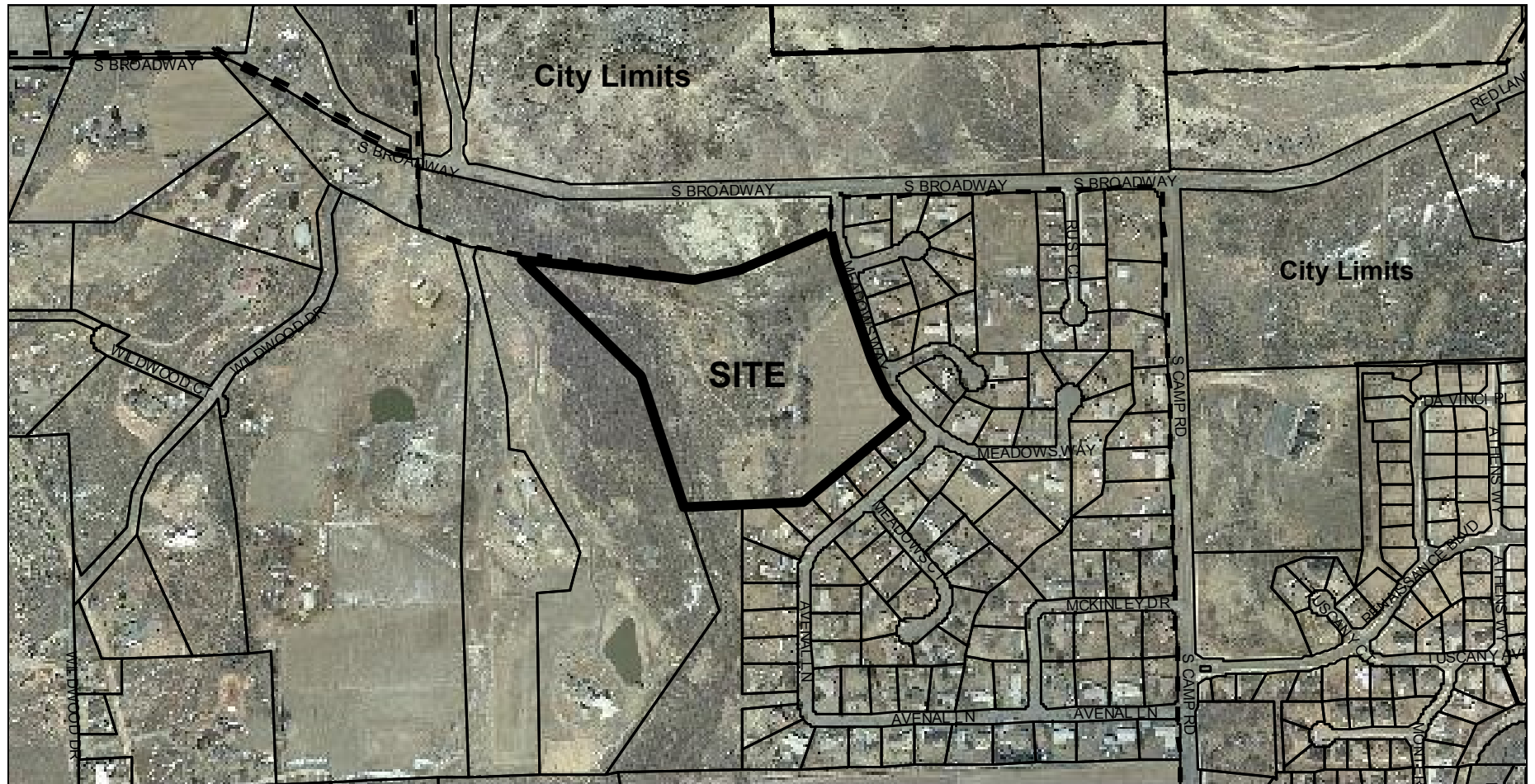
# Site Location Map

Figure 1



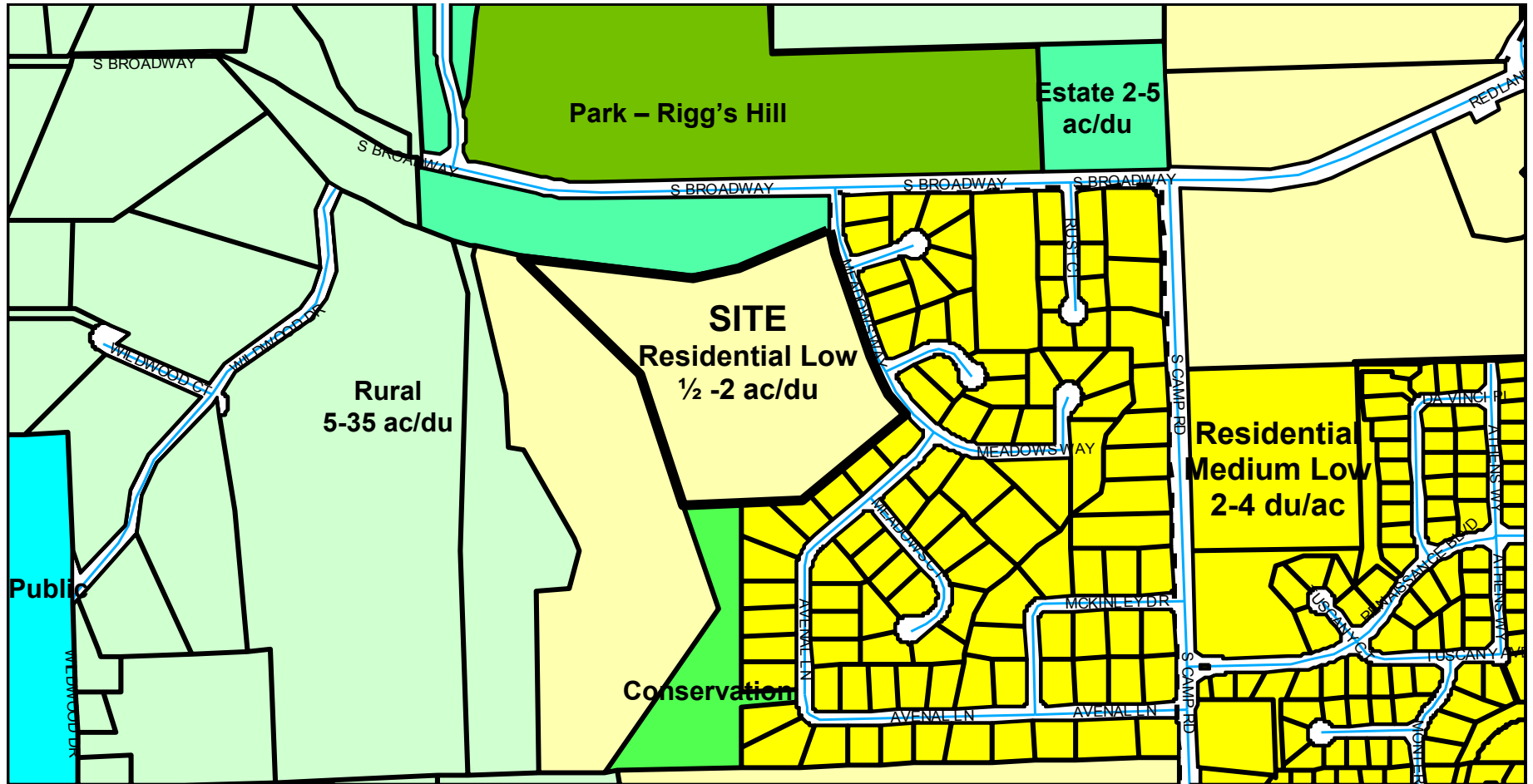
# Aerial Photo Map

Figure 2



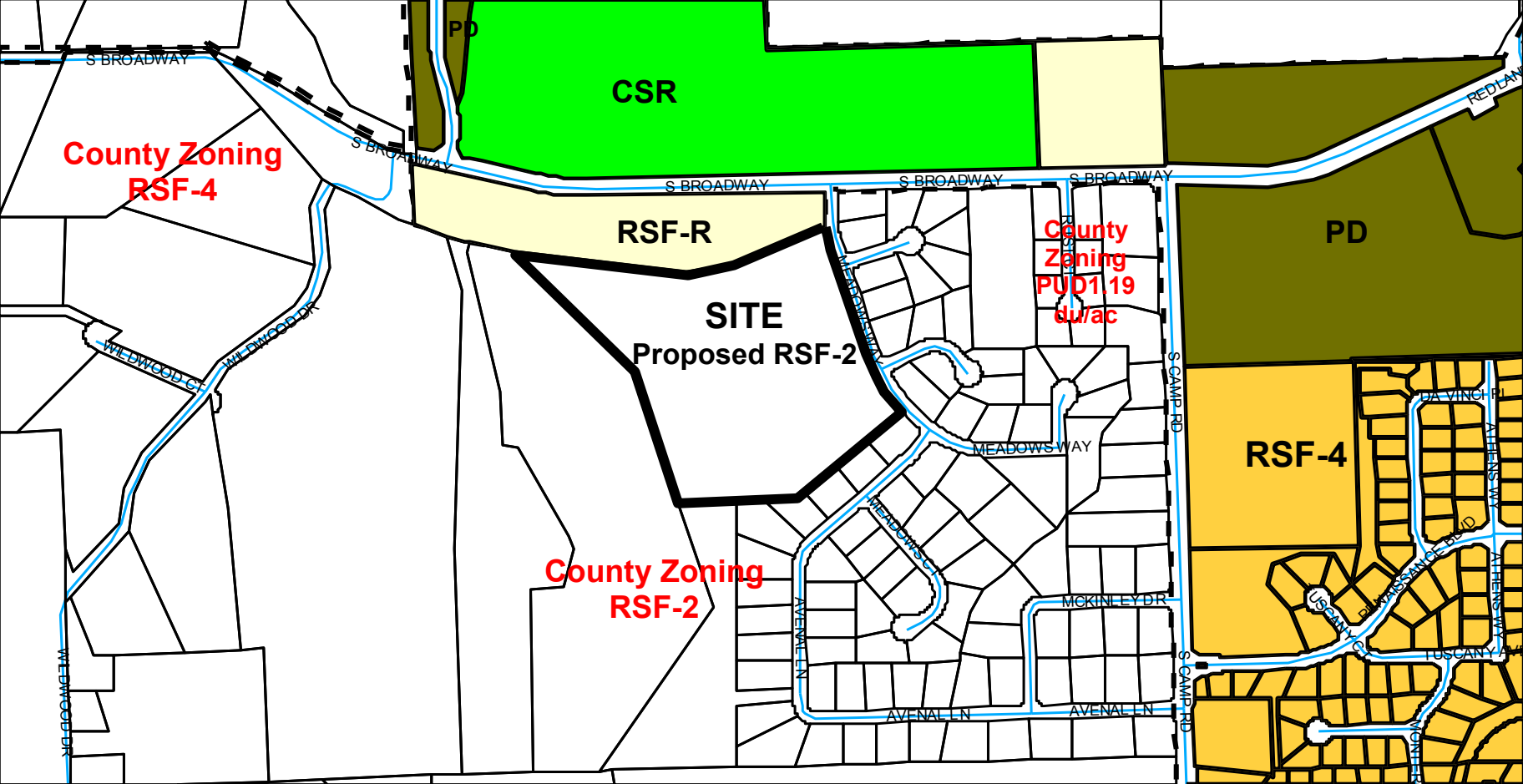
# Future Land Use Map

Figure 3



# Existing City and County Zoning

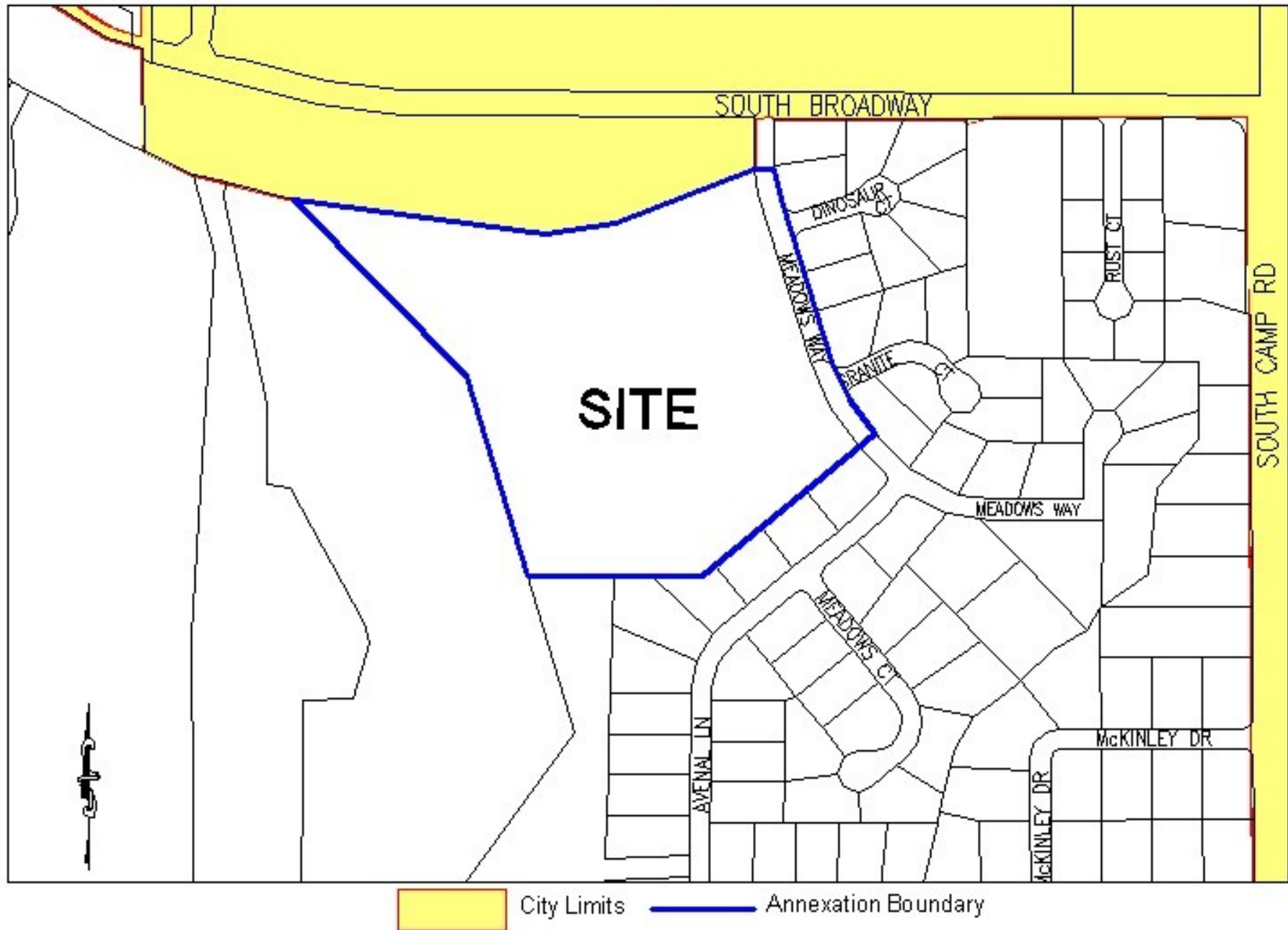
Figure 4



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

# Peregrine Estates Annexation

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE PEREGRINE ESTATES ANNEXATION TO  
RSF-2**

**LOCATED AT 2157 S. BROADWAY**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Peregrine Estates Annexation to the RSF-2 zone district for the following reasons:

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

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

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

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

The following property shall be zoned RSF-2 with a density not to exceed 2 units per acre.

**PEREGRINE ESTATES ANNEXATION**

A certain parcel of land lying in Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, lying West of the East right of way for Meadows Way, as same is shown on the Replat of Lots 2 through 6, Block 4, 1st Addition to Monument Meadows, as same is recorded in Plat Book 11, Page 74, Public Records of Mesa County, Colorado, North of Lots 12 through 16, Block 5 and Tract "A", all as shown on the 1st Addition to Monument Meadows, as same is recorded in Plat Book 11, Page 18, Public Records of Mesa County, Colorado, South of the South line of Lot 3, Rump

Subdivision, as same is recorded in Plat Book 18, pages 140 through 142, Public Records of Mesa County, Colorado and East of that certain parcel of land with Mesa County Parcel Control Number 2947-263-00-067 and being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3, Rump Subdivision and assuming the bearings of the following described parcel to be in the meridian of said Rump Subdivision with the East line of said Lot 3 bearing S 00°13'53" W; thence from said Point of Beginning, S 89°46'07" E a distance of 50.00 feet to a point on the East right of way for Meadows Way; thence along the East right of way for said Meadows Way, S 00°13'53" W a distance of 2.96 feet; thence Southeasterly 46.85 feet along the arc of a 152.10 foot radius curve, concave East, through a central angle of 17°39'00", whose long chord bears S 08°32'27" E with a long chord length of 46.67 feet; thence continuing along said East right of way, S 17°21'57" E a distance of 428.30 feet to a point being the beginning of a 525.00 foot radius curve, concave Northeast, whose long chord bears S 29°51'25" E with a long chord length of 227.10 feet; thence Southeasterly 228.91 feet along the arc of said curve, through a central angle of 24°58'56" to a point; thence S 50°54'03" W along the North line of said Block 5, a distance of 549.97 feet; thence N 89°51'57" W along the North line of said Block 5, a distance of 433.51 feet to a point being the Northwest corner of Tract "A" of said 1st Addition to Monument Meadows; thence N 16°48'42" W a distance of 511.49 feet; thence N 44°01'44" W a distance of 613.39 feet, more or less, to a point on the South line of said Lot 3, Rump Subdivision; thence S 82°04'17" E along the South line of said Lot 3, a distance of 627.50 feet; thence N 81°43'43" E along said South line, a distance of 177.90 feet; thence N 68°48'43" E a distance of 363.13 feet, more or less, to the Point of Beginning.

CONTAINING 18.548 Acres (807,934 Sq. Ft.), more or less, as described.

Introduced on first reading this 16<sup>th</sup> day of June, 2004 and ordered published.

Adopted on second reading this 7<sup>th</sup> day of July, 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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



**Attach 12**

Public Hearing – amending Chapter 32 Code of Ordinances Regarding Sidewalk Dining

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Sidewalk Dining					
<b>Meeting Date</b>	July 7, 2004					
<b>Date Prepared</b>	June 30, 2004				<b>File #</b>	
<b>Author</b>	Harold Stalf			Executive Director DDA		
<b>Presenter Name</b>	Harold Stalf			Executive Director DDA		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main St. In order to allow this, a revocable permit for use of this public right-of-way is required. This amendment provides for this revocable permit for use of the public right-of-way for use for food and alcohol service and is similar to the terms and conditions of several other communities in Colorado that offer such service.

**Budget:** No expenditures are required.

**Action Requested/Recommendation:** Adoption of Ordinance on second reading

**Attachments:** Ordinance

**Background Information:** Council approved the expansion of sidewalk dining in March of this year. However, at that time it was made clear that permission to serve alcohol on the sidewalk would be a separate issue for consideration. Upon the request of several downtown restaurants to provide this service, research into this matter was conducted to determine the manner in which this service is permitted by other communities and approved by Colorado Liquor authorities.

Council approval of this permitting process is requested. It includes standards for appropriate fencing, access and control of the premise and is in keeping with the standards that have been in place in other communities in the state over the past several decades.

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

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

Recitals.

In March of 2004 the City Council approved Ordinance No. 3609 which among other things expanded the scope of commercial activities in downtown. That ordinance allowed for sidewalk dining pursuant to a Sidewalk Restaurant permit issued by the DDA. Since that time restaurateurs licensed by the City and the State to serve alcohol have requested that they be allowed to extend their service of alcohol to their customers dining on the sidewalk. This ordinance serves to amend the definition of *Sidewalk Restaurant* to allow alcohol service and to establish a process for delegating to the DDA the City Council's powers and related duties, liabilities and obligations, pursuant to § 127 of the City Charter.

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

- 1. Chapter 32, Sections 62, 63 and 64 are amended as shown. Deletions are shown in strikethrough ADDITIONS ARE SHOWN IN ALL CAPS.**

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

- 2. Chapter 32, Section 63, Permit Fees.**

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

PASSED for first reading this 16<sup>th</sup> day of June 2004.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004 on Second Reading.

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

Attest:

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

## OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of \_\_\_\_\_, 2004 by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and \_\_\_\_\_ an individual, partnership, corporation, as Lessee, hereinafter Lessee.

### RECITALS.

The City by ordinance number \_\_\_\_\_ established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street.

In accordance with that authority the City Council and the Downtown Development Authority (DDA) desire to make certain areas of the sidewalk in DSP available by lease to abutting land owners and/or lessees that want to make use of a portion of the sidewalk in the DSP for restaurant and/or alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. The City does hereby lease to Lessee approximately \_\_\_\_\_ square feet of the sidewalk in the DSP located in front of \_\_\_\_\_ Main Street hereinafter the Leased Area. Specifically the Leased Area is that portion of the sidewalk abutting the Lessee's business and extending a maximum of \_\_\_\_\_ feet from the edge of the building and/or lot; provided, however, that overhang(s) and/or other encroachment(s) are not to be considered to be part of such building and/or lot.
2. The term of this lease shall be for a period of one year beginning on \_\_\_\_\_, 2004 and terminating on \_\_\_\_\_, 2005. Rent shall be calculated at \$ \_\_\_\_\_ per square foot. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$ \_\_\_\_\_ which sum shall be payable in advance on or before \_\_\_\_\_, 2004, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5<sup>th</sup> Street, Grand Junction, Colorado 81501.

If the rent payment is not paid in full when due, a Lease shall not issue.

3. Lessee agrees to use the Leased Area for the sole purpose of selling and dispensing food and/or beverages to the public. The Leased Area shall be open to the public, weather permitting, during the Lessee's normal business hours but in no event shall food and/or beverage service be extended beyond 10:00 p.m. Food shall be available to be served in the Leased Area during all hours that it is open to the public and in accordance with the Lessee's liquor license.
4. Lessee further agrees to use the Leased Area for no purpose prohibited by the laws of the United States, the State of Colorado or ordinances of the City of Grand Junction. Further, lessee agrees to comply with all reasonable recommendations by DDA relating to the use of the Leased Area. Prior to alcohol service the Lessee shall modify its liquor licensed premises as required by the laws of the State and City. **Modification of the licensed premises, in accordance with Colorado law, is a precondition to the authority this lease.**
5. Lessee shall remove any improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Leased Area promptly upon expiration of this Lease. Failure to remove the same within ten (10) days of expiration shall result in ownership thereof transferring to the DDA.
6. Lessee agrees to keep the Leased Area in good repair and free from all litter, dirt and debris and in a clean and sanitary condition; to neither permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Leased Area or by any injury of accident occurring thereon. Further, Lessee does, by execution of this Lease, indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Leased Area. Lessee agrees to furnish certificates(s) of insurance as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Leased Area. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or

material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

7. All construction, improvements, furniture, fixtures and/or equipment on the Leased Area shall comply with the following:
  - a. Not be wider than the street frontage of the business nor extend further than a maximum of \_\_\_\_\_ feet from the edge of the Lessee's building ensuring that such extension does not impede pedestrian traffic.
  - b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
  - c. The Leased Area may not be an island; i.e., the perimeter enclosure around the Leased Area shall abut the Lessee's building and business.
  - d. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
  - e. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
  - f. No cooking shall be located on the Leased Area.
  - g. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
  - h. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any

damage to such fixtures and perimeter fencing caused thereby.

- i. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
- j. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by DDA.

6. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.

7. Lessee agrees to permit agents of the City and/or DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.

8. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.

9. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.

10. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

11. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

12. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees.

13. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

14. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

15. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

City Manager, Kelly Arnold

CITY OF GRAND JUNCTION

by \_\_\_\_\_

Lessee \_\_\_\_\_