

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

**WEDNESDAY, NOVEMBER 3, 2004, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - David Eisner, Congregation Ohr Shalom

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER 11, 2004 AS "A SALUTE TO ALL VETERANS 2004" IN  
THE CITY OF GRAND JUNCTION

PROCLAIMING NOVEMBER AS "HOME CARE MONTH" IN THE CITY OF GRAND  
JUNCTION

**PRESENTATION**

PRESENTATION OF CHECK FROM GRAND VALLEY BEAUTIFICATION COMMITTEE  
FOR THE BROADWAY BEAUTIFICATION LANDSCAPING PROJECT

**APPOINTMENTS**

TO THE FORESTRY BOARD

\*\*\*TO THE HOUSING AUTHORITY

**ELECTION RESULTS**

THE CITY CLERK WILL PRESENT THE CERTIFICATE OF ELECTION SO THAT THE  
COUNCIL CAN REVIEW AND CANVASS THE ELECTION RETURNS FOR BALLOT  
ISSUE 5T

**CITIZEN COMMENTS**

**\* \* \* CONSENT CALENDAR \* \* \***

1. **Minutes of Previous Meetings**

**[Attach 1](#)**

*Action: Approve the Summary of the October 18, 2004 Workshop and the Minutes of the October 20, 2004 Regular Meeting*

2. **Setting a Hearing on Facilities and Construction in City Rights-of-Way** [Attach 2](#)

The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that are used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts between utility providers are minimized. Area utility providers including Xcel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Bresnan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

Proposed Ordinance Adopting Regulations Concerning Facilities and Construction in City Rights-of-Way

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

Staff presentation: Mark Relph, Public Works and Utilities Director

3. **Setting a Hearing on the Reece/Ice Skating Inc. Annexation Located Along the Colorado River, 2499 River Road** [File # ANX-2004-240] [Attach 3](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 75.3 acre Reece/Ice Skating Inc. Annexation consists of three (3) parcels of vacant land along the Colorado River, including a portion of land that will be utilized by Ice Skating Inc. in the development of their site. The petitioner's intent is to annex their property and donate one (1) of their three (3) properties to Ice Skating Inc. A Subdivision Plat will be reviewed with the development of the Ice Skating Inc. site.

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

Resolution No. 106-04 – 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, Reece/Ice Skating Inc., Annexation, Located Along the Colorado River, 2499 River Road

*®Action: Adopt Resolution No. 106-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reece/Ice Skating Inc., Annexation, Approximately 75.3 Acres, Located Along the Colorado River, 2499 River Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004*

Staff presentation: Scott D. Peterson, Associate Planner

4. **Setting a Hearing on the Arbors Annexation Located at 2910 Orchard Avenue**  
[File # ANX-2004-217] **Attach 4**

The applicants for the Arbors Annexation, located at 2910 Orchard Avenue, have 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. The annexation area consists of 22.84 acres of land and right-of-way along Orchard Avenue.

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

Resolution No. 107-04 – 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, the Arbors Annexation, Located at 2910 Orchard Avenue

®Action: *Adopt Resolution No. 107-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Arbors Annexation, Approximately 22.84 Acres Located at 2910 Orchard Avenue

Action: *Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004*

Staff presentation: Lori V. Bowers, Senior Planner

5. **Setting a Hearing Zoning the Kronvall Annexation Located at 2263 Greenbelt Drive** [File #ANX-2004-175] [Attach 5](#)

Introduction of a proposed zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive.

Proposed Ordinance Zoning the Kronvall Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 2263 Greenbelt Drive

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

Staff presentation: Faye Hall, Associate Planner

6. **Setting a Hearing to Amend the Planned Development for Meadowlark Gardens** [File #PDR-2003-229] [Attach 6](#)

Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code, the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

Proposed Ordinance Amending the Planned Development Zoning and Preliminary Plan for Meadowlark Garden Planned Development to be Published in Pamphlet Form

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

Staff presentation: Bob Blanchard, Community Development Director

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

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

7.\*\*\* **Economic Development Incentive to Jobsite** [Attach 11](#)

A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

Resolution No. 110-04 – A Resolution Authorizing an Economic Incentive to Jobsite for \$45,000 for the Benefit of Expanding an Existing Business

®Action: *Adopt Resolution No. 110-04*

Staff presentation: Ron Lappi, Administrative Services Director

8. **Contract for Steam Plant Soil Removal Located at 531 South Avenue**

[Attach 7](#)

Award of a contract to DLM, Inc. in the amount of \$131,631 for the removal of asbestos contaminated soil from the foundation area of the steam plant at 531 South Ave. The work will be conducted through the oversight of the City's consultant, Walsh Environmental Scientists and Engineers, LLC under a work permit issued by the Colorado Department of Health and Environment (CDPHE).

Action: *Authorize the City Manager to Sign a Contract for the Steam Plant Asbestos Contaminated Soil Removal with DLM, Inc., in the Amount of \$131,631*

Staff presentation: Mark Relph, Public Works and Utilities Director

9. **Hazard Elimination Funding Contract for Intersection Improvements at 7<sup>th</sup> & Patterson**

[Attach 8](#)

Approve a contract with CDOT for a Federal Hazard Elimination Grant of \$60,000 to pay for design work and utility relocations required for construction of an east bound right turn lane on Patterson Road approaching 7<sup>th</sup> Street.

Resolution 108-04 – A Resolution Accepting a Grant of Federal Funds for the 7<sup>th</sup> and Patterson Right Turn Lane Hazard Elimination Project

®Action: *Adopt Resolution No. 108-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **Purchase of Property at 1001 South 5<sup>th</sup> Street for the Riverside Parkway Project**

[Attach 9](#)

The City has entered into a contract to purchase the property at 1001 South 5<sup>th</sup> St. from Angelita and Ernesto Hernandez for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 109-04 – A Resolution Authorizing the Purchase of Real Property at 1001 South 5<sup>th</sup> Street from Angelita and Ernesto Hernandez

*®Action: Adopt Resolution No. 109-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

11. **Request to Apply for a Lion's Club Grant for Kiddie Pool Improvements at Lincoln Park – Moyer Pool** [Attach 10](#)

The Parks and Recreation Department is requesting City Council authorization to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a water playground at Lincoln Park-Moyer Pool.

*Action: Authorize the Parks and Recreation Department to Apply for a \$40,000 Grant from the Grand Junction Lions Club for the Construction of a Zero Depth (beach-like access) Water Experience for Toddlers, Mom's, Dad's, etc. at Lincoln Park-Moyer Pool.*

Staff presentation: Joe Stevens, Park and Recreation Director

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

13. **OTHER BUSINESS**

14. **EXECUTIVE SESSION** – DISCUSSION OF PERSONNEL MATTER UNDER SECTION 402 (4)(F)(I) OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES AND TO DETERMINE THE CITY'S POSITION AND TO INSTRUCT THE CITY'S NEGOTIATORS REGARDING THE FIRE DISTRICT CONTACT PURSUANT TO SECTION 402 4 E OF THE COLORADO'S OPEN MEETINGS LAW

15. **ADJOURNMENT**

## **Attach 1**

Summary from October 18, 2004 Workshop and Minutes for the October 20, 2004 Regular Meeting

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

**OCTOBER 18, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, October 18, 2004 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Councilmember Bill McCurry was absent.

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

- 1. UTILITIES IN RIGHT-OF-WAY ORDINANCE:** Tim Moore gave Council a brief overview of where this project was one year ago. The City began with public comments and with everyone that was affected which resulted in a draft ordinance. Mr. Moore explained that the City will be the lead agency and that the goal would be to meet around four times a year with the utility providers. Councilmember Palmer asked what the utility providers thought about this arrangement. Mr. Moore explained that the draft ordinance was a consensus that all the utility providers could live with. Councilmember Kirtland asked what if one of the key providers would not be a part of this? Mr. Moore explained the time frame could be longer but the incentives hopefully would keep them involved with the planning meetings. Most of this is currently being done, but the ordinance will outline the demands and requirements. Mr. Moore summarized the content of the draft ordinance. Council President Hill asked about some language and received clarification from City Attorney John Shaver. Councilmember Kirtland asked about the demands from the contractors with the Riverside Parkway Project going on and all the other projects. Public Works and Utilities Director Mark Relph discussed a visit with Qwest in Denver in the near future.

**Action summary:** The City Council was supportive of the draft ordinance and asked for staff to bring it back for first reading at the November 3, 2004 Council Meeting.

- 2. CITY OWNED PROPERTY:** Council has directed staff in the past to concentrate on two properties. Assistant City Manager David Varley began the presentation with the Horizon Park property. This area has

been designated as a future park site. City Council asked about the restriction of changing it from a park site. City Attorney John Shaver explained there are only three options presented by the City Charter; that it would take a vote of the people to change it from a park site or to use or dispose of the property for other purposes. Councilmember Spehar asked what Council is being asked to do here tonight. Council President Hill explained that they were not being asked to take action; this was a continuation of a review of City owned property.

The Ridges School Site title was explained that it was designated for a future park, but was an exchange with the School District. No monies are budgeted at this time for development.

Mark Relph, Public Works and Utilities Director, started the update on the remaining properties. No. 130 – This is 120 acres north of the Clifton Water Tanks. This could be a possible swap with the BLM. No. 8 – This is 40 acres on Little Park Road. Look into how this parcel fits into the trail network along with recreation in the area. Blue Heron Properties – City Council gave this a lower priority but asked staff to outline the options. No. 113 – Hutto Subdivision – Very heavy wetlands, possible exchange with the Jarvis property or “bank” for wetland habitat. No. 115 – This is 4.466 acres North of I-70 at G Road. This is in the Walker Field Airport Authority’s critical zone, basically this property is land locked. Ask about a possible trade for property along H Road with Walker Field Airport Authority. No. 96 – Monument Village Open Space – Staff is working with Panorama to get this resolved – Council directed staff to take this off the list. No. 34 – Steamplant. Staff has verbal approval with the State Health Department to remove the asbestos; they are just waiting for the written approval. They can sell as is or remove the steam plant. Staff will visit with Xcel regarding a screen from their property. No. 48 – 3<sup>rd</sup> & Main Parking Lot – Should this property and the Steam Plant be part of the DDA Master Plan? Nothing immediately should be done until the parking issue is addressed. No. 1 – Webster Road – Possible site for Habitat for Humanity house or similar organization. No. 124 – Saccamanno Park, 37.734 acres. This parcel has been discussed as a possible park or open space.

**Action summary:** The City Council directed Staff to bring an updated report back to a Workshop after the first of the year.

Council convened into Special Session.

It was moved by Councilmember Palmer to go into Executive Session for Discussion of Personnel Matters under Section 402 (4)(f)(l) of the Open Meetings Law Relative to City



Council Employees and said they will not be returning to open session. Councilmember Enos-Martinez seconded the motion. Motion carried.

City Council adjourned into Executive Session at 9:24 p.m.

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

**October 20, 2004**

The City Council of the City of Grand Junction convened into regular session on the 20<sup>th</sup> day of October 2004, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Bill McCurry. Also present were Assistant City Manager David Varley, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Hill called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Michael Torphy, Religious Science Church of Grand Junction.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER, 2004 AS "HOSPICE MONTH" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF TWO AWARDS TO THE STREETS DIVISION FROM THE COLORADO AMERICAN PUBLIC WORKS ASSOCIATION

Mark Relph, Public Works and Utilities Director, introduced Hunt Walker representing Colorado American Public Works Association, who presented two awards to Mark Relph and the Streets Division.

PRESENTATION OF THE GOLD MEDAL AWARD TO THE PARKS AND RECREATION DEPARTMENT FROM THE NATIONAL PARKS ASSOCIATION

Joe Stevens, Park and Recreation Director, presented the Mayor and City Council the Gold Medal Award from the National Parks Association and then showed a video.

**PRESENTATION OF CERTIFICATES OF APPOINTMENTS**

TO THE COMMISSION ON ARTS AND CULTURE

Ms. Terra Anderson was present to receive her certificate.

TO THE PLANNING COMMISSION

Dr. Paul Dibble was present and received his certificate.

## **CITIZEN COMMENTS**

Mr. David Berry, 530 Hall Avenue, addressed the Council regarding the City Development Code regarding landscaping requirements for parking lots. Mr. Berry believes the City has no jurisdiction over aesthetics. Mr. Berry indicated he will petition the Council to change the code; specifically Chapter 6, for already developed property.

## **CONSENT CALENDAR**

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar Items #1 through #4.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the October 4, 2004 Workshop and the Minutes of the October 6, 2004 Regular Meeting*

2. **Vacating a Portion of an Existing Utility and Irrigation Easement Located at 2860 North 15<sup>th</sup> Street (Treehaven Townhomes Subdivision)** [File # PP-2004-160]

A resolution to vacate a portion of an existing utility and irrigation easement, located at 2860 North 15<sup>th</sup> Street.

Resolution No. 99-04 – A Resolution Vacating a Portion of a Utility and Irrigation Easement Located at 2860 North 15<sup>th</sup> Street

*Action: Adopt Resolution No. 99-04*

3. **Vacating a Portion of an Existing Drainage and Utility Easement Located at 641 29 ½ Road (Forrest Run Subdivision)** [File #PP-2003-186]

A resolution to vacate the northern 15' portion of an existing 35' drainage and utility easement, located at 641 29 ½ Road.

Resolution No. 100-04 – A Resolution Vacating 15' of an Existing Drainage and Utility Easement Located at 641 29 ½ Road

*Action: Adopt Resolution No. 100-04*

4. **Setting a Hearing to Create Alley Improvement District 2005**

Successful petitions have been submitted requesting a Local Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue

Resolution No. 101-04 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-05 and Authorizing the City Engineer to Prepare Details and Specifications for the Same

*Action: Adopt Resolution No.101-04 and Set a Hearing for December 1, 2004*

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

**Change Order to CSEP Basin 9, 13 & 14 Construction Contract**

Approve a change order to the Basin 9, 13 & 14 CSEP Contract with Mendez, Inc., in the Amount of \$222,530.25 for repair and replacement of a 24" water line crossing the Colorado River.

Mark Relph, Public Works and Utilities Director, presented this item. There is a specific time frame that this work can be done which begins November 1<sup>st</sup> and is only during the winter months. The pipe in question is very old. The replacement will not affect water service.

Councilmember Palmer asked about the funding. Mr. Relph stated the budget has been under spent, so the funding is there.

Councilmember Kirtland moved to authorize the City Manager to execute a Construction Contract Change Order in the amount of \$222,530.25 with Mendez, Inc. Councilmember Butler seconded the motion. Motion carried.

**Agreement with Public Service Company of Colorado to Relocate a Transmission Line**

The construction of the 25 Road connections to Riverside Parkway will require the relocation of the 230 kV power transmission lines which is owned by Public Service Company of Colorado and is located in a private easement. This agreement between the City of Grand Junction and Public Service Company sets the terms including the City paying \$345,000 for the relocation.

Mark Relph, Public Works and Utilities Director, presented this item. Councilmember Spehar asked about the electrical service and the construction of the overpass. Mr. Relph responded that no one would be without service. The construction of the overpass is slated for early 2005. Council President Hill asked about a completion date. City Attorney Shaver responded, May 31, 2005.

Councilmember Enos-Martinez moved to authorize the City Manager to enter into an agreement with Public Service Company of Colorado to relocate the existing 230 kV transmission line, including 5 poles in the vicinity of 25 Road and Riverside Parkway. Councilmember Palmer seconded the motion. Motion carried.

**Public Hearing – Walker Field Airport Property Master Plan and Zoning Located Generally between 27 Road and 30 Road, North of I-70** [File # PLN-2003-237]

A request to approve the Walker Field Airport Master Plan and final passage of a proposed ordinance to establish the zoning requirements for future development on property owned by Walker Field Airport Authority.

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

Gary Mancuso, Property Manager for the Airport, began the presentation by giving background information on Walker Field Airport and all the services that it provides. Mr. Mancuso then discussed the land use for the zoning.

Kathy Portner, Planning Manager, reviewed this item. Ms. Portner addressed the Code requirements for the request and what is before the City Council tonight.

Councilmember Palmer asked about the drainage concerns. Ms. Portner addressed these concerns regarding the drainage and stated the complete drainage plan has not been reviewed by the City's engineering staff.

Councilmember Kirtland asked about the access off 29 Road, if the plan was to use that for air freight, etc. Ms. Portner indicated those plans were still in the process. Councilmember Kirtland also stated he is pleased to see the Authority working with the City in regards to economic impact to the community.

There were no public comments.

The public hearing was closed at 8:41 p.m.

Resolution No. 102-04 – A Resolution Approving the Master Plan for Walker Field Airport

Ordinance No. 3679 – An Ordinance Establishing Standards for the Planned Development (PD) Zone District for Property Owned by the Walker Field Airport Authority

Councilmember Spehar moved to adopt Resolution No. 102-04 and Ordinance No. 3679 on second reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing – Woodridge Subdivision Planned Development (PD) Zoning Located South of G-1/2 Road and West of 26 Road** [File # PP-2003-042]

The Woodridge Subdivision is a 29-lot proposal for both attached and detached single family housing on the remaining parcels of land (total 7.8 acres) that were originally part of the Wilson Ranch Planned Development. This proposal requires consideration of a Planned Development zoning ordinance to establish the underlying zoning for this plan and a Preliminary Development Plan.

The public hearing was opened at 8:45 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She reviewed the history of this property, the topography of the area and the re-alignment of G ½ Road. She noted that the applicant has received approval for a TEDS exception to provide sidewalk on only the south side of G ½ Road.

Councilmember Palmer asked how many homes would be on this 7.8 acres. Ms. Ashbeck stated 29.

Councilmember Enos-Martinez asked if the cost of the re-alignment of G ½ Road is a cost to the developer. Ms. Ashbeck answered affirmatively.

Phil Hart, LanDesign, was present representing the developer. Mr. Hart gave an overview of the two years that they have been working on this project. They believe this is a great infill project within the City.

Bill Rockwood, President of the Wilson Ranch HOA, presented the homeowners association's concerns. They believe that it would be better to have single family homes. They are also concerned about the 4' retaining wall. Mr. Rockwood indicated he sent emails to each of the Council asking them to come to the property to look at the topography regarding that 4' retaining wall. The HOA also believes the homes in the new area will be about 10' higher than the homes in Wilson Ranch. Another concern is the

traffic calming into Wilson Ranch from G 3/8 and G 1/2 Road. There is also a concern regarding the drainage and where it is going to go. The lot sizes of 3,000 – 4,500 sq ft. would indicate there would be more than single story homes or if they were single story, they would be smaller homes.

Mr. Hart addressed the concern of the 4' retaining wall running along Tract D. That is a maximum and it would not be 4' the whole length. This is needed for the drainage to be directed to two detention basins on the north side of the realigned G ½ Road at both the east and west ends of the development. Mr. Hart said the price of the average home in the development would be approximately \$225,000. Also, Mr. Hart stated the concern regarding the added traffic, but by improving the road and adding a turn lane to the east onto 26 Road should improve what is currently there.

Councilmember Spehar asked about the elevation and if there was a separate entrance from Wilson Ranch. Mr. Hart said the elevation is higher than Wilson Ranch and also there is a separate entrance.

City Attorney Shaver clarified that tonight this ordinance was amending the zoning of Wilson Ranch Planned Residential Development to include more specific information for a portion of the original Wilson Ranch to be known as the Woodridge Subdivision and the other issues talked about tonight will be dealt with at final plat stage.

There were no other public comments.

The public hearing was closed at 8:55 p.m.

Ordinance No. 3680 – An Ordinance Amending Ordinance No. 2644 Zoning Wilson Ranch Planned Residential Development to Include More Specific Information for a Portion of the Original Wilson Ranch to be Known as the Woodridge Subdivision Located South of G-1/2 Road and West of 26 Road

Councilmember Kirtland moved to adopt Ordinance No. 3680 on second reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Council President Hill called for a five minute recess at 9:13 p.m.

The City Council meeting reconvened at 9:18 p.m.

**Public Hearing – Kronvall Annexation Located at 2263 Greenbelt Drive** [File # ANX-2004-175]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Kronvall Annexation, located at 2263 Greenbelt Drive. The 4.274 acre Kronvall Annexation consists of 2 parcels.

The public hearing opened at 9:19 p.m.

Senta Costello, Associate Planner, reviewed this item. This annexation area consists of 4.274 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City as the results of a request to subdivide the property.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:20 p.m.

**a. Accepting Petition**

Resolution No. 103-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Kronvall Annexation Located at 2263 Greenbelt Drive is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3681 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kronvall Annexation, Approximately 4.274 Acres, Located at 2263 Greenbelt Drive

Councilmember Kirtland moved to adopt Resolution No. 103-04 and Ordinance No. 3681 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

**Public Hearing – Growth Plan Amendment from Residential Low to Residential Medium for Two Properties Located at 2263 Greenbelt Drive** [File # GPA-2004-207]

Hold a public hearing and consider passage of a resolution to change the Growth Plan designation from Residential Low ½ - 2 ac/du to Residential Medium Low 2-4 du/ac. The public hearing opened at 9:24 p.m.

Senta Costello, Associate Planner, reviewed this item. The 4.2 acre site is currently zoned RSF-4 in the County. When the Future Land Use map was adopted, the area bounded by Greenbelt Drive and Hwy 340 on the north and south and 22 ½ Road and Redlands Parkway to the east and west, was reviewed. It was determined that due to



topographic issues, the Residential Low ½ - 2 ac/du designation was the most appropriate for the properties in this area. This was an error at the time the Growth Plan was adopted, the area was not looked at on a lot by lot basis.

Dennis Johnson, LanDesign, was present. The error was made, the proposed amendment is consistent with the purpose and intent of the Growth Plan and the review criteria of the Zoning and Development Code has been met.

There were no public comments.

The public hearing was closed at 9:29 p.m.

Resolution No. 104-04 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate Approximately 4.2 Acres Located at 2263 Greenbelt Drive from Residential Low ½ - 2 ac/du to Residential Medium Low 2-4 du/ac

Councilmember Palmer moved to adopt Resolution No. 104-04. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

**Public Hearing – Rezoning a Portion of the Laurel Subdivision, Located at 575 28 ¼ Road from RMF-8 to RMF-5** [File # RZ-2004-082]

Hold a public hearing and consider a proposed ordinance to rezone a portion of the Laurel Subdivision from RMF-8 to RMF-5, located at 575 28 ¼ Road.

The public hearing opened at 9:36 p.m.

Bob Blanchard, Director of Community Development, reviewed this item. The property was annexed into the City in 1970 as a part of the Mantey Heights annexation. The rezone involves two parcels. The applicant wishes to develop the larger parcel for residential purposes and has requested the downzoning of the RMF-8 portion to be consistent with the existing RMF-5 zoning of the larger parcel to the north.

There were no public comments.

The public hearing was closed at 9:37 p.m.

Ordinance No. 3682 - An Ordinance Rezoning a Portion of the Laurel Subdivision from RMF-8 to RMF-5 Located at 575 28 ¼ Road

Councilmember Spehar moved to adopt Ordinance No. 3682 on second reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing – D Road Storage Annexation and Zoning Located at 2755 D Road**

[File # ANX-2004-182]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the D Road Storage Annexation, located at 2755 D Road. The 0.985 acre annexation consists of three (3) parcels of vacant land and adjoining right-of-way. The existing three parcels will become one (1) parcel 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 industrial development.

The public hearing opened at 9:39 p.m.

Scott Peterson, Associate Planner, reviewed this item. City Council asked Mr. Peterson if he would combine the zoning request with the annexation. He indicated yes with Council's permission. The property owners have requested annexation into the City in anticipation of developing the properties for future industrial development.

There were no public comments.

The public hearing was closed at 9:40 p.m.

**a. Accepting Petition**

Resolution No. 105-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the D Road Storage Annexation Located at 2755 D Road and Including a Portion of the D Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3683 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, D Road Storage Annexation, Approximately 0.985 Acres Located at 2755 D Road and Including a Portion of the D Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3684 - An Ordinance Zoning the D Road Storage Annexation to I-2, General Industrial Located at 2755 D Road

Councilmember Kirtland moved adopt Resolution No. 105-04, Ordinance No. 3683 and No. 3684 on second reading and ordered them published. Councilmember Enos-Martinez 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 9:42 p.m.

Juanita Peterson  
Deputy City Clerk

**Attach 2**

Setting a Hearing on Facilities and Construction in City ROW

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Setting a Hearing of Proposed Ordinance for Facilities and Construction in City Rights-of-Way.					
<b>Meeting Date</b>		November 3, 2004					
<b>Date Prepared</b>		October 28, 2004			File #		
<b>Author</b>		Tim Moore		Public Works Manager			
<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		No	Name	
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that are used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts between utility providers are minimized. Area utility providers including Xcel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Bresnan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

**Budget:** The net effect will be to require that utilities pay for the actual costs incurred by the City to issue permits, inspect work for the placement of utilities in the ROW, and the compensate the City for delays and increased costs incurred when City capital projects must be delayed or altered to accommodate the infrastructure of other utilities.

**Action Requested/Recommendation:** Introduction of Proposed Ordinance and Set a Hearing for November 17, 2004.

**Attachments:** Proposed Ordinance including Attachments A and B

**Background Information:** This is the first update of the City's ordinance regulating street cuts and use of the public right of way in many years. It is needed in response to current construction practices of some utility providers, changes in federal law and in the technology of locating and mapping underground facilities. Its purpose is to allow the City to manage street cuts, coordination of utilities and their construction with City capital projects, and give the City modern and accurate information on what utilities are located where. A key provision is that utility providers must now coordinate their construction efforts with the City's, and provide computer-compatible "as built" of their system, so that the City can incorporate such data into the City's GIS system. .

Utility companies including Xcel, Grand Valley Power, Ute Water, area sanitation districts and telecommunication providers have had the opportunity to review and comment on the draft ordinance.

***Key Provisions of Ordinance***

- Coordination of Construction Activities among all providers
- GIS compatible "as-builts" will be submitted
- Minimize Street Cuts
- Standards for location of new and or replaced utilities
- Potholing of utilities for design phase of projects
- Systematic method of permitting ROW activities

Ordinance No. \_\_\_\_\_

An Ordinance Adopting  
Regulations Concerning Facilities and  
Construction in City Rights-of-way

**Recitals.**

A. Several problems are being addressed by this Ordinance. First, each instance of underground use of the City right-of-way ("ROW") has historically meant cutting the road surface. The best repairs of such cuts still means that until the road is overlaid or rebuilt, the surface cannot be fully restored. Because of such cuts, roads are always more susceptible to water damage and increased maintenance. Roads that have been cut cost more to repair over time and are more inconvenient to City users.

B. Another problem being addressed is the increasing number of entities laying lines and other facilities in City Rights of Way for that utility's or company's purposes. Without an overall plan or method, each placement of facilities, and later repairs, extensions and maintenance of those installations leads to a nearly haphazard, intertwined, both horizontally and vertically, series of pipes, conduits, manholes and similar facilities.

In many cases the City does not know what lines, cables and pipes are located where, neither does any other service or utility provider. The City has developed a sophisticated and very accurate geographical information system ("GIS") over the past decade. The City has invested large sums of money and labor to locate its water, sewer and other facilities on this modern GIS. The City, its citizens, and the various Providers and utilities will all benefit if this GIS can be used to help locate existing facilities, and to plan for the extension of future facilities. This Ordinance will allow this to occur.

C. Even with modern efforts to locate utilities in advance of digging, such as Colorado's underground excavation statute (§9-1.5-101, *et seq.*, C.R.S.), work in City ROW must go slowly, increasing labor and other costs. Deliberate work is necessary because the consequences of damaging the facilities of others in terms of loss of time, customer service and increased costs are so significant. While in such circumstances it may be that no one is "at fault," the public, the utility providers and the City will benefit from accurate information of the vertical and horizontal location of infrastructure, so that such data can be blended into the City's GIS, resulting in a coordinated system of use, repair and additions to infrastructure within City controlled ROW.

D. The City can help all concerned by creating a system that regulates and directs the ever-increasing myriad of cables, pipes, manholes, lines, fibers, conduits, utility boxes, culverts, ditches, canals and many other structures and appurtenances in City streets and alleys. The City, developers, utilities and other providers will save money during the

design phase, during construction, and when excavations are required for routine and emergency repairs.

E. Congress has dictated some rules, the General Assembly has added others, and the City has its own broad powers as a regulator of the health, welfare and safety of its citizens, visitors and ROW. The City's voters have authorized the use of City streets by Public Service Company of Colorado and Grand Valley Power, pursuant to franchises. The voters approved a cable television operator's use of public ROW in 1966 pursuant to a revocable permit. Congress and others have directed, however, that the City cannot require that every provider obtain a franchise, as once was required; however, the City is lawfully authorized to make reasonable regulations that can apply to providers without franchises, so long as the net effect is not to discriminate or unreasonably burden modern telecommunications and similar functions.

This Ordinance adopts these reasonable rules to solve legitimate local problems, within the constraints imposed by evolving federal and state laws that preempt, if any, local control of City ROW.

F. The City has the power and authority to provide a systematic method of permitting, standards, cost recovery and coordination, within the limits of any preemptive federal or state laws that may apply. The Council finds that it would be irresponsible not to do so, because our citizens are being injured financially without this Ordinance as are other utilities and providers. Further, a systematic approach protects the City's and the public's infrastructure.

G. It is noted that above-ground facilities within the City ROW are, for the most part, already adequately regulated pursuant to franchises, the Public Utilities Commission and contracts between the affected parties.

H. These rules and regulations will benefit every provider and utility, as well as the City and its citizens, because the overall costs to and time of each will be reduced.

I. Although existing state law requires utilities to locate their facilities, that law and current local practice is such that the owners of such facilities are not willing to routinely locate their facilities at the City's request. Even if such owners do mark the location of their facilities, experience has shown that frequently the information is incomplete or inaccurate.

J. The City incurs significant costs by having to redesign and to relocate during construction when inaccurate information is available. Providers also incur unforeseen costs as a result of incomplete or inaccurate location information. Until information as required herein is readily available to accurately locate, both horizontally and vertically, all infrastructure, all providers must pothole their infrastructure as described herein.

K. This Ordinance responds to the changing reality of utility providers, especially telecommunications and cable industry entities, both old and new, that desire to lay new facilities in City ROW. There are now so many different utilities, in so many different horizontal and vertical locations, that the City must plan for the years to come so that inter- and intra-state communications, information and similar facets of the modern economy can continue to expand and bring the benefits to this City. An overall plan and systematic way to integrate all these activities, functions and facilities will benefit the City, its citizens, and the Providers and utilities that operate in and have infrastructure that runs under and through the City.

This Ordinance addresses practical concerns regarding the use and work in ROW by all types of providers; including special districts, conservancy districts, telecommunications and existing franchisees. Collectively, these may be known or referred to as “Providers” or “the Providers”

L. This Ordinance requires that any entity must first give a specified notice before it may operate (replace, modify, relocate, etc.) in any form in City controlled ROW. Each Provider must show its plan for use of the City’s ROW; establish a systematic way of identifying and enforcing schedules, impacts, location and other technical standards. It requires that accurate information be provided to the City. It provides a mechanism whereby the entity causing delays and damages to the City is responsible to pay for such delays and to reimburse for such damages so that this City’s citizens do not inadvertently subsidize any wrongful or negligent activities of others.

M. The Federal Telecommunications Act of 1996 (47 U.S.C. § 253) makes clear that cities are entitled to be reimbursed for the actual reasonable costs associated with the use of City ROW by utilities and Providers of telecommunications. In addition, various cases around the country, such as the case of *TCG New York, Inc. v. City of White Plains*, 305 F.3d 67 (Second Circuit, 2002), interpret applicable federal law as allowing cities to also receive compensation, equivalent to rent, of up to five percent (5%) per year of a telecommunications provider’s annual revenues generated in the cities’ limits.

N. The City is not by this Ordinance claiming or imposing a reimbursement, however, future City Council’s and the City’s voters may choose to receive a reasonable return on the investment in the ROW of the City, as allowed by law and applicable decisions in cases such as *TCG v. White Plains* .

O. The existing franchises between the City and its two power Providers, Grand Valley Power and Public Service Company of Colorado, provide for franchise fees, analogous



to the compensation that may be charged relative to providers of telecommunications and other entities subject to the Telecommunications Act of 1996.

P. The Council determines that it will not require such compensation, nor request voter approval at this time.

Q. This Ordinance is intended to integrate with the City Code, Chapter 38, Article IV. References in this Ordinance to section numbers shall be to Article IV of the Grand Junction Code of Ordinances.

R. This Ordinance does not apply to irrigation systems including open ditches and canals existing prior to the 1908 Federal Reclamation Act.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE City of Grand Junction: The following is hereby adopted as an Ordinance of the City, as set forth, and shall be effective as of \_\_\_\_\_, 200\_\_. The City Clerk shall codify these provisions as Article IV of Chapter 38 of the City Code.

**Sec. 38-201. Definitions.**

*City Work:* Capital projects of the City, or other City digging or excavating in ROW, according to the schedule adopted by the City Manager, notice of which can be obtained at the City Manager's office at City Hall.

*Contact Information:* Name, title, email address, physical and mailing address and telephone number of each person to whom inquiries and requests for decisions may be directed and who has decision-making authority to bind the Provider, pursuant to this Ordinance. If more than one (1) person must be identified so that the City may locate a contact person at all reasonable times in response to emergencies, the Provider must supply the City Manager with a prioritized list containing contact information for each person on the list.

*Construction Plans:* The Provider supplied P.E. stamped standards for all Provider work in the ROW.

*Digging:* Means to dig, cut, excavate, move any earth, remove any earth by any means, auger, backfill, bore, ditch, drill, grade, plow-in, pull-in, rip, scrap, trench and/or tunnel.

*Dry:* Wires, pipes other than wet, cables, fiber optics, electrical lines.

*Franchisee:* Any Provider that is also a franchisee with terms regarding relocation of such Provider's facilities at the direction of the City, namely Public Service Company of Colorado and Grand Valley Rural Power Lines, Inc.; and a political subdivision of the state of Colorado that is also a Provider, such as Ute Water Conservancy District, Clifton Water District, the Grand Junction Drainage District, Orchard Mesa Sanitation District, Central Grand Valley Sanitation District, or other title 32 districts.

*Infrastructure:* Includes the wires, pipes (of metal, plastic, pvc or otherwise), valves, connections, conduits, gas lines, water lines, sewer lines, fiber optics, irrigation pipes and canals and conveyancing devices, cable television, and the various connecting junctions and connectors. Infrastructure includes publicly and privately owned and operated facilities. Unless the City Manager finds another reasonable basis, based on an industry standard, to measure or determine a "unit" of a Provider's infrastructure for purposes of determining City costs, or a duty to upgrade, or a duty to replace to meet standards, four hundred (400) feet of length of infrastructure shall constitute one (1) unit or element of infrastructure.

*Locate or Locates:* Means to establish and in compliance with the Locate Law and the terms of this Ordinance.

*New Provider:* A person or entity of whatever form who has not previously given notice to the City under this Ordinance, or who has otherwise been made subject to the requirements of a new Provider.

*Overall Plan:* The Provider's overall map or maps of the City ROW, with explanatory text, indicating which streets, alleys and other ROW the Provider desires to use, and when, to place the Provider's facilities. Explanatory text must describe what specific facilities are proposed and what services the Provider expects to offer to what customers.

*P.E.:* means a Colorado licensed professional engineer, pursuant to §12-25-101, *et seq.*, C.R.S., or a successor statute.

*Pot Hole:* To dig or to excavate in order to locate infrastructure or other facility.

*Provider:* A public utility, a provider of services to the public, a governmental subdivision or another person or entity who has, or desires to have, infrastructure or other pipes in City ROW, including homeowner and similar associations, but excluding service lines for individual structures.

*Replace or Replacing or Replacement:* Dig, expose, fix or reconstruct, in whole or part, upgrade, patch or similar activities performed with the goal of gaining use or reuse; except that repairs ordinary to the Provider's work, and routine maintenance, is not within this definition.

*Revocable Permit:* For this Ordinance only, a revocable permit may be issued by the Director for the reasons set forth in the recitals and legislative history of this Ordinance.

*ROW:* Streets, alleys, highways, boulevards, avenues, roads, ROW owned or other ROW controlled or owned by the City within the limits of the City.

*Service Line:* A water or sewer line that connects a business, residence or other structure to the Provider's infrastructure or system.

*Unit:* A discrete segment of City ROW between intersections, or 400 feet of ROW, as determined by the Director.

*Utility Locations:* as indicated on Attachment A.

*Joint Trench Details:* as indicated on Attachment B

*Wet:* Water, sanitary sewer, storm sewer, drainage, natural gas and other fluids or gases.

*Work:* any change to any facility, Infrastructure or portion of any ROW, including digging and excavating and replacements

### **Section 38-202. Revocable Permits.**

(a) If the terms of a voter approved franchise are inconsistent with or conflict with the terms of this Ordinance, the terms of the voter approved franchise shall control.

(b) Consistent with the requirements of the Federal Telecommunications Act of 1996, the City Council may approve variations from the terms of this Ordinance, as needed to implement specific technical needs of Providers, in the form of a revocable permit. A Revocable Permit is the term used in and authorized by the City Charter, although it is recognized that the Charter language that ostensibly would allow the Council to terminate such a permit without cause on thirty (30) days notice has been preempted by applicable federal laws, discrimination contrary to the Telecommunications Act of 1996, or regulate the provision of telecommunication services.

(c) A revocable permit, pursuant to the City's charter, ordinarily can only be issued by the City Council. Because the Telecommunications Act of 1996 preempts inconsistent local government provisions, and because quick administrative issuance of a permit or license to a telecommunications Provider would not violate any such preemptive law, the Council determines that the extraordinary step of delegating to the

Director the power and duty to issue revocable permits pursuant to this ordinance is mandated by federal law and is hereby authorized.

**Section 38-203. Work in Right-of-Way.**

(a) It shall be unlawful for any Provider, entity or telecommunications Provider as defined by the Telecommunications Act of 1996, within, under, in, through or on any City owned or controlled ROW within the limits of the City, to replace or dig as defined herein, unless such person is a franchisee, has obtained a revocable permit as described herein, or is certified by Colorado's Public Utilities Commission and unless such replacing or digging is performed in compliance with the provisions of this Ordinance; and

(b) The terms of any permit, franchise and revocable permit, and the engineering standards of the City, including construction testing and inspection, and the other provision of this Ordinance shall apply to each such franchisee, local government, and revocable permittee.

**Section 38-204. Notice.**

(a) Before beginning work, replacing, digging or making any use of any ROW, a Provider shall give written notice of its proposed work at least fifteen (15) City business days before beginning any such work or digging.

(b) If due to workload or other considerations, fifteen (15) days is not sufficient to adequately evaluate the notice and address possible impacts on the City or other Providers, the Director may lengthen the advance notice period up to a total of forty-five (45) days.

(c) Advance notice for a new Provider shall be thirty (30) days, unless extended by the Director up to a total of sixty (60) days.

(d) For the notice to be adequate, the Provider shall supply the following information:

- (i) For out-of-state Providers and contractors, proof of authority to do business in Colorado;
- (ii) Proof of Colorado worker's compensation coverage;
- (iii) The name and street address of the provider, including State, City and

area code.

- (iv) Contact information for the Provider;
- (v) The name, address and contact information for each contractor before such person(s) does any work or digs in any ROW;
- (vi) The business telephone number of the president, chief executive officer or other decision-maker of each such Provider and contractor. The Provider or contractor may each designate another individual so long as such designee has the requisite authority to make decisions for the Provider or contractor regarding the matters regulated herein, and if the contact information for such designee is provided:
- (vii) A proposed work plan showing:
  - a. what specific locations and segments of ROW will be effected;
  - b. when each such ROW will be used and effected;
  - c. the location, depth and width of any cuts, digging or other work within the ROW;
  - d. how, if at all, the proposed work or digging will interfere with any City work and how the Provider will mitigate or minimize the interference;
  - e. how warranty work will be secured;
  - f. how the Provider intends to repair or replace any damaged ROW, including any facilities and infrastructure located within the ROW;
- (viii) Traffic control plan, as necessary.

(e) The Director shall issue the construction permit. Unless all or a part is prohibited by other applicable law, the Provider shall pay the cost of the permit which shall be equal to the City's reasonable estimate of the actual costs required to process, issue, review the proposed work, make inspections during the work, perform field and other tests, and generally monitor the activities pursuant to the permit. From time to time, the City Council may adopt a schedule of average actual costs, based on prior experience, which sets the cost of such permits.

(f) If a provider cannot first provide notice and obtain a construction permit due to a bona fide emergency, the provider shall take such “action as is reasonably required” and shall as soon thereafter as practical give oral notice to the Director, and thereafter comply with the requirements of this Ordinance.

**Section 38-205. Boring.**

It is the City’s policy to limit cuts, trenches or excavations in the surface of any ROW. Boring is required unless the applicant can reasonably demonstrate to the Public Works Director that it is impracticable to do so because of cost, emergency, unstable soil, existing utilities or other conditions.

**Section 38-206. Performance/Warranty Guarantee for Permits and Insurance.**

A performance/warranty guarantee and insurance shall be required for work within the ROW under the same terms and conditions as set forth in §§38-167 and 38-170 as amended herein.

**Section 38-207. Provider’s Proposed Plans. Director’s Review.**

(a) No Provider shall begin any work, nor dig within any ROW, nor make any cuts, nor occupy any City ROW unless the Director has accepted in writing the Provider’s construction plans which shall comply with adopted City specifications and standards. The specifications and standards of the providers may be found to comply with “adopted City specifications and standards” if substantially equivalent to City standards and if use of the Provider’s standards are approved in writing by the Director or pursuant to written agreements between such other Provider and the Director.

(b) At the time of application for a construction permit, a Provider shall deliver three (3) sets of its proposed construction plans for use or digging in any ROW to the Director for the use of the City. Among other benefits such overall plans allow the City to coordinate its work with that of the Provider and other Providers. If the City’s workload demands, or if the plans are complex, and if the Provider has not attended and provided the necessary notice and information at the most recent City planning meeting, then the Director may extend the review by giving notice to the Provider of an extended review period not to exceed a total of 60 business days. The scale of such plans shall be not less than one inch (1”) equal to forty feet (40’).

(c) If the plans are complete and adequate, the Director will be deemed to have accepted the plans unless the Director rejects or amends the plans within ten (10) City business days by giving notice thereof to the Provider.

(d) If the plans are incomplete and/or inadequate, then the Provider shall make such changes as the Director requires, consistent with this Ordinance and the City's other standards and requirements.

(e) To reject or amend the Provider's plans, the Director shall give notice thereof by sending an email, or facsimile, or by mailing a notice to the Provider. Such notice by the Director is effective upon the earlier of sending the email, facsimile or mailing the notice first class via the U.S. Postal Service, postage pre-paid.

(f) If the Director rejects or amends the proposed plans, in whole or in part, the Provider shall not thereafter do any work in the ROW until the Provider submits plans that the Director does not reject or amend; however, the Director may approve a portion of the plans, and thereafter the Provider may perform a portion of the proposed work in the locations or at such times as the Director directs.

#### **Sec. 38-208. City Planning Meetings.**

At least once per calendar year and up to four times per calendar year, the City shall give notice to each Provider, who so requests, of a City sponsored and coordinated meeting among the City and Providers ("City planning meeting(s)"). At the City planning meeting, each Provider that provides the City with copies of proposed projects, scope of work and estimated schedules for the subsequent twelve (12) months, and for future years as available, shall not be required to provide the information, and at the times, required by §§ 7(b), 7(c).

#### **Section 38-209. Infrastructure Standards.**

(a) From time-to-time, the Director may adopt additional or supplemental standards as Administrative Regulations to which each Provider shall thereafter conform its infrastructure in the City ROW whenever the infrastructure is repaired or replaced.

(b) The Director shall adopt standards regulating the vertical and horizontal placement of Provider infrastructure relative to the City's infrastructure, the facilities of other Providers and other facilities in the ROW. The Director may solicit the public input of Providers and other affected interests when considering such standards.

(c) The City's standard cross section for "wet" & "dry" infrastructure is incorporated by this reference as if fully set forth on the attached detail. All work shall conform with City standard cross section, unless the Director has approved a variation proposed by a provider in accordance with §§ 6(a).

#### **Sec. 38-210 Oversizing.**

Whenever a Provider's dry infrastructure in the City ROW is dug up, exposed or repaired, including by boring, if the Provider desires to rebury, replace, or install dry infrastructure as the Director determines is reasonable, the Provider shall:

- (i) Either upsize conduit or pipe, or at the election of the City, and if the City provides the pipe or conduit, install separate conduit and,
- (ii) Pay the costs required to rebury, replace or install such infrastructure, in accordance with the City's then adopted standards and requirements.

For all replacements and infrastructure made, the Provider shall deliver "as built" information as required herein to the Director within 60 days of completion of the replacement or infrastructure work.

The Provider shall deliver the as-built information in a format and medium specified by the Director so that the City may incorporate the information into its existing software, programs and GIS.

**Sec. 38-211. Joint Use of Provider Infrastructure.**

The City may require that a Provider locate and maintain one or more of its dry facilities in a common trench and/or conduit or similar facility in which the infrastructure of other Providers and/or the City is also located. Until the Director adopts different standards regarding the vertical and horizontal separation of facilities, the attached standards, the Standards of the American Waterworks Association and the National Electric Safety Code and Standards shall apply.

**Sec. 38-212. City Costs and expenses - Provider Initiated Projects.**

(a) Each Provider shall pay to the City the costs and expenses incurred by the City and its officers, officials, employees and agents regarding oversight, inspection, regulation, permitting and related activities ("City Costs").

(b) City Costs include the actual wages, plus benefits, paid by the City for the Work of each City employee and/or agent, including clerical, engineering, management, inspection, enforcement, and similar functions.

(c) City Costs include the expenses and costs for computer-aided design programs, maps, data manipulation and coordination, scheduling software, surveying expenses, copying costs, computer time, and other supplies, materials or products required to implement this Ordinance and to regulate Providers hereunder.



(d) Unless the Director requires a Provider to resurface a part of a unit, portion of a City block or similar segment of ROW disturbed by the Provider, City Costs include the present value of the cost to replace and resurface the damaged asphalt, concrete or other ROW surface.

(e) The Director shall establish an average per unit cost for the calendar year in question, based on bids the City accepted for City projects in the previous one (1) or two (2) calendar years.

### **Section 38-213. Provider Payments to the City - Collections.**

If a Provider fails to pay City Costs, or any other money, fee or compensation required by a City law or regulation, in full within 30 days of the City's mailing a claim therefore, the City is entitled to, in addition to the amount of the claim, interest on all unpaid amounts at the statutory rate, or the City's return on investment, as reported in the City's then current annualized investment portfolio.

### **Section 38-214. City Required Utility Locates for Design.**

(a) To increase the accuracy of project design and avoid conflicts encountered after construction begins, Providers will locate their utilities as required pursuant to §9-1.5-101, C.R.S., *et seq.* ("Locate Law"). The City will pothole the utilities based upon the painted locates provide by the utility owners. If the utility is not located within eighteen inches of the painted locate, the utility owner shall excavate and locate the utility and notice the City who will survey the location. This section does not apply to service lines.

(b) Any Provider who fails to comply with the Director's notice to comply with the Locate Law is responsible and liable for all consequential damages that result from either the failure to comply with the Locate Law or from inaccurate information regarding the vertical and/or horizontal location of such Provider's infrastructure.

(c) Any Provider may avoid claims for such consequential damages pursuant to this ordinance if such Provider "pot holes" in such locations and to such depths as such Provider determines is needed to provide accurate information to the City regarding the horizontal and vertical location of such Provider's infrastructure in the specified unit(s).

(d) Each Provider that does not accurately locate its infrastructure shall pay the City the costs incurred by the City in changing any design, relocating City infrastructure, and delay and similar costs incurred as a result of inaccurate locates.

(e) A Provider may avoid having to perform locates if it delivers to the City accurate vertical and horizontal information (pot hole data) that is compatible with the City's GIS that establishes the location of such Provider's infrastructure in the unit(s) in question.

**Sec. 38-215. Suspension and/or Revocation of a Permit.**

A construction or revocable permit authorized under this Ordinance shall be void if/when the permittee is not in full compliance with any provision of this Ordinance or other City law.

(a) A permit to dig or excavate under this Ordinance is void if the Provider supplies materially false or deceptive information to the City at any time.

(b) If/when the permittee is in full compliance, the Provider shall give the notice required by section 4 and shall apply for a permit as a new Provider.

(c) The City Manager may order that a Provider immediately cease and desist any further use or work within the City's ROW and suspend all permits and previously granted City approvals for all units, at any time based on reasonable grounds to believe that a violation of this Ordinance, or other City rules or specifications has occurred, and the public health, safety or welfare, or the property or rights of another Provider are at substantial risk of irreparable harm.

**Sec. 38-216. Security.**

(a) If the Provider has violated any provision of this Ordinance within the previous five (5) years, before the Provider is authorized to perform work in the ROW, the City Manager may require that a Provider post a letter of credit or equivalent security in the greater of:

- (i) The dollar value of any damage to the City or other Provider's infrastructure that has occurred in said five (5) year period;
- (ii) The amount of increased costs or price payable to a contractor or similar entity due to the Provider's violation; or
- (ii) The amount of gross profit the Provider realized due to the violation.

(b) The City may convert such security to cash and use such cash to pay for any warranty work or to correct any injury or damage caused to the City's infrastructure or property, or other damages, by the Provider's actions or failure to act or to improve the City's infrastructure.

**Sect. 38-217. Construction Standards/City Laws.**

(a) Each Provider has the duty to see that its work, and that of its contractors, complies with this Ordinance, other adopted City standards and specifications, and other applicable law. Other City adopted standards and requirements include: the Transportation, Engineering and Design Standards; the City's standard contract documents as applicable; the City's ordinances, including the Zoning and Development Code; and the City's Administrative Regulations.

(b) Each Provider has the affirmative duty to comply with the City's construction standards, such as soil density testing of repaired ROW.

**Sec. 38-218. Appeal.**

During such appeal process, the City Manager has the discretion to allow the Provider to use and/or operate within one (1) or more units, as determined by the City Manager, with conditions as the City Manager deems reasonable, including the posting of reasonable cash or other security, such as a letter of credit.

A Provider may appeal any City or City Manager decision pursuant to this Ordinance to the City Council, as provided below:

Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by a final action of the Director on an administrative development permit, may request an appeal of the action in accordance with the following:

1. **Application and Review Procedures.** Requests for an appeal shall be submitted to the Director in accordance with the following:
  - a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided herein.
  - b. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to provide a written response.
  - c. **Preparation of the Record.** The Director shall compile all material made a part of the record of the Director's action. As may be requested by the City Council, the Director also may provide a written report.
  - d. **Notice.** No notice of the appeal is required.

e. **Conduct of Hearing.** The City Council shall hold an evidentiary hearing to determine whether the Director's action is in accordance with the criteria provided stated below at 2. Approval Criteria. The City Council may limit testimony and other evidence to that contained in the record at the time the Director took final action or place other limits on testimony and evidence as it deems appropriate.

2. **Approval Criteria.** In granting an appeal of an administrative development permit, the City Council shall find that the Director:

- a. acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
- b. made erroneous findings of fact based on the evidence in the record; or
- c. failed to fully consider mitigating measures or revisions offered by the applicant; or
- d. acted arbitrarily, acted capriciously and/or abused his discretion.

**Sec. 38-219. Administrative Regulations.**

The City Manager may implement this Ordinance by adopting Administrative Regulations. An implementing administrative regulation may be appealed to the City Council, as provided in the City Zoning Code, § 2.18 (C)(3).

**Sec. 38-220. Severability.**

If a court of competent jurisdiction declares one (1) or more provision(s) or terms of this Ordinance to be unenforceable or unconstitutional, the rest of the provisions and terms shall be severed therefore and shall remain enforceable.

**Sec. 38-221. Civil Remedies.**

If any person or Provider violates any order of the Director, a hearing board or the Council, or otherwise fails to comply with the provisions of this Ordinance, the provisions and remedies provided for in section 38-69 (b) of the City Code shall apply and shall be available to the City.

**Sec. 38-222. Violations.**

(a) The provisions of Chapter 1 of the City Code apply to any violation hereof.

(b) It is a violation of this Ordinance if a Provider misrepresents any fact in any information provided to the City, to the City Manager, or the Director's employees or agents.

(c) A Provider violates this Ordinance if the contact person of such Provider, or the Provider, fails to amend or update the information and documentation supplied to the City pursuant to this Ordinance within 60 days of any change, error, mistake or misstatement.

INTRODUCED for FIRST READING and PUBLICATION this \_\_\_\_\_ day of \_\_\_\_\_, 2004

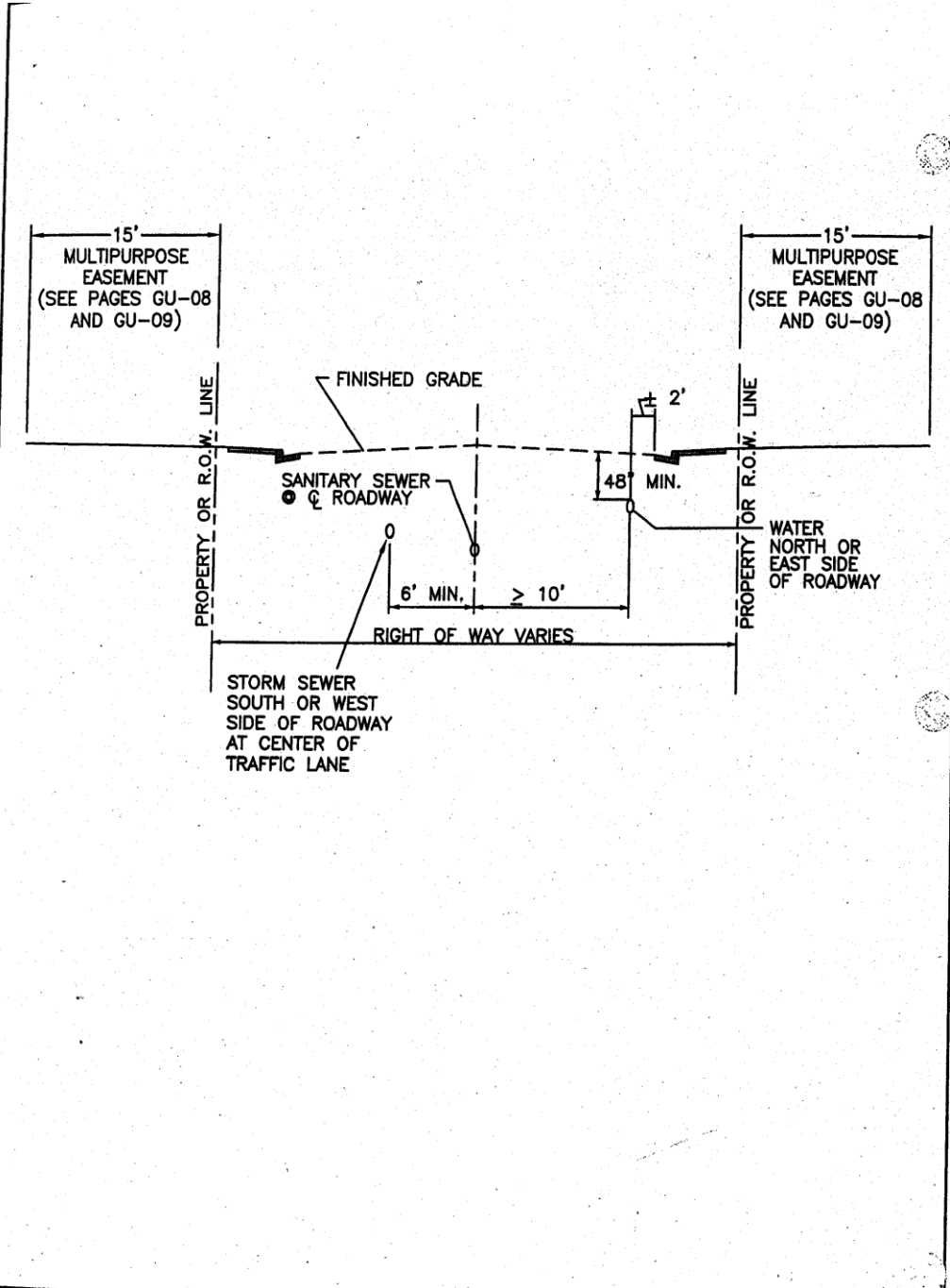
PASSED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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

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

Attachment  
A.

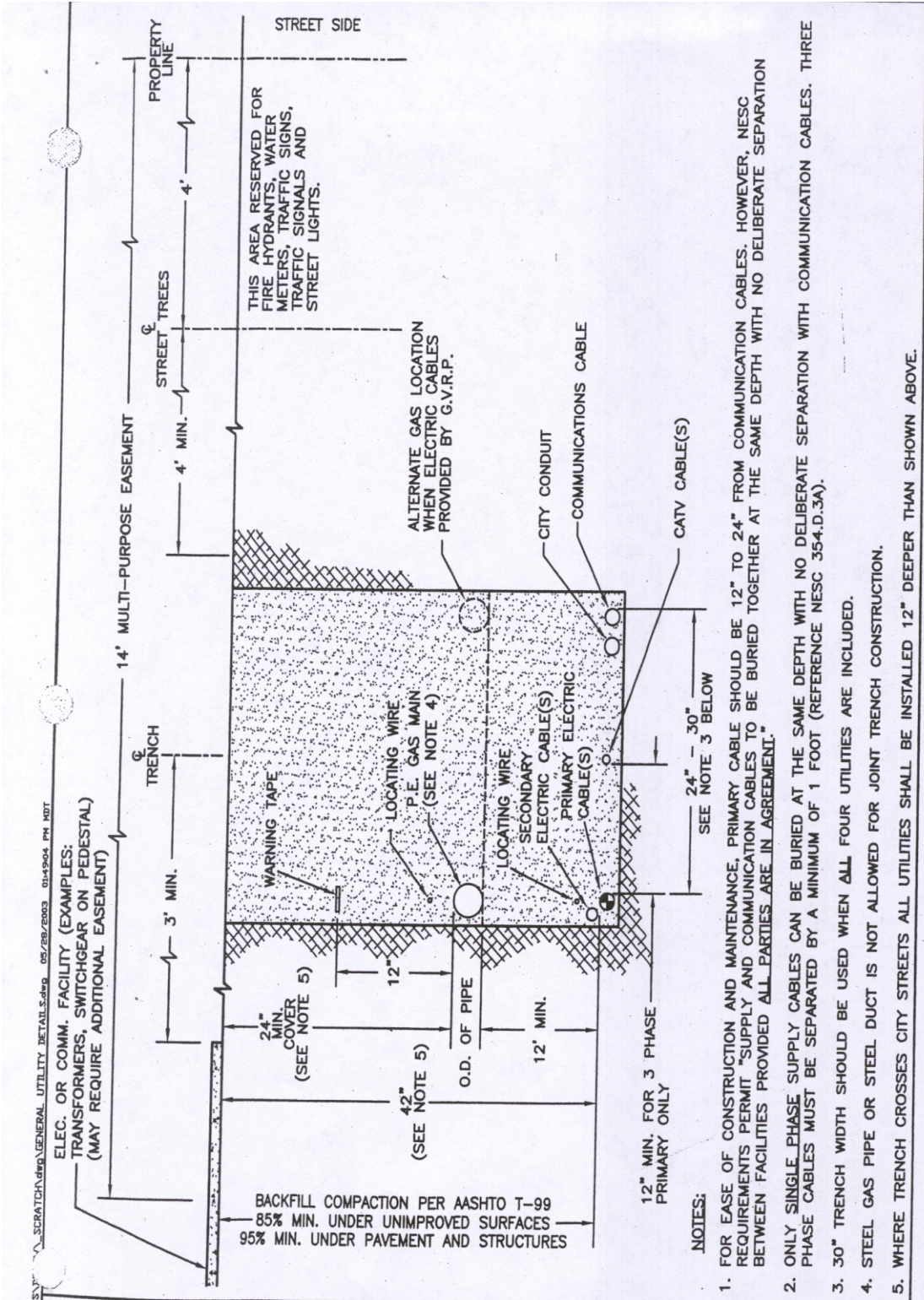


MACQUINN CITY STANDARDS STANDARD DRAWTING DETAILS GENERAL UTILITY DETAILS 06/17/2003 074622 AM NBT

TYPICAL STREET CROSS SECTION / UTILITY LOCATIONS

DEPARTMENT OF PUBLIC WORKS AND UTILITIES ENGINEERING AND TECHNICAL SERVICES DIVISIONS CITY OF GRAND JUNCTION, COLORADO	GENERAL UTILITY DETAIL	APPROVED: <i>DN</i> DATE: <i>JUN 2003</i> DRAWN: <i>TOP/DEW</i>	PAGE GU-02
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Attachment B



SCRATCHED PROJECTS  
 GENERAL UTILITY DETAILS.dwg 05/28/2003 01:45:04 PM MDT  
 ELEC. OR COMM. FACILITY (EXAMPLES:  
 TRANSFORMERS, SWITCHGEAR ON PEDESTAL)  
 (MAY REQUIRE ADDITIONAL EASEMENT)

THIS AREA RESERVED FOR  
 FIRE HYDRANTS, WATER  
 METERS, TRAFFIC SIGNS,  
 STREET SIGNALS AND  
 STREET LIGHTS.

ALTERNATE GAS LOCATION  
 WHEN ELECTRIC CABLES  
 PROVIDED BY G.V.R.P.

NOTES:

1. FOR EASE OF CONSTRUCTION AND MAINTENANCE, PRIMARY CABLE SHOULD BE 12" TO 24" FROM COMMUNICATION CABLES. HOWEVER, NESC REQUIREMENTS PERMIT "SUPPLY AND COMMUNICATION CABLES TO BE BURIED TOGETHER AT THE SAME DEPTH WITH NO DELIBERATE SEPARATION BETWEEN FACILITIES PROVIDED ALL PARTIES ARE IN AGREEMENT."
2. ONLY SINGLE PHASE SUPPLY CABLES CAN BE BURIED AT THE SAME DEPTH WITH NO DELIBERATE SEPARATION WITH COMMUNICATION CABLES. THREE PHASE CABLES MUST BE SEPARATED BY A MINIMUM OF 1 FOOT (REFERENCE NESC 354.D.3A).
3. 30" TRENCH WIDTH SHOULD BE USED WHEN ALL FOUR UTILITIES ARE INCLUDED.
4. STEEL GAS PIPE OR STEEL DUCT IS NOT ALLOWED FOR JOINT TRENCH CONSTRUCTION.
5. WHERE TRENCH CROSSES CITY STREETS ALL UTILITIES SHALL BE INSTALLED 12" DEEPER THAN SHOWN ABOVE.

JOINT TRENCH DETAILS

DEPARTMENT OF PUBLIC WORKS AND UTILITIES ENGINEERING AND TECHNICAL SERVICES DIVISIONS CITY OF GRAND JUNCTION, COLORADO	GENERAL UTILITY DETAIL	APPROVED: <u>DN</u> DATE: <u>MAY 2003</u> DRAWN: <u>DPW</u>	PAGE GU-09
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**Attach 3**

Setting a Hearing on the Reece/Ice Skating Annexation Located at 2499 River Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Setting a hearing for the Reece/Ice Skating Inc. Annexation located along the Colorado River and west of River Road.					
<b>Meeting Date</b>		November 3, 2004					
<b>Date Prepared</b>		October 27, 2004			<b>File #ANX-2004-240</b>		
<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	
	<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 75.3 acre Reece/Ice Skating Inc. Annexation consists of three (3) parcels of vacant land along the Colorado River, including a portion of land that will be utilized by Ice Skating Inc. in the development of their site. The petitioner’s intent is to annex their property and donate one (1) of their three (3) properties to Ice Skating Inc. A Subdivision Plat will be reviewed with the development of the Ice Skating Inc. site.

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Reece/Ice Skating Inc. Annexation petition and introduce the proposed Reece/Ice Skating Inc. Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for December 15, 2004.

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

**Attachments:**

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Annexation Map
7. Resolution Referring Petition
8. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		West of River Road, along the Colorado River (25 Road and E Road coordinates)		
<b>Applicants:</b>		Dale Reece, etal, Owners		
<b>Existing Land Use:</b>		Vacant land along Colorado River		
<b>Proposed Land Use:</b>		N/A. Small portion of land to be utilized by Ice Skating Inc.		
<b>Surrounding Land Use:</b>	<b>North</b>	Colorado River		
	<b>South</b>	Single-Family Residential & Colorado River		
	<b>East</b>	Vacant land – Future home of Ice Skating Inc.		
	<b>West</b>	Colorado River		
<b>Existing Zoning:</b>		RSF-R, Residential Single Family – Rural (County)		
<b>Proposed Zoning:</b>		CSR, Community Services & Recreation		
<b>Surrounding Zoning:</b>	<b>North</b>	CSR, Community Services & Recreation (City) & RSF-R, Residential Single Family – Rural (County)		
	<b>South</b>	RSF-R, Residential Single Family – Rural (County)		
	<b>East</b>	CSR, Community Services & Recreation		
	<b>West</b>	CSR, Community Services & Recreation		
<b>Growth Plan Designation:</b>		Conservation		
<b>Zoning within density range?</b>		N/A	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 75.3 acres of land and is comprised of three (3) Unplatted parcels. The property owners have requested annexation into the City in order to donate one (1) of their three (3) properties to Ice Skating Inc. A Subdivision Plat will be reviewed with the development of the Ice Skating Inc. site. The proposed annexation will also inadvertently enclave two (2) properties to the north of the annexation which under the requirements of the Persigo Agreement with Mesa County requires the City to annex those properties after three (3) years but before five (5) years

from being enclaved. Under the 1998, Persigo Agreement all new development activities and 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 Reece/Ice Skating Inc. 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.

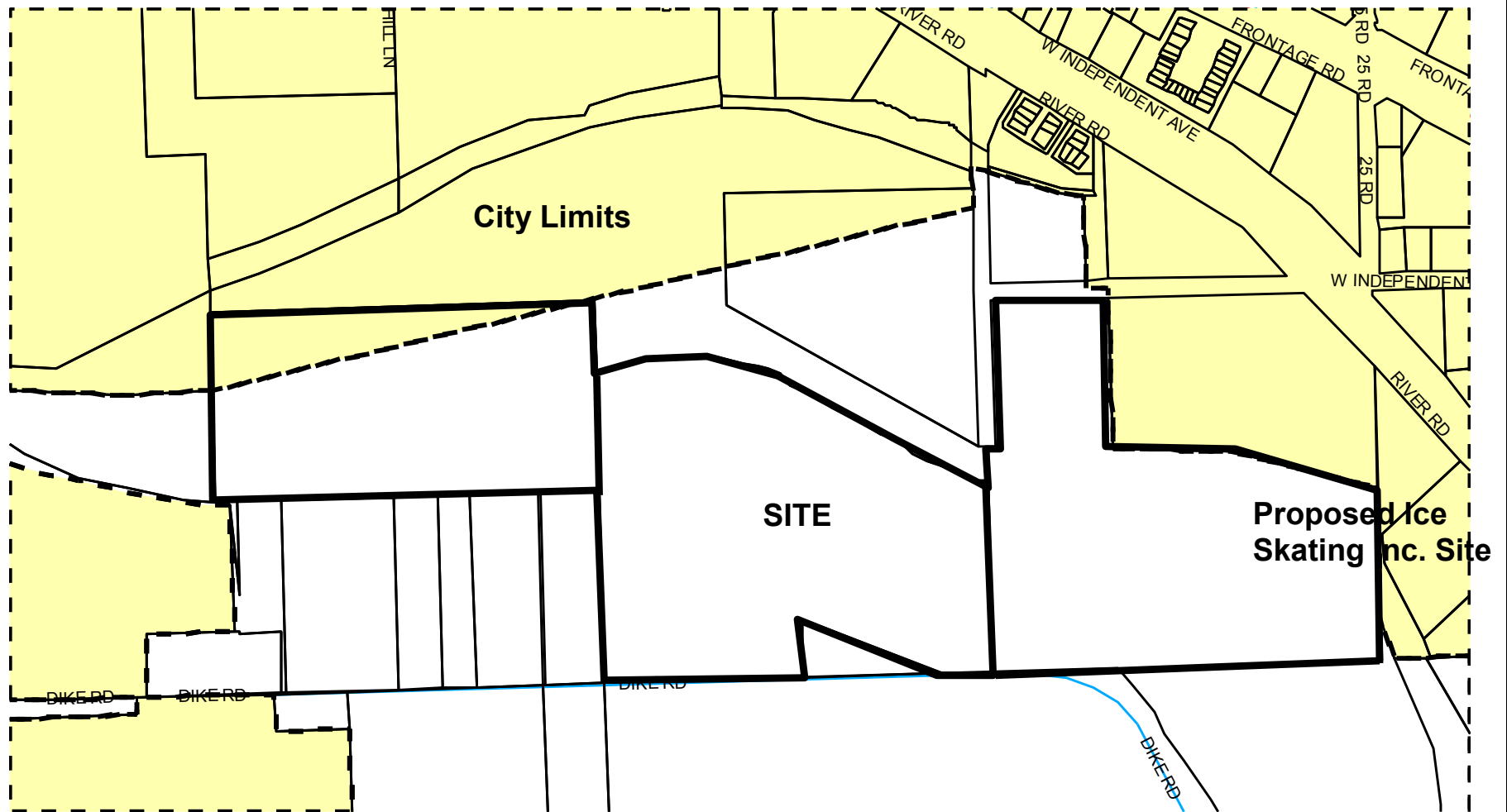
<i><b>ANNEXATION SCHEDULE</b></i>	
<b>November 3, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>November 9, 2004</b>	Planning Commission considers Zone of Annexation
<b>December 1, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>December 15, 2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>January 16, 2005</b>	Effective date of Annexation and Zoning

<b>REECE/ICE SKATING INC. ANNEXATION SUMMARY</b>		
<b>File Number:</b>	<b>ANX-2004-240</b>	
<b>Location:</b>	<b>West of River Road, along the Colorado River (25 Road and E Road coordinates)</b>	
<b>Tax ID Number:</b>	<b>2945-093-00-144; 2945-094-00-102 &amp; 2945-094-00-066</b>	
<b>Parcels:</b>	<b>Three (3)</b>	
<b>Estimated Population:</b>	<b>0</b>	
<b># of Parcels (owner occupied):</b>	<b>N/A</b>	
<b># of Dwelling Units:</b>	<b>N/A</b>	
<b>Acres land annexed:</b>	<b>75.3</b>	
<b>Developable Acres Remaining:</b>	<b>1</b>	
<b>Right-of-way in Annexation:</b>	<b>N/A</b>	
<b>Previous County Zoning:</b>	<b>RSF-R, Residential Single Family – Rural</b>	
<b>Proposed City Zoning:</b>	<b>CSR, Community Services &amp; Recreation</b>	
<b>Current Land Use:</b>	<b>Vacant land along Colorado River</b>	
<b>Future Land Use:</b>	<b>Conservation</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>\$870</b>
	<b>Actual:</b>	<b>\$3,000</b>
<b>Census Tract:</b>	<b>1401</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>Grand Junction Rural</b>
	<b>Irrigation/ Drainage:</b>	<b>Grand Junction Drainage</b>
	<b>School:</b>	<b>School District 51</b>
	<b>Pest:</b>	<b>Redlands Mosquito Control</b>



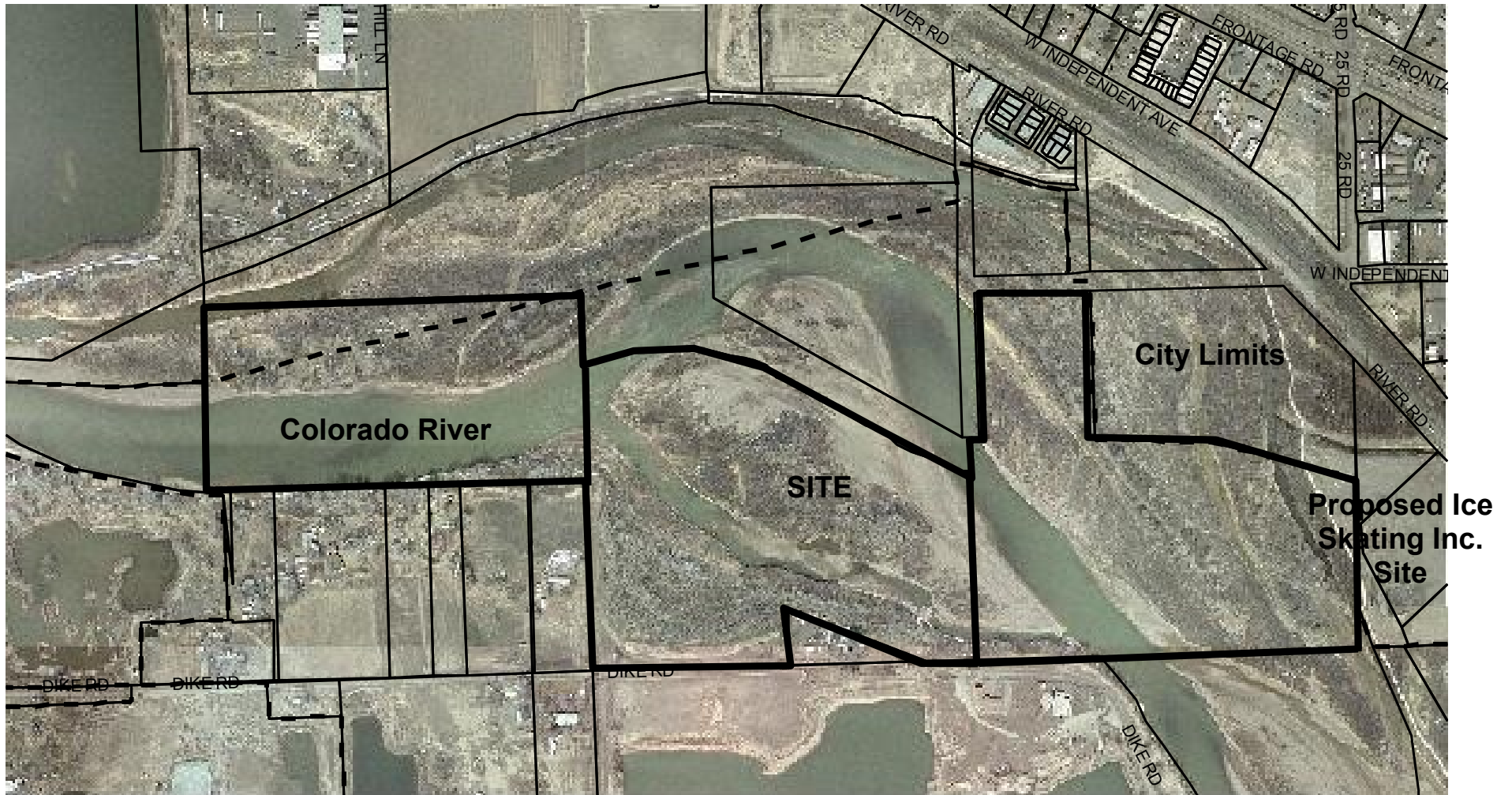
# Site Location Map – Reece/Ice Skating Inc. Annexation

Figure 1



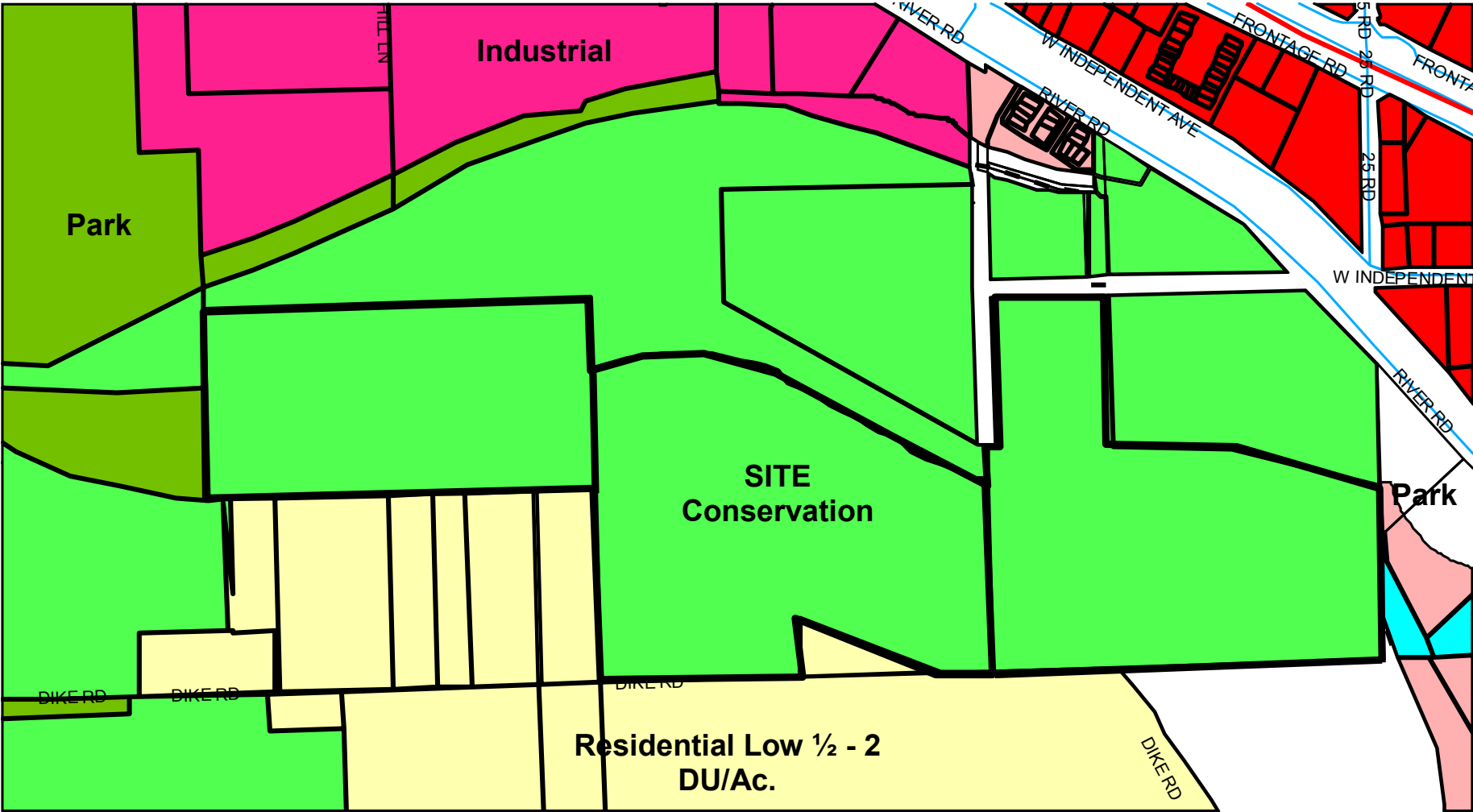
# Aerial Photo Map – Reece/Ice Skating Inc. Annexation

Figure 2



# Future Land Use Map – Reece/Ice Skating Inc. Annexation

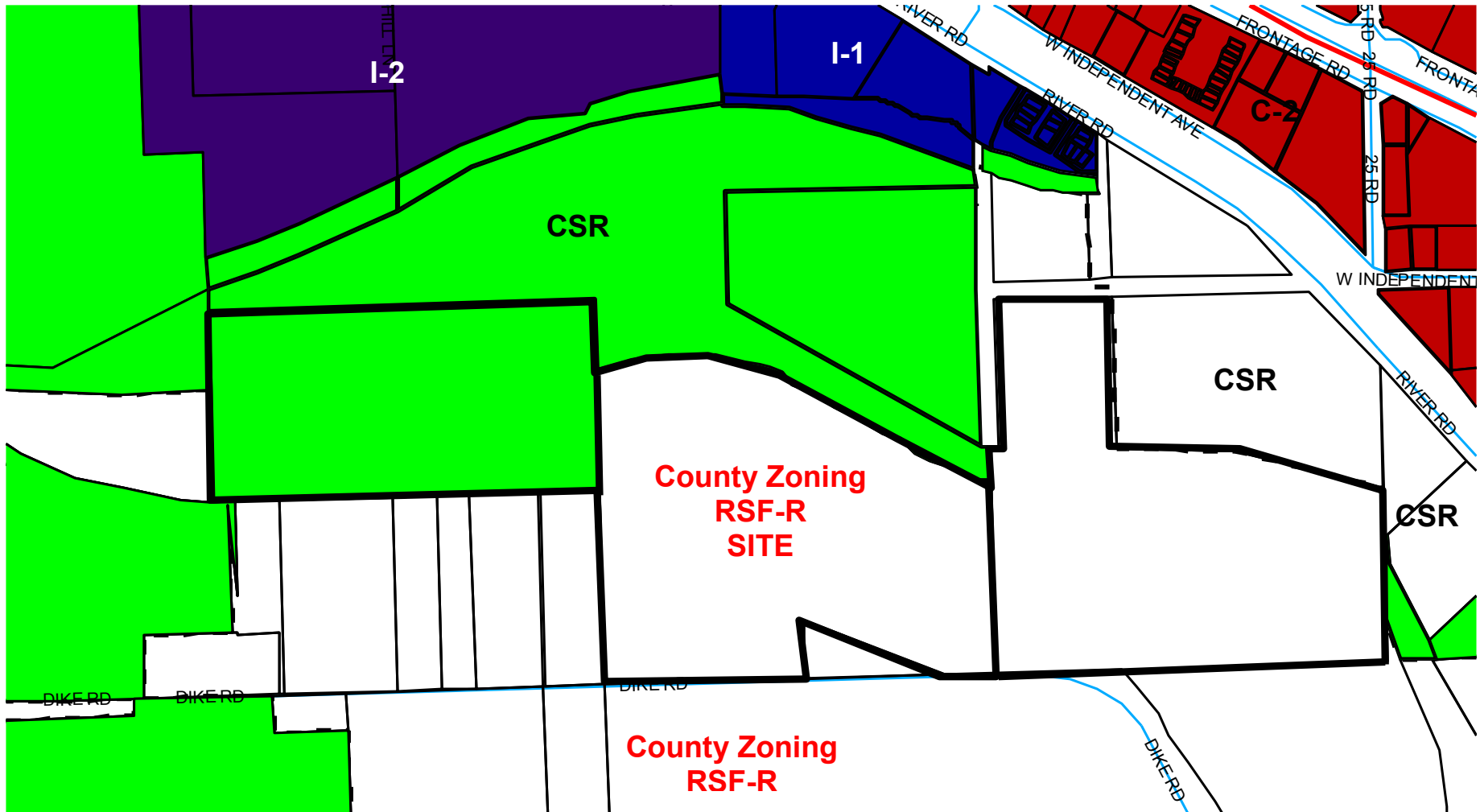
Figure 3





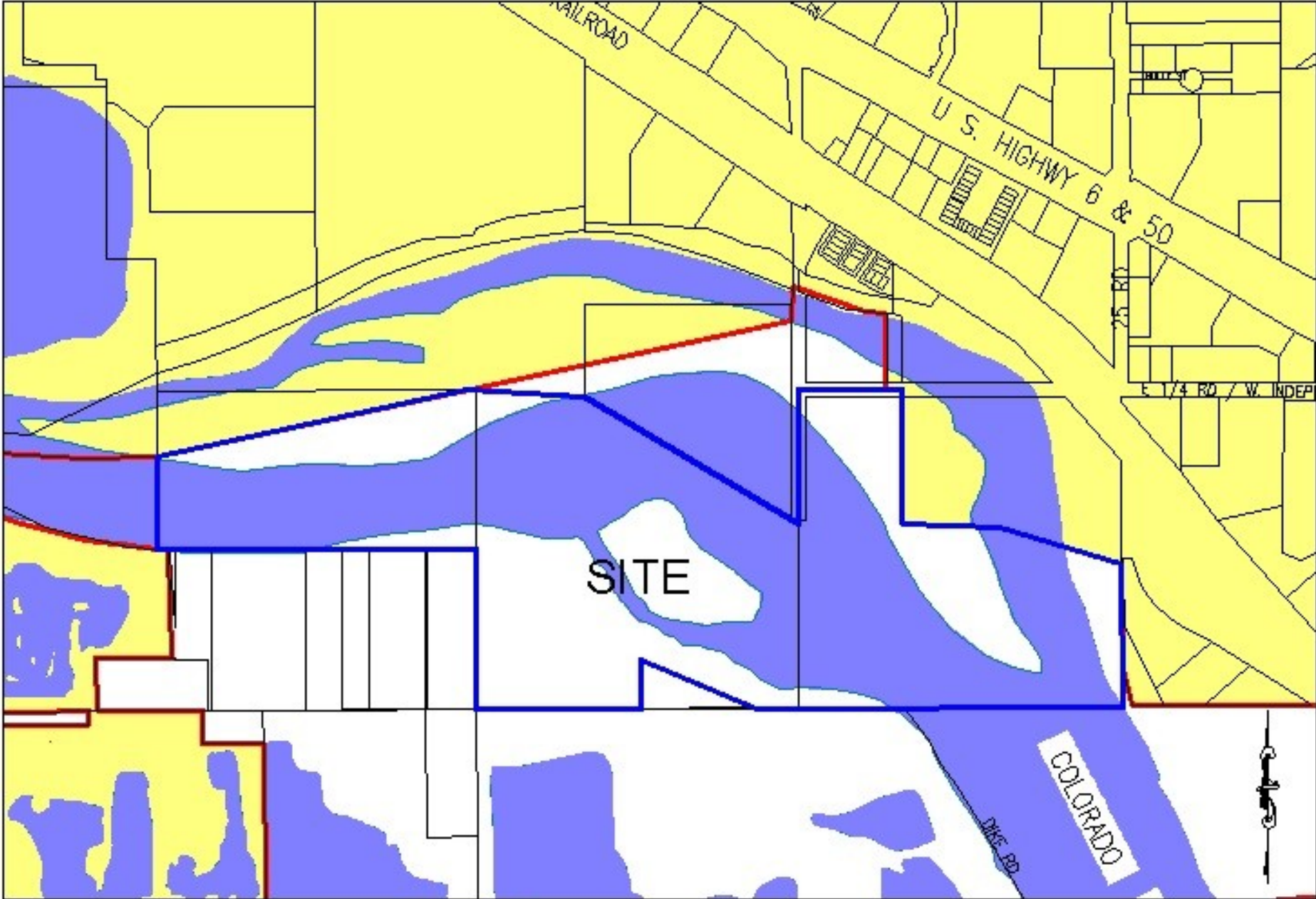
# Existing City and County Zoning – Reece/Ice Skating Inc.

Figure 4



# Reece/Ice Skating Inc. 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 3<sup>rd</sup> of November, 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**

**REECE / ICE SKATING INC. ANNEXATION**

**LOCATED ALONG THE COLORADO RIVER, 2499 RIVER ROAD**

**WHEREAS**, on the 3<sup>RD</sup> day of November, 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**

**REECE / ICE SKATING INC. ANNEXATION**

A certain parcel of land lying in the South-half (S 1/2) of the Southeast Quarter (SE 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, 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 Southeast corner of said Section 9 and assuming the East line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 9 bears N 00°08'47" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'47" W along the East line of the SE 1/4 SE 1/4 of said Section 9, a portion of said line being the West line of Redco Industrial Subdivision, as same is recorded in Plat Book 13, Page 16, Public Records of Mesa County, Colorado and being the West line of the C & K Annexation, City of Grand Junction Ordinance No. 3352, a distance of 550.47 feet to the Southeast corner of Lot 11, Riverside Subdivision, as same is recorded in Plat Book 1, Page 28, Public Records of Mesa County, Colorado; thence N 70°25'29" W along the South line of said Lot 11 and the South line of Blue Heron II Annexation, City of Grand Junction Ordinance No. 2685, a distance of 532.89 feet to a point being the Southeast corner of Lot 12 of said Riverside Subdivision; thence N 87°45'37" W along the South line of said Lot 12 and the South line of said Blue Heron II Annexation, a distance of 400.29 feet to a point being the Southwest corner of said Lot 12; thence N 00°03'11" E along the West line of said Lot 12 and the West line of said Blue Heron II Annexation, a distance of 550.00 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 9; thence N

89°54'28" W along said North line, a distance of 425.00 feet to a point being the Northwest corner of the SE 1/4 SE 1/4 of said Section 9; thence S 00°07'10" E along the West line of the SE 1/4 SE 1/4 of said Section 9, a distance of 545.55 feet; thence N 52°16'39" W, along the Southerly line of Lot 14 of said Riverside Subdivision, a distance of 893.52 feet to its intersection with the North line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 9; thence N 89°54'28" W along said North line, a distance of 476.11 feet, more or less, to its intersection with the South line of the Blue Heron Annexation, City of Grand Junction Ordinance No. 2549; thence S 78°15'24" W along the South line of said Blue Heron Annexation, a distance of 1482.36 feet, more or less, to a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section 9; thence S 00°03'42" E along said West line, a distance of 357.54 feet to a point on the North line of the Grand Valley Audubon Annexation No. 1, City of Grand Junction Ordinance No. 3630; thence S 87°58'03" E along said North line, a distance of 67.90 feet; thence N 83°03'38" E a distance of 156.08 feet; thence N 89°50'12" E a distance of 1087.53 feet to a point on the East line of the SE 1/4 SW 1/4 of said Section 9; thence S 00°00'55" W along said East line, a distance of 670.00 feet to a point being the Southeast corner of the SE 1/4 SW 1/4 of said Section 9; thence N 89°43'50" E along the South line of the Southeast Quarter (SE 1/4) of said Section 9, a distance of 676.00 feet; thence N 00°16'10" W a distance of 200.00 feet; thence S 67°15'43" E a distance of 511.70 feet to a point on the South line of the SE 1/4 of said Section 9; thence N 89°43'50" E along the South line of the SE 1/4 of said Section 9, a distance of 1503.55 feet, more or less, to the Point of Beginning.

CONTAINING 75.3433 Acres (3,281,952 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 15<sup>TH</sup> day of December, 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 3<sup>rd</sup> day of November, 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>November 5, 2004</b>
<b>November 12, 2004</b>
<b>November 19, 2004</b>
<b>November 26, 2004</b>

**CITY OF GRAND JUNCTION, COLORADO**

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

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

**REECE / ICE SKATING INC. ANNEXATION**

**APPROXIMATELY 75.3 ACRES**

**LOCATED ALONG THE COLORADO RIVER, 2499 RIVER ROAD**

**WHEREAS**, on the 3<sup>rd</sup> day of November, 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 15<sup>th</sup> day of December, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION**

**REECE / ICE SKATING INC. ANNEXATION**

A certain parcel of land lying in the South-half (S 1/2) of the Southeast Quarter (SE 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, 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 Southeast corner of said Section 9 and assuming the East line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 9 bears N 00°08'47" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'47" W along the East line of the SE 1/4 SE 1/4 of said Section 9, a portion of said line being the West line of Redco Industrial



Subdivision, as same is recorded in Plat Book 13, Page 16, Public Records of Mesa County, Colorado and being the West line of the C & K Annexation, City of Grand Junction Ordinance No. 3352, a distance of 550.47 feet to the Southeast corner of Lot 11, Riverside Subdivision, as same is recorded in Plat Book 1, Page 28, Public Records of Mesa County, Colorado; thence N 70°25'29" W along the South line of said Lot 11 and the South line of Blue Heron II Annexation, City of Grand Junction Ordinance No. 2685, a distance of 532.89 feet to a point being the Southeast corner of Lot 12 of said Riverside Subdivision; thence N 87°45'37" W along the South line of said Lot 12 and the South line of said Blue Heron II Annexation, a distance of 400.29 feet to a point being the Southwest corner of said Lot 12; thence N 00°03'11" E along the West line of said Lot 12 and the West line of said Blue Heron II Annexation, a distance of 550.00 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 9; thence N 89°54'28" W along said North line, a distance of 425.00 feet to a point being the Northwest corner of the SE 1/4 SE 1/4 of said Section 9; thence S 00°07'10" E along the West line of the SE 1/4 SE 1/4 of said Section 9, a distance of 545.55 feet; thence N 52°16'39" W, along the Southerly line of Lot 14 of said Riverside Subdivision, a distance of 893.52 feet to its intersection with the North line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 9; thence N 89°54'28" W along said North line , a distance of 476.11 feet, more or less, to its intersection with the South line of the Blue Heron Annexation, City of Grand Junction Ordinance No. 2549; thence S 78°15'24" W along the South line of said Blue Heron Annexation, a distance of 1482.36 feet, more or less, to a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section 9; thence S 00°03'42" E along said West line, a distance of 357.54 feet to a point on the North line of the Grand Valley Audubon Annexation No. 1, City of Grand Junction Ordinance No. 3630; thence S 87°58'03" E along said North line , a distance of 67.90 feet; thence N 83°03'38" E a distance of 156.08 feet; thence N 89°50'12" E a distance of 1087.53 feet to a point on the East line of the SE 1/4 SW 1/4 of said Section 9; thence S 00°00'55" W along said East line, a distance of 670.00 feet to a point being the Southeast corner of the SE 1/4 SW 1/4 of said Section 9; thence N 89°43'50" E along the South line of the Southeast Quarter (SE 1/4) of said Section 9, a distance of 676.00 feet; thence N 00°16'10" W a distance of 200.00 feet; thence S 67°15'43" E a distance of 511.70 feet to a point on the South line of the SE 1/4 of said Section 9; thence N 89°43'50" E along the South line of the SE 1/4 of said Section 9, a distance of 1503.55 feet, more or less, to the Point of Beginning.

CONTAINING 75.3433 Acres (3,281,952 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 3<sup>rd</sup> day of November, 2004 and ordered published.

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

Attest:

---

President of the Council

---

City Clerk

**Attach 4**

Setting a Hearing on the Arbors Annexation Located at 2910 Orchard Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		The Arbors Annexation; Resolution referring a petition for annexation; introduction of a proposed ordinance and Exercise Land Use Jurisdiction immediately.					
<b>Meeting Date</b>		November 3, 2004					
<b>Date Prepared</b>		October 20, 2004			File #ANX-2004-217		
<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:** The applicants for The Arbors Annexation, located at 2910 Orchard Avenue, have 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. The annexation area consists of 22.84 acres of land and right-of-way along Orchard Avenue.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting The Arbors Annexation petition and introduce the proposed Arbors Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for December 15, 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. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		ANX-2004-217		
<b>Applicants:</b>		Leon Parkerson, owner; Greedy Group, developer; Jo Mason, Planning Solutions, representative		
<b>Existing Land Use:</b>		Single family residence		
<b>Proposed Land Use:</b>		Residential subdivision		
<b>Surrounding Land Use:</b>	<b>North</b>	Grand Valley Canal		
	<b>South</b>	Orchard Ave & apartments		
	<b>East</b>	Single family development		
	<b>West</b>	Multi-family residences		
<b>Existing Zoning:</b>		County RMF-8		
<b>Proposed Zoning:</b>		RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	County		
	<b>South</b>	County		
	<b>East</b>	County		
	<b>West</b>	County		
<b>Growth Plan Designation:</b>		Residential Medium, 4 to 8 du/ac.		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 22.84 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of a proposed subdivision. Under the 1998 Persigo Agreement all new 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 Arbors Annexation is eligible to be annexed because of compliance with the following:

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

City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

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

The following annexation and zoning schedule is being proposed.

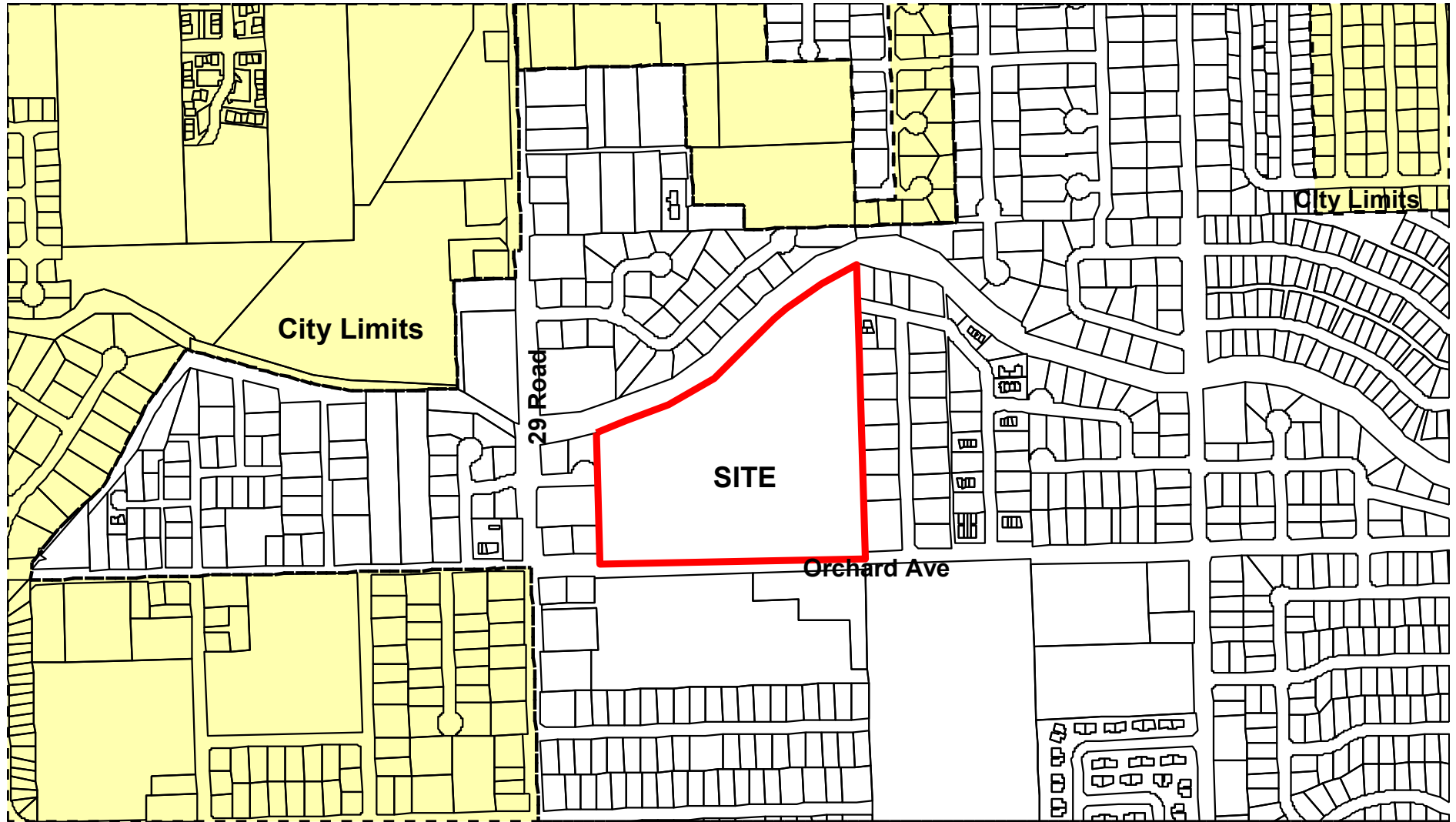
<u><i>ANNEXATION SCHEDULE</i></u>	
Nov 3	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Nov 9	Planning Commission considers Zone of Annexation
Dec 1	Introduction Of A Proposed Ordinance on Zoning by City Council
Dec 15	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
Jan 16 '05	Effective date of Annexation and Zoning

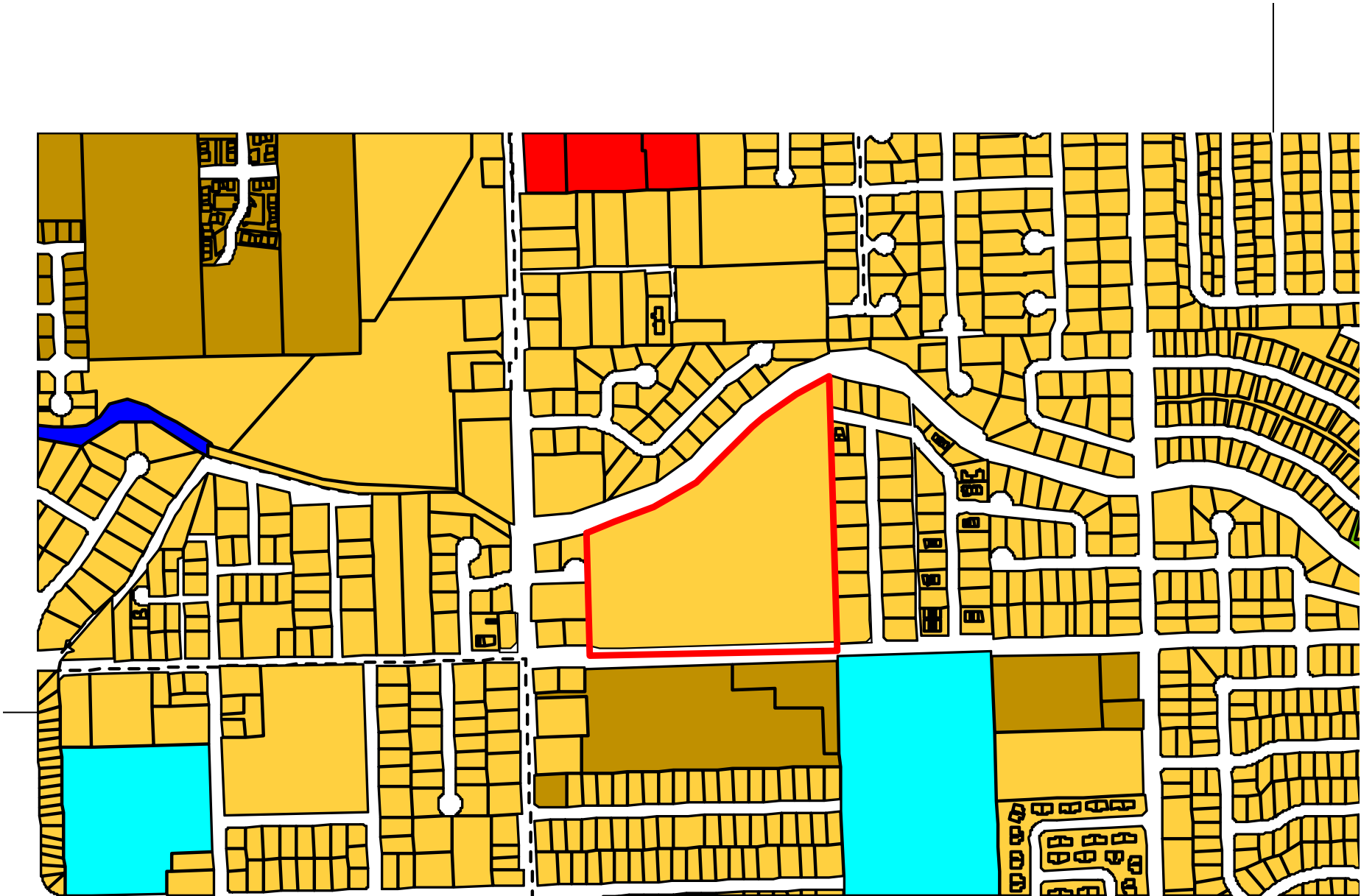
**ARBORS ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2004-217
<b>Location:</b>		2910 Orchard Avenue
<b>Tax ID Number:</b>		2943-082-00-030
<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>		22.84
<b>Developable Acres Remaining:</b>		19.02
<b>Right-of-way in Annexation:</b>		A portion of 29 Road and the entire width of Orchard Avenue along the property.
<b>Previous County Zoning:</b>		RMF-8
<b>Proposed City Zoning:</b>		RMF-8
<b>Current Land Use:</b>		Single family residence
<b>Future Land Use:</b>		Residential Subdivision
<b>Values:</b>	<b>Assessed:</b>	\$61,900
	<b>Actual:</b>	\$385,040
<b>Address Ranges:</b>		2906 through 2922 Orchard Ave (even only)
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Grand Junction
	<b>Irrigation/ Drainage:</b>	Grand Junction Drainage
	<b>School:</b>	School District 51
	<b>Pest:</b>	-

# Site Location Map

Figure 1 / 2910 Orchard Avenue









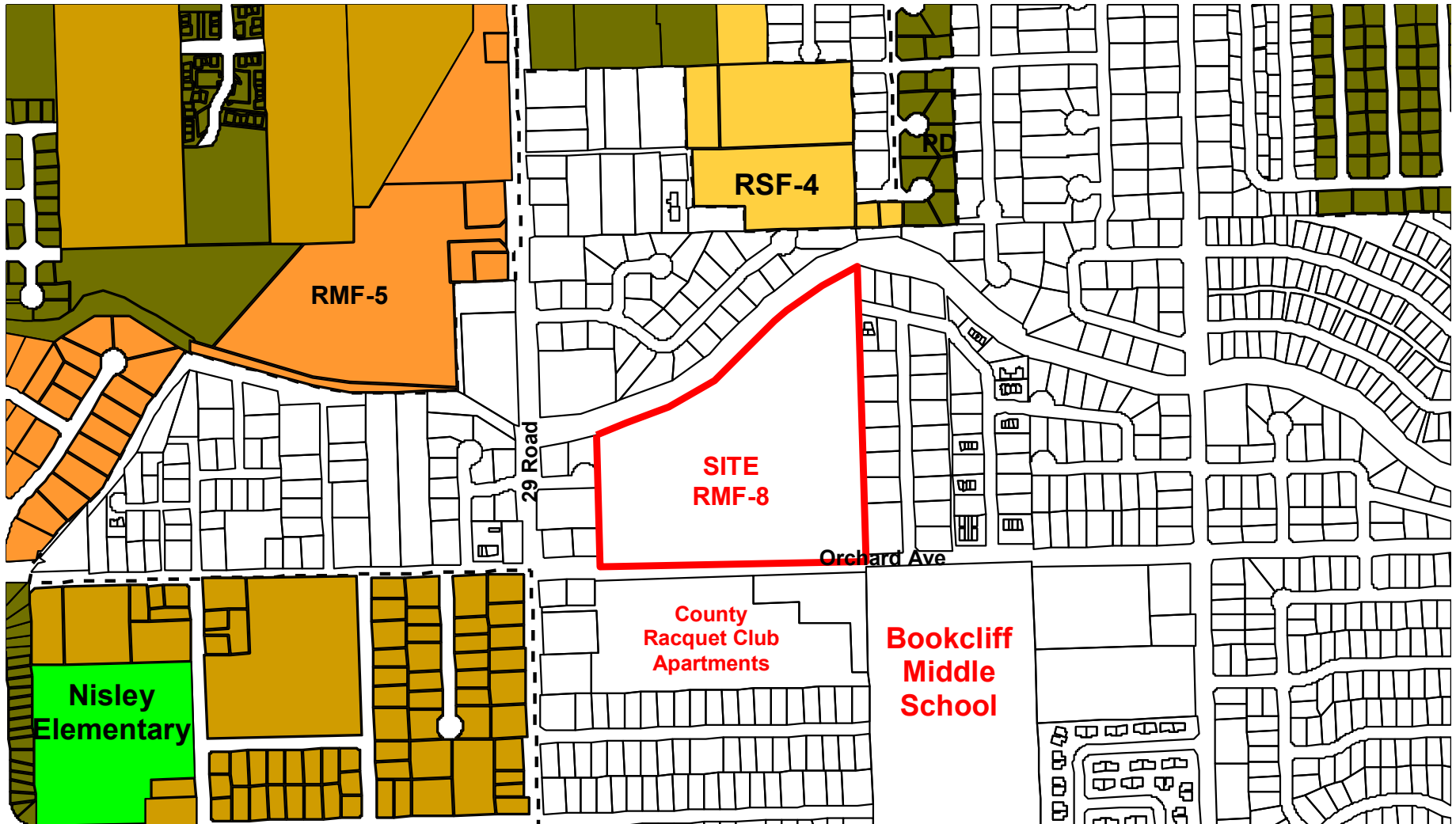
# Aerial Photo Map

Figure 2 / 2910 Orchard Avenue

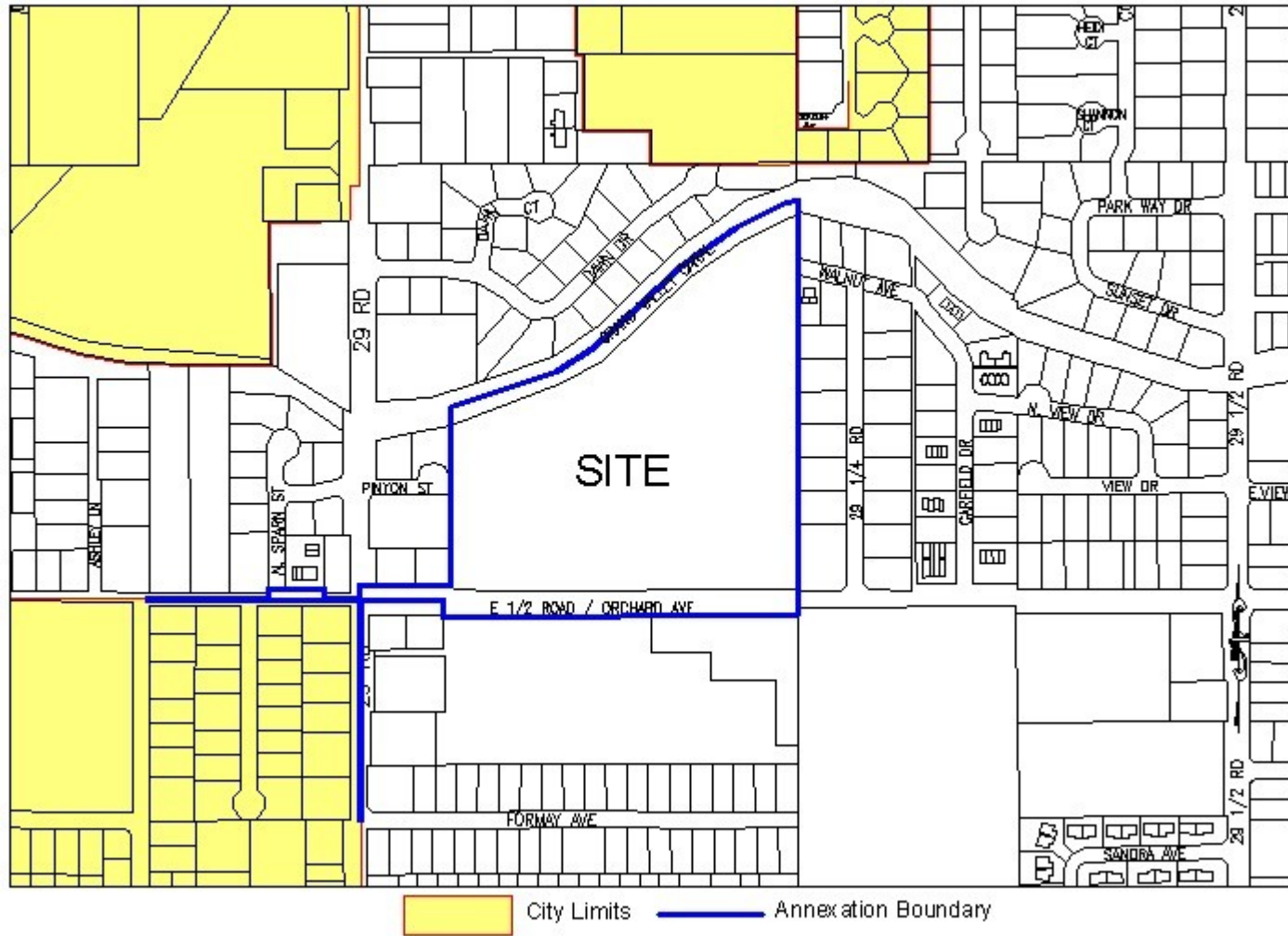


# Existing City and County Zoning

Figure 4 / 2910 Orchard Avenue



Arbors 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 the of November 3, 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**

**THE ARBORS ANNEXATION**

**LOCATED at 2910 ORCHARD AVENUE.**

WHEREAS, on the 3<sup>rd</sup> day of November, 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  
ARBORS ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 7, the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 8, all in Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the East Quarter (E 1/4) corner of said Section 7 and assuming the North line of the SW 1/4 SE 1/4 of said Section 8 bears N 89°55'35" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°45'54" W along the South line of the SE 1/4 NE 1/4 of said Section 7 (being the North line of the Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction) a distance of 634.71 feet; thence N 00°03'21" W a distance of 5.00 feet; thence S 89°45'54" E along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 356.44 feet; thence N 00°14'06" E a distance of 35.00 feet; thence S 89°45'54" E along a line 40.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 169.80 feet; thence S 00°14'06" W a distance of 35.00 feet; thence S 89°45'54" E along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 108.47 feet to a point on the East line of the SE 1/4 NE 1/4 of said Section 7; thence N 00°04'18" W along the East line of the SE 1/4 NE 1/4 of said Section 7, a distance of 45.00 feet; thence N 89°55'35" E along a line 50.00 feet North

of and parallel with, the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 272.00 feet; thence N 00°04'18" W, along the East line of Ditto Addition, as same is recorded in Plat Book 11, Page 350 and the East line of Wood's Addition, as same is recorded in Plat Book 12, Page 96, Public Records of Mesa County, Colorado, a distance of 533.53 feet, more or less, to a point in the centerline of the Grand Valley Canal; thence Northeasterly traversing the centerline of said Grand Valley Canal to a point on the East line of the SW 1/4 NW 1/4 of said Section 8; thence S 00°03'33" E a distance of 1208.32 feet, more or less, to the Southeast corner of the SW 1/4 NW 1/4 of said Section 8; thence S 00°04'25" E along the East line of the NW 1/4 SW 1/4 of said Section 8, a distance of 50.00 feet; thence S 89°55'35" W along the North line of Racquet Club Apartments Subdivision, as same is recorded in Plat Book 12, Page 215, Public Records of Mesa County, Colorado, being a line 50.00 feet South of and parallel with, the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 1061.70 feet; thence N 00°04'25" W a distance of 50.00 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 8; thence S 89°55'35" W along the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 255.02 feet; thence S 00°03'21" E along a line 5.00 feet East of and parallel with, the East line of the NE 1/4 SE 1/4 of said Section 7 a distance of 656.04 feet; thence N 89°45'54" W a distance of 5.00 feet to a point on the East line of the NE 1/4 SE 1/4 of said Section 7; thence N 00°03'21" W along the East line of the NE 1/4 SE 1/4 of said Section 7 (being the East line of the Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction), a distance of 656.01 feet, more or less, to the Point of Beginning.

CONTAINING 22.84± Acres (994,911± Sq. Ft.), more or less, as described.

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

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

3. That a hearing will be held on the 15th day of December, 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 this 3rd day of November, 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>
November 5, 2004
November 12, 2004
November 19, 2004
November 26, 2004

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**THE ARBORS ANNEXATION**

**APPROXIMATELY 22.84 ACRES**

**LOCATED AT 2910 ORCHARD AVENUE**

**WHEREAS**, on the 3rd day of November, 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 15th day of December, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
ARBORS ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 7, the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 8, all in Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the East Quarter (E 1/4) corner of said Section 7 and assuming the North line of the SW 1/4 SE 1/4 of said Section 8 bears N 89°55'35" W with all other

bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°45'54" W along the South line of the SE 1/4 NE 1/4 of said Section 7 (being the North line of the Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction) a distance of 634.71 feet; thence N 00°03'21" W a distance of 5.00 feet; thence S 89°45'54" E along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 356.44 feet; thence N 00°14'06" E a distance of 35.00 feet; thence S 89°45'54" E along a line 40.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 169.80 feet; thence S 00°14'06" W a distance of 35.00 feet; thence S 89°45'54" E along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 108.47 feet to a point on the East line of the SE 1/4 NE 1/4 of said Section 7; thence N 00°04'18" W along the East line of the SE 1/4 NE 1/4 of said Section 7, a distance of 45.00 feet; thence N 89°55'35" E along a line 50.00 feet North of and parallel with, the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 272.00 feet; thence N 00°04'18" W, along the East line of Ditto Addition, as same is recorded in Plat Book 11, Page 350 and the East line of Wood's Addition, as same is recorded in Plat Book 12, Page 96, Public Records of Mesa County, Colorado, a distance of 533.53 feet, more or less, to a point in the centerline of the Grand Valley Canal; thence Northeasterly traversing the centerline of said Grand Valley Canal to a point on the East line of the SW 1/4 NW 1/4 of said Section 8; thence S 00°03'33" E a distance of 1208.32 feet, more or less, to the Southeast corner of the SW 1/4 NW 1/4 of said Section 8; thence S 00°04'25" E along the East line of the NW 1/4 SW 1/4 of said Section 8, a distance of 50.00 feet; thence S 89°55'35" W along the North line of Racquet Club Apartments Subdivision, as same is recorded in Plat Book 12, Page 215, Public Records of Mesa County, Colorado, being a line 50.00 feet South of and parallel with, the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 1061.70 feet; thence N 00°04'25" W a distance of 50.00 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 8; thence S 89°55'35" W along the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 255.02 feet; thence S 00°03'21" E along a line 5.00 feet East of and parallel with, the East line of the NE 1/4 SE 1/4 of said Section 7 a distance of 656.04 feet; thence N 89°45'54" W a distance of 5.00 feet to a point on the East line of the NE 1/4 SE 1/4 of said Section 7; thence N 00°03'21" W along the East line of the NE 1/4 SE 1/4 of said Section 7 (being the East line of the Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction), a distance of 656.01 feet, more or less, to the Point of Beginning.

CONTAINING 22.84 Acres (994,911± 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 3rd day of November, 2004 and ordered published.

**ADOPTED** on second reading this 15th day of December, 2004.

Attest:

---

President of the Council

---

City Clerk

**Attach 5**

Setting a Hearing Kronvall Annexation Located at 2263 Greenbelt

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Zoning the Kronvall Annexation, located at 2263 Greenbelt Drive to RSF-4 (Residential Single Family 4 du/ac).					
<b>Meeting Date</b>		November 03, 2004					
<b>Date Prepared</b>		October 27, 2004			File #ANX-2004-175		
<b>Author</b>		Faye Hall		Associate Planner			
<b>Presenter Name</b>		Faye Hall		Associate Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive.

**Budget:** N/A

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

**Background Information:** The Planning Commission reviewed the zone request on October 26, 2004 and recommended approval of a RSF-4 zoning to the City Council. See attached staff report for additional information.

**Attachments:**

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

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		2263 Greenbelt Drive		
<b>Applicants:</b>		Owner/Developer: Milo Johnson – Peak Const. Representative: Brian Hart – Landesign		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County PD 4.01 du/ac, PD 14.88 du/ac		
	<b>South</b>	County RSF-4		
	<b>East</b>	City CSR, RSF-4, PD 2 du/ac		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac. GPA-2004-207 approved by City Council on Oct. 20, 2004		
<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-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the 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:

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

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

2. There has been a change of character in the neighborhood due to installation

of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

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

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

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

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

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

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

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

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

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

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

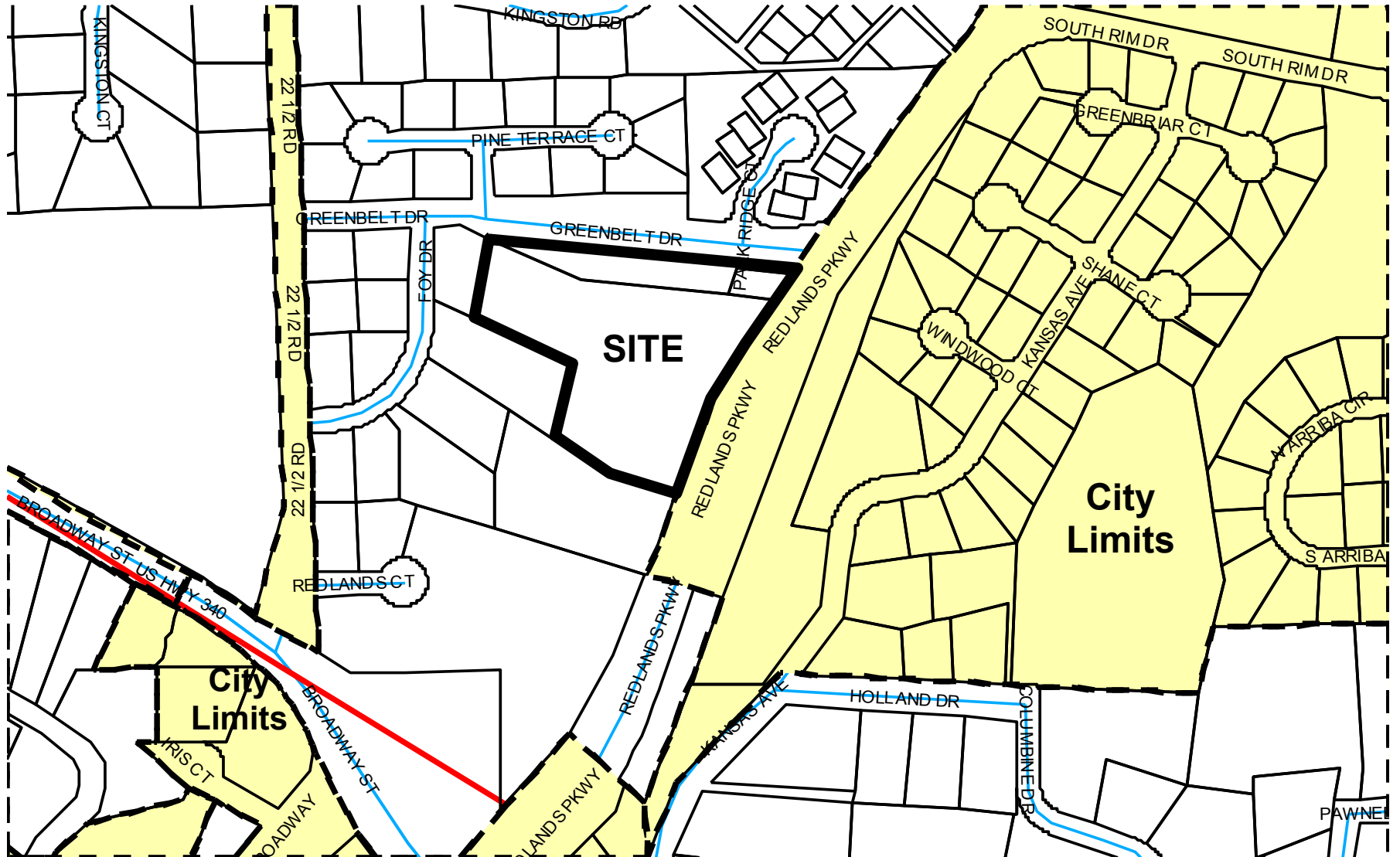
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the 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



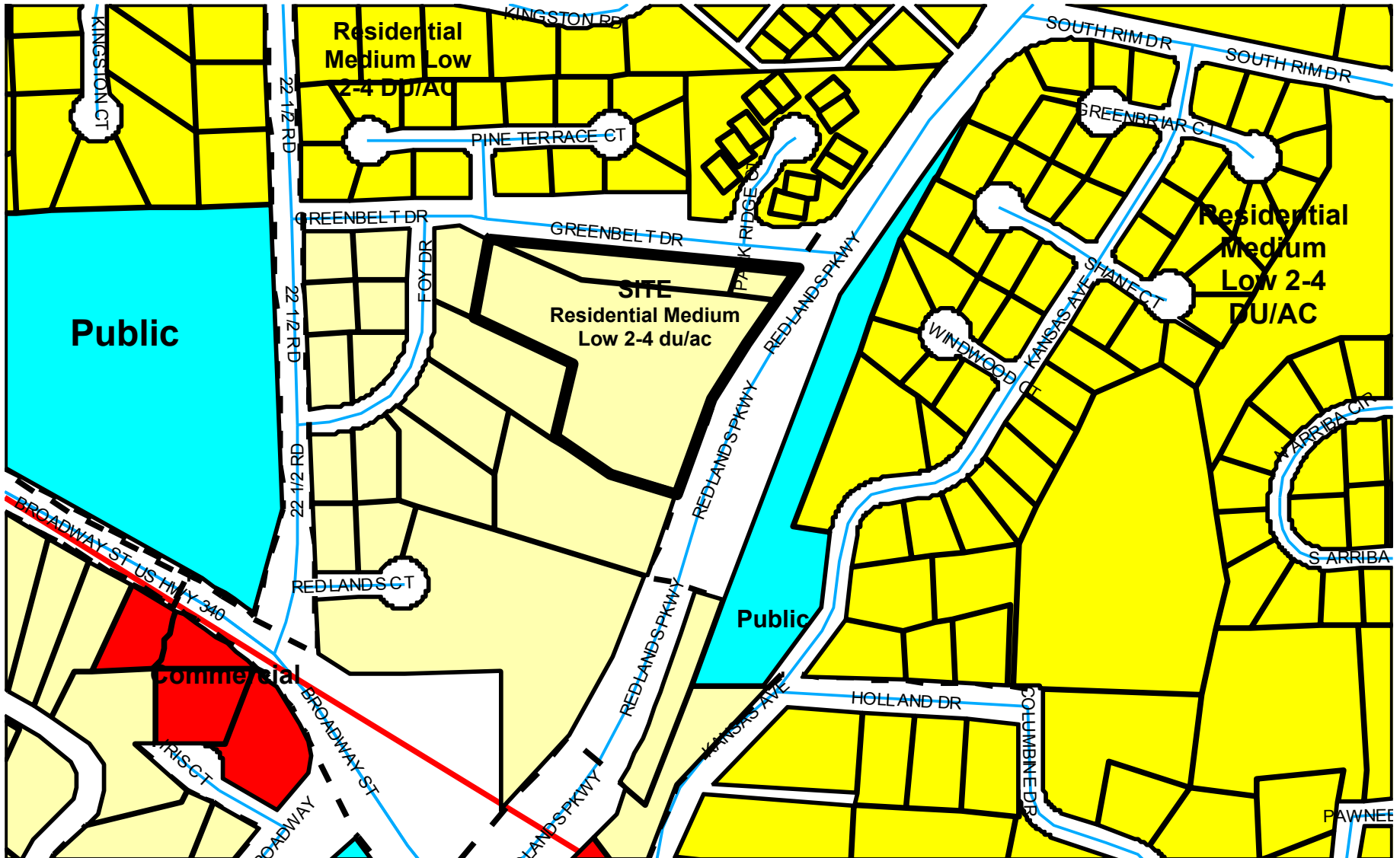
# Aerial Photo Map

Figure 2



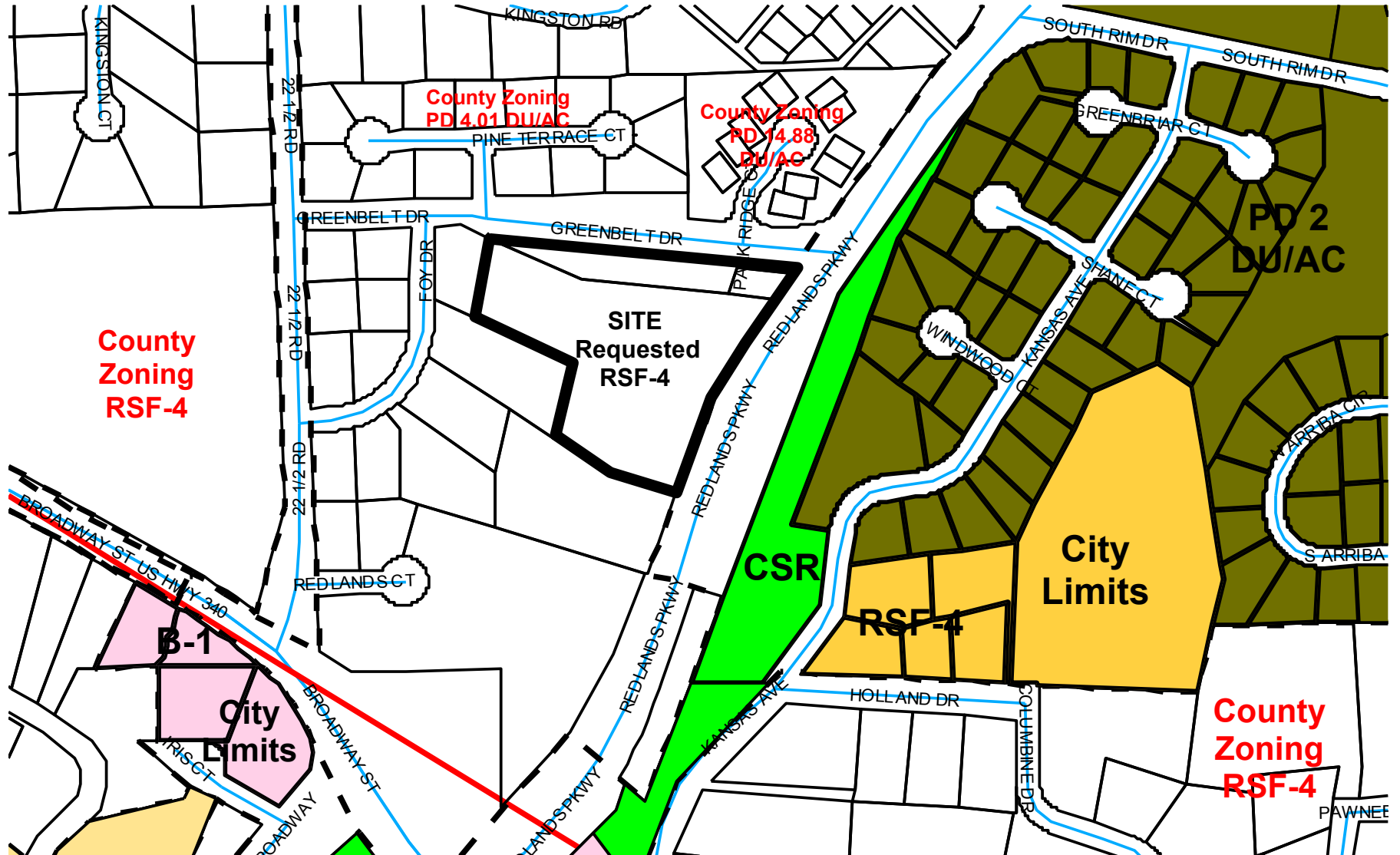
# Future Land Use Map

Figure 3



# Existing City and County Zoning

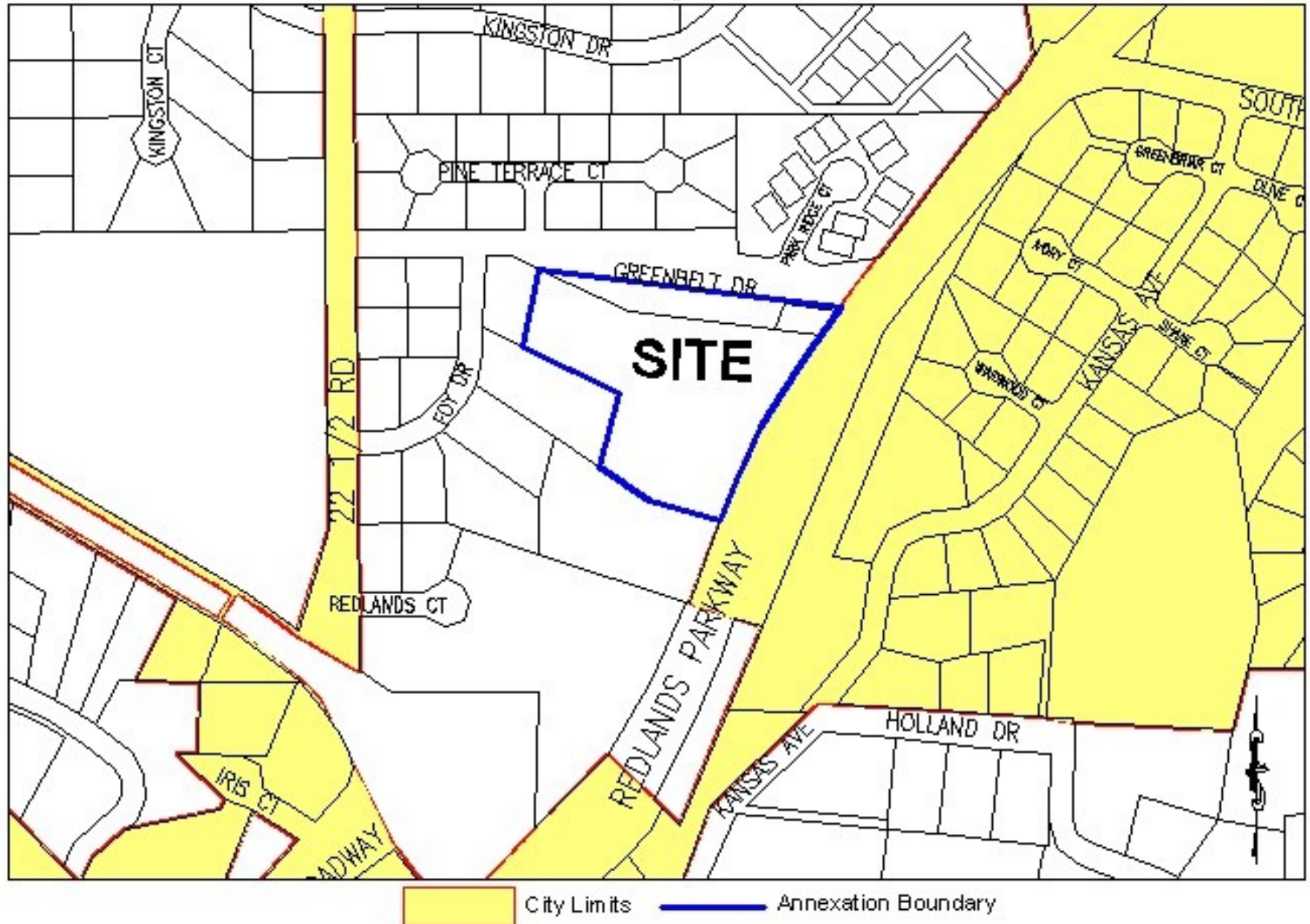
Figure 4



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."

# Kronvall Annexation

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE KRONVALL ANNEXATION TO  
RSF-4 (RESIDENTIAL SINGLE FAMILY 4 DU/AC)**

**LOCATED AT 2263 GREENBELT DRIVE**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Kronvall Annexation to the RSF-4 (Residential Single Family 4 du/ac) 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 (Residential Single Family 4 du/ac) zone district be established.

The Planning Commission and City Council find that the RSF-4 (Residential Single Family 4 du/ac) 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, Residential Single Family with a density not to exceed 4 units per acre.

**KRONVALL ANNEXATION**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 2, Greenbelt Subdivision, as same is recorded in Book 3671, Page 249, Public Records of Mesa County, Colorado, together with a parcel of land shown and labeled within the Northeast portion of said Lot 2 having a Mesa County Parcel Number of 2945-074-00-002, all being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 2, Greenbelt Subdivision and assuming the North line of said Lot 2 bears S 82°26'11" E with all other bearings mentioned herein in reference thereto; thence from said Point of Beginning, N 73°00'10" W along the South line of said Lot 2, a distance of 151.23 feet; thence continuing along said South line, N 56°07'10" W a distance of 128.84 feet to a point being the Southeast corner of Lot 1, Kronvall Subdivision, as same is recorded in Book 3602, Page 477, Public Records of Mesa County, Colorado; thence N 16°45'36" E along the East line of said Lot 1, Kronvall Subdivision, a distance of 151.81 feet to a point being the Northeast corner of said Lot 1, Kronvall Subdivision; thence N 62°57'41" W a distance of 203.26 feet to a point being the Southeast corner of Lot 1 of said Greenbelt Subdivision; thence N 12°08'01" E along the East line of said Lot 1, Greenbelt Subdivision, a distance of 172.00 feet to a point being the Northwest corner of Lot 2, Greenbelt Subdivision; thence S 82°26'11" E along the North line of said Lot 2, Greenbelt Subdivision, a distance of 606.45 feet to a point being the Northeast corner of said Lot 2, Greenbelt Subdivision; thence S 36°48'00" W along the East line of said Lot 2, Greenbelt Subdivision, being the West right of way for the Redlands Parkway, a distance of 9.45 feet; thence S 35°34'34" W along said West right of way, a distance of 54.72 feet to a point being the Southeast corner of that certain parcel of land with Mesa County parcel control number of 2945-074-00-002; thence S 35°32'54" W along the West right of way for the Redlands Parkway, a distance of 71.68 feet; thence S 28°40'28" W along the East line of said Lot 2 and the West right of way for the Redlands Parkway, a distance of 284.08 feet; thence S 21°48'03" W along the East line of said Lot 2 and the West right of way for the Redlands Parkway, a distance of 88.85 feet, more or less, to the Point of Beginning.

CONTAINING 4.274 Acres (186,189 Sq. Ft.), more or less, as described.

Introduced on first reading this 3<sup>rd</sup> day of November, 2004 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 6**

Setting a Hearing to Amend the Planned Development for Meadowlark Gardens

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Meadowlark Planned Development (PD) Amendment and Amended Development Plan					
<b>Meeting Date</b>	November 3, 2004					
<b>Date Prepared</b>	October 26, 2004			<b>File #</b> PDR-2003-229		
<b>Author</b>	Bob Blanchard		Community Development Director			
<b>Presenter Name</b>	Bob Blanchard		Community Development Director			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	X	<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a proposed ordinance and setting a hearing date November 17, 2004.

**Attachments:**

- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map
- Section 7-1, June, 1997 Zoning and Development Code
- Proposed Sign Plan Allocation
- Proposed Ordinance Amending the Meadowlark Garden PD
- Proposed Meadowlark Gardens Planned Development, Land Use Regulations and Development Standards and Preliminary Plan



<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		2231 Broadway		
<b>Applicants: Prop owner, developer, representative</b>		Owner: Ed DelDuca, Anne Barrett Developer: Ed DelDuca, Anne Barrett		
<b>Existing Land Use:</b>		Existing Meadowlark Garden nursery, Wells Fargo Bank, Western Valley Family Practice, Vacant		
<b>Proposed Land Use:</b>		Mixed Residential, Non-Residential		
<b>Surrounding Land Use</b>	North	Highway 340, Redlands Parkway, Residential, Vacant		
	South	Residential, Vacant		
	East	Highway 340, Residential		
	West	Redlands Parkway, Residential, Vacant		
<b>Existing Zoning:</b>		Planned Development (PD)		
<b>Proposed Zoning:</b>		Same		
<b>Surrounding Zoning:</b>	North	B-1, CSR, County Zoning –RSF-4		
	South	RSF-2, County Zoning – RSF-4		
	East	B-1, County Zoning – RSF-4		
	West	RSF-2, CSR		
<b>Growth Plan Designation:</b>		Commercial Residential Low Density (2 – 4 DU/Acre)		
<b>Zoning within density range?</b>		X	Yes	No

**ANALYSIS:**

1. Project Description/Background:

The subject property is 7.55 acres, located at the southern quadrant of Highway 340 and Redlands Parkway. The property was annexed into the City in 1995 as

part of the larger, 184 acre annexation known as the Bluffs West Annexation #2. The property was originally zoned Planned Business (PB) in July, 1999 using the review criteria of Section 7-1, Planned Development, of the June, 1997 Zoning and Development Code (this project continues to be reviewed under the criteria of the "old" Code). This zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The final plat creating seven lots was approved May, 2000. Developed lots include lot 1, the existing Meadowlark Garden nursery; lot 3, Western Valley Family Practice medical building (approved February, 2003); and lot 5, Wells Fargo Bank (approved May, 2000). Lot 4 received final site plan approval in March, 2004 but is not yet developed.

This application is to amend the existing Planned Development (PD) zoning, primarily as it relates to signage and the provision of onsite circulation and parking.

2. Consistency with the Growth Plan

This site is consistent with the Growth Plan which designates the site Commercial and Residential Low (1/2 to 2 acres per dwelling unit). Additionally, the site is consistent with the Redlands Plan which was adopted in June, 2002 and designates the property the same as the Growth Plan.

3. Consistency with the Zoning and Development Code

Typically all rezones must meet the requirements of Sections 2.6 (Code Amendment and Rezoning) and 2.12.C.2 (review criteria for a Planned Development Preliminary Development Plan [PDP]) of the Zoning and Development Code (ZDC) as well as the requirements of Chapter 5, Planned Developments of the ZDC (attached). However, this is an amendment to an existing PD which, at the time of original approval (to Planned Business in July, 1999 and to Planned Development in 2000) was found to meet all applicable review criteria. This amendment request is to amend the Land Use Regulations & Development Standards and Preliminary Plan that was adopted by ordinance with the initial approval.

The following rezone criteria of section 4-4-4 of the 1997 Zoning and Development Code must be considered:

A. *Was the existing zone an error at the time of adoption?*

The existing zone was not an error. The proposed amendments are to clarify and modify some of the specific plan elements. The basic uses and requirements will remain the same.

*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 transitions, etc.?*

As the provisions of the original plan for the PD were implemented with the project, it became apparent that some clarification was necessary. The modifications proposed will not significantly change the elements of the project.

*C. Is there an area of community need for the proposed rezone?*

The proposed modifications will make it easier for developers, builders and the City to implement the approved plan for the property.

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

No significant change.

*E. Will there be benefits derived by the community, or area, by granting the proposed rezone.*

Not applicable.

*F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?*

The existing zoning of PD and the approved plan, as well as the proposed amendments, are consistent with the Growth Plan.

*G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?*

Adequate facilities are available.

#### 4. Land Use Regulations and Development Standards

Proposed changes to the regulations and standards are in the following major sections:

A. *Land Use Tables*

Originally, this section limited the uses and established a maximum allowable floor area and maximum building floor area by use on each of the platted lots. This proved to be unwieldy and unnecessarily restrictive, severely limiting the types of uses as well as their size.

The final plat, which was approved in 2000, established setbacks for each lot which in turn, establishes the maximum building footprint. In addition, Table 3 in the Dimensional and Intensity Standards section addresses lot sizes, setbacks and height. It is appropriate to allow a larger variety of uses on each of the commercially designated lots. The revised tables in this section establishes a list of permitted uses that would be allowed anywhere within the PD (see Table 1).

B. *Dimensional and Intensity Standards*

Cumulative traffic impacts are proposed to be used to limit the overall intensity of development and impacts on Redlands Parkway and Highway 340. A total of 242 peak hour trips, either entering or leaving the site, sets a ceiling on the amount of development that will be allowed. Trip generation standards published by the Institute of Transportation Engineers (ITE) will be used to calculate peak hour traffic.

C. Signage

The maximum signage allowed for this development is 1,186.5 square feet. This is calculated by using Code provisions for both flush wall signs (based on the area of the building façade most parallel to the street it faces) and free standing signs (based on the length of the street frontage and the number of traffic lanes). The proposed amendments to the regulations and standards allows redistribution of the estimates for each lot based on requests by the property owners association. Any redistribution would be based on signage allowances for each lot as it develops. All signage must first be approved by the property owners association prior to submittal to the City for a sign permit. The current signage distribution plan is attached.

A specific provision is being made in this application to allow decorative light pole banners. These would be permitted to be attached to parking lot and street light poles internal to the development. No advertising of individual businesses, events or products would be allowed on the banners, only the name of the development – Meadowlark Garden. These banners would be fixed to the poles so as not to be wind driven.

#### D. Parking and Walkways

When Meadowlark Garden was originally approved, allowance was made for shared parking provisions within the overall development. The concept was, and continues to be, that all parking is in a common easement and, with the exception of handicap parking reserved for individual developments, all parking is considered shared. Based on a model that was presented during the initial review, a 26% shared parking credit was awarded which totaled 45 spaces. Instead of the Code required 184 spaces, only 139 were required.

Proposed changes to this section of the ordinance were mostly for clarification purposes so it became clear when parking and connecting walkways would be required to be constructed. When a new development is proposed, the shared parking model will be run to determine the required number of spaces based on the mix of the proposed development with existing development. To the maximum extent possible, required parking will be built on each development parcel. However, if it's not, the availability of shared parking opportunities will be calculated. This will determine if additional parking will need to build other than what exists. In addition, based on this shared parking concept, as development occurs, new parking will be required to be connected to all other parking by walkways as shown on the Preliminary Plan.

Lot 1, which is the site of the existing Meadowlark Garden nursery has been addressed specifically. Recognizing the operational requirements of the nursery, its unique location on the site and the fact that it was in existence at the time of the original PD approval, there is a specific threshold for development of parking associated with the nursery. Construction of the paved parking areas associated with lot 1 would only be initiated when 1) Lot 1 redevelops with a different use; 2) An expansion is proposed that results in the demand for more parking than exists within the development after modeling the shared parking available on the site; or, 3) the last of the remaining lots 2 through 6 (not including lot 7 which is reserved for residential uses) are approved for development. Walkways may be developed through lot 1 as other development occurs to ensure that all shared parking is

connected. Lot 1 is located in the center of the overall development and it is critical that connecting walkways through the lot be provided even if the adjacent parking is delayed.

5. The preliminary plan document is proposed for amendment in three areas:
  - A. Language regarding parking and walkways is being removed from the development schedule, is being clarified and being placed in the Land Use Regulations & Development Standards;
  - B. The table of permitted land uses is being removed from the Plan, is being revised and placed in the Land Use Regulations & Development Standards; and,
  - C. Typical street, driveway and parking area cross sections are being included.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the proposed amendments to the Meadowlark Garden Planned Development application, PDR-2003-229, staff makes the following findings of fact and conclusions:

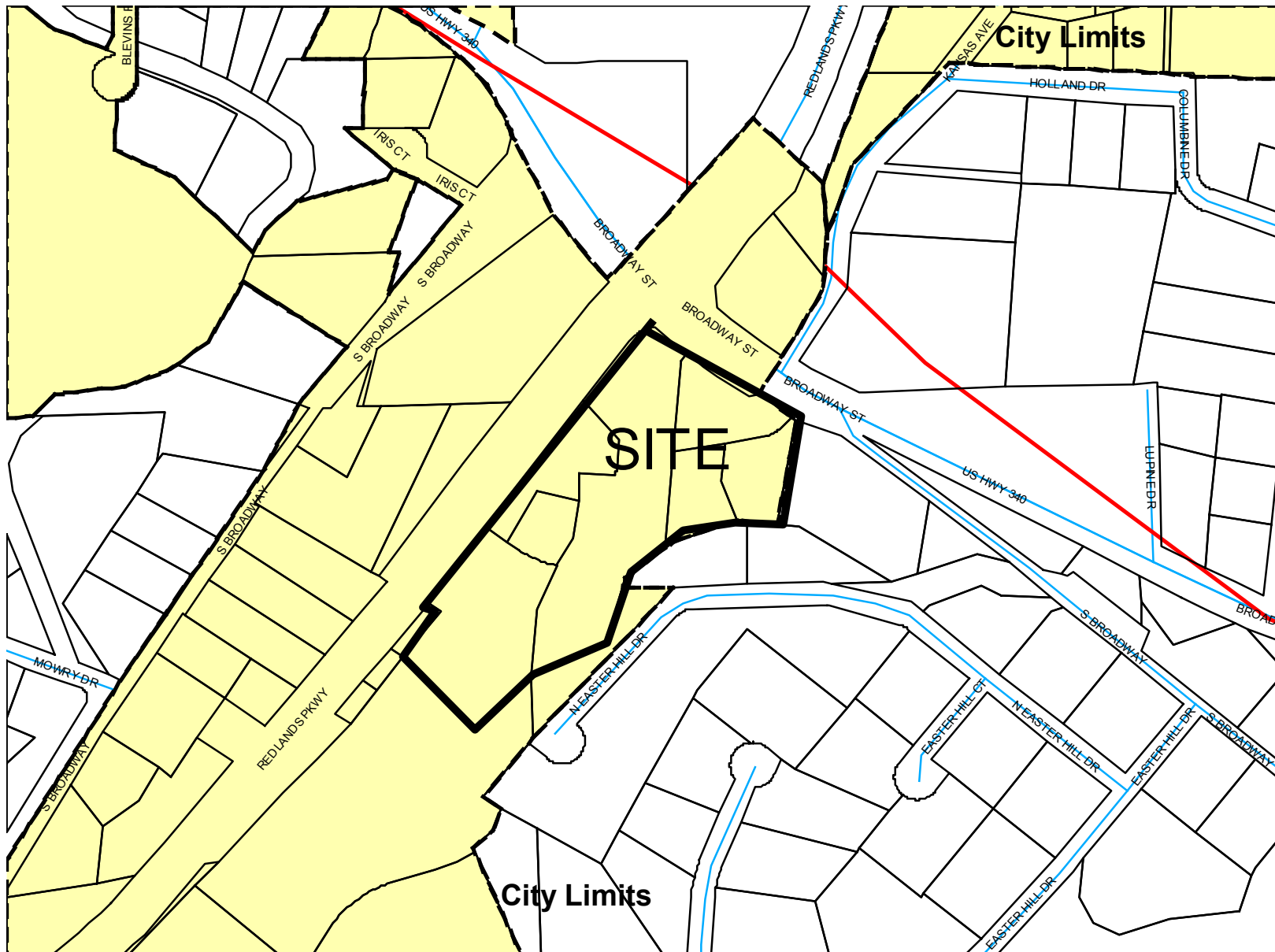
1. The requested amendments are consistent with the Growth Plan
2. The applicable criteria contained in Sections 4-4-4 and 7-1 of the June, 1997 Zoning and Development Code continue to be met.

#### PLANNING COMMISSION RECOMMENDATION:

On October 26, 2004, the Planning Commission voted to forward a recommendation of approval of the proposed amendments to the Meadowlark Planned Development and preliminary plan.

# Site Location Map

Figure 1



# Aerial Photo Map

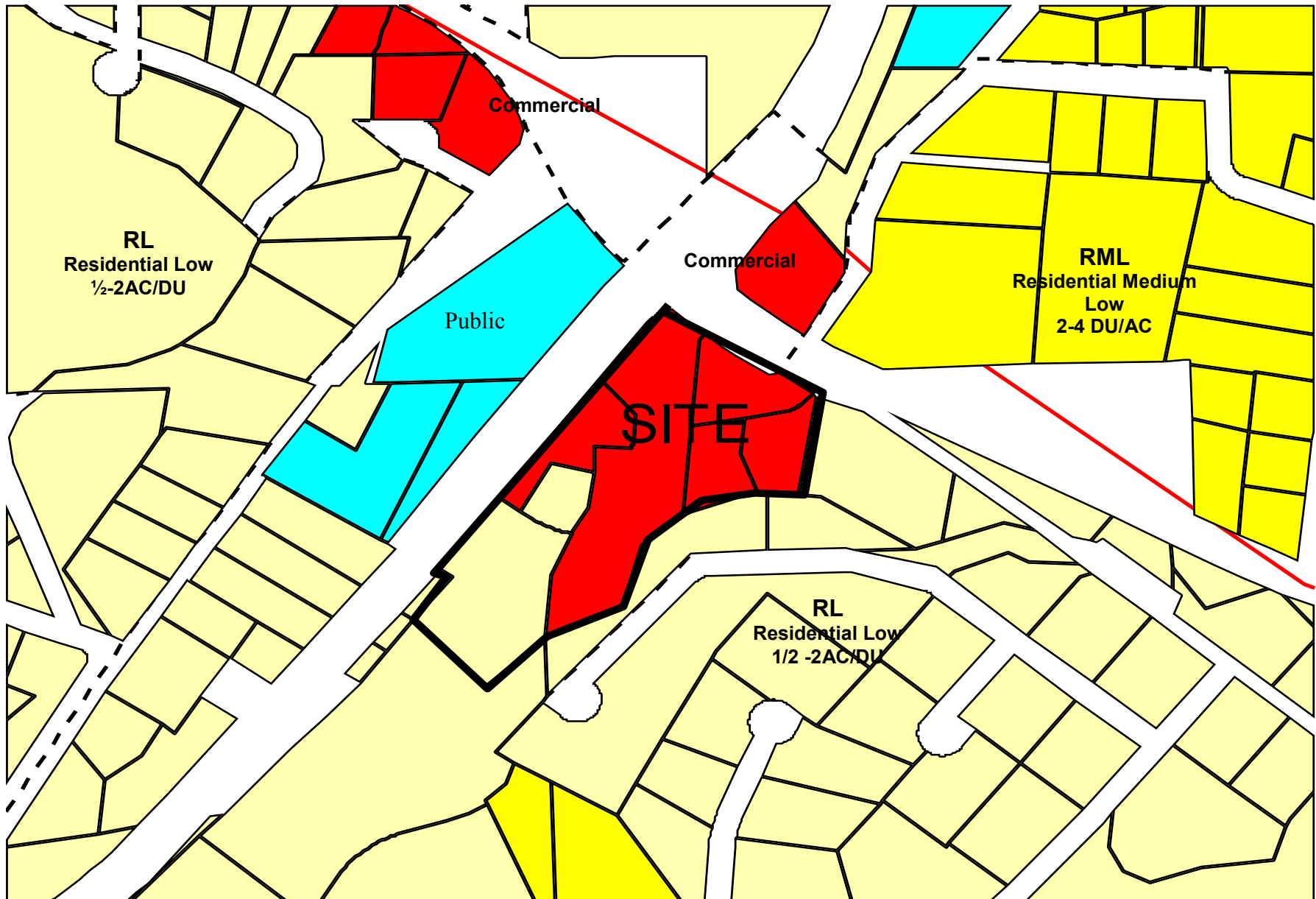
Figure 2





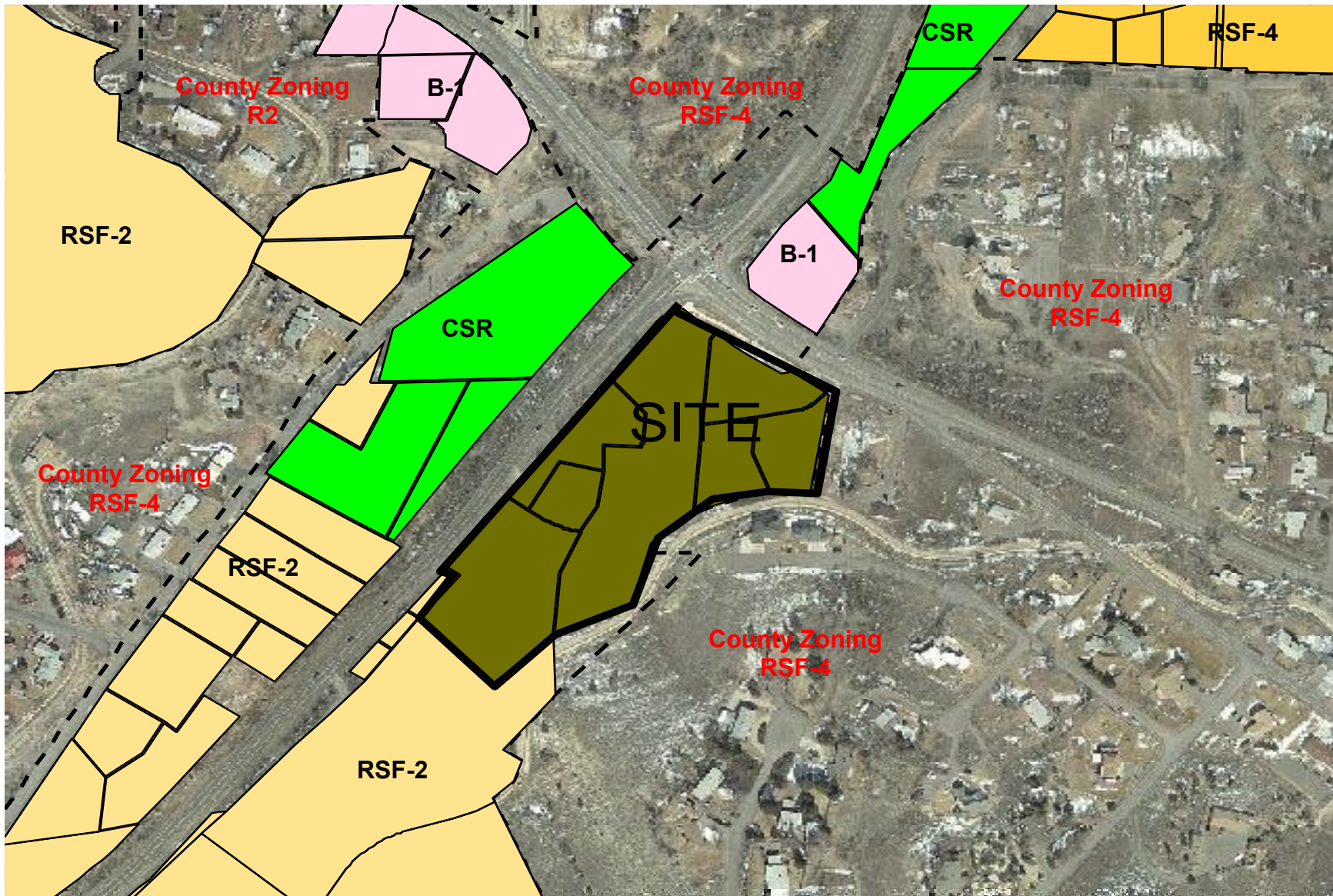
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4





**SIGN PLAN ALLOCATION  
MEADOWLARK GARDENS PLANNED DEVELOPMENT**

**Signage Distribution:**

The signage permitted on individual lots within the Meadowlark Garden Development shall not exceed the square footage allocations on the following table.

<b>Lot</b>	<b>Signage Allocation Sf.</b>
<b>1</b>	<b>324</b>
<b>2</b>	<b>102</b>
<b>3</b>	<b>47</b>
<b>4</b>	<b>64</b>
<b>5</b>	<b>58</b>
<b>6</b>	<b>71</b>
<b>7</b>	<b>261</b>
<b>Sub Total</b>	<b>927</b>
Center Identification Signs When Entirely Used	<b>259</b>
<b>Total Signage Permitted</b>	<b>1186</b>

The square footage allocated to each lot may be distributed among the various types of permitted signs including flush and projecting wall mounted signs and shingle signs. When more than one business is located on a lot, the total area shall be distributed among the business sharing the lot.

The Meadowlark Development Property owners association shall be co-applicants to all sign permits.

All signs shall conform to the city sign code except where specifically noted in the Meadowlark Development ordinance. (note: banners may be attached to free standing signs as well as to buildings)

This table may be modified by the Property owners association but in no case shall the total signage exceed 1187.5 including the three freestanding signs which when fully utilized will be 259 square feet of the 1187.5 sf. permitted.

CITY OF GRAND JUNCTION, COLORADO

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

AMENDING ORDINANCE NO. 3162 PERTAINING TO A PLANNED DEVELOPMENT ZONING AND PRELIMINARY PLAN FOR MEADOWLARK PLANNED DEVELOPMENT TO BE PUBLISHED IN PAMPHLET FORM

Recitals:

The proposed amendments to the Meadowlark Planned Development include revisions to the Meadowlark Planned Development Land Use Regulations And Development Standards and the Preliminary Plan. The attached revisions clarify the signage, parking and pedestrian circulation requirements. The Preliminary Plan is revised accordingly.

The original Meadowlark Planned Development was approved in July, 1999 and the property zoned Planned Business (PB) after review of the approval criteria contained in the June, 1997 Zoning and Development Code. The zoning was changed to Planned Development (PD) during the area rezoning following adoption of the 2000 Zoning and Development Code.

The Planning Commission has recommended approval of the amended PD ordinance and revised Preliminary Plan. The City Council finds that the request is consistent with the Growth Plan and continues to meet the requirements of the June, 1997 Zoning and Development Code.

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

Ordinance No. 3162 is hereby amended so that the Land Use Regulations & Developments for the Meadowlark Planned Development are as set forth in the attached Exhibit A and the Preliminary Plan is set forth in Exhibit B. All other other terms of Ordinance No. 3162 shall remain in full force and effect except for those specifically amended herein.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON \_\_\_\_ DAY OF NOVEMBER, 2004.

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON \_\_\_\_ DAY OF DECEMBER, 2004

ATTEST:

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

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

**“EXHIBIT A”**  
**MEADOWLARK PLANNED DEVELOPMENT**

**LAND USE REGULATIONS & DEVELOPMENT STANDARDS**

**SECTION I. PURPOSE & APPLICABILITY**

**SECTION II. LANDS USES**

- A. Land Use Categories
- B. Land Uses Not Listed

**SECTION III. DIMENSIONAL AND INTENSITY STANDARDS**

- A. Traffic Impacts
- B. General Dimensional Standards

**SECTION IV. LANDSCAPING**

- A. Naturalistic Landscape Theme
- B. General Requirements
- C. Streetscape Standards
- D. Landscape Design Standards
- E. Parking Lot Interior Landscaping/Screening
- F. Detention Basins
- G. Maintenance
- H. Landscape Plant List

**SECTION V. SITE ORGANIZATION AND DEVELOPMENT**

- A. Screening Standards
- B. Lighting Standards

**SECTION VI. BUILDING DESIGN**

- A. Style
- B. Design Guidelines for All Buildings

**SECTION VII. SIGNS**

- A. Distribution of Sign Allowance
- B. Freestanding Development Identification Signs
- C. Types of Signs Allowed
- D. Design Considerations
- E. Directional Signs
- F. Temporary and Banner Signs
- G. Illumination of Signs

**SECTION VIII. PARKING**

**SECTION IX. OUTDOOR DISPLAY**

**SECTION X. ARCHITECTURAL REVIEW**



## **SECTION I. PURPOSE & APPLICABILITY**

The Planned Development ordinance sets forth and defines the zoning and overriding regulations, guidelines and standards that shall apply the use and development of all of the property in the Meadowlark Planned Development. This document is intended to establish standards for design of buildings, parking areas, lighting, landscape, walkways and other project elements to create an attractive appearance, and preserve rural character and scale. All new improvements to shall be constructed and installed in accordance with this planned development ordinance or approved revisions there to and shall be approved by the Architectural Review Committee established by the planned development covenants. The standards set forth herein are recognized as promoting sound design principles that enhance the compatibility of uses on and adjacent to the site and strengthening property values.

This Section establishes minimum standards for landscaping and site design. Developers and landowners are encouraged to exceed these minimums whenever possible.

Any improvements or items not addressed in these standards shall comply with the development standards of the City of Grand Junction Zoning & Development Code in effect at the time the improvement is installed, using the zone district most similar to the corresponding use in the Planned Development.

The design guidelines shall apply to all new improvements, buildings and uses of land within the planned development site and adjacent street right-of-ways, including, but not limited to: all buildings; parking areas; landscaping; lighting; driveways; walkways; and street improvements. They shall also apply to substantial additions or remodeling of existing improvements, where there is a change in the distinguishing characteristics or primary features of the buildings, landscape, or land.

## **SECTION II. LAND USES**

### **A. LAND USE CATEGORIES**

The land uses permitted or prohibited on any of the seven lots established on the Meadowlark Planned Development Plat or on lots created from these lots through subdivision are defined in Table 1.

The table includes a list of typical uses to be allowed or prohibited in the land use categories. The use of peak hour traffic generated by the combined uses within the Planned Development to control the overall intensity of the development shall be utilized rather than limiting the square footage of various uses permitted on individual lots.



**Table 1**

<b>LAND USE CATEGORY</b>	<b>DEFINITION</b>	<b>SPECIFIC USE TYPE</b>	<b>STATUS</b>
<b><i>Residential</i></b>	<p>Residential occupancy of a dwelling unit by a household.</p> <p>Nursery School, Preschool, Day Care-A school and/or care facility which is licensed by the State and is maintained for the whole or part of the day for more than six children including indoor and associated outdoor facilities for the supervised care of children.</p> <p>Chapel, Church, Community Activity Building-Facilities for gathering for the purpose of worship or community functions &amp; meetings and classes Classrooms</p>	<p>Single Family Detached Single Family Attached Town home Condominium Home Office, conforming to City code requirements. Nursery School / Preschool / Daycare Center</p> <p>Chapel, Church, Community Activity Building</p>	<p>Allowed Allowed Allowed Allowed Allowed Allowed</p> <p>Allowed</p> <p>Allowed Allowed</p>
<b><i>Office/ Professional Services</i></b>	<p>Uses primarily providing personal or professional services to customers or clients conducted in an office setting and associated uses.</p>	<p>Medical or surgical care to nonresident patients, Clinics Medical /Dental Office Counseling Centers Physical Therapy Center Veterinary Center General Meeting Space Professional Services Architect, Engineer, Designer, Broker, Planner, Insurance Agent, Realtor, Travel Agent and similar</p>	<p>Allowed Allowed Allowed Allowed Allowed Allowed Allowed Allowed Allowed</p> <p>Allowed</p>

**Table 1 (continued)**

<b>LAND USE CATEGORY</b>	<b>DEFINITION</b>	<b>SPECIFIC USE TYPE</b>	<b>STATUS</b>
<b>Financial Services, Bank</b>	Uses primarily providing financial, investment, banking or related professional services to customers or clients conducted in an office setting.	Branch Bank Drive-through or drive-up service windows (three or less) Exterior Automated Teller Machine (walk-up or drive-up type) Drive-thrus are only permitted in association with Financial Services.	Allowed Allowed Allowed
<b>Garden Center/ Plant Nursery</b>	A place where plants are raised, acquired and maintained for transplanting or sale including exclusively or in conjunction with the above, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other landscape materials and accessories. And, as an accessory use, the sale and rental of small landscaping tools and supplies, garden related hard goods, indoor plants decorative landscape items, Sculptures, Pottery & Ornaments, Patio Furniture, Flowers, Water Gardens, Irrigation Parts Greenhouses, and services of landscape design and installation Snacks/Drinks for customers. Includes indoor and outdoor sales, display and storage of allowed items.	Sales and Storage of Landscape Plant and Hardscape materials and accessories commonly used for landscape purposes.  As Accessory uses:  Sale and/or rental of small landscape tools,  Sale of garden related hard goods, sculptures, pottery, patio furniture and accessories, indoor plants.  Sale of garden maintenance supplies  Services of: Landscape Contractor Landscape Design Florist  Sale of Snacks / Drinks for Customers  Sale of Loose or Unbagged Manure	Allowed  Allowed  Allowed  Allowed  Allowed  Prohibited

**Table 1 (continued)**

LAND USE CATEGORY	DEFINITION	SPECIFIC USE TYPE	STATUS*
<p><b>Retail Sales and Services</b></p>	<p>The display, storing and sale of items or the provision of specific services to end consumers on a small scale. Renovation, repair or small-scale production of items primarily for sale on the premises.</p>	Alcohol Sales, by the drink / Bar	Allowed
		Alcohol Sales associated with a Restaurant or Food Service	Allowed
		Automotive Repair Services	Allowed
		Barber/Beauty Shop	Allowed
		Bookstore	Allowed
		Bridal Shop,	Allowed
		Contract Post Office	Allowed
		Dance/Art/Music Schools	Allowed
		Dry Cleaner	Allowed
		Florist	Allowed
		Food Service	Allowed
		Ice Cream Shop	Allowed
		Bakery, Deli, Café, Coffee Shop	
		Delivery only	Allowed
		Gift Shop, Antique shop	Allowed
		General Retail Store	Allowed
		Health food Store/herb sales	Allowed
		Open Air Markets	Allowed
		Horticultural / Art/Crafts /	
		Produce	Allowed
		Pharmacy	
		Photography Studio	Allowed
		Print or copy shop (light)	Allowed
		Retail Liquor Sales (Packaged goods)	Allowed
		Tailor / Sewing Service	Allowed
		Limited outdoor sales and display,	Allowed
		(sidewalk sales, arts/crafts	Allowed
festivals during normal business	Allowed		
hours only.)			
Alcohol Sales, by the drink /			
Bar	Prohibited		
as a primary use			
Automotive Repair Services	Prohibited		
Auto Fuel Sales	Prohibited		
Food Service	Prohibited		

**Table 1 (continued)**

<b>LAND USE CATEGORY</b>	<b>DEFINITION</b>	<b>SPECIFIC USE TYPE</b>	<b>STATUS*</b>
<b>Restaurant</b>	An establishment selling prepared food and beverages primarily for consumption on the premises, where all service takes place within an enclosed building or accessory outdoor eating areas.	Family Restaurant/Café. Alcohol Sales, by the drink In association with Restaurant or food service Alcohol Sales, by the drink As a primary use Food for delivery only	Allowed  Allowed  Prohibited  Prohibited
<b>Financial Services</b>	Uses primarily providing financial, investment, banking or related professional services to customers or clients conducted in an office setting.	Branch Bank Drive-through or drive-up service windows (three or less) Exterior Automated Teller Machine (walk-up or drive-up type)	Allowed Allowed  Allowed
<b>All categories and on all lots</b>			
Parking	Provision of parking for employees or customers of establishments on the site, or for residents and their guests	Shared Parking Spaces in common parking easements for uses on-site  Private Parking Spaces (other than for residential uses)  Parking for uses off-site	Allowed  Prohibited  Prohibited
Parks & Open Space	Natural area consisting mostly of vegetative landscaping or outdoor recreation, community gardens, picnicking, etc.	Parks/Picnic Areas Playgrounds	Allowed Allowed
Plant Nursery, Commercial Garden, Farmer's Market / Vegetable Stand	Growing, storage and sale of horticultural materials and produce	Nursery, Orchard, Growing and sale of plants, fruit or vegetables, flowers Sales area for above uses < 1500 s.f. Outdoor Farmers Market < 10,000 s.f.	Allowed  Allowed  Allowed
Utilities and related facilities including: water, sewer, gas, electric, irrigation, cable TV, and others	Utilities serving the structures and uses on the site.	Underground only	Allowed

**\* Status:**

Uses "Allowed" are uses by right,

Uses "Prohibited" are not permitted unless an amendment to this planned development is approved by the city.

**B. LAND USES NOT LISTED:**

Table 1 is intended to provide a list of the types of uses to be permitted within the development. It may not be inclusive of all possible uses. Land Uses not listed may be allowed if they are determined to be similar to and are compatible with the listed uses and are compatible with the character of the development. Approval is required by both the Architectural Review Committee of the planned development and the City Community Development Director, following the same process for uses not listed in other zoning districts in the City to make this determination.

**SECTION III. DIMENSIONAL AND INTENSITY STANDARDS**

Traffic impacts and the dimensional standards described in this Section shall limit the combined intensity of all developed uses within the development.

**A. TRAFFIC IMPACTS**

Total combined traffic impact of all developed uses on all lots within the development shall not exceed two-hundred and forty-two (242) entering trips at AM or PM peak hour, unless an increase in this total is approved as an amendment to this Planned Development.

As each new use is added, a simple trip generation projection shall be made of total trips from existing and proposed uses using the trip generation standards and assumptions shown in Table 2. For allowed uses not listed, trip generation standards published in the most current Traffic Engineers Handbook shall be used. Local empirical data, acceptable to the City, may also be considered in determining trip generation.

<b>USES</b>	<b>AM Trips by Unit</b>	<b>Entry %</b>	<b>PM Trips By Unit</b>	<b>Entry %</b>
<i>Medical/Dental Office</i>	2.43	80%	3.66	27%
<i>Single Tenant Office</i>	1.78	89%	1.72	15%
<i>Day Care</i>	12.00	53%	13.00	47%
<i>Retail</i>	4.00	0%	4.00	52%
<i>Restaurant High Turn Sit Down</i>	9.30	52%	11.00	60%
<i>Bank with 3 Drive- thru windows</i>	12.63	56%	54.80	50%
<i>Nursery/Garden Center</i>	1.31	50%	3.80	50%
<i>Single Family</i>	0.75	25%	1.01	64%

**Table 2**

**B. GENERAL DIMENSIONAL STANDARDS**

The standards shown in Table 3 shall be applied to the Planned Development in general.

Dimensional Standards Applied to Planned Development in General								
Land Use	Min lot size per Unit <sup>1</sup>		Min Frontage <sup>2</sup>	Minimum Setbacks Principle/Accessory Building <sup>3, 5</sup>				Max Height <sup>4</sup>
	Area sf.	Width		Front <sup>5</sup>	Side <sup>6</sup>	Rear	Abutting Residential or Common Access Easements or Shared Parking Areas	
Residential	7,000	35'	20'	20'/25'	10'	25'/10	15'/20'	36'
Chapel	20,500	35'	50'	25'/25	15'	25'/10	25'/20'	36'
Day Care Center	10,000	35'	20'	20'/25'	10'	25'/10	15'/20'	36'
Retail				0'	0'	0'	8'/8'	36'
sales/services				0'	0'	0'	8'/8'	36'
Office/Professional Services				0'	0'	0'	8'/8'	36'
Restaurant				0'	0'	0'	8'/8'	36'
Financial Services				0'	0'	0'	8'/8'	36'
Garden Center								

**Table 3**

<sup>1</sup> Lot Size is gross area within the property lines including easements. Minimum Lot size shall not apply to residential condominium units in mixed-use buildings. If property lines are within structures, as in zero lot line or condominium development, they are assumed to be to the center of the mutual wall or to the exterior of exterior walls.

<sup>2</sup> Frontage requirements apply to lots adjacent to public streets or common access easements.

<sup>3</sup> All Building Setbacks within the Planned Development from any public street shall be a minimum of 20 feet for all land use categories. Building setbacks do not apply to parking, sidewalks, or signs. When units are attached, side yard setbacks shall apply to the contiguous buildings. A minimum 20 foot driveway is required between garage entrances and public right-of-way or back of sidewalk which ever is nearer. Where plans indicate exterior zero lot line construction, a 5 foot wide maintenance easement for the purpose of maintaining the exterior walls shall be platted on adjacent properties prior to obtaining a building permit.

<sup>4</sup> Heights shall be measured as the vertical distance between the average finished grade between the highest and lowest grades along the foundation and the highest point of the roof or façade. Height limits do not apply to belfries, cupolas, spires, radio/communication/antennas, flag poles, or chimneys

<sup>5</sup> Setbacks on lots that do not front on a public street shall be measured from shared parking easements and common access easements. No setback is required from common pedestrian easements or utility easements.

<sup>6</sup> When units are attached, side yard setbacks shall apply to the contiguous buildings.

## **SECTION IV. LANDSCAPING**

### **A. NATURALISTIC LANDSCAPE THEME**

The character of the landscaping shall be "lush" Xeriscape landscaping. Low water-consumptive plants with a preference to those indigenous to this region shall be used. See section V. for a sample list of acceptable plants. In order to avoid a sparse appearance of the desert landscaping the following standards will apply:

1. A minimum of 75% of all street frontage landscaped areas shall be covered with vegetative ground cover consisting of trees, shrubs, grass or other living plant materials to create a "lush" appearance to the landscaped area from public streets, driveways and walkways.
2. Colorful flowerbeds, vegetative ground cover and other vegetation shall be located to accentuate signs, landmarks, focal points and entryways on the site.
3. Inorganic groundcover, consisting of native soils, decomposed granite, crushed rock, gravel, and boulders shall be limited to a maximum aggregate total of 25% of the landscape area. River run shall not be acceptable ground cover material. Inorganic materials shall be limited to small areas between landscaping materials and appropriate in terms of color, texture, and materials to provide a pleasant, naturalistic appearance to the streetscape.

### **B. GENERAL REQUIREMENTS**

1. Landscaping shall be provided along the street frontage between the street pavement and any buildings or parking areas, loading or storage areas in accordance with the following standards.  
The land adjacent to intersection of arterial streets is a dominant feature influencing the character of the community. The area within a triangle formed by the intersection of the right-of-ways of the streets and points 80 feet from the intersection on the right of way of each street shall be landscaped.
2. A minimum twenty (20) foot wide landscaped setback shall be established along all streets, between the public right-of-way and any buildings, parking lots, fences or walls or loading areas. Except that in areas where the natural grade is above the grade of the street, in-which case the minimum landscaped setback shall be reduced by 1 foot for each 1 foot of difference in grade, with a minimum setback of 10 feet.
3. Reverse frontage lots or side lots shall not be exempt from any landscaped setback requirements along any street.
4. Any part of a developed site not used for buildings, parking, driveways, sidewalks, etc. shall landscaped with xeric plant scheme to establish a natural appearance.
5. An automatic irrigation system shall be provided to all landscaped areas requiring water.
6. All trees shall have a minimum trunk height of six feet, with a minimum 1 1/2" caliper measured four inches above the ground. Multi-trunk trees may have smaller average caliper

measurements. Minimum shrub planting size is 5 gallon. Herbaceous perennials and grasses will be planted at 1 gallon or 4" as plant species demands.

7. Existing established trees and shrubs should be integrated into the proposed landscaped areas and those preserved will be included as satisfying a part of the total landscape requirement.

### **C. STREETScape STANDARDS**

The following landscaping shall be required along all streets:

1. Trees shall be planted at the rate of one tree per 40 feet of lineal street frontage. Clustering of trees and shrubbery shall be encouraged to accent focal points or landmarks, to provide variety and to create a naturalistic character to the streetscape. A line-of-sight triangle in compliance with City Standards shall be provided at driveways.
2. Trees, shrubs, and ground covers shall be chosen from the Selection List in Section V. and shall be planted in accordance with the "Specifications Handbook for Landscape/Irrigation Installation and Maintenance Contracting" of the Associated Landscape Contractors of Colorado.
3. Existing trees, shrubs and ground covers to be retained shall be counted toward the landscape requirements.

### **D. LANDSCAPING DESIGN STANDARDS**

1. Transition/Buffer Zones: Where commercial uses are located adjacent to or separated by an alley or canal from any residential use or district, a ten (10) foot wide landscaping strip planted with one tree or tree cluster every forty (40) linear feet shall be required. The intent is to create an effective visual screen to the business use from the residences. Trees shall be selected which will not block existing scenic views from residences at mature height. Existing trees to remain, if properly located, shall be considered a part of the required landscape screening.
2. Transition or buffer zones shall be integrated into setback areas as a part of the landscape along common property lines.
3. No motorized vehicular access to the property from the Redlands canal shall be permitted.

### **E. PARKING LOT INTERIOR LANDSCAPING / SCREENING:**

1. A minimum of five percent of the total area of parking lot shall be used for landscaping.
2. One shade tree as defined in the Plant Selection List shall be provided for every 100 sf interior parking island, exclusive of perimeter landscaping and street trees. Trees must be planted within each parking lot island.
3. Parking islands shall be a minimum of 9 feet wide and contain a minimum of 80 square feet in area. This requirement may be modified upon approval of the Planning Director, where warranted by exceptional design of the parking lot and where the intent of the standard is met through alternate design schemes.
4. All parking lots shall be screened from public streets by landscape, hedges, walls or landscaped earth berms or combination thereof, to provide screening at least three (3) feet above the grade of the parking lot or Street Centerline which ever is higher.



5. Variety to the alignment and style of the walls is required. Walls shall be decoratively designed to match the character and exterior finish of adjacent buildings.

#### **F. DETENTION BASINS**

1. All new storm water detention basins shall be landscaped. Such basins shall be designed as an integral part of landscape areas and shall not take on the appearance of a detention basin or ditch.
2. Wherever practicable, the drainage design shall be based on dispersing storm-water and collecting it in small areas rather than aggregating runoff into large areas.

#### **G. MAINTENANCE**

1. All Landscaping shall be planted and maintained in accordance with the Associated Landscape Contractors of Colorado Specification Handbook.
2. All landscaping shall be well maintained and any required plant material shall be replaced within 30 days of its demise or at the earliest time of the year consistent with good horticultural practice.
3. All diseased plants shall be treated or removed and the adjacent area appropriately treated to prevent any further infection of landscape materials.
4. The maintenance of landscaping in the public right of way shall be the responsibility of the adjacent property owner, whether an individual, corporation or home or land owner's association.
5. All maintenance of landscape areas shall conform to guidelines & specifications outlined by ALCC and accomplished through the property owners association contracting with a professional landscape maintenance contractor. Cost for said maintenance shall be pro-rated to the landowners per a legal agreement between the initial property owners which agreement shall be a part of the sales agreement of any property.

#### **H. LANDSCAPE PLANT LIST**

Plantings similar in characteristics to those on the following plant list shall be used throughout the site. Substitutions may be allowed with approval of the Architectural Review Committee.

# Xeriscape Plant List - Meadowlark Planned Development

**Botanical**

**Common**

**Botanical**

**Common**

Existing trees and shrubs will be preserved where possible. New landscape plants will be added to preserve the rural character of the site.

**KEY TO LANDSCAPE AREA PLANTS**

❖ Native Areas

♦ Transitional Areas

⊛ Formal Landscape Areas

**Deciduous Shade Trees:**

- ♦ Catalpa speciosa                      Western Catalpa
- ♦ Celtis occidentalis                  Hackberry
- ⊛ Koelruteria paniculata              Golden Rain Tree
- ⊛ Quercus macrocarpa                 Burr Oak

**Evergreen Trees:**

- ♦♦ Juniperus scopulorum              "Witchita Blue" Juniper
- ⊛ Picea pungens                         Colorado Blue Spruce
- ♦♦ Pinus edulis                          Pinyon Pine

**Accent Trees:**

- ♦♦ Amelanchier alnifolia               Serviceberry
- ⊛ Betula occidentalis                 Western Red Birch
- ⊛ Chitalpa tashkentensis              Chitalpa
- ♦ Prunus virginiana                    Chokecherry
- ♦♦ Rhus typhina                         Staghorn Sumac

**Large Shrubs - Sunny:**

- ⊛ Artemisia tridentata                 Big Sage
- ⊛ Pinus mugo mugo                      Mugo Pine
- ♦⊛ Juniperus chinensis                "Sea Green" Juniper
- ♦♦ Ribes aureum                         Golden Current
- ⊛ Syringa                                 Lilac

**Large Shrubs - Part Shady:**

- ⊛ Cornus sericea                         Red Twig Dogwood
- ♦♦ Rhus trilobata                        Three-leaf Sumac

**Medium Shrubs - Sunny:**

- ⊛ Caryopteris x cladonensis            Blue Mist Spirea
- ♦♦ Cercocarpus intricatus              Little-leaf Mountain
- ⊛ Chamaebatiaria millefolium         Fern Bush
- ⊛ Chrysothamnus nauseosus            Blue rabbitbrush
- ⊛ Juniperus horizontalis                Hughes Juniper
- ♦⊛ Rosa                                    Smaller Shrub Rose

**Medium Shrubs - Part Shady:**

- ⊛ Physocarpus opulifolius               Dwarf Ninebark
- ♦♦ Prunus bessyi                         Western Sand Cherry
- ♦⊛ Ribes alpinum                         Alpine Current

**Low Shrubs - Sunny:**

- ♦♦ Artemisia frigida                    Fringed Sage
- ⊛ Berberis thunbergii                  Crimson Pigmy Barberry
- ⊛ Guitierrezia sarothrae                Broom Snake Weed
- ⊛ Juniperus horizontalis                "Blue Chip" Juniper
- ♦ Potentilla fruticosa                  "Gold Drop" Potentilla
- ♦♦ Zauchneria arizonica                Hummingbird Trumpet

**Low Shrubs - Part Shady:**

- ⊛ Mahonia repens                        Creeping Mahonia
- ⊛ Cotoneaster apiculata                 Cranberry Cotoneaster

**Ornamental Grasses / Accents - Sunny:**

- ♦♦ Erianthus ravennae                  Hardy Pampas Grass
- ♦♦⊛ Miscanthus sinensis                Maiden Grass

**Vines:**

- ♦♦ Clematis                                Virgin's Bower
- ⊛ Clematis                                 Jackman
- ♦ Campsis radicans                     Trumpet Vine
- ♦ Parthenocissus                        Englemann Ivy

**Lawn:** Can use Bluegrass or Fine textured Tall Fescue - owner preference

**Dryland Grass Mix:**

- (From Seed - drilled into ground)
- ⊛ For meadow - Dryland Blend (Blue Grama Grass, Buffalo Grass, Sideoats Grama, Indian Ricegrass, Western Wheatgrass, Galleta Grass, Alkali Sacaton, Shorty Fescue, Little Bluestem)
- ⊛ Also add seeds for desert shrubs such as: Rabbitbrush, Big Sage, Sand Sage, Fringed Sage, 4-wing Saltbush, Shadscale, Mormon Tea, Yucca glauca

**NOTES:**

Xerigation drip irrigation built to industry standards, using wye filters and pressure regulators shall be used throughout to water the plants.

Mirandscape weed barrier shall be laid, pinned as recommended over the site.

Rock mulch for desert area mixed to the following specifications shall be installed as a mulch: 2 parts Pink Shale Sand, 1 part 3/4" Pink Shale, 1 part 1/4" Pea gravel, 1 part 1" to 3" River Cobble

**Groundcovers & Flowers:**

Plant taller species as shown on plan. Plant low growing species from flats grouping by color, whites as understory to brightly colored shrubs roses, magentas and oranges near cool colored evergreens such as sage and juniper, as shown on plan. (Plant from gallons or flats in groups of uneven numbers, spaced 12"-36" apart depending on species.)

**Sunny**

**Spring:**

Tall -Bearded Iris, Prince's Plume  
Med -Blue Flax, Shasta Daisy,  
Low -Basket of Gold, Creeping Phlox, Snow-in-summer, Evening Primrose,

**Early summer:**

Tall - Larkspur, Daylily, Yarrow, Scarlet Gilia  
Med - Penstemon - (barbatus, eatonii, parryi, strictus)  
Low - California Poppies, Mexican Primrose, Pineleaf Penstemon

**Summer:**

Tall - Desert Four O'Clock, Garden Phlox  
Med - Salvia (Blue), Gallardia, Agastache, Prairie Coneflower, Orange Globe Mallow  
Low -Artemisia stelleriana, Fendler's Sundrops, Hardy Pink Iceplant, Homestead Purple Verbena, Poppy Mallow, Prairie Zinnia

**Fall:**

Tall - Helianthus, Russian Sage  
Med - Autumn Joy Sedum, Mexican Hat, Strawflower, Aster  
Low - Hens & Chicks

**Spring Bulbs**

Anemone, Tulips, Daffodils, Grape hycinth, Scilla

**Part Shady**

**Spring:**

Tall - Oriental Poppy, Siberian Iris  
Med - Columbine, White Bleeding Heart  
Low - Ajuga, Buttercup, Periwinkle

**Early summer:**

Tall - Peach-leaf Bellflower,  
Med - Coreopsis, Red Hot Poker, Tiger Lilies,  
Low - Bishop's Weed, Creeping Jenny, Coral Bells

**Summer:**

Tall - Butterfly Weed, Liatris, Obedient Plant,  
Med - Black-eyed Susan, Purple Coneflower  
Low - Artemesia, Creeping Potentilla, Dragon's Blood Sedum

**Fall:**

Tall - Maiden Grass  
Med - Chrysanthemum  
Low - Campanula "Blue Clips", Ivy

## **SECTION V. SITE ORGANIZATION AND DEVELOPMENT**

### **A. SCREENING STANDARDS**

1. All outdoor storage areas for materials, trash, equipment, vehicles or similar items shall be screened from view from all street frontages & common access easements by a six (6) foot fence or vegetation or a combination thereof. Walls or fences shall be constructed of materials designed to match or be compatible with the character of the main building on the site.
2. Storage of vegetative landscape materials or materials in outdoor sales areas shall not be required to be screened.
3. All loading, delivery, and service bays visible from arterial streets shall be screened from arterial street view by six (6) foot high fence, wall, or vegetation or a combination thereof. Finishes shall match or be compatible with the adjacent structure and designed to match the main building on the site.
4. Landscape materials used for screening shall be appropriate to provide all seasons screening.
5. Parking lots shall be screened from street view in accordance with these development standards.
6. No walls, buildings, or other obstructions to view in excess of two (2) feet in height shall be placed on any corner lot, or at the intersection of driveways and streets, unless they comply with current City standards for sight distance as noted in the TEDS manual.
7. All undeveloped building pads within planned development shall be managed for dust and erosion control.
8. Individual driveways shall not be located closer than 45 feet to an arterial street or less than 20 feet from the intersection of internal drives.

### **B. LIGHTING STANDARDS**

1. All lighting shall be a part of an overall nightscaping plan approved by the architectural review committee. All outdoor lighting shall be subtle providing the minimal light necessary to provide safe access at night for walkways where night traffic is expected. Lighting fixtures shall be directed down and away from adjacent properties and streets. No overflow lighting, off the site, shall be permitted except for minimal amounts resulting from reflected light.
2. All fixtures shall be 90-degree cut-off type and the source of lighting, including the fixture lens, shall not be visible from any point off the property that it is lighting.
3. No fixtures shall be mounted higher than 16 feet. Wherever possible lighting solutions using lower mounting heights shall be favored over higher mounting heights.
4. All free standing lighting fixtures and poles shall be the same types throughout the project, to provide visual unity.

## **SECTION VI. BUILDING DESIGN**

The intent of this Section is to establish standards to encourage the orderly and harmonious appearance of structures within the planned development project, which is compatible with a

“Country Corner” rural theme. All buildings shall be high quality construction and design with respect to materials, colors, finishes.

#### **A. STYLE**

1. All buildings located within the planned development shall be architecturally styled to achieve harmony and continuity of design, compatible with the “Craftsman Style”. All new construction, remodeling, or additions to existing buildings within the planned development shall be designed to be compatible with, and complementary to the "Craftsman Style" architectural theme. Examples of this style are provided in Figure 1.
2. The elevations of such buildings shall be coordinated with regard to color, texture, materials, finishes and architectural form. Predominant exterior building materials shall be wood siding, brick, native stone, and tinted, textured stucco or a combination of these. Exceptions to these are the greenhouses, which may be constructed of glass or fiberglass. Metal or steel sided buildings are prohibited. Other materials, similar in character to those listed, may be approved by the architectural review committee.

#### **B. DESIGN GUIDELINES FOR ALL BUILDINGS**

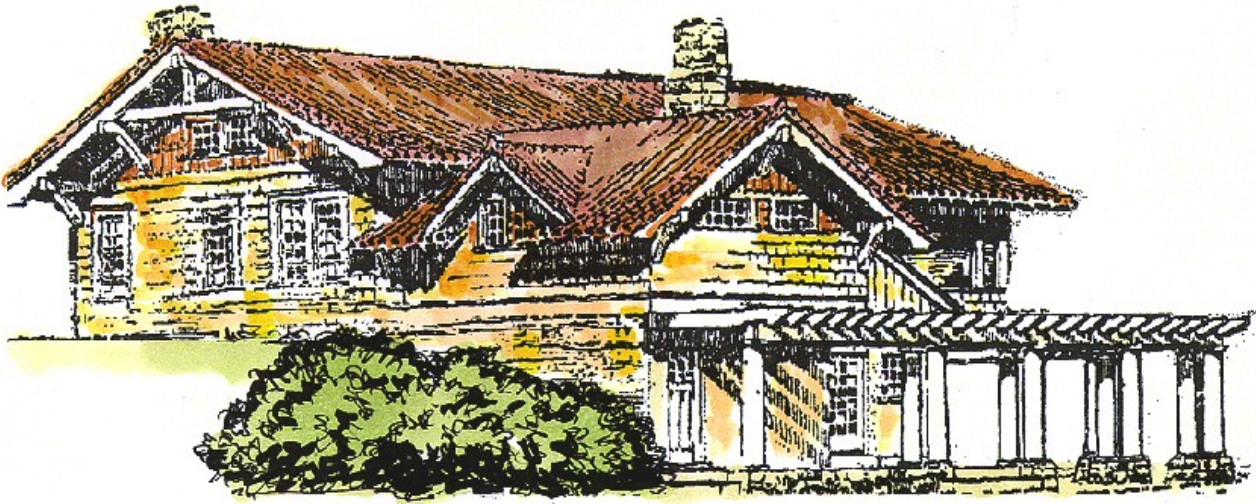
1. Structures shall be constructed with detailing, massing and roof-lines constant with craftsmen or similar architectural character with the goal in mind of reducing the scale of the building and its elements.
2. Roofs shall be sloped gable or hip and shall be covered with tile, wooden shakes or architectural composition shingles. Large flat roof planes shall be broken by dormers, changes in height, or changes in roof plane.
3. Entryways shall be distinguished by architectural features such as roof line, setback or extension of building line, use of columns, defining walkways and landscape features. etc.
4. Long walls shall be broken by setbacks. No walls adjacent to any street or common access drive shall be devoid of detail and architectural features,
5. Non-residential buildings shall not present a plain, rear elevation to any street or common access drive. When the main entrance to a building does not face the street or common access drive, the elevation shall have a front elevation appearance whether or not it is the actual front or entrance of the building.
6. Carports and drive-through covers shall match the architectural style of the building they serve and be designed to appear residential in character. The mass shall be minimized by use of an open trellis style.
7. Mechanical equipment, whether ground level or roof-mounted, shall be screened from public view. Screening shall be so designed and located to be perceived as an integral part of the building or landscaping. Accessory equipment capable of generating noise or vibrations shall be properly insulated and the noise and vibrations shall not be apparent from adjacent properties or the public right-of-way.

8. All new on-site electric, telephone, cable television, and all other communication and utility lines shall be placed under ground. New overhead wires are prohibited.

### EXAMPLE OF ARCHITECTURAL STYLE

- CRAFTSMAN STYLE ARCHITECTURE
- WOOD, STUCCO, STONE & TILE
- RESIDENTIAL SCALE AND DETAILING
- OTHER DESIGN CRITERIA

FIGURE 1



Buildings within Meadowlark Gardens Development will be Craftsmen style or similar.

## SECTION VII. SIGNS

### A. DISTRIBUTION OF SIGN ALLOWANCE:

1. The maximum sign allowance for the entire development is 1186.5 square feet which shall be distributed to the freestanding Center Identification Signs and to each individual lot by the Meadowlark Development Property Owners Association according to a schedule on file in the Community Development Department. A record of this distribution shall be kept on file with the Community Development Department. The Property Owners Association shall be permitted to adjust the distribution of signage on a biannual basis by submitting the redistribution to the Community Development Director. Redistribution shall be accomplished by transferring square footage among the various lots and center identification signs, but in no case shall the aggregate area of signage distributed or erected within the development exceed the total area of signage permitted within the planned development.
2. The sign allowance distributed to each lot may be used for any permitted signage provided that the aggregate area of all signage on a lot shall not exceed the square footage distributed to that lot by the Property Owners Association per A.1 above. If more than one business occupies a lot, the total sign allowance shall be shared among the various businesses located on the lot.
3. All signs must be approved by the Property Owners Association prior to approval of a sign permit by the City.
4. The Property Owners Association shall be a co-applicant on all sign permits submitted to the city.

### B. FREE-STANDING DEVELOPMENT IDENTIFICATION SIGNS

1. **Number:** There shall be three freestanding monument type signs containing the name of the Planned Development and the name(s) of an individual business and/or businesses within the planned development. Signs shall be similar in design and set in a landscaped area of not less than 100 sq. feet. One line of changeable text shall be permitted on center identification signs.
2. **Location:** The freestanding identification signs for the overall Meadowlark Center shall be as shown on the final plans of the Meadowlark Planed Development. One sign shall be located adjacent at each of the two entrances to the project. A third freestanding sign shall be located on Lot 1 adjacent to Highway 340.
3. **Size:** The size and design of these signs shall comply with regulations outlined in the current development code except that each sign shall not exceed 12 feet in height nor 150 feet in area.

### C. TYPES OF SIGNS ALLOWED

Signs may include flush wall signs, projecting signs and/or shingle signs. Signs shall follow the applicable city regulations. Roof signs, backlit awning signs, and freestanding signs for individual businesses are not permitted except as noted herein.

1. **Wall Mounted or Projecting Signs.** Each business may have flush wall mounted and/or perpendicularly mounted wall signs identifying the business.

2. **Shingle Signs.** Each individual business may have shingle signs which are pedestrian oriented signs not greater than eight inches in height, nor more than six feet in length (including sign background). Shingle signs may be mounted under a roof overhang or covered walkway, on the fascia of a porch or covered walkway, or mounted perpendicular to a wall and hung from an ornamental mounting device that matches the character of the building.
3. **Location:** Except as allowed in Section B.1, signs may only be located on the lot where the business related to the sign is located.
4. **Menu Boards.** Menu Boards, food services or cafés may have one wall mounted or free standing menu board not exceeding 8 feet in height nor 12 square feet in area. Free standing signs shall not be placed in a manner which obstructs pedestrian circulation or causes those reading the sign to obstruct pedestrian circulation in the common pedestrian easements.
5. **Residential Uses.** All Signs for residential uses shall meet the City code for similar uses in similar residential zoning that is in effect at the time of application for a sign permit.
6. **Banners on parking lot and street light poles.** One banner shall be permitted to be fixed to each parking lot and internal street light pole within the Planned Development in accordance with the provisions for Temporary and Banner Signs.

#### **D. DESIGN CONSIDERATIONS:**

- a) Flush wall signs may not extend beyond or above the wall on which it is mounted. No sign shall be mounted on or protrude above any roof.
- b) Except for signs mounted on the Planned Development Identification signs no individual business signs shall be located off the lot of the business advertised, except as allowed in Section B.1.
- c) All building design shall integrate planned signage into the building façade. Signage location shall be planned and signage shall be designed as an integral element of any building and incorporated into the architecture. Signs shall not have a “tacked on” appearance or intrude or block any architectural feature of the building façade. Signs shall be compatible with the exterior architecture with regard to location, scale, proportions, color and lettering.

#### **E. DIRECTIONAL SIGNS**

Directional signs are permitted throughout the site as necessary to direct visitors and traffic to destinations on the site. Each sign shall not exceed 3 square feet and may be ground or wall mounted. Ground mounted directional signs shall not exceed 2 feet in height. Wall mounted directional signs may be flush or perpendicular to the wall or may be shingle type. Directional signs shall be similar in design throughout the planned development. Directional signs shall not be included in the total allocation of signage for an individual business nor considered a part of the total signage allocated to the development.

#### **F. TEMPORARY AND BANNER SIGNS**

1. Banners, flags and other temporary special event signs are permitted in accordance with the city code. However, banners shall be permitted to be attached to the free-standing center identification signs as well as to the buildings.



2. Decorative Light Pole Banners shall be permitted to be attached to parking lot and street light poles as a decorative element (see Section C.6). Such banners shall conform to the following parameters:
  - a. "Meadowlark Garden" shall be the only permitted text. No advertisement of individual businesses, events or specific products shall be included on the banner.
  - b. The banners shall be fixed to pole mounted fixtures at top and bottom so as not to be wind driven.

## **G. ILLUMINATION OF SIGNS**

1. All permanent signs may be internally or externally illuminated. If internally illuminated, only the lettering, logos and script shall be semi transparent and all sign background shall be completely opaque or of low opacity.
2. Shingle signs shall only be externally illuminated by ambient lighting or by low intensity lighting directed downward and shall not be internally illuminated.
3. Directional signs shall only be reflective, and shall not be internally illuminated.
4. Back-lighting of translucent awnings is not permitted.
5. If signs are lit by an external source, the source of lighting shall not be visible from off the site and the intensity shall be limited to that necessary to provide adequate illumination.

## **SECTION VIII. PARKING AND WALKWAYS**

1. Parking spaces shall be installed at the time the individual uses they serve are developed. The number of parking spaces required to be developed concurrent with the use they serve shall be determined by the zoning code in existence at the time the original development was approved and be based on the type and size of the use. As each lot or use is developed, a shared parking analysis will be performed to determine the number of parking spaces required for the mix of developed uses within the development. This analysis will be based upon sound and reasonable shared parking principles and parking demand assumptions in tables similar to those in the shared parking model the city had developed for the downtown area. A 26% shared parking credit of 45 spaces has been granted for Phases 1 and 2 making the total parking requirement for the project 139 spaces.
2. In the provision of the required number of parking spaces, when new parking spaces are required they shall be located on the same lot as the proposed use to the greatest extent possible, with any additional required parking being provided in common easements on other lots.
3. Required parking and walkways to serve lots shall be installed along with access drives as developments are approved. This includes walkways connecting approved developments to all existing parking.
4. Walkways shall be provided per the approved final plan prior to issuance of a certificate of occupancy for all new construction. Adjacent to parking spaces, walkways shall be a minimum of 6 feet in width and constructed out of concrete. Walkways adjacent to driveways shall be a minimum of 5 feet in width. All walkways shall meet ADA requirements connecting handicapped parking spaces to the entrances of the building that they serve. This shall include slope, width and the provision of ramps where necessary.
5. All parking shall be considered common area and parking spaces shall be shared between all uses. No private parking spaces shall be permitted except within enclosed garage or in equipment storage areas.

6. Cost of maintenance of parking areas and driveways shall be pro-rated between the various uses based upon peak parking demand of each use.
7. All areas within the parking access easement not required for parking or driveway shall be landscaped.
8. Parking and walkways associated with Lot 1 will only be required at the time of the redevelopment of Lot 1 or the approval of development on the last of the remaining lots 2 through 6, which ever comes first. This includes walkways connecting developments within Phase 1 to any existing parking located within Phase 2. Should any expansion of the uses on this lot be considered, then a shared parking analysis as required in Paragraph 1 of this section would be required. If adequate parking exists, no additional parking will be required provided all parking is connected with walkways as required in Paragraph 3. If adequate parking does not exist, then all parking and walkways associated with lot 1 will be required.
9. All perpendicular parking spaces shall conform to the dimensional standards shown below:

Aisle Width	Parking Space Width	Parking Depth
24'	9.5'	18.5'
25'	9.0'	18.5'

**SECTION IX. OUTDOOR DISPLAY**

Permitted Businesses which are located within a permanent building on the site may display items for sale outdoors provided such displays conform to the following:

1. The outdoor display area does not exceed 20% of the interior floor area of the business.
2. Displays are only permitted during allowed business hours and shall not be used for more than 16 consecutive hours.
3. Displays are approved by the Architectural Review Committee.
4. Display does not block pedestrian walkways, parking or obstruct the vision of drivers or create an unsafe situation.

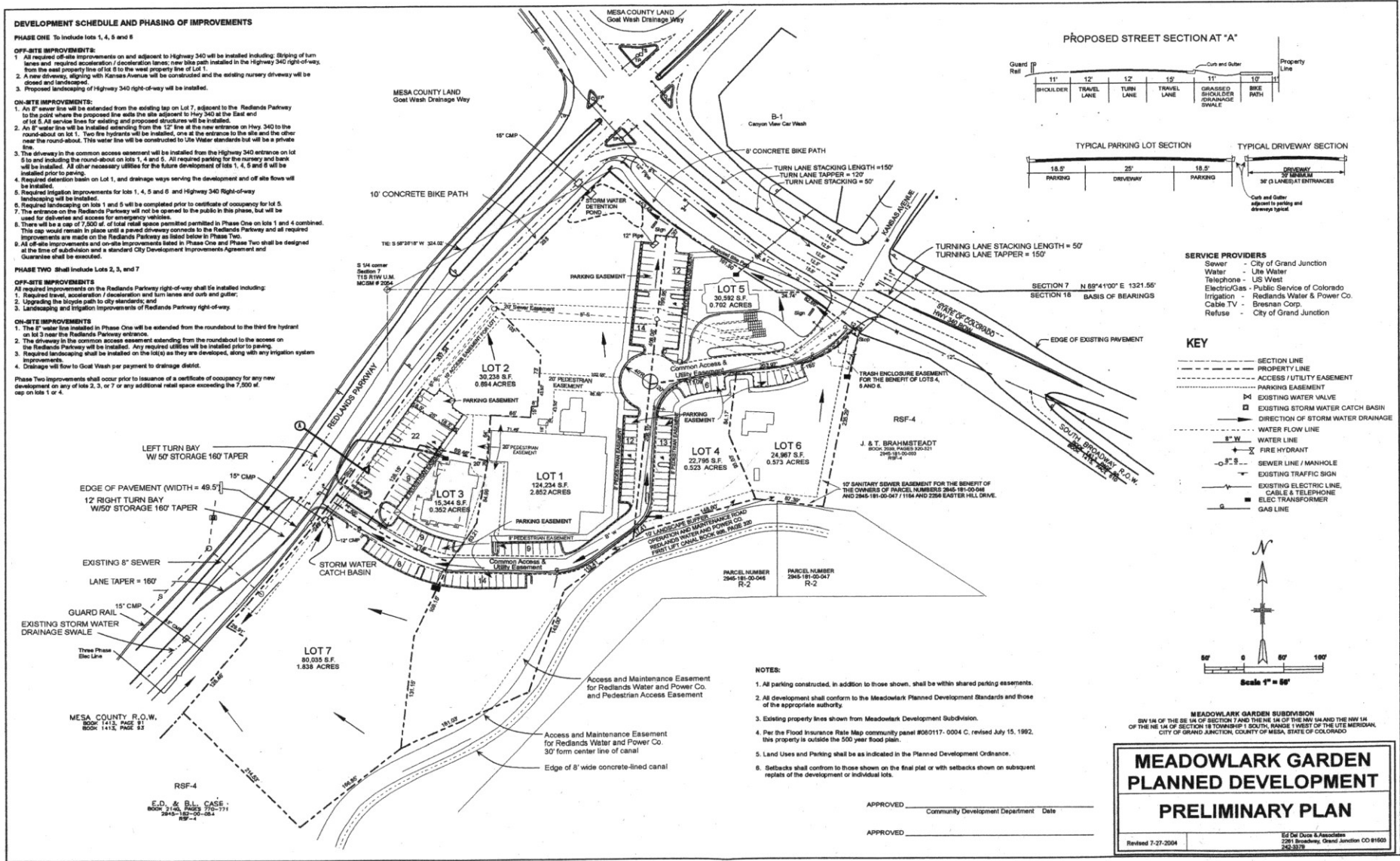
The above provisions do not apply to outdoor display of nursery plants and landscape materials, farmer’s markets, or temporary arts and crafts fair booths.

**SECTION X. ARCHITECTURAL REVIEW**

Prior to commencement of any construction, grading, planting or installation of any improvement, and prior to issuance of a building permit and/or certificate of occupancy, projects must obtain a certificate of appropriateness from the Architectural Review Committee of the development.

All landscaping, signage, buildings, exterior lighting, grading, outdoor displays and sales, landscaping and other improvements shall be reviewed by the Meadowlark Architectural Review Committee and obtain a certificate of appropriateness from the Committee prior to final acceptance by the City. The committee shall consist of no less than three persons selected from the property owners within the Planned Development. The by-laws and operation of the committee shall be established concurrent with the property owners association covenants established to address maintenance of landscaping and shared driveways, parking and signage within the Planned Development.

"EXHIBIT B"



**Attach 7**

Contract for Steam Plant Soil Removal at 531 South Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Steam Plant Asbestos Contaminated Soil Removal							
<b>Meeting Date</b>		November 3, 2004							
<b>Date Prepared</b>		October 28, 2004				File # - N/A			
<b>Author</b>		Don Newton – Engineering Projects Manager							
<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 contract to DLM, Inc. in the amount of \$131,631 for the removal of asbestos contaminated soil from the foundation area of the steam plant at 531 South Ave. The work will be conducted through the oversight of the City’s consultant, Walsh Environmental Scientists and Engineers, LLC under a work permit issued by the Colorado Department of Health and Environment (CDPHE).

**Budget:** The 2004 budget for this project is \$206,000.00 in Fund 2011, Activity Code F46800.

The anticipated project costs are as follows:

Construction Contracts	\$131,631.00
Consultant air monitoring, soil testing and inspection fees 8 days @ \$2,500 per day	\$ 20,000.00
Environmental Assessments and Mitigation Plan	\$ 13,000.00
City Engineering and Administration costs:	<u>\$ 5,000.00</u>
Estimated Total Cost	\$169,631.00
Budget	<u>\$206,000.00</u>
Remaining Balance	\$ 36,369.00

**Action Requested/Recommendation:** Authorize the City Manager to Sign a Contract for the **Steam Plant Asbestos Contaminated Soil Removal** with DLM, Inc. in the amount of \$131,631.00.

**Attachments:** CDPHE Letter approving the Contaminated Soil Removal Plan

**Background Information:**

The following bids were received on October 20, 2004:

<b>Bidder</b>	<b>From</b>	<b>Bid Amount</b>	<b>Bidder's Specified Completion Time (Working Days)</b>	<b>Total Cost = Bid Amount Plus Consultant Fees for Air Monitoring, Soil Testing and Inspection @ \$2,500/day</b>
DLM, Inc.	Denver, CO	\$131,631.00	8	\$151,631.00
Environmental Demolition, Inc	Denver, CO	\$188,460.00	5	\$200,960.00
Hudspeth & Assoc., Inc	Englewood, CO	\$242,063.72	18	\$287,063.72
Environmental Abatement Services of Denver, Inc.	Englewood, CO	\$248,079.00	15	\$285,579.00
Custom Environmental Services	Arvada, CO	\$273,592.00	15	\$311,092.00
Argus Contracting	Arvada, CO	\$278,314.00	18	\$323,314.00
ESA, Inc. of South Dakota	Commerce City, CO	\$329,955.04	12	\$359,955.04
Nelson Engineering & Construction, Inc	Grand Junction, CO	\$378,000.00	30	\$453,000.00

Bidders were required to specify on the Bid Form, the number of working days they would need to complete the project. They were also instructed that the award of the contract would be based on the total cost of the project, determined by adding the Bid Amount to the cost of consultant fees for air monitoring, soil testing and inspection. The consultant fees were determined by multiplying the completion time (in days) by the consulting fees, estimated at \$2,500 per day. DLM, Inc. submitted the lowest bid and also has the lowest total cost when consultant fees are added to their bid amount.

Asbestos contaminated soil will be removed from the old steam plant site and trucked to the Mesa County Landfill in accordance with the Contaminated Soil Removal Plan prepared by Walsh Environmental Scientists and Engineers, LLC. This plan has been reviewed and approved by the Colorado Department of Public Health and Environment. The plan ensures the safety of workers and the public during excavation, loading and transportation of the asbestos contaminated soil. All soil will be pre-wetted prior to its removal to prevent airborne dust. The contaminated soil will be placed in special containers and sealed prior to being transported to the Landfill.

The City's consultant, Walsh Environmental Scientists and Engineers, LLC will perform air monitoring during excavation and loading operations. Removal operations will only be allowed while wind speeds are below 12 mph. Walsh will monitor site workers and work site perimeter air for asbestos presence and will cease operations if levels are detected above prescribed limits. Work will be complete when surface soil samples are found to be clean of asbestos contamination, as determined by independent lab soil sample analysis.

# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director  
Dedicated to protecting and improving the health and environment of the people of Colorado  
4300 Cherry Creek Dr. S. Laboratory Services Division  
Denver, Colorado 80246-1530 8100 Lowry Blvd.  
Phone (303) 882-2000 Denver, Colorado 80230-6928  
TDD Line (303) 691-7700 (303) 882-3090  
Located in Glendale, Colorado  
<http://www.cdphs.state.co.us>



Colorado Department  
of Public Health  
and Environment

October 21, 2004

Ed Baltzer  
Walsh Environmental Scientists  
535 Grand Avenue  
Grand Junction, Colorado 81501

RE: Contaminated Soil Removal Plan/Variance for 531 South Avenue

Dear Mr. Baltzer:

The purpose of this communication is to confirm the Colorado Department of Public Health and Environment, Air Pollution Control Division's ("Division") approval of Walsh's Contaminated Soil Removal Plan for 531 South Avenue, Grand Junction, Colorado, as revised September 27, 2004.

In addition, as discussed previously, the Division will waive the required 10 working day notification period to allow this project to proceed as quickly as possible. We request that the successful abatement contractor make application for an abatement permit as soon as the project is awarded to allow the Division time to process the application before work commences.

If you have any further questions, please contact me at 303-692-3182.

Sincerely,

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
AIR POLLUTION CONTROL DIVISION

W. Thomas Bain  
Industrial Hygienist

cc: permit file

**Attach 8**

Hazard Elimination Funding Contract for Intersection Improvements at 7<sup>th</sup> & Patterson

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Hazard Elimination Grant for Intersection Improvements at 7 <sup>th</sup> & Patterson					
<b>Meeting Date</b>	November 3, 2004					
<b>Date Prepared</b>	October 28, 2004					
<b>Author</b>	Don Newton		Engineering Projects Manager			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:**

Approve a contract with CDOT for a **Federal Hazard Elimination Grant of \$60,000** to pay for design work and utility relocations required for construction of an east bound right turn lane on Patterson Road approaching 7<sup>th</sup> Street.

**Budget:** The project budget is as follows:

		<u>2004</u>	<u>2005</u>	
<u>Total</u>	Federal Share	\$ 60,000	\$ 138,000	\$ 198,000

**Action Requested/Recommendation:**

Adopt a resolution which authorizes the City Manager to sign a contract with CDOT to fund intersection improvements at 7<sup>th</sup> Street and Patterson Road in the amount of \$60,000. A second contract for an additional grant of \$138,000 will be brought to Council in 2005.

**Background Information:** This project will construct an eastbound right turn lane on Patterson Road approaching the 7<sup>th</sup> Street intersection. The turn lane will reduce traffic backup and congestion on the west side of the intersection. The turn lane design and construction schedule has been coordinated with plans being prepared by St. Mary's Hospital to redesign their on site traffic circulation, parking layout and access to Patterson Road. In addition to construction of a right turn lane the project will include relocation of the overhead power line underground, detached sidewalk with streetscape



between the sidewalk and curb, and realignment (straightening) of the Patterson Road traffic lanes across 7<sup>th</sup> Street.

The City applied for a Federal Hazard Elimination Grant in 2004 for improvements to the 7<sup>th</sup> and Patterson intersection. This intersection was submitted due to the documented accident history. The grant was approved in the amount \$198,000. The funds will be distributed under two contracts with the Colorado Department of Transportation. The first contract, in the amount of \$60,000 will include engineering and utility relocation work in 2004 followed by a second contract for \$138,000 to fund the turn lane construction in 2005.

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

**A RESOLUTION ACCEPTING A GRANT OF FEDERAL FUNDS FOR THE 7<sup>TH</sup> AND PATTERSON RIGHT TURN LANE HAZARD ELIMINATION PROJECT**

**RECITALS:**

The City Council of the City of Grand Junction, hereby resolves to enter into a contract with the State of Colorado, Department of Transportation (State) for the improvement/re-construction of the intersection of Patterson Road (eastbound) at 7<sup>th</sup> Street (southbound) by the construction of a right turn lane. The project is funded substantially by funds made available under the Transportation Equity Act for the 21<sup>st</sup> Century of 1998 also known as TEA-21. The agreement authorized by this resolution is for the engineering and design work in anticipation of construction.

The engineering and design work for the project funded by this grant is as follows:

Funding in the amount of \$60,000.00 consists of \$60,000.00 federal funds and \$0 local funds.

The City Council approves the receipt of the Federal Transportation Enhancement funds in the amount of \$60,000.00.

PASSED AND APPROVED this \_\_\_\_\_ day of November 2004.

\_\_\_\_\_  
Bruce Hill, Mayor  
City of Grand Junction

Attest:

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

**Attach 9**

Purchase of Property at 1001 South 5<sup>th</sup> Street for Riverside Parkway Project

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Property at 1001 South 5 <sup>th</sup> St for the Riverside Parkway Project.					
<b>Meeting Date</b>	November 3, 2004					
<b>Date Prepared</b>	October 28, 2004				<b>File #</b>	
<b>Author</b>	Trent Prall		Riverside Pkwy Project Manager			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The City has entered into a contract to purchase the property at 1001 South 5<sup>th</sup> St from Angelita and Ernesto Hernandez for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

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

<b>2004 Right-of-Way Budget</b>	<b>\$5,680,548</b>
2004 Right-of-Way Related Expenses to Date:	\$2,554,437
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$72,000
Replacement Housing Payment	\$57,900
Closing Costs, and Tax Supplement	\$4,982
Moving Costs	\$1,150
Environmental Inspections	\$5,000
Asbestos Removal	\$5,000
Demolition	\$7,000
Misc environmental cleanup	\$1,000
<b>Total Costs Related to This Request</b>	<b>\$154,032</b>
<b>2004 Remaining Right-of-Way Funds</b>	<b>\$2,972,079</b>
<b>Total Project Budget</b>	<b>\$75,000,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$4,001,612
Other Prelim. Engineering	\$1,483,627
Construction Engineering	\$5,329,193
Construction	\$48,447,206
Right-of-Way & Land Purchases	\$10,387,822
Relocation Expenses	\$2,906,500
<b>Total Estimated Project Costs</b>	<b>\$72,555,960</b>
Remaining Funds / Contingency	\$2,444,040

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at 1001 South 5<sup>th</sup> Street from Angelita and Ernesto Hernandez.

**Attachments:**

1. Proposed Resolution.

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

This is the first owner occupied residential property to be purchased for this project. It is located just west of Highway 50 (5<sup>th</sup> St) across from the entrance to Van Gundy's.

The subject property contains 4,872 square feet of C-2 zoned land and a 1,052 square foot owner occupied residence. The house was constructed in 1910.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The property owner is encouraged, but not required, to also obtain an appraisal. City staff, as well as the City's real estate consultant HC Peck and

Associates, has reviewed the two independently prepared appraisals and believes that the purchase price for the subject property is indicative of the fair market value.

As part of the acquisition and relocation policy, the City must find three comparable properties to determine the value of a “decent, safe, and sanitary” (DSS) replacement house. The house must also be in a similar or better neighborhood and must be comparable to the relocatee’s lifestyle. One of the homes must be available when an offer is made to the relocate. A comparable house currently on the market has been identified at 2779 Grant Court for \$129,900. The determination of the housing supplement is calculated as follows:

Comparable property market price	\$	129,900
Value by Appraisal of the Subject	\$	72,000
Total Replacement Housing Payment	\$	57,900

The Hernandez family is entitled to \$57,900 as replacement housing payment when they purchase and occupy a DSS replacement house and provide the City of Grand Junction, with the appropriate purchase contract that shows they are spending \$129,900 or more for the property. They are also entitled to some closing costs, interest supplements, and tax supplements totaling \$4,981.84. In the case of the Hernandez family, the interest rate on the new loan will be better than they had before so there will not be an interest rate subsidy.

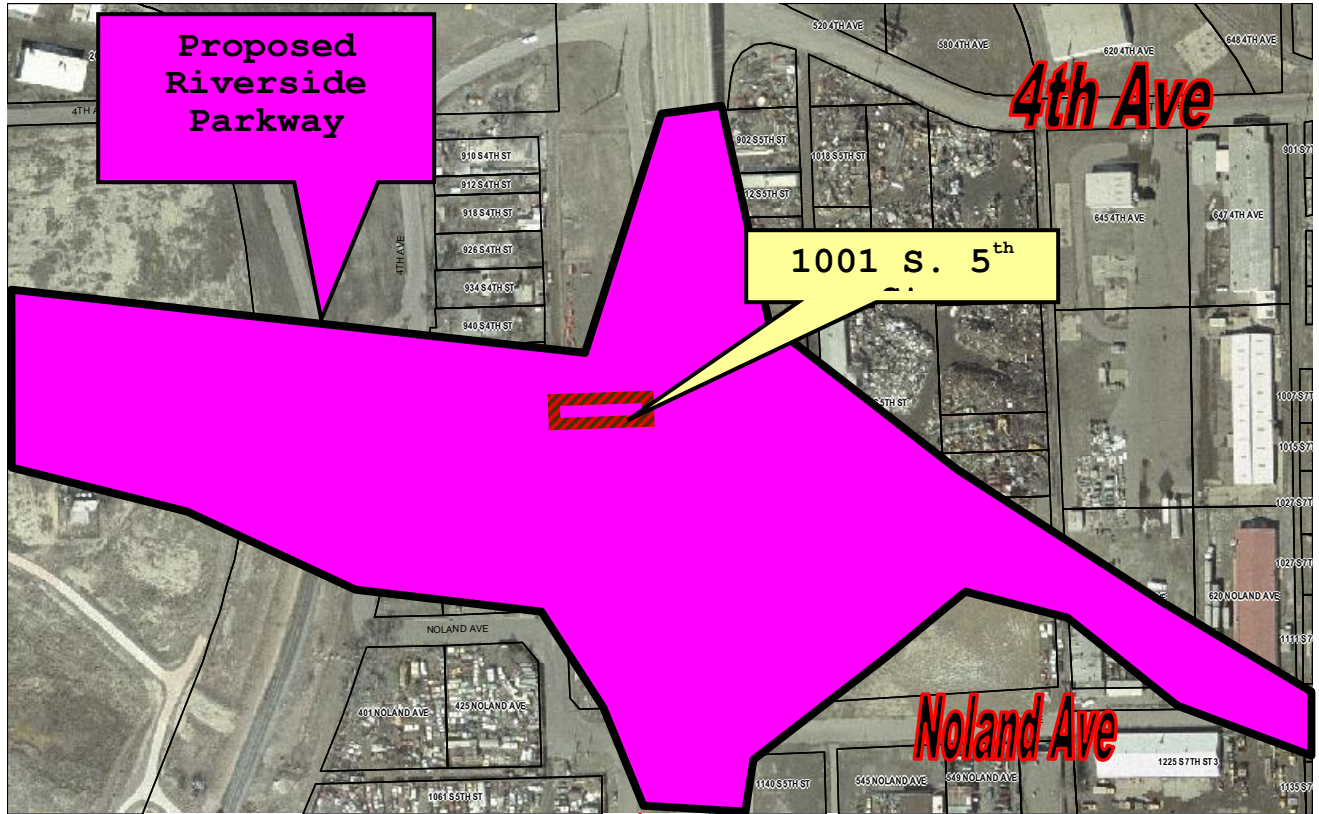
Moving costs are based on a fixed schedule of six furnished rooms plus two rooms (outside storage buildings) for storage of personal property for a total payment of \$1,150 or, the City of Grand Junction will pay a mover directly for a personal property move up to a 50 mile limit.

The total to be paid to Angelita and Ernesto Hernandez is \$136,081.84.

Closing is set for November 15, 2004 and the owner would have 30 days to move to a different home at 2779 Grant Court.

Staff recommends this purchase as it is necessary for the construction of the proposed 5<sup>th</sup> St and Riverside Parkway interchange.

VICINITY MAP



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

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY  
AT 1001 S. 5TH ST FROM ANGELITA AND ERNESTO HERNANDEZ**

Recitals.

A. The City of Grand Junction has entered into a contract with Angelita and Ernesto Hernandez for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address of the property is 1001 S. 5<sup>th</sup> St and the Mesa County Assessor parcel number is 2945-232-00-010.

B. The purchase contract provides that on or before November 3, 2004, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said property.

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

1. The above described property shall be purchased for a price of \$72,000. In addition, the City pays a Replacement Housing Supplement of \$57,900, moving expenses of \$1,150, and closing and tax supplement of \$4,981.84. The total acquisition cost is \$136,081.84. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$136,081.84 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

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

Attest:

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

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



**Attach 10**

Request to Apply for a Lion’s Club Grant

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Lions Club Grant Application Authorization					
<b>Meeting Date</b>	November 3, 2004					
<b>Date Prepared</b>	October 27, 2004				<b>File #</b>	
<b>Author</b>	Don Hobbs			<b>Ass’t. Director, Parks &amp; Recreation</b>		
<b>Presenter Name</b>	Joe Stevens			<b>Director, Parks and Recreation</b>		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The Parks and Recreation Department is requesting City Council authorization to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a water playground at Lincoln Park-Moyer Pool.

**Budget:**     \$ 40,000 Lions Club Grant  
                   \$ 50,000 Budgeted CIP Park Upgrade funds  
                   \$ 7,500 Carry-forward – Pool Water Toys  
                   \$ 2,500 Potential PIAB contribution  
                   \$100,000

**Action Requested/Recommendation:**

City Council authorization to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a zero depth (beach-like access) water experience for toddlers, mom’s. dad’s, etc. at Lincoln Park-Moyer Pool. Additionally, a significant water toy or spray feature will be purchased and installed

**Attachments:**

- 1.) Cover letter to the Grand Junction Lions Club from Joe Stevens, Parks and Recreation Director.
- 2.) Grant Application
- 3.) Conceptual illustration of a water feature

**Background Information:**

The Department has \$7,500 budgeted in 2004 for pool water toys, this amount is not sufficient to complete a true zero depth water feature. The \$40,000 grant, when

combined the \$7,500 (this includes a \$500 grant from Wal Mart), \$50,000 in upgrade funds, and possibly \$2,500 or more from PIAB, will allow for the purchase and installation of a significant water feature.

October 26, 2004

Grand Junction Lions Club  
P.O. Box 1948  
Grand Junction, CO 81502

Dear Gregg and Reford:

The City of Grand Junction Parks & Recreation Department is pleased to submit a Grand Junction Lions Club grant application to rehabilitate and energize the Lincoln Park – Moyer Swimming Pool. Specifically, we are requesting a \$40,000 grant from the Grand Junction Lions Club to leverage \$50,000 in City funds in order to create a zero depth (beach-like access) experience for toddlers, mom's, dad's, etc. Additionally, the Parks & Recreation Department would like to purchase and install a significant water toy or spray feature. The Department is contemplating repairs to broken pipes and cracked concrete that have been siphoning off water for several years. This is an opportune time to address two key issues; conserve and use water more efficiently and create an exciting, interesting play environment for children. The Grand Junction Lions Club can make it happen!

The Lincoln Park – Moyer Swimming Pool has averaged 109,530 visitors per year, over the last five years. Virtually everyone entering the facility will see these improvements. Additionally, the City would be agreeable to placing the Grand Junction Lions Club logo in the bottom of the wading pool and even explore a "lion theme" for the spray feature (illustration attached).

Thank you for your on-going commitment to community betterment. The Grand Junction Lions Club sponsorship of this project will, once again, affirm the community's on-going commitment to Gold Medal excellence in Parks & Recreation by providing new, grand adventures for children experiencing the Lincoln Park – Moyer Swimming Pool for the first time or rediscovering this new attraction.

Sincerely,

Erik Joe Stevens  
Director of Parks & Recreation

Encl: Grant Request  
Illustration



**FOR ILLUSTRATION PURPOSES ONLY**

**Attach 11**

Economic Development Incentive to Jobsite

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Resolution Authorizing an Economic Development Incentive to Jobsite					
<b>Meeting Date</b>	November 3, 2004					
<b>Date Prepared</b>	November 2, 2004				<b>File #</b>	
<b>Author</b>	Ron Lappi		Administrative Services Director			
<b>Presenter Name</b>	Ron Lappi		Administrative Services Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>	Diane Schwenke
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

**Budget:** Sufficient funds are available in the current appropriations of the Economic Development Fund of \$323,703 to fund this expenditure to the GJ Chamber for assistance to Jobsite,

**Action Requested/Recommendation:** Consider Approval of the proposed resolution.

**Attachments:** Proposed Resolution

**Background Information:** The Grand Junction Chamber of Commerce represented by its president Diane Schwenke has requested the City Council to consider granting a job creation incentive to Jobsite. Jobsite moved to the valley in 1997 and received a job relocation incentive from the City in the amount of \$120,000. It currently employ's 60 plus people with the majority living in the City of Grand Junction. They are currently in need of expanding their business with new employees, equipment and facilities and are requesting the City grant \$2500 per new job up to a total expenditure of \$45,000 for creating 18 new jobs with an average pay of \$36,000 annually plus a generous benefit package. The company is currently located outside the 201 Sewer Service area,

manufacturers a variety of roll forming equipment that is exported outside of Mesa County and the State of Colorado. The cash incentive, if granted, will be paid out over the next three years as the jobs are actually created, and there will be a five year vesting period for the jobs created.

**RESOLUTION NO. 110-04**

**A RESOLUTION AUTHORIZING AN ECONOMIC INCENTIVE TO  
JOB SITE FOR \$45,000 FOR THE BENEFIT OF EXPANDING AN  
EXISTING BUSINESS.**

**RECITALS:**

1. The City of Grand Junction Economic Development Fund was created by the City Council in 1988 to be used for economic development efforts.
2. The fund has a current balance of uncommitted resources of \$323,703 available for economic development.
3. The Grand Junction Chamber of Commerce has requested up to \$45,000 from the City to be paid to Jobsite to assist with the creation of 18 new jobs over the next three years.
4. The Chamber of Commerce and its partners in economic development, the Business Incubator Center and the Grand Junction Economic Partnership all support this request.

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

- a) An expenditure to the Chamber for the benefit of Jobsite not to exceed \$45,000 for the creation of 18 jobs is hereby approved.
- b) The Finance Director and the City Manager are hereby directed to use funds

available in the Economic Development Fund for this expenditure, as the jobs are created in accordance with the final incentive agreement.

**ADOPTED AND APPROVED THIS: 3<sup>rd</sup> day of November,  
2004.**

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

ATTEST:

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