

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

**WEDNESDAY, FEBRUARY 16, 2005, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Retired Pastor Eldon Coffey

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING FEBRUARY 23, 2005 AS “GRAND JUNCTION ROTARY DAY” IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

TO THE COMMISSION ON ARTS AND CULTURE

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*<sup>®</sup>**

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Summary of the January 31, 2005 Workshop and the Minutes of the February 2, 2005 Regular Meeting*

2. **Lincoln Park-Moyer Pool Re-Plastering**

[Attach 2](#)

Prepare and re-plaster the 75' x 50' meter pool and the 45' x 75' instructional pool at Lincoln Park.

\*\*\* Indicates New Item

<sup>®</sup> Requires Roll Call Vote

*Action: Authorize the City Manager to Execute a Contract with A to Z Pools & Spas, Inc. for the Preparation and Re-Plastering of the Lincoln Park Pools for a Total Price of \$140,095.55*

Staff presentation: Joe Stevens, Parks and Recreation Director

3. **Mesa County Animal Control Contract for 2005** [Attach 3](#)

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the County a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2005 is 40.1% or \$196,247. Payments are made to the County on a quarterly basis.

*Action: Authorize the Mayor to Sign the 2005 Agreement for Animal Control Services in the Amount of \$196,247*

Staff presentation: Greg Morrison, Chief of Police

4. **Setting a Hearing for the City Manager's Salary for 2005** [Attach 4](#)

The annual salary for the City Manager of the City of Grand Junction for the year beginning January 1, 2005, and ending December 31, 2005 shall be One Hundred Twenty Thousand Eight Hundred Thirty Two dollars and zero cents (\$120,832.00). This represents a 2.4% increase over the salary for the prior year.

Proposed Ordinance Establishing the Annual Salary for the City Manager for the Year Beginning January 1, 2005, and Ending December 31, 2005

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 2, 2005*

Presentation: Bruce Hill, Mayor

5. **Defense and Indemnity of Police Officer Baker** [Attach 5](#)

A resolution is proposed for defense and indemnity of Officer William Baker of the Grand Junction Police Department for a punitive damages claim in County Court Civil Action No. 05-C-235.

Resolution No. 31-05 – A Resolution Acknowledging Defense of Officer William Baker in County Court Action No. 05-C-235

®Action: *Adopt Resolution No. 31-05*

Staff presentation: John Shaver, City Attorney

6. **Defense and Indemnity of City Employees** [Attach 6](#)

A resolution is proposed for defense and indemnity of Police Officers Eric Janusz, Ryan Piotrowski, Jeremiah Boies, Doug Norcross and Police Chief Greg Morrison and Fire Fighters Brant Butner, Doug Walsh and Fire Chief Rick Beaty in United States District Court Action No. 04-F-2548.

Resolution No. 32-05 – A Resolution Acknowledging Defense of Officers Eric Janusz, Ryan Piotrowski, Jeremiah Boies, Doug Norcross and Police Chief Greg Morrison and Firefighters Brant Butner, Doug Walsh and Fire Chief Rick Beaty in United States District Court Action No. 04-F-2548

®Action: *Adopt Resolution No. 32-05*

Staff presentation: John Shaver, City Attorney

7. **Setting a Hearing on UnawEEP Heights Annexation No. 4 Located 2861 B ¾ Road and Victoria Drive** [File # ANX-2005-003] [Attach 7](#)

The applicants for the UnawEEP Heights Annexation No. 4, located at 2861 B ¾ Road and Victoria Drive, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consideration of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 9.84 acres of land.

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

Resolution No. 33-05 – 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, UnawEEP Heights Annexation No. 4, Located at 2861 B ¾ Road and Victoria Drive

®Action: *Adopt Resolution No. 33-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Unawep Heights Annexation No. 4, Approximately 9.84 Acres, Located at 2861 B  $\frac{3}{4}$  Road and Victoria Drive

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 6, 2005*

Staff presentation: Lori V. Bowers, Senior Planner

**8. Setting a Hearing on Zoning the Cloverglenn Annexation Located at 2938 F  $\frac{1}{2}$  Road [File # ANX-2004-287] [Attach 8](#)**

The applicants for the Cloverglenn Annexation located at 2938 F  $\frac{1}{2}$  Road, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Zoning Ordinance, designating the property RMF-5, Residential Multi-Family, not to exceed five dwelling units per acre. The property is 7.15 acres in size.

Proposed Ordinance Zoning the Cloverglenn Annexation to Residential Multi-Family, Not to Exceed 5 Units Per Acre (RMF-5) Located at 2938 F  $\frac{1}{2}$  Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 2, 2005*

Staff presentation: Lori V. Bowers, Senior Planner

**9. Setting a Hearing on Vacation of Excess Right-of-Way Along G Road and the Arcadia North Subdivision Located at 2540 G Road [File # VR-2004-269] [Attach 9](#)**

Introduction of a proposed ordinance to vacate excess right-of-way along G Road, associated with the Arcadia North Subdivision, and set a Public Hearing for March 2, 2005.

Proposed Ordinance Vacating a Portion of Undeveloped Right-of-Way Along G Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 2, 2005*

Staff presentation: Lori V. Bowers, Senior Planner

10. **Setting a Hearing on Rezoning Jacobson Property Located at 738 26 Road from RSF-2 to RMF-5** [File # RZ-2004-304] [Attach 10](#)

A request for approval to rezone 36.97 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RMF-5 (Residential multi-family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth Plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range.

Proposed Ordinance Rezoning Approximately 37 Acres of Land Located at 738 26 Road from RSF-2 to RMF-5

*Action:* Introduction of a Proposed Ordinance and Set a Hearing for March 2, 2005

Staff presentation: Lori V. Bowers, Senior Planner

11. **Setting a Hearing on Sycamore Creek Annexation #1 & #2 Located at 2370 Broadway** [File # ANX-2005-005] [Attach 11](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 17.10 acre Sycamore Creek annexation consists of one parcel of land and portions of the Sayre Drive, Pleasant Ridge Drive, and Highway 340 (Broadway) rights-of-way.

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

Resolution No. 34-05 – 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, Sycamore Creek Annexation #1 & #2, Located at 2370 Broadway and Portions of the Sayre Drive, Pleasant Ridge Drive, and Highway 340 (Broadway) Rights-of-Way

*Action:* Adopt Resolution No. 34-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sycamore Creek Annexation #1, Approximately 0.6975 Acres, Located in the Sayre Drive, Pleasant Ridge Drive, and Highway 340 Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sycamore Creek Annexation #2, Approximately 16.40 Acres, Located at 2370 Broadway

*Action: Introduction of Proposed Ordinances and Set a Hearing for April 6, 2005*

Staff presentation: Faye Hall, Planning Technician

12. **Setting a Hearing on Zoning the Storage Place II Annexation, Located at 501 Centennial Road to C-1 (Light Commercial)** [File # ANX-2004-263] [Attach 12](#)

Introduction of a proposed zoning ordinance to zone the Storage Place II Annexation C-1 (Light Commercial) located at 501 Centennial Road.

Proposed Ordinance Zoning the Storage Place II Annexation to C-1 (Light Commercial) Located at 501 Centennial Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 2, 2005*

Staff presentation: Faye Hall, Planning Technician

13. **Setting a Hearing on Zoning the Tezak Annexation, Located at 2397 Sayre Drive to RSF-4 (Residential Single Family 4 du/ac)** [File # ANX-2004-288] [Attach 13](#)

Introduction of a proposed zoning ordinance to zone the Tezak Annexation RSF-4 (Residential Single-Family 4 du/ac), located at 2397 Sayre Drive.

Proposed Ordinance Zoning the Tezak Annexation to RSF-4 (Residential Single-Family 4 du/ac), Located at 2397 Sayre Drive

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 2, 2005*

Staff presentation: Faye Hall, Planning Technician

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

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

14. **Change Order to the CSEP Basin 9, 13 & 14 Construction Contract for Replacement of 24" Water Line Crossing the Colorado River** [Attach 14](#)

Change Order #4 is required to replace 170' of existing 24" steel pipe underneath the Colorado River with HDPE pipe.

*Action: Authorize the City Manager to to Execute a Construction Contract Change Order in the Amount of \$94,111.50 with Mendez, Inc.*

Staff presentation: Mark Relph, Public Works and Utilities Director

15. **Purchase of Property at 912, 918 and 940 S. 4<sup>th</sup> Street from Gilbert A. Gonzales for the Riverside Parkway Project** [Attach 15](#)

The City has entered into a contract to purchase the property at 912, 918 and 940 S. 4<sup>th</sup> Street from Gilbert A. Gonzales 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. 35-05 – A Resolution Authorizing the Purchase of Real Property at 912, 918 and 940 S. 4<sup>th</sup> Street from the Gilbert A. Gonzales

*®Action: Adopt Resolution No. 35-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

16. **Purchase of Property at 2501 Highway 6 & 50 from Erasmo and Sandra Muniz for the Riverside Parkway Project** [Attach 16](#)

The City has entered into a contract to purchase two parcels at 2501 Highway 6&50 from Erasmo and Sandra Muniz 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. 36-05 – A Resolution Authorizing the Purchase of Real Property at 2501 Highway 6 & 50 from Erasmo and Sandra Muniz

*®Action: Adopt Resolution No. 36-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Public Hearing – Pinnacle Ridge Annexation and Zoning Located Northeast of Monument Road and Mariposa Drive** [File #ANX-2004-236] [Attach 17](#)

Acceptance of petition to annex and consider the annexation and zoning of the Pinnacle Ridge Annexation. The Pinnacle Ridge Annexation is located northeast of Monument Road and Mariposa Drive and consists of one parcel on 45.5 acres. The zoning being requested is RSF-2.

**a. Accepting Petition**

Resolution No. 37-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pinnacle Ridge Annexation, Located Northeast of Monument Road and Mariposa Drive, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3717 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pinnacle Ridge Annexation, Approximately 45.5 Acres, Located Northeast of Monument Road and Mariposa Drive

**c. Zoning Ordinance**

Ordinance No. 3718 – An Ordinance Zoning the Pinnacle Ridge Annexation to Residential Single Family, 2 Units per Acre (RSF-2), Located Northeast of Monument Road and Mariposa Drive

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Resolution No. 37-05, Ordinance No. 3717 and Ordinance No. 3718*

Staff presentation: Kathy Portner, Planning Manager

18. **Public Hearing – Storage Place II Annexation Located at 501 Centennial Road** [File #ANX-2004-263] [Attach 18](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Storage Place II Annexation, located at 501 Centennial Road. The 1.98 acre annexation consists of one parcel of land and portions of the Centennial Road right-of-way.



**a. Accepting Petition**

Resolution No. 38-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Storage Place II Annexation, Located at 501 Centennial Road and a Portion of the Centennial Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3719 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Storage Place II Annexation, Approximately 1.98 Acres, Located 501 Centennial Road and a Portion of the Centennial Road Right-of-Way

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Resolution No. 38-05 and Ordinance No. 3719*

Staff presentation: Faye Hall, Planning Technician

19. **Public Hearing – Growth Plan Amendment, Hanson Equipment Relocation to Old Webb Crane Site Located at 763 23 ½ Road** [File # PFP-2002-181]

[Attach 19](#)

A request for a Growth Plan Amendment on 2 acres of land located at 763 23 ½ Road. The request is to change the Growth Plan from Commercial Industrial to the Estate designation.

Resolution No. 39-05 – A Resolution Amending the Growth Plan of the City of Grand Junction 2 Acres on the NE Corner of 763 23 ½ Road

®Action: *Adopt Resolution No. 39-05*

Staff presentation: Lori V. Bowers, Senior Planner

20. **Spy Glass Ridge Special Considerations** [File # PP-2004-169]

[Attach 20](#)

The developer of Spy Glass Ridge is requesting that the City Council allow for incursion hillside disturbance between slopes for one lot and allow for sections of two proposed streets to traverse slopes of greater than 30%.

*Action: Council Consideration of Two Provisions of Section 7.2.G, Hillside Development, of the Zoning and Development Code*

Staff presentation: Kathy Portner, Planning Manager

21. **Public Hearing – Regulating Newsboxes in the Downtown (CONTINUED FROM DECEMBER 15, 2004)**

[Attach 21](#)

The number of news boxes that have been placed downtown has proliferated in recent months. As many as 15 newspaper distributing machines and commercial advertising pieces are circulated in several locations downtown. This ordinance has been developed to so that a bank of racks will be made available for publication distribution. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Ordinance No. 3720 – An Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Commercial Activities in the Downtown and Authorizing Publication in Pamphlet Form

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3720*

Staff presentation: Harold Stalf, DDA Executive Director

22. **Public Hearing - Alcoholic Beverage Ordinance**

[Attach 22](#)

Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener's errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

Ordinance No. 3721 – An Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Drinking Alcoholic Beverages in Public Ways

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3721*

Staff presentation: John Shaver, City Attorney

23. **Public Hearing - Amending Chapter 38, Utilities, Concerning Industrial Pretreatment** [Attach 23](#)

The proposed Ordinance amends Article II of Chapter 38 of the City's Code of Ordinances. The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made to clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other minor changes have been made for clarification purposes.

Ordinance No. 3722 – An Ordinance Amending Sections and/or Portions of Sections of Article II of Chapter 38, Utilities, of the Code of Ordinances

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3722*

Staff presentation: John Shaver, City Attorney

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

25. **OTHER BUSINESS**

26. **ADJOURNMENT**

**Attach 1  
Minutes from Previous Meetings**

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY**

**JANUARY 31, 2005**

The City Council of the City of Grand Junction, Colorado met on Monday, January 31, 2005 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

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

- 1. DISCUSS LETTER/REQUEST FROM DAVID CAREY FOR A REIMBURSEMENT AGREEMENT:** City Attorney John Shaver suggested that Mr. Carey be invited to address his concerns first. Mr. Carey was not present. City Attorney John Shaver gave Council an overview of the request. Mr. Carey is asking for a reimbursement agreement for the extension of improvements to his lot on Hickory Court. The other lot owner, Mr. Martin, does not intend to develop his lot but wants to preserve the opportunity to improve the property. Upon Mr. Carey's approach to the City, he was advised that it would be best if Mr. Carey entered into a private agreement with the other lot owner. As of December 14, Council has indicated their desire to preserve the reimbursement agreement provisions for infill/redevelopment projects. This is not in either one of those areas.

Councilmember Palmer asked if the formation of the special improvement district imposed an obligation upon the other lots to participate. City Attorney John Shaver stated yes.

City Manager Kelly Arnold referred Council to their decision-making model and questioned whether the issue was one for Council to address.

Councilmember Palmer stated that he is in favor of providing a letter to Mr. Carey stating that the matter is not the City's issue. The rest of Council agreed.

**Action Summary:** Staff was directed to draft a letter to Mr. Carey advising that the matter is not one for Council and copy the letter to Mr. Martin, the adjacent property owner.

- 2. ASSISTANT TO THE CITY MANAGER UPDATE:** Assistant to the City Manager Sheryl Trent said besides the Neighborhood Program to be discussed next, she has been working with the El Poso neighborhood for their neighborhood improvements and with the Senior Center for the expansion program. She has

been working with Seth Hoffman, City Manager Intern, for the North Avenue Facade improvements. She has been attending those meetings, along with ED Partners meetings in terms with the Community ADGD and some other planner meetings. Ms. Trent has been working with Sam Rainquet on the Community Relations project. Ms. Trent stated that there are a series of public meetings on infill / redevelopment and press releases. Ms. Trent has also attended the Leadership program through Mesa County which was a very worthwhile program.

**Action Summary:** Council accepted Ms. Trent's update.

3. **NEIGHBORHOOD PROGRAM UPDATE AND OVERVIEW:** Assistant to the City Manager Sheryl Trent reviewed the draft Neighborhood Program and gave details on implementation and coordination. Ms. Trent gave an overview of her program. She reviewed the history of the program, Vision 20/20 plan and several other things the City does as background for developing the program. One Strategic Plan solution is Vital Neighborhoods which includes a goal to implement a neighborhood program. Another goal is to keep the small town community atmosphere and expand those partnerships which include schools, parks, community centers, etc. The core beliefs are that each neighborhood has its own identity. Fostering entrepreneurship, ownership, and asking the neighborhoods what their needs are objectives. May is the kickoff month and some areas are already organized and have a defined issue, and the City will help those that aren't organized but ready to get organized. One program is "Know your Neighbors", the City staff will recognize informally. The funds that are available to help them get the word out, up to the amount of \$250.00, are for things like neighborhood barbeques, etc. Next is "Neighborhood Pride". This is for a major neighborhood activity with an active organization that is on file with the City. This is a formal program that would need to be presented to the City Council for the funds needed, with an amount of up to \$5,000.00.

Councilmember Kirtland stated that in Denver he has seen little classy signs like for example the "Old Bakerville" area of neighborhood. Assistant to the City Manager Sheryl Trent said that is one of the ideas. They are called "finder signs".

Ms. Trent stated that the proposed budget in 2004 CDBG funds is \$120,000 plus \$120,000 from the General Fund. CDBG funds are restrictive but the General Fund allows other project funding. Ms. Trent explained the different Phases of the program. Phase One is to define large sections of the City such as section #1 Appleton, section #2 North Central, section #3 Northwest - Horizon Drive, section #4 Clifton area, etc. Phase Two is to define smaller neighborhoods. Phase 3 is to schedule neighborhood meetings. Phase 4 is the kick off in May, with Ms. Rainquet's, Administration Community Relations, help. Phase 5 is to develop a vision for each neighborhood. Ms. Trent said a lot of issues are going to come up, code enforcement, police, development and relationships between

departments that are modeled after other programs and what Grand Junction has done.

Councilmember Palmer said he is very impressed with its comprehensiveness and the inclusive draft handbook.

Councilmember Kirtland asked that as neighborhoods become organized and leaders come up, will there be training for them. Ms. Trent replied yes and the mediation/conflict resolution piece may spur more participation in the Grand Junction 101 program. Councilmember Kirtland stated that this program could give neighborhoods a chance to get educated and empowered.

City Attorney Shaver said that the City is looking for a vehicle for mediation, so this program is a wonderful platform to address some of those issues.

Councilmember Spehar stated that it may be tough to get going in some neighborhoods and it is important that the departments get involved and help coordinate, since they have already identified some established neighborhoods.

Councilmember Butler stated that this is a good working document.

Council President Hill stated that he is impressed with the handbook and it is an extremely valuable tool with a lot of good information. He would like to comment about letting the neighborhoods decide what they need and allow them to help themselves.

Councilmember Enos-Martinez said good job.

Councilmember Spehar stated that one of the temptations is to try to spread this widely; it would be smart to pick a few neighborhoods and demonstrate success and then use those successes as a recruiting tool. It is important to make sure that it is done well.

Council President Hill stated that he wouldn't mind if it took off like wildfire, the organizational process will pull the neighborhoods together.

Councilmember Kirtland stated that other successful neighborhoods could help other neighborhoods get started.

**Action Summary:** Ms. Trent was commended for her work and applauded for the Neighborhood Handbook.

4. **INTERGOVERNMENTAL AGREEMENT CONCEPTS WITH COLORADO DEPARTMENT OF TRANSPORTATION:** Public Works staff presented a proposal that defines the responsibilities between the City and CDOT for the construction and maintenance of the Riverside Parkway & US 50 interchange.

Public Works & Utilities Director Mark Relph addressed the IGA, which addresses the responsibilities of the new facilities to be constructed as part of the Riverside Parkway project. Mr. Relph stated that one of the key issues is normal requirements versus the unusual ones. There will be two IGA's, this one and a second one that will cover all the other facilities. The most significant issue is the City swapping out the responsibility of maintenance of the interchange for the maintenance of North Avenue. The funding of the connection between existing US 50 bridges over the Colorado River is estimated at \$533,000.00, only one third is attributable to the Riverside Parkway. CDOT wants the second bridge replaced and the City is going to have to pay for that. Another nuance is that this project is a design/build rather than design and bid process. The City is acquiring all rights-of-way, installing and maintaining all landscaping, providing all quality control, quality assurance and independent assurance testing; usually CDOT does this and charges the City for it. The swap is that the City will assume all maintenance for North Avenue from Motor Street to I-70B. Currently CDOT pays the City \$32,821 per year for maintenance of North Avenue. North Avenue will become a City street. CDOT currently controls the access and any development activity which will be enormous advantage to the City with the exchange.

Councilmember Spehar asked if it will give the City more flexibility in regards to the North Avenue Façade Improvements project. Mr. Relph said yes, that includes improvements of lighting, pedestrian improvements, and landscaping.

Mr. Relph said that CDOT will pay their administrative costs, and CDOT will assume ownership of the 3 bridges; one over US 50 and two over the railroad, which will be to the City's benefit because the City is not capable of maintaining large bridge structures of this magnitude. CDOT will be responsible for all repairs and replacements. CDOT will review the plans and work with the City and the design/build team. The design/build contractor needs to know when CDOT submits their bid in February. CDOT will participate in the methods for traffic handling, but they must maintain traffic through the corridor.

Councilmember Palmer applauded the opportunity for the cooperation with CDOT.

Councilmember Spehar stated that this will give the City more flexibility for North Avenue, working cooperatively will help as the project continues through the years.

Councilmember Kirtland asked for assurance that the \$28 million is for more than just the three bridges. He agreed with letting CDOT maintain the railroad bridges and the CIP for \$850,000 for capacity improvements for North Avenue, which tackles some of the issues.

Council President Hill applauded the spirit of cooperation and reliability in having an important partnership with CDOT.

City Manager Kelly Arnold asked Mr. Relph to explain what happens next in the calendar of events to Council.

Mr. Relph stated starting February 14<sup>th</sup>, the plan is to work out a scope of responsibilities to be rolled into the Riverside RFP. The next step is the IGA, to work through the details and to get back to City Council before the award of the design bid which could possibly be April. After that, how and when the jurisdictional swap will be made, CDOT will go through a formal process to abandon North Avenue and the City makes a formal declaration to accept it. Also, the City will have to annex the entire length of North Avenue, just the roadway, and move US Hwy 6 to along Ute and Pitkin.

**Action Summary:** Council supported the concepts as presented.

### **Arts Commission Vacancies**

The Council addressed the memo sent out about the Arts Commission vacancies. Stephanie Tuin, City Clerk, explained that typically Council does not interview for these appointments but can if they would like. Council decided they would submit their recommendations to Ms. Tuin by Friday.

### **ADJOURN**

The meeting adjourned at 8:54 p.m.



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

**February 2, 2005**

The City Council of the City of Grand Junction convened into regular session on the 2<sup>nd</sup> day of February 2005, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Harry Butler led in the pledge of allegiance. The audience remained standing for the invocation by Councilmember Harry Butler.

**CERTIFICATES OF APPOINTMENT**

TO THE HISTORIC PRESERVATION BOARD

Tom Streff was present to receive his Certificate.

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Brunella Gualerzi, W. Steven Bailey and Eric Feely were present to receive their Certificates.

TO THE PARKS AND RECREATION ADVISORY BOARD

Jack Neckels was present to receive his Certificate.

**PROCLAMATION**

Proclaiming February 8, 2005 as Grand Valley Water Users Association Day in the City of Grand Junction

**CITIZEN COMMENTS**

There were none.

## CONSENT CALENDAR

Council President Hill asked for an explanation and presentation regarding the setting of the ballot title for the granting of a Cable TV franchise to Bresnan Communications.

City Attorney Shaver explained that agenda item #2 is the mechanical step of setting the ballot title. The provision and the reason for this going to the voters is due to provisions contained in the Charter, that the matter be put to a vote of the electorate. The provisions contained in this ordinance is mostly housekeeping, the original franchise agreement granted in 1967 has never been reassigned. The franchise will bring the old relationship to a modern point.

It was moved by Councilmember Enos-Martinez, seconded by Councilmember McCurry as was carried by roll call vote to approve Consent Calendar Items #1 through #9.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the January 17, 2005 Workshop and the Minutes of the January 19, 2005 Regular Meeting*

2. **Set the Cable TV Franchise Ballot Question**

The City Charter, § 105, provides that no franchise shall be granted except upon the vote of the registered electors. On January 5, 2005 the City Council, by way of first reading of the franchise ordinance, referred the measure to the voters at the regular municipal election scheduled for April 5, 2005. The City has contracted with Mesa County to conduct the election by mail ballot. Such contract requires that the ballot be certified to the County no later than February 9, 2005.

Resolution No. 19-05 – A Resolution Setting a Title and Submitting to the Electorate on April 5, 2005 a Measure to Grant a Cable TV Franchise Agreement with Bresnan Communications, LLC

*Action: Adopt Resolution No. 19-05*

3. **Notice of Election for the Regular Municipal Election to be held on April 5, 2005**

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 21-05 – A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 5, 2005 in the City of Grand Junction

*Action: Adopt Resolution No. 21-05*

4. **Setting a Hearing on Alcoholic Beverage Ordinance**

Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener's errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Drinking Alcoholic Beverages in Public Ways

*Action: Introduction of a Proposed Ordinance and Set a Hearing for February 16, 2005*

5. **Update of Development Fee Schedule**

The resolution updates the Development Fee Schedule. The City of Grand Junction established a Development Fee Schedule with Resolution No. 26-00. The Fee Schedule has been amended by resolution of the City Council from time to time as needed. The Zoning and Development Code requires developers to pay related costs for the review process for the developer's project as well as related costs of the development. The City's adopted policy is that growth, i.e. development, is to "pay its own way." Based on the policy, the following revisions to the Development Fee Schedule are deemed necessary.

Resolution No. 22-05 – A Resolution Amending the Development Fee Schedule

*Action: Adopt Resolution No. 22-05*

6. **Setting a Hearing on Amending Chapter 38, Utilities, Concerning Industrial Pretreatment**

The proposed Ordinance amends Article II of Chapter 38 of the City's Code of Ordinances. The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal

Regulations ("CFR"). Additional changes are made to clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other minor changes have been made for clarification purposes.

Proposed Ordinance Amending Sections and/or Portions of Sections of Article II of Chapter 38, Utilities, of the Code of Ordinances

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 16, 2005*

7. **Setting a Hearing on Zoning the Pinnacle Ridge Annexation, Located Northeast of Monument Road and Mariposa Drive** [File # ANX-2004-236]

Introduction of a proposed ordinance to zone the 45.5 acre Pinnacle Ridge Annexation RSF-2 (Residential Single Family, 2 units per acre).

Proposed Ordinance Zoning the Pinnacle Ridge Annexation to Residential Single Family, 2 Units per Acre (RSF-2), Located Northeast of Monument Road and Mariposa Drive

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 16, 2005*

8. **Setting a Hearing for the Catlin Annexation Located at 2830 C ½ Road** [File # ANX-2004-308]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.14 acre Catlin Annexation consists of one parcel of land.

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

Resolution No. 23-05 – 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, Catlin Annexation, Located at 2830 C ½ Road

*Action: Adopt Resolution No. 22-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Catlin Annexation, Approximately 10.14 Acres, Located at 2830 C ½ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 16, 2005*

9. **Setting a Hearing for the Hawk's Nest Annexation Located at 157 30 Road**  
[File # ANX-2004-298]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 33.22 acre Hawk's Nest Annexation is a five part serial annexation which consists of two parcels of land and portions of the B Road and 30 Road Rights-of-Way.

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

Resolution No. 24-05 – 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, Hawk's Nest Annexation #1-5, Located at 157 30 Road and Portions of the B & 30 Road Rights-of-Way

Action: *Adopt Resolution No. 24-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk's Nest Annexation #1, Approximately .0985 Acres, Located in the B Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk's Nest Annexation #2, Approximately .2537 Acres, Located in the B Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk's Nest Annexation #3, Approximately .7796 Acres, Located in the B Road & 30 Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk's Nest Annexation #4, Approximately 25.9196 Acres, Located at 157 30 Road & a Portion of the 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk's Nest Annexation #5, Approximately 6.1674 Acres, Located at 157 30 Road & a Portion of the 30 Road Right-of-Way

*Action: Introduction of Proposed Ordinances and Set a Hearing for March 16, 2005*

## ITEMS NEEDING INDIVIDUAL CONSIDERATION

### **Engineering and Construction Contracts**

#### **a. Limekiln Gulch Interceptor**

Award of a Construction Contract for Limekiln Gulch Interceptor to M.A. Concrete Construction, Inc. in the amount of \$306,783.00.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that this is a project that has been looked at for the last couple of years. An improvement district was formed in Redlands Village and a lift station was installed. Lift stations are very expensive to maintain so whenever the opportunity arises to eliminate a lift station that is pursued. In order to do that, about ½ mile of 8 inch sewer line will be installed. The removal will result in cost savings long term.

#### **b. 24 ½ Road and G Road Intersection Reconstruction**

Award of Construction Contract for the 24 ½ Road and G Road Intersection Reconstruction project to M.M. Skyline Contracting, Inc. in the amount of \$604,322.00.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that the project is to install a roundabout at the intersection of 24 ½ and G Roads for traffic control. Other devices were considered before a decision was made as to what type of traffic control device is to be installed. A roundabout is the most cost effective method. An open house was held and there were a number of attendees. The closure of the intersection is a concern. At the end of March, it will be closed for two months and detours will be created and well publicized. Federal funding has been granted for the bulk of the expense. It is a hazardous intersection and there have been fatalities there.

Councilmember Kirtland moved to authorize the City Manager to sign a construction contract for Limekiln Gulch Interceptor to M. A. Concrete Construction, Inc. in the amount of \$306,783.00 and for the 24 ½ Road and G Road intersection reconstruction with M. M. Skyline Contracting, Inc. in the amount of \$604,322.00. Councilmember Spehar seconded the motion. Motion carried.

## **Submittal of Conditional Letter of Map Revision to FEMA for Ranchmen's Ditch Drainage Improvements**

Request Council approval of a resolution for the City Manager's signature on the submittal of a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) for the Ranchmen's Ditch Drainage Improvements project. Approval of the CLOMR indicates that FEMA is in agreement with the approach and method proposed to mitigate flooding concerns along the Ranchmen's Ditch Drainage.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained how the error made by FEMA was discovered for the area around the Mesa Mall and the Grand Mesa Center. The new map revision shows a much larger area of the floodplain from the Ranchmen's Ditch. The project called "The Big Pipe Project" will reduce that floodplain area. Further up the drainage, the area around Pomona School would also be in the 100 year floodplain. After completion of "The Big Pipe Project" the areas around the Mall and the Grand Mesa Center are removed from the 100 year floodplain. The Pomona School area is also eliminated. Some properties along Horizon Drive would still be affected and the Public Works Staff have discussed the situation with those property owners as well. Those currently in the floodplain have been advised that FEMA is available to assist them in the purchase of flood insurance in the meantime. The cost estimate is \$7.4 million. Mr. Relph said there is \$6 million budgeted. The next item on the agenda is a grant request for \$3 million to supplement the fund for the project. There is another portion of the project that is estimated at \$2.5 million, open ditch widening and covering along Patterson Road. The hope is that FEMA will review the CLOMR and the grant application simultaneously and the approval would allow them to start the project in the fall.

Councilmember Palmer noted that the City will need Mesa County's approval for a portion of the project. Mr. Relph said that has been accomplished.

Councilmember Palmer inquired if tenants as well as property owners in the flood plain areas have been notified. Mr. Relph said primarily the property owners but they have also met with the Homeowners Associations (specifically for town homes at 7<sup>th</sup> and Horizon Drive).

Councilmember Palmer noted that the funding will still be short. Mr. Relph concurred and said that other options are being looked at and Mr. Relph also stated that timing with irrigation companies is also critical.

Councilmember Kirtland inquired about the flood insurance assistance through FEMA. Mr. Relph said that a local insurance representative attended one of the open houses to provide such information.

Councilmember Kirtland asked for a description of a 100 year event. Mr. Relph explained that a small pipe was placed years ago under the mall, which can back up in a big event. The event would be back flooding and turbulent water, but no washing away of structures.

Resolution No. 25-05 – A Resolution Approving the Filing of a Conditional Letter of Map Revision (CLOMR) with the Federal Emergency Management Agency (FEMA) for the Ranchmen’s Ditch Drainage Improvements Project

Councilmember Kirtland moved to adopt Resolution No. 25-05. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

### **Submittal of an Application for Federal Pre-Disaster Mitigation Grant Funding**

A City Council Resolution authorizing the submission of the above grant application to assist in the funding of the construction of storm water capacity improvements along the Ranchman’s Ditch Drainage System.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that this is the next piece of what was being discussed previously. The request is for a grant, that will be an all or nothing, making sure the City has a strong cost-benefit ratio is important for an approval. The pre-disaster assessment was submitted, which made the City eligible to apply for the grant. It is for 42% FEMA and 58% local funding. The application has been reviewed by the State Agency of emergency management and then submitted to FEMA. The City has been told that this application will be first priority for the State. The CLOMR just approved makes this application a strong request.

Council President Hill said that although the grant request is a small piece of the project, it is an important piece. He stated that covering the open ditches along Patterson is not the most important part of this project.

Resolution No. 26-05 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Storm Water Capacity Improvements Along the Ranchman’s Ditch Drainage System

Councilmember Enos-Martinez moved to adopt Resolution No. 26-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

### **D Road Under-grounding Phase 2 for the Riverside Parkway**

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This 2nd phase will underground approximately 0.9 mile of power lines from approximately the Regional Center to 29 Road and a section north of 29 Road.



The attached letter is an “invoice” from Xcel Energy stating that the under-grounding cost is estimated at \$599,942.92.

Mark Relph, Public Works and Utilities Director, reviewed this item. Part of the agreement with Xcel requires relocation of the lines, then if they are put underground, the City gets an overhead relocation credit.

Councilmember Palmer moved to authorize the City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground on D Road from the Regional Center east to 29 Road. Councilmember Kirtland seconded the motion. Motion carried.

### **Purchase of Property Located at 2502 Highway 6&50 for the Riverside Parkway Project**

The City has entered into a contract to purchase right of way from the McCallum Family LLC for the Riverside Parkway Project. The City’s obligation to purchase this property is contingent upon Council’s ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. The City has entered into a contract with the McCallum Family LLC to purchase two pieces of property. The usual negotiation process has taken place under the City’s policy.

Resolution No. 27-05 – A Resolution Authorizing the Purchase of Real Property at 2502 Highway 6 & 50 from the McCallum Family LLC

Councilmember Palmer moved to adopt Resolution No. 27-05. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 1014 S. 4<sup>th</sup> Street for the Riverside Parkway Project**

The City has entered into a contract to purchase the property at 1014 S. 4th St. from Loretta M. Young for the Riverside Parkway Project. The City’s obligation to purchase this property is contingent upon Council’s ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. This property is residential and is a little different regarding relocation. Two independent appraisals were obtained and \$50,000 was determined. However, a decent, safe and sanitary replacement property must be obtained. The closest similar house was \$120,000. The City is also paying for relocation costs and closing costs. The closing is set for February 18<sup>th</sup>.

Councilmember Enos-Martinez asked how the new home is purchased. Mr. Relph stated that the City does advise the property owner of certain properties that are on the market,

but it is up to the property owner to make the decision of obtaining one of those properties or to make other decisions and arrangements.

Resolution No. 28-05 – A Resolution Authorizing the Purchase of Real Property at 1014 S. 4<sup>th</sup> Street from Loretta M. Young

Councilmember Palmer moved to adopt Resolution No. 28-05. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 910 S. 4<sup>th</sup> St. for the Riverside Parkway Project**

The City has entered into a contract to purchase the property at 910 S. 4<sup>th</sup> Street from Saul Reyes and Lainie Reyes for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. This property has a business and a residence, therefore the negotiation was a mix of the policies. Appraisals were obtained, then there are moving costs and relocation costs. The replacement home is a rental. The rental supplement is \$14,952. Although only a small piece of the property is needed, the entire parcel is being purchased.

Resolution No. 29-05 – A Resolution Authorizing the Purchase of Real Property at 910 S. 4<sup>th</sup> Street from Saul Reyes and Lainie Reyes

Councilmember Spehar moved to adopt Resolution No. 29-05. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 1554 Independent Avenue for the Riverside Parkway Project**

The City has entered into a contract to purchase right of way from Merrill C. and Valerie J. Kennedy for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Relph located the property and explained the surrounding parcels. He stated that with the purchasing the entire parcel, there are a series of buildings on the properties that would not be used. The property owner declined a second appraisal, so only one appraisal was obtained. The occupant has found a suitable replacement property and the City will be assisting in the relocation and reestablishment costs.

Mr. Relph explained how the property remnants remaining from these various purchases will not be needed for the Riverside Parkway project. He stated that staff is currently working on a strategy for that, but currently it is not formulated.

Resolution No. 30-05 – A Resolution Authorizing the Purchase of Real Property at 1554 Independent Avenue from Merrill C. and Valerie J. Kennedy

Councilmember Kirtland moved to adopt Resolution No. 30-05. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:40 p.m.

The meeting reconvened at 8:53 p.m.

### **Public Hearing – Concerning Sampling of Wine and Beer in Retail Liquor Stores**

Last summer, the Colorado General Assembly passed House Bill 04-1021 which included a provision to allow a local government to adopt an ordinance allowing alcohol beverage sampling (tastings) to be conducted in retail liquor stores and liquor-licensed drugstores. This proposal, if adopted, would allow such sampling but would restrict it to beer and wine.

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

Stephanie Tuin, City Clerk, John Shaver, City Attorney and Captain Harry Long reviewed this item.

Stephanie Tuin, City Clerk, stated that as Council already knows the Colorado General Assembly has passed House Bill 04-1021 which allows alcohol sampling (tasting) to be conducted in retail liquor stores. There are State provisions that are required and the conditions are, no more than four individual samples of up to one ounce of beer or wine or one-half ounce of spirituous (hard alcohol) liquor may be provided to a customer at no charge. The tastings are limited to 5 hours in one day, and hours need not be consecutive, tastings shall be conducted during operating hours and no earlier than 11 a.m. or later than 7 p.m. The establishment must not allow a patron to leave the licensed premise with an unconsumed sample. The licensee shall not serve a person who is under 21 years of age or who is visibly intoxicated. Tastings may occur on no more than four of the six days (Monday through Saturday) and not to exceed 104 days per year. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the State Liquor Enforcement Division and is an owner or employee of the licensed premises. Ms. Tuin stated that several Colorado municipalities have already adopted an ordinance allowing tastings in their community. They vary from the adoption of an ordinance granting the approval with no additional requirements, fees or process to an annual permit fee and a separate application form that will include, a schedule to be submitted and will be reviewed annually by the local authority. Although the law does not specifically allow for further

restrictions, the proposed ordinance restricts tastings to beer and wine only (no hard liquor allowed).

John Shaver, City Attorney, wanted to clarify a couple of issues. He went through the proposed ordinance that he and Ms. Tuin had wrote. He went into detail about the proposed ordinance having only beer and wine tastings with no spirituous (hard alcohol) liquors. Also, the disposal of the samples, by the statutes, the licensee must remove all opened or unconsumed samples from the premises or destroy the samples immediately after the tasting.

Captain Long, GJPD, was asked to look into this from a law enforcement perspective. He looked at the cities that have passed the ordinance. He stated that 15 cities have passed the ordinance and none of the cities have had any law enforcement issues and about 7 of the cities have not had any tastings, so at this time he cannot comment on this.

Ruth Michels, 2151 Hawthorne Ave, said last December the Colorado State Liquor Enforcement did an underage compliance check at the liquor stores in the City. 40% of the liquor stores in this town failed the compliance check by not checking IDs and selling liquor to youth. She is concerned that 40% of the stores in this town disregarded the law and sold to minors. She asked that this ordinance not be approved until 100% comply with the law.

Monte Haltiner, 3003 Zenobia Street, manager of Crossroad Wine and Spirits, and Gerald Sica, 676 Independence Drive, merchandise manager of Crossroad Wine and Spirits were present. Mr. Sica said that Ms. Michels has some very good concerns, but wanted Council to know that Crossroads passed the compliance check with flying colors, and they work very hard with their staff on every issue. Mr. Haltiner stated that part of the every day business of being in the liquor industry, anytime a person requests to buy an alcoholic beverage, although it is not required by law to check a person's ID, they do. Mr. Haltiner stated that he has attended two of the City's trainings and stated that Crossroads was the only liquor store there. Mr. Haltiner said that it is their license that is in jeopardy if they sell to people who are underage. Mr. Sica stated that tastings are an issue for consumers because there is so much wine out there, their store has over 1400 products and this is a way for consumers to be educated. Mr. Sica said that they had almost 700 signatures from customers desiring to taste. He wished that it could have been more but they were only opened 30 days. He said that tasting is part of the culture; this State is the biggest brewery in the country. It is only second to California for wineries and they have tastings everyday at wineries. Mr. Haltiner stated that there are more restrictions in liquor stores than at wineries. Mr. Sica said that taste hopping is probably not an issue. They support not allowing hard alcohol. It is not in their interest to serve minors or intoxicated people, and they are very serious about controlling this issue.

Council President Hill said that this is the first time he was aware a winery could host a wine tasting in a liquor store. Mr. Haltiner said that wineries have a limited number of times they can do this in a year.

Councilmember Butler asked if this ordinance is not passed will this affect the business at all. Mr. Haltiner said no, if the ordinance is not passed this will not affect them but this would let them give better customer service for their customers.

Wayne Fisher, Fishers Liquor Barn, 1041 24 Road, said that he has been in business for 25 years. He stated that yes his store failed the liquor sting and that it cost him \$5,000. He does not feel that giving away free wine is that good of a deal. He stated that he does not know enough about this around the State to know if it's a good deal or not. He stated that it is still new and thought they needed at least a year's time to make sure that this is a good deal, providing wine samples to consumers. He also wondered about the sanitation on the sample cups. Mr. Fisher said that there are things that need to be ironed out. He stated that there are 10 or 12 different liquor stores that signed a petition that are against passing this ordinance at this time. He stated that he would like to research it more and learn more about it. He said that he knows other businesses that have the taste sampling and that he would like to know what their experience is after some time. Mr. Fisher said that if Council lets this pass and if one store does the tasting, then he would have to do the tasting also, but he said that he doesn't want it and feels that they are not ready for it.

Councilmember Kirtland asked, what the liquor industry did when the State legislature was dealing with this issue and wanted to know if Mr. Fisher was aware of this. Mr. Fisher said that he was aware of this and the only mention was for the reduction of the alcohol limit.

Councilmember Kirtland asked where the other members of the industry are in their opinion of this. Mr. Fisher said that the association has disbanded due to a lawsuit. He feels that the classes are great and that he has had the liquor officer come on-site to train his employees.

Councilmember Spehar stated that the legislature had to lower the alcohol level, and had to make these trade offs. They were add-ons by the legislature to give them some running room on lowering the blood alcohol level by allowing restaurants to re-cork bottles of wine and allow the option of tasting.

Councilmember Spehar said that from the letters received, the other liquor stores main issue is the liability, even if they elected not to do tastings, and since it is an option, the concern is that the liability insurance rates would go up. Mr. Fisher said that is also a concern of his and that is just one more reason that he wants to research this in greater detail.

Council President Hill asked is there any evidence to support the increase of liability insurance and asked Mr. Fisher if he had checked with his insurance company. Mr. Fisher said that he has not asked his agent.

Council President Hill asked Mr. Shaver, City Attorney, if there are caps on liability insurance, and there is a maximum amount to be liable. Mr. Shaver said that there are limitations in terms of a jury award, but not on premiums and profiles would be based on state-wide events.

Mr. Haltiner, manager of Crossroads Wine and Spirits, said that he understands the concerns and that some stores do not want to participate, but it is their clientele that wants the option, and it is about the consumers, not the liquor stores.

Randy Buray, 1017 Ouray, said that people can already taste at restaurants and bars. He feels that the Council should wait and give it some time.

The public hearing was closed at 9:50 p.m.

Councilmember Spehar asked are there any consideration on sampling cups. Ms. Tuin said that that has not been addressed in the ordinance, but it could be added.

Councilmember Palmer said that he has concerns about the failure rate of the liquor stores during compliance checks.

Councilmember Enos-Martinez said that this is optional just like a delivery permit, strictly optional to the liquor stores. She is more concerned with delivery permits, rather than serving the public. She would like to support this.

Councilmember Spehar stated that this is very new, and he can see the concerns of Ms. Michels and Mr. Fisher's comments of monitoring employees, and that the wineries already have an opportunity to serve wine samples. He would be more convinced if the letters of support were not form letters. He would like to see more experience.

Councilmember Kirtland said that the legislature is trying to regulate the consumption of liquor at the tastings. In Mesa County, they can go taste wine at wineries, which is a good experience for making selections. But, the legislature is trying to lower the level for driving and drinking and is looking at how the industry is going to regulate this. Mr. Kirtland would like to support this.

Councilmember Butler feels that there is no lack of people getting alcohol and that this doesn't benefit the citizens. He feels that this will affect the quality of life and is bad for young people to see tastings at liquor stores. He feels this is not a benefit.

Councilmember McCurry said he will have to go along with Councilmembers Palmer and Enos-Martinez. He said that different people have different tastes and not having to go to the different wineries and being able to go to a liquor store where the consumer could taste the wine is a benefit.

Council President Hill said that from CML's perspective, the industry has found some success at the legislature to allow such things to be passed to local control. Council President Hill stated that it was news to him tonight that wineries could already do this. He appreciates the industry stepping up, and stated that this is local control and that each store decides individually if they want to do the tastings. Council President Hill said that some of the liquor stores may feel that they will be forced to do the tastings to be in competition, but that will be up to each of the liquor stores. Council President Hill feels this is much more restrictive than what the wineries are allowed to do. If this was a problem, they would have heard about something. Council President Hill supports this at this time and appreciates Councilmember Spehar's thought of needing more time, he hopes that the liquor stores do not abuse the tastings because of the risk of losing their license.

Councilmember Spehar feels that there needs to be additional provisions, such as limited number of hours, disposal containers, and look at permit fees for cost recovery.

Councilmember Palmer asked City Attorney Shaver if Council makes an adjustment to the ordinance, will it need to be republished. Mr. Shaver stated no, some changes can be incorporated.

Ordinance No. 3716 - An Ordinance Enacting a New Article IV Within Chapter 4, Concerning Alcoholic Beverages, in the Grand Junction Code of Ordinances Pertaining to the Tasting of Alcoholic Beverages

Councilmember Kirtland moved to adopt Ordinance No. 3716 amending the ordinance to include a limitation to three days per week, not specifying the days, limiting the hours to 1 p.m. to 7 p.m., hours be consecutive and samples be served in single serving containers designed to hold one ounce. Councilmember Palmer seconded the motion. Motion carried by roll call vote with Councilmember Butler and Councilmember Spehar voting NO.

**Public Hearing – Growth Plan Amendment – Vista Peak** [File # GPA-2004-191]

Request approval of a Growth Plan Amendment to change the Future Land Use designation from Rural (5 acres per unit) to Residential Medium Low (2-4 units per acre) on 16 acres, located at 104 29 <sup>3</sup>/<sub>4</sub> Road.

The public hearing was opened at 10:30 p.m.

Robert Jones, II, Vortex Engineering, representing the applicant, reviewed this project. He described the current zoning and the surrounding zoning, and the future land use designations. He then reviewed the Growth Plan Amendment criteria and how the request meets the criteria. He contended that growth leads to the need in areas for additional housing. The property does not allow for development under the current designation. Orchard Mesa is one of the fastest growing areas in Grand Junction. Mr. Jones stated that there are facilities available to serve the development. He also noted that there is not enough existing land available as even those currently designated for residential development are being used agricultural and there are only two parcels currently being considered for development. He stated the request does meet the criteria and the Growth Plan Amendment will be a benefit and an improvement.

Councilmember Spehar said the reason for the Growth Plan Amendment is that much of the growth is due to annexations that provided housing with it, which is not exactly justification. The purpose of the Growth Plan is to create an expectation of development patterns, and not to provide every opportunity in every area. The development has been currently designated, and would provide more open space. Mr. Jones said that within the Urban Growth Plan Boundary it is also designated for growth and land is not available to meet the housing needs.

Kathy Portner, Planning Manager, reviewed the request. She described the location, noting the property was recently annexed, and it is within the 201 boundary. It is in far reaches of the Urban Growth Boundary, the property includes a ridgeline protected by the ridgeline development policy. She then described the existing zoning prior to the annexation. The nearest City zoning is Red Tail Ridge and the surrounding county zoning is RSF-R and AFT. The property is a large knoll with severe topographic constraints. The only reasonable access is from 29 ¾ Road; there are many significant slopes on the property. The findings on the request are it has limited development potential due to limited access and steep grades. The amendment is not consistent with the policies of the Growth Plan, and staff disagrees with many of the applicant's findings. It does not meet the purposes and does not meet criteria. Both staff and the Planning Commission recommend denial of the request.

Fran Warford, 2995 Burns Drive, she stated that there are very steep slopes and dry adobe soil. Her concern is, if developed as proposed, it will disturb the soil and the water table for homes that are below the hillside.

Chuck Beyerbach, 103 29 ¾ Road, 2<sup>nd</sup> house at the end of road, he said that he bought there because of the quietness, and the extremely steep hillside. He feels that it would be a shame to disturb it. The runoff is bad enough without additional plantings that will



cause major flooding. He said there are numerous other parcels with flat soils that are available.

Ward Warford, Fran's husband, said that his engineered foundation was a special post-tension slab. They have had two different foundations, the first one had to be torn out because the soil conditions are so unusual. He said that the engineered foundations that would be required are very expensive.

Brian Fisher, 413 Smallwood, said that he is a builder and developer. He stated that engineered foundations are common in this valley. The soil on the hill would be good soil to build on, and he is definitely willing to work with the community to serve their needs. He knows that a slope analysis will be needed, and is willing to meet those needs. He said that it is private property and he does not want trespassers. He will continue to pursue this development.

The public hearing was closed at 10:50 p.m.

Mr. Jones agreed that engineered foundations will be required, and the ridgeline development does not prohibit development. The staff's use of potential engineering issues should not be considered at this time. There are engineering issues that need to be addressed on the preliminary plat.

Councilmember Palmer said that he understands the neighbors being attached to adjacent vacant land. He said that there are questions regarding whether to change the land use designation, but he is not convinced that there were errors to change.

Councilmember Spehar said that he agrees, but the purpose was to set the bar high on growth plan amendments. The Growth Plan was reviewed in 2003 and the purpose is to let those buying property know what the community expectations are. He agrees with the Planning Commission for denial.

Councilmember Butler agrees with Councilmember Spehar, and that staff and noted the Planning Commission went over it quite well. He would like for it to stay rural.

Councilmember Kirtland stated that any development that does eventually fall into the public domain, constraints do need to be considered.

Council President Hill stated that he cannot support a change in the Growth Plan for this property.

Resolution No. 31-05 – A Resolution Amending the Growth Plan of the City of Grand Junction, Vista Peak, 104 29 <sup>3</sup>/<sub>4</sub> Road

Councilmember Spehar moved to deny the Growth Plan Amendment request. Councilmember McCurry seconded the motion. Motion carried unanimously by roll call vote.

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

There were none.

### **OTHER BUSINESS**

There were none.

### **EXECUTIVE SESSION**

Councilmember Spehar moved to go into Executive Session for the discussion of property negotiations regarding the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under section 402 (4)(a) of the open meetings law relative to riverside parkway. Councilmember Palmer seconded the motion. Motion carried.

### **ADJOURNMENT**

The meeting adjourned into Executive Session at 11:00 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**  
**Lincoln Park-Moyer Pool Re-Plastering**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Lincoln Park-Moyer Pool Re-plastering					
<b>Meeting Date</b>		February 16, 2005					
<b>Date Prepared</b>		February 3, 2005				<b>File #</b>	
<b>Author</b>		Rex Sellers			<b>Senior Buyer</b>		
<b>Presenter Name</b>		Joe Stevens			<b>Parks &amp; Recreation Director</b>		
<b>Report results back to Council</b>		X	No		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Prepare and re-plaster the 75' x 50' meter pool and the 45' x 75' instructional pool at Lincoln Park.

**Budget:** The original budget was \$112,500.00 to re-plaster and repair pool leaks. Leak detection work was completed in fall 2004, for \$2,638.44. This leaves \$109,861.56 available from the original budget. The balance needed to complete the re-plaster project is to come from an existing 2005 capital project for chair replacement (\$15,000.00) and \$15,233.99 from the parks improvement account.

**Action Requested/Recommendation:** Authorize the City Manager to execute a contract with A to Z Pools & Spas, Inc. for the preparation and re-plastering of the Lincoln Park Pools for a total price of \$140,095.55.

**Attachments:** N/A

**Background Information:** The average life of pool plaster is approximately 10 years. The Lincoln Park pools were last re-plastered in 1992. The plaster is coming off in several places and the plaster on the current pool has met its life expectancy and more.

This solicitation was advertised in the Daily Sentinel and proposal notifications were sent to eighty one (81) companies. The following two responsive responsible proposals were received:

A to Z pools and Spas	Arvada	\$140,095.55
Monarch Swimming Pools	Denver	\$150,120.00

**Attach 3**  
**Mesa County Animal Control Contract for 2005**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Mesa County Animal Control Contract					
<b>Meeting Date</b>		16 February 2005					
<b>Date Prepared</b>		31 January 2005				<b>File #</b>	
<b>Author</b>		Michael A. Nordine		<b>Administrative Lieutenant</b>			
<b>Presenter Name</b>		Greg Morrison		<b>Chief of Police</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>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the county a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2005 is 40.1% or \$196,247. Payments are made to the County on a quarterly basis.

**Budget:** The Police Department budgeted \$250,000 for this service during the 2005 budget process. The actual amount will be \$196,247, a reduction of \$53,753 over the original budget, is the combined result of capital projects being completed early, a reduction in the percentage of calls for service by City residents, and an increase in revenue from fines.

**Action Requested/Recommendation:** It is recommended that the 2005 agreement for Animal Control Services be approved in the amount of \$196,247.

**Attachments:** Copy of the Animal Control Agreement.

**Background Information:** Prior to 1983 the City of Grand Junction provided Animal Control Services through the Police Department. In 1983 the City agreed to combine forces with Mesa County for Animal Control services. Since that time the City and County have had agreements similar to the one presently before Council to maintain this service.

## **AGREEMENT**

### **BETWEEN MESA COUNTY AND THE CITY OF GRAND JUNCTION PERTAINING TO ANIMAL SERVICES.**

The City of Grand Junction, (“City”) and Mesa County (“County”) or (“Animal Services”) have determined to provide for animal services within the City of Grand Junction by Animal Services, pursuant to the City’s home rule powers and under the provisions of 29-1-201, et. Seq., C.R.S. as amended. The Agreement entered into \_\_\_\_\_, is intended to provide the basis for animal services for the year April 1, 2005 through March 31, 2006.

## **AGREEMENT**

- 1) The City has adopted Chapter 6, Article III & IV of the Grand Junction Code of Ordinances, (“Code” or “the Code”) for the control of animals within the City. The City hereby agrees to provide the County with authority necessary to administer and enforce City regulations (“Code”), relating to animal control, within the City.
- 2) The County agrees to enforce the Code as codified and amended, in accordance with its provisions, consistent with proper enforcement practice and on a uniform basis throughout the City.
- 3) During the term hereof, the City will pay to the County, One Hundred Ninety-six Thousand, Two Hundred Forty-seven dollars and 00/100, (\$196,247.00). One-fourth of that amount, Forty-nine Thousand, Sixty-two dollars and 00/100, (\$ 49,062.00) shall be paid quarterly on a prorated basis based on the number of days remaining in the quarter in relation to the total days in said quarter. All fines and shelter/impoundment revenues derived from enforcement under this Agreement shall be paid to the County as additional consideration for the services rendered.
- 4) The consideration paid by the City for the operation of the Animal Services Division of the County is sufficient to support this Agreement and the same is determined as follows:

Animal Services’ projected 2005 expenditures shall be reduced by the actual 2004 carry-overs and the projected 2005 revenues. The resulting amount represents the budgeted 2005 (“the Budget” or “Budget”) taxpayer expense of the overall, combined city-county animal services program.

As part of this Agreement (and past Agreements), Animal Services’ dispatch and patrol stops are logged within a database. The percentage of Animal Services’ workload attributable to the City is calculated from this data after administrative stops have been deleted.

**AGREEMENT**

**Page 2**

**Multiplying the Budget by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the cost of providing service to the City. The resulting figure is the amount due Mesa County under this Agreement for providing animal control services in 2005.**

**Listed below is the calculation:**

<b>\$689,211.00</b>	<b>projected 2005 expenditures</b>
<b>(-12,715.95)</b>	<b>actual 2004 carry-overs</b>
<b>\$187,100.00</b>	<b>projected 2005 revenues</b>
<b>\$489,395.05</b>	<b>overall cost of city-county program</b>
<b>X      40.1</b>	<b>City's percentage of Animal Control Responses (January 2004 through December 2004)</b>
<b>\$196,247.00</b>	<b>contract amount due Mesa County In 2005. Contract amount divided by four (4) quarterly payments.</b>
<b>\$ 49,062.00</b>	<b>QUARTERLY PAYMENTS DUE Mesa County</b>

**Note: Both Parties agree that at the time this agreement is executed the 40.1% is a fair and reasonable projection of the City's percentage of responses during the term of this agreement. This 40.1% factor shall be reviewed by both Parties in January 2006 and the actual responses for the period of January 1, 2005 through December 31, 2005 shall be calculated to determine a revised percentage. This revised percentage shall then be substituted in the calculation of the Contract amount due Mesa County. In the event the revised percentage amount results in a change to the Contract amount due Mesa County (either an increase or decrease in such dollar amount); such increase or decrease shall be prorated in entirety to the Quarterly Payment due Mesa County in the January to March, 2006 quarterly period.**

**5) In providing the animal services agreed to in this Agreement, the County shall**

## **AGREEMENT**

**Page 3**

**provide said services during those hours best suited, as determined by the County, for enforcement; County shall provide a standby system for other hours. In situations that cannot be handled solely by the County, the Police Department may be called by the Animal Services Division to dispatch a uniformed Officer to assist.**

**6) The County will select and supervise personnel for its Animal Services Division. Mesa County shall provide to the City, all necessary or required reports on the activities of the Animal Services Division.**

**7) Enforcement actions arising out of or under the Code shall be prosecuted in the Grand Junction Municipal Court. The City agrees to reasonably cooperate with the County in enforcement and prosecution activities.**

**8) The County agrees that it will indemnify and hold harmless the City of Grand Junction and City officers and employees from and with respect to any and all claims, demands and causes of action, including the costs of defense and attorney's and expert's fees, arising out of or related to the duties, acts and omissions of the County's officers and employees under this Agreement. The City agrees to hold harmless and to indemnify the County, its officers and employees for any and all claims, demands and causes of action, including the costs of defense and attorney's and expert's fees arising out of or related to the duties, acts and omissions of the City and Municipal Court of the City under this Agreement.**

**In the event that the claim, demand or cause of action alleges tortuous or other wrongful acts on the part of both the City and the County arising out of or under this Agreement, the parties agree that each will abide by the determination of a court of competent jurisdiction with respect to the allocation of the expenses, costs, damages and payments of moneys based on the relative misconduct of each. The parties agree that claims, demands and causes of action arising out of allegedly tortuous acts or tortuous failure(s) to**

**act and claims, demands and causes of actions which allege a violation of the federal Civil Rights**

**Act are included within the hold harmless and indemnity provisions set forth herein.**

**9) This Agreement shall terminate upon six months' written notice of intent to terminate, or on March 31, 2006 if the parties to this contract enter into a new contract for the provision of animal control services in the succeeding year as set forth below. Notice to terminate if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.**

**10) It shall be the responsibility of the County to provide the City with a proposed Animal**

**Services contract for 2006 animal control services no later than February 1, 2006. After review of the proposed contract the City of Grand Junction will, on or before March 1, 2006, either issue a preliminary acceptance of the proposed contract or a**



**AGREEMENT**

**Page 4**

**written notice of termination of the existing contract and a statement of their intent not to enter the proposed contract for animal services in the succeeding calendar year.**

**11) If preliminary acceptance has been given, the proposed contract shall not become effective until expiration of the then existing contract and until signed by the parties. The City's preliminary acceptance may be withdrawn at any time prior to contract signing by notification of termination being sent to the County as specified in paragraph nine. If preliminary acceptance is withdrawn by a notice of termination, the City will pay for, and the County will provide, animal services for six months from the date of the notice of termination.**

**12) The terms and rates for the six months service continuation period after notice of termination shall be those agreed to by the parties in the 2005 contract, unless the six months extends beyond March 31, 2006, in which case the remainder of the six months shall be controlled by the terms and rates of the proposed contract which shall be effective during the service period following March 31, 2006 until the completion of the six months termination period.**

**13) If terms and conditions of the proposed contract are not accepted by the parties in the form of a signed written contract on or before March 31, 2006, the provision of animal services to the City of Grand Junction shall cease September 30, 2006.**

**Attest: City of Grand Junction**

\_\_\_\_\_  
**City Clerk: Stephanie Nye**

\_\_\_\_\_  
**Mayor:**

**Date:** \_\_\_\_\_

**Date** \_\_\_\_\_

**Attest: County of Mesa**

\_\_\_\_\_  
**County Clerk: Monika Todd**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Board of County Commissioners  
Chairperson:**

**Date:** \_\_\_\_\_

**Attach 4**  
**Setting a Hearing for the City Manager's Salary for 2005**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>		City Manager's Salary for 2005						
<b>Meeting Date</b>		February 16, 2005						
<b>Date Prepared</b>		February 7, 2005				<b>File #</b>		
<b>Author</b>		Ron Lappi			<b>Administrative Services Director</b>			
<b>Presenter Name</b>		Bruce Hill			<b>Mayor</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>			X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The annual salary for the City Manager of the City of Grand Junction for the year beginning January 1, 2005, and ending December 31, 2005 shall be One Hundred Twenty Thousand Eight Hundred Thirty Two dollars and zero cents (\$120,832.00). This represents a 2.4% increase over the salary for the prior year.

**Budget:** Pursuant to statutory requirements the annual salary for the City Manager must be adopted by ordinance.

**Action Requested/Recommendation:** Final passage on March 2, 2005.

**Attachments:** n/a

**Background Information:** n/a

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

**AN ORDINANCE ESTABLISHING THE ANNUAL SALARY FOR THE CITY  
MANAGER FOR THE YEAR BEGINNING JANUARY 1, 2005, AND ENDING  
DECEMBER 31, 2005**

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

**SECTION 1.** That the annual salary for the City Manager of the City of Grand Junction for the year beginning January 1, 2005, and ending December 31, 2005 shall be One Hundred Twenty Thousand Eight Hundred Thirty Two dollars and zero cents (\$120,832.00).

**INTRODUCED AND ORDERED PUBLISHED** the \_\_\_\_ day of \_\_\_\_\_,  
2005.

**PASSED AND ADOPTED** the \_\_\_\_ day of \_\_\_\_\_, 2005.

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

Attest:

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

**Attach 5**  
**Defense and Indemnity of Police Officer Baker**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Defense and Indemnity of Police Officer Baker							
<b>Meeting Date</b>		February 16, 2005							
<b>Date Prepared</b>		February 9, 2005				<b>File #</b>			
<b>Author</b>		Shelly Dackonish			<b>Staff Attorney</b>				
<b>Presenter Name</b>		John Shaver			<b>City Attorney</b>				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>			
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** A resolution is proposed for defense and indemnity of Officer William Baker of the Grand Junction Police Department for a punitive damages claim in County Court Civil Action No. 05-C-235.

**Budget:** Nominal costs up to \$15,000 (the amount claimed by the Plaintiff).

**Action Requested/Recommendation:** Adopt the resolution to defend and indemnify Officer Baker for punitive damages claimed against him in County Court Civil Action No. 05-C-235.

**Attachments:** Resolution.

**Background Information:** The claim against Officer Baker arises out of an investigation and arrest on July 14, 2003. The Plaintiff alleges that Officer Baker used excessive force in the arrest resulting in injury. The Plaintiff has asserted a punitive damage claim, in addition to a claim for compensatory damages. The claim is effectively capped at \$15,000 by jurisdictional limits of County Court. Officer Baker was acting appropriately and within the scope of his employment.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. \_\_-05

A RESOLUTION ACKNOWLEDGING DEFENSE OF OFFICER WILLIAM  
BAKER  
IN COUNTY COURT ACTION NO. 05-C-235

RECITALS:

An action has been filed in County Court alleging use of excessive force by an employee of the City of Grand Junction Police Department. The factual basis of the lawsuit involves alleged misconduct by a City employee in investigating and affecting an arrest.

Under the provisions of the Colorado Governmental Immunity Act, specifically section 24-10-118(5), the City Council may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend public employees against a claim for punitive damages or pay or settle any punitive damage claim against a public employee. The plaintiff in the case is asserting a punitive damage claim.

Because the City Council finds, subject to further review, that the police officer was acting appropriately and within the scope of his employment and also because to do otherwise would send a wrong message to the employees of the City (that the City may be unwilling to stand behind them when such employees are sued for the lawful performance of their duties), the City Council adopts this resolution;

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

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend Officer Baker against claims for punitive damages and/or to pay or to settle any punitive damage claims against him arising out of case 05-C-235.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
Bruce Hill  
President of the Council

ATTEST:

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

**Attach 6**  
**Defense and Indemnity of City Employees**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Defense and Indemnity of City Employees							
<b>Meeting Date</b>		February 16, 2005							
<b>Date Prepared</b>		February 10, 2005				<b>File #</b>			
<b>Author</b>		Shelly Dackonish			<b>Staff Attorney</b>				
<b>Presenter Name</b>		John Shaver			<b>City Attorney</b>				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>			
<input checked="" type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** A resolution is proposed for defense and indemnity of Police Officers Eric Janusz, Ryan Piotrowski, Jeremiah Boies, Doug Norcross and Police Chief Greg Morrison and Fire Fighters Brant Butner, Doug Walsh and Fire Chief Rick Beaty in United States District Court Action No. 04-F-2548.

**Budget:** N/A (except in the event that punitive damages are awarded at trial or a settlement made for damages resulting from willful and wanton conduct)

**Action Requested/Recommendation:** Adopt the resolution to defend and indemnify Officers Janusz, Riotrowski, Boies, Norcross and Police Chief Morrison and Fire Fighters Butner, Walsh and Fire Chief Beaty for punitive damages claimed against them in United States District Court action No. 04-F-2548.

**Attachments:** Resolution.

**Background Information:** A civil action has been filed in Federal Court alleging violation of a citizen's civil rights and other misconduct. The Plaintiff alleges misconduct by City employees in investigating and affecting an arrest and in the delivery of emergency medical services. The Police Officers and Firefighters were acting appropriately and within the scope of their employment.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. \_\_\_\_

A RESOLUTION ACKNOWLEDGING DEFENSE OF OFFICERS ERIC JANUSZ, RYAN PIOTROWSKI, JEREMIAH BOIES, DOUG NORCROSS AND POLICE CHIEF GREG MORRISON AND FIREFIGHTERS BRANT BUTNER, DOUG WALSH AND FIRE CHIEF RICK BEATY IN UNITED STATES DISTRICT COURT ACTION NO. 04-F-2548

RECITALS:

An action has been filed in Federal District Court alleging violation of a citizen's civil rights and other misconduct by employees of the City of Grand Junction Police and Fire Departments. The factual basis of the lawsuit involves alleged misconduct by City employees in investigating and affecting an arrest and in the delivery of emergency medical services.

Under the provisions of the Colorado Governmental Immunity Act, specifically section 24-10-118(5), the City Council may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend public employees against a claim for punitive damages or pay or settle any punitive damage claim against a public employee. The plaintiff in the case is asserting a punitive damage claim, although it is not clear if the assertion is made against all employees that were on the call.

Because the City Council finds, subject to further review, that the police officers and firefighters were acting appropriately and within the scope of their employment and also because to do otherwise would send a wrong message to the employees of the City (that the City may be unwilling to stand behind them when such employees are sued for the lawful performance of their duties), the City Council adopts this resolution;

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

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend Officers Janusz, Piotrowski, Boies and Chief Morrison and firefighters Butner, Walsh and Chief Beaty against claims for punitive damages or to pay or to settle any punitive damage claims against him arising out of case 04-F-2548.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.



ATTEST:

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Bruce Hill  
President of the Council

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Stephanie Tuin  
City Clerk

**Attach 7**  
**Setting a Hearing on UnawEEP Heights Annexation No. 4**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	UnawEEP Heights Annexation No. 4, Referral of Petition, Introduction of a Proposed Ordinance and Exercise Land Use Jurisdiction					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	January 31, 2005				<b>File #</b> ANX-2005-003	
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The applicants for the UnawEEP Heights Annexation No. 4, located at 2861 B ¾ Road and Victoria Drive, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consideration of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 9.84 acres of land.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the UnawEEP Heights Annexation No. 4 petition and introduce a proposed Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for April 6, 2005.

**Attachments:**

- Staff Report
- Annexation Map
- Resolution
- Annexation Ordinance

**Background Information:** Please see attached Staff Report

## BACKGROUND INFORMATION

<b>Location:</b>		2861 B ¾ Road and Victoria Drive		
<b>Applicant:</b>		UnawEEP, LLC, Alan Parkerson, and Jerry and Dawn Beougher, owners		
<b>Existing Land Use:</b>		Single family residence and vacant land		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential and vacant land		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-4 (Mesa County)		
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)		
<b>Surrounding Zoning:</b>	North	RSF-4		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	RSF-4 (Mesa County)		
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre		
<b>Zoning within density range?</b>		X	Yes	No

**RELATIONSHIP TO COMPREHENSIVE PLAN:** The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium low”, 2 to 4 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

### STAFF ANALYSIS

#### Annexation

It is staff’s professional 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 UnawEEP Heights Annexation is eligible to be annexed because of compliance with the following:

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

essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

d) The area is or will be urbanized in the near future;

e) The area is capable of being integrated with the City;

f) No land held in identical ownership is being divided by the proposed annexation;

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

The following annexation and zoning schedule is being proposed:

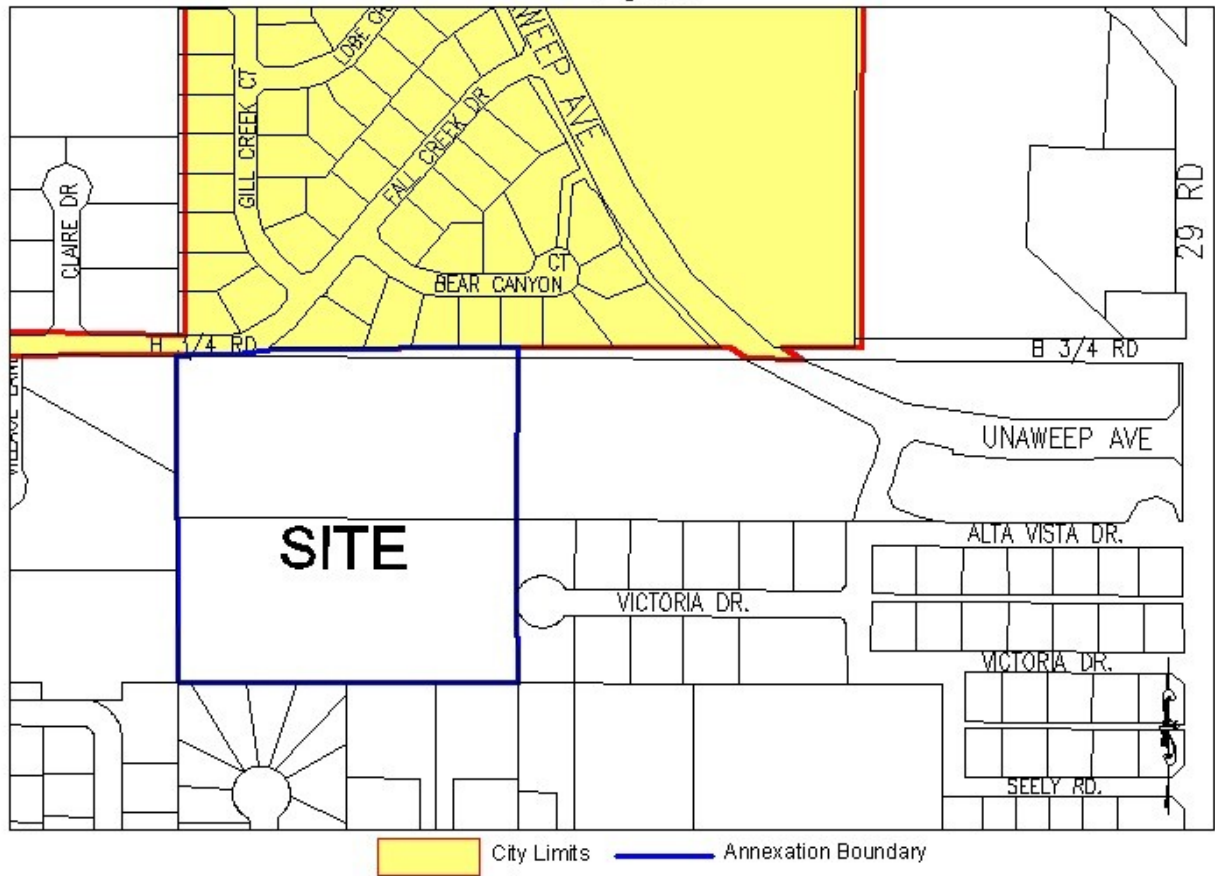
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>Feb 16<sup>th</sup></b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>Mar 8<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>Mar 16<sup>th</sup></b>	First Reading on Zoning by City Council
<b>April 6<sup>th</sup></b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>May 8<sup>th</sup></b>	Effective date of Annexation and Zoning

**UNAWEEP HEIGHTS ANNEXATION**

<b>File Number:</b>	<b>ANX-2005-003</b>	
<b>Location:</b>	<b>2861 B <sup>3</sup>/<sub>4</sub> Road and Victoria Drive</b>	
<b>Tax ID Numbers:</b>	<b>2943-301-00-245 &amp; 2943-301-00-166</b>	
<b>Parcels:</b>	<b>2</b>	
<b>Estimated Population:</b>	<b>5</b>	
<b># of Parcels (owner occupied):</b>	<b>1</b>	
<b># of Dwelling Units:</b>	<b>2</b>	
<b>Acres land annexed:</b>	<b>9.84 acres for annexation area</b>	
<b>Developable Acres Remaining:</b>	<b>9.84 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>none</b>	
<b>Previous County Zoning:</b>	<b>RSF-4 (County)</b>	
<b>Proposed City Zoning:</b>	<b>(RSF-4) Residential Single Family not to exceed 4 units per acre</b>	
<b>Current Land Use:</b>	<b>Vacant land / single family residence</b>	
<b>Future Land Use:</b>	<b>Residential</b>	
<b>Values:</b>	<b>Assessed:</b> = \$19,470	
	<b>Actual:</b> = \$238,580	
<b>Address Ranges:</b>	<b>2861 B <sup>3</sup>/<sub>4</sub> Rd / 2870 Victoria Drive</b>	
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water</b>
	<b>Sewer:</b>	<b>Orchard Mesa Sanitation</b>
	<b>Fire:</b>	<b>Grand Junction Rural Fire</b>
	<b>Drainage:</b>	<b>Orchard Mesa Irrigation</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>none</b>

# Unawep Heights Annexation No. 4

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 16<sup>th</sup> day of February, 2005, the following Resolution was adopted:



**CITY OF GRAND JUNCTION, COLORADO**

**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,**

**UNAWEEP HEIGHTS ANNEXATION NO. 4**

**LOCATED AT 2861 B ¾ ROAD AND VICTORIA DRIVE**

**WHEREAS**, on the 16<sup>th</sup> day of February, 2005, 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**

**UNAWEEP HEIGHTS ANNEXATION NO. 4**

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

COMMENCING at the Northeast corner of the SW 1/4 NE 1/4 of said Section 30, and assuming the North line of the SW 1/4 NE 1/4 of said Section 30 bears N 89°58'35" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°58'35" W along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 4.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°07'07" E along the East line of Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado, a distance of 327.31 feet, more or less, to a point on the North line of Church Subdivision, as same is recorded in Plat Book 11, Page 9 of the Public Records of Mesa County, Colorado; thence S 89°56'51" W along the North line of said Church Subdivision, a distance of 5.56 feet, more or less, to the Northwest corner of Lot 7 of said Church Subdivision; thence S 00°12'04" E along the West line of said Church Subdivision, a distance of 331.65 feet to a point on the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence S 89°57'39" W along the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard

Subdivision and along the North line of Thistle Street Subdivision Correction Plat, as same is recorded in Plat Book 14, Page 306, Public Records of Mesa County, Colorado, a distance of 653.89 feet to a point on the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence N 00°04'40" W along the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 637.13 feet; thence N 89°58'35" E along a line 22.00 feet South of and parallel with, the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet to a point being the beginning of a 172.00 foot radius curve, concave Northwest, whose long chord bears N 75°19'41" E and with a long chord length of 86.99 feet; thence Northeasterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44" to a point on the North line of the SW 1/4 NE 1/4 of said Section 30; thence N 89°58'35" E along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 479.35 feet, more or less, to the Point of Beginning.

CONTAINING 9.8491 Acres (429,028.44 Sq. Ft.), 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 6<sup>th</sup> day of April, 2005, in the City Hall auditorium, located at 250 N 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

**ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2005.

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

Attest:

\_\_\_\_\_  
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

Published:  
February 18, 2005  
February 25, 2005  
March 4, 2005  
March 11, 2005

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**UNAWEEP HEIGHTS ANNEXATION NO. 4**

**APPROXIMATELY 9.84 ACRES  
LOCATED AT 2861 B <sup>3</sup>/<sub>4</sub> ROAD AND VICTORIA DRIVE**

**WHEREAS**, on the 16<sup>th</sup> day of February, 2005, 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 6<sup>th</sup> day of April, 2005; 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:

**UNAWEEP HEIGHTS ANNEXATION NO. 4**

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

COMMENCING at the Northeast corner of the SW 1/4 NE 1/4 of said Section 30, and assuming the North line of the SW 1/4 NE 1/4 of said Section 30 bears N 89°58'35" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°58'35" W along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 4.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°07'07" E along the East line of Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado, a distance of 327.31 feet, more or less, to a point on the North line of Church Subdivision, as same is recorded in Plat Book 11, Page 9 of

the Public Records of Mesa County, Colorado; thence S 89°56'51" W along the North line of said Church Subdivision, a distance of 5.56 feet, more or less, to the Northwest corner of Lot 7 of said Church Subdivision; thence S 00°12'04" E along the West line of said Church Subdivision, a distance of 331.65 feet to a point on the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence S 89°57'39" W along the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision and along the North line of Thistle Street Subdivision Correction Plat, as same is recorded in Plat Book 14, Page 306, Public Records of Mesa County, Colorado, a distance of 653.89 feet to a point on the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence N 00°04'40" W along the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 637.13 feet; thence N 89°58'35" E along a line 22.00 feet South of and parallel with, the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet to a point being the beginning of a 172.00 foot radius curve, concave Northwest, whose long chord bears N 75°19'41" E and with a long chord length of 86.99 feet; thence Northeasterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44" to a point on the North line of the SW 1/4 NE 1/4 of said Section 30; thence N 89°58'35" E along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 479.35 feet, more or less, to the Point of Beginning.

CONTAINING 9.8491 Acres (429,028.44 Sq. Ft.), as described.

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

**INTRODUCED** on first reading on the \_\_\_\_ day of \_\_\_\_\_,  
2005.

**ADOPTED** and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

Attest:

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

**Attach 8**  
**Setting a Hearing on Zoning the Cloverglen Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Introduction of a proposed ordinance zoning the Cloverglen Annexation						
<b>Meeting Date</b>	February 16, 2005						
<b>Date Prepared</b>	February 9, 2005				File #ANX-2004-287		
<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	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The applicants for the Cloverglen Annexation, located at 2938 F ½ Road, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Zoning Ordinance, designating the property RMF-5, Residential Multi-family, not to exceed five dwelling units per acre. The property is 7.15 acres in size.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the Introduction of a Proposed Ordinance, and set a hearing for March 2, 2005.

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

**Attachments:**

1. Staff report/Background information
2. Annexation map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2938 F ½ Road		
<b>Applicants:</b>		Calvin & Phyllis Coley, owners; Steve Hejl representative for NWDD, Inc., developer		
<b>Existing Land Use:</b>		Single family residence / agricultural land		
<b>Proposed Land Use:</b>		Residential subdivision		
<b>Surrounding Land Use:</b>	<b>North</b>			
	<b>South</b>			
	<b>East</b>	Single-family residential		
	<b>West</b>	PUD Single-family residential		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		RMF-5		
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-5		
	<b>South</b>	RMF-8		
	<b>East</b>	County RSF-R		
	<b>West</b>	County PUD		
<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>

**RELATIONSHIP TO COMPREHENSIVE PLAN:** The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium”, 4 to 8 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

**STAFF ANALYSIS:** Due to the Persigo Agreement, the property owner is required to annex into the City for the purpose of a Major Subdivision. The Preliminary Plan is currently under review and will be presented to the Planning Commission when the review is complete.

**Zoning-** the applicant requests the zoning designation of RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre). The zoning is consistent with the Growth Plan for this area. While the maximum number of units per acre is 5, the Code also requires a minimum number of units. In an RMF-5 zoning district, the minimum number of units is 2. RMF-5 zoning allows for attached and detached single-family, duplexes and townhouses.



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

1. The existing zoning was in error at the time of adoption;  
*Not applicable, this is a rezone from a county RSF-R zoning to City RMF-5.*
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.;  
*This parcel is surrounded by residential lots to the east and west. On the north is vacant land and the Price Ditch; to the south is F ½ Road. There are several new residential developments in the vicinity. The Growth Plan supports the requested density.*
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;  
*The rezone is compatible with the Growth Plan and will not adversely affect utilities or street capacities.*
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;  
*This proposal is consistent with the growth plan's land use goals and policies.  
It is the intent to conform to all other applicable codes and regulations.*
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;  
*Public facilities and services are available at or near the proposed development.*
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and  
*(Not applicable to annexation)*
7. The community or neighborhood will benefit from the proposed zone.  
*The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by a new developed area. The development plan will be consistent with the existing street and utility circulation plans.*

Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and

intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

**STAFF RECOMMENDATION:**

Staff recommends approval of the zone of RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre) finding that the proposal is consistent with the Growth Plan, the Persigo Agreement and Section 2.6 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:**

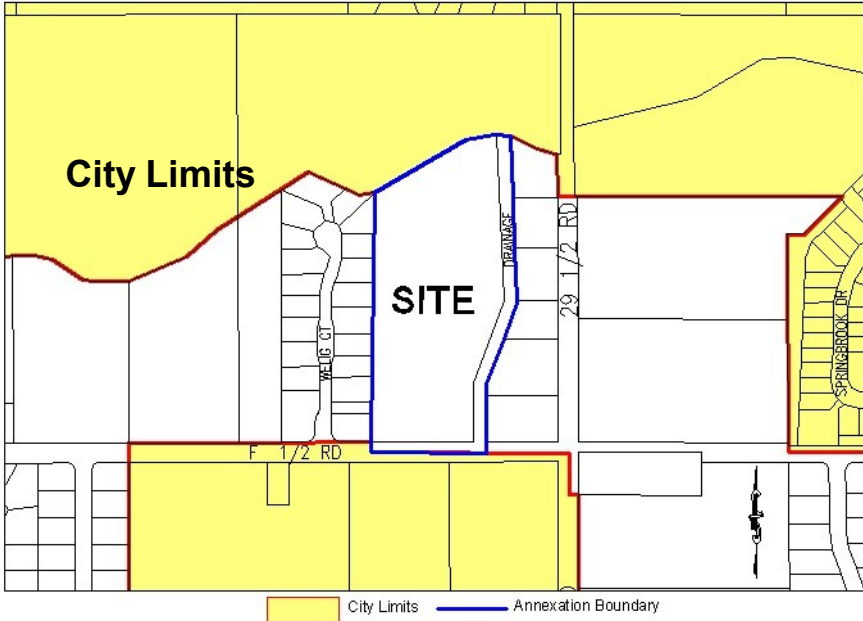
At their regularly scheduled meeting of February 8, 2005, the Planning Commission recommend to the City Council approval of the zoning designation of RMF-5 (Residential Multi-family, not to exceed 5 units per acre) for the Zone of Annexation of the Cloverglenn Annexation, located at 2938 F 1/2 Road, finding that the project is consistent with the Growth Plan, the Persigo Agreement and Sections 2.6 of the Zoning and Development Code.

# Site Location Map

2938 F 1/2 Road

Cloverglen Annexation

Figure 5



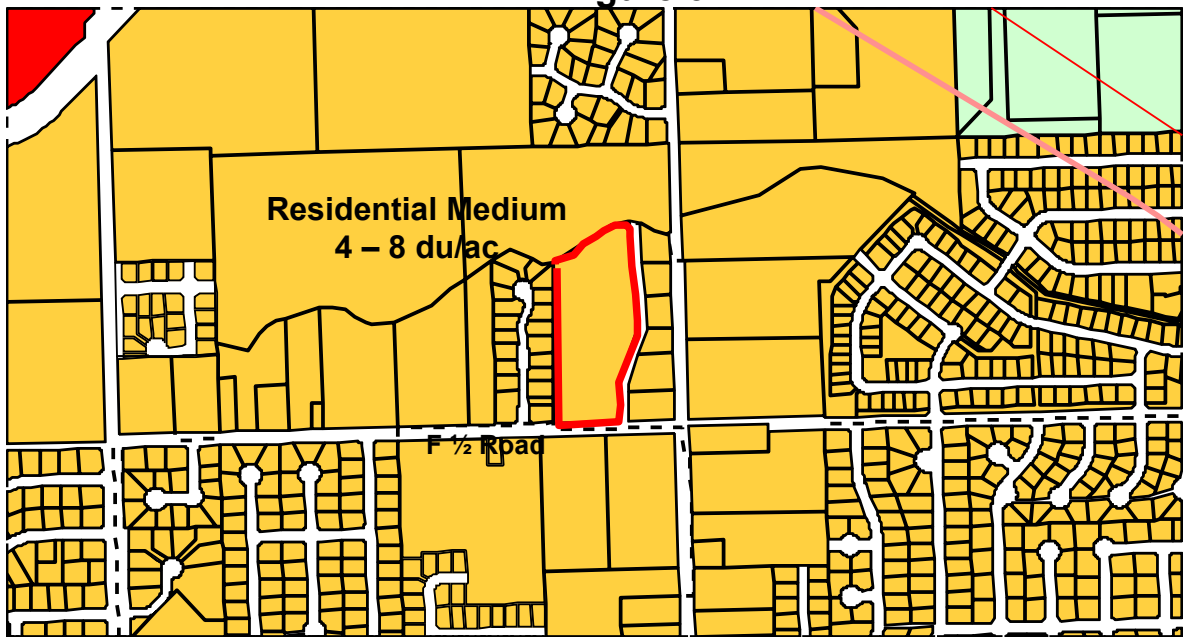
# Aerial Photo Map

2938 F 1/2 Road



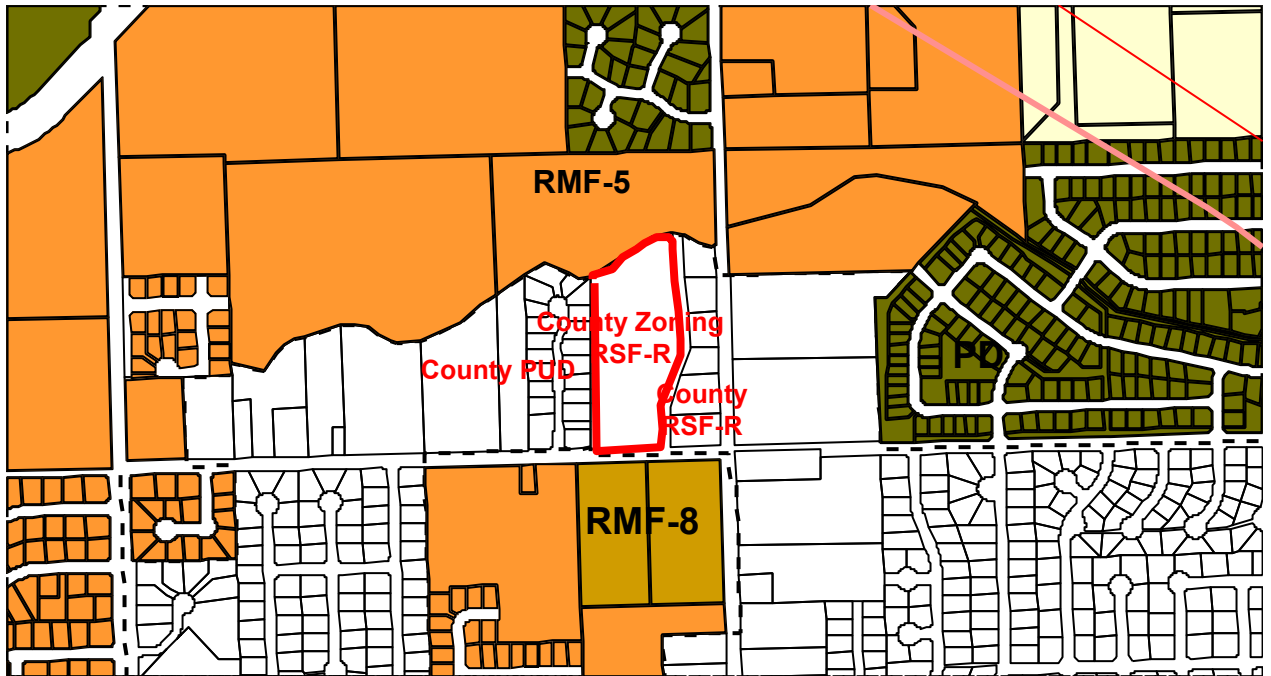
## Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ZONING THE CLOVERGLEN ANNEXATION  
TO RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 5 UNITS PER ACRE  
(RMF-5)**

**LOCATED AT 2938 F 1/2 ROAD**

**Recitals.**

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RMF-5 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned the Residential Multi-family, not to exceed 5 units per acre (RMF-5) zone district

Includes the following tax parcels: 2943-052-00-021

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
CLOVERGLEN ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL that certain parcel of land bounded on the South by the South line of the SE 1/4 NW 1/4 of said Section 5; bounded on the North by Darla Jean Annexation No. 2, City of Grand Junction Ordinance No. 2774; bounded on the West by the East line (and the Southerly projection thereof) of the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; bounded on the East by the centerline (and the Southerly projection thereof) of an existing drainage ditch, as same is depicted on the Plat of Eldridge Subdivision, as same is recorded in Plat Book 13, Page 399, Public Records of Mesa County, Colorado.

CONTAINING 7.1536 Acres (311,612.8 Sq. Ft.), more or less, as depicted.

**INTRODUCED** on first reading this 16<sup>th</sup> day of February, 2005.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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

**Attach 9**

**Setting a Hearing on Vacation of Excess Right-of-Way Along G Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Vacation of excess right-of-way along G Road and the Arcadia North Subdivision.					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 7, 2005				File #VR-2004-269	
<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	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to vacate excess right-of-way along G Road, associated with the Arcadia North subdivision, and set a Public Hearing for March 2, 2005.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed vacation of ROW ordinance.

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

**Attachments:**

1. Staff report/Background information
2. Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Vacation Ordinance with Exhibits



BACKGROUND INFORMATION				
Location:		2540 G Road		
Applicants:		Colorado Homes & Living By Design, owner; Rolland Engineering, representative		
Existing Land Use:		Vacant land		
Proposed Land Use:		Single-family residential		
Surrounding Land Use:	North	Single-family residence and pasture on 13 acres.		
	South	G Road; single family residential		
	East	Church		
	West	Single family residential unit on 7 acres		
Existing Zoning:		RSF-4		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	RSF-4		
	South	RSF-4 and RSF-R		
	East	RSF-4		
	West	RSF-4		
Growth Plan Designation:		Residential Medium, 4 to 8		
Zoning within density range?		X	Yes	No

**PROJECT DESCRIPTION:**

Arcadia North Subdivision is a proposal to develop 10 single family lots on 2.88 acres of vacant land, zoned RSF-4 (residential single-family, not to exceed 4 dwelling units per acre). During the application process for the subdivision, it was learned that right-of-way was dedicated in 1908 to Mesa County. The dedication included land within the proposed subdivision. Research done by Rolland Engineering concluded that this was the result of an error in a survey description done at that time. The right-of-way in question extends some 110 to 112 feet north of the dedicated road alignment of G Road. This is reflected on Exhibit A that is attached. The right-of-way has not been used as a road. It would appear that the road was originally constructed to follow the lines of the dedication, but not actually within the dedication. It was constructed further east. G Road has since been realigned.

Prior to the Final Plat being recorded, the excess right-of-way needs to be vacated.

Not only does this dedicated right-of-way affect the Arcadia North Subdivision, it encumbers the properties directly west and east of the proposed subdivision. Staff feels that the entire area of this unused right-of-way should be vacated at this time.

The request to vacate is specifically for that dedication made in the Quit Claim Deed to Mesa County and recorded in the Mesa County Clerk & Recorder's records at Book 131 Page 145, less any portion of the described land in the deed actually lying within the G Road right-of-way otherwise dedicated for right-of-way purposes. The legal description prepared by the City Surveyor reflects this (Exhibit B).

#### ANALYSIS OF RIGHT-OF-WAY VACATION:

The true alignment of G Road, as dedicated and built, is located on the south side of Arcadia North Subdivision. Leach Creek is approximately 200 feet to the south of G Road. As part of the subdivision approval, an additional 10 feet of right-of-way is being dedicated for future improvements to G Road. While it is apparent that the right-of-way requested for vacation is unnecessary for public use, the Arcadia North Subdivision cannot be platted until the vacation is granted by the City Council.

The applicant further provides that the right-of-way as described also crosses over properties to the east and west. To the east of the subdivision is the Church of Jesus Christ of Latter Day Saints. The church was developed with its parking lot over this right-of-way and as such the right-of-way should have been vacated prior to the church being built. Mesa County, which had land use jurisdiction at the time of development and construction of the church property, did not require any vacation at the time. The property to the west of the subdivision is used as agricultural land at this time.

#### 4. Section 2.11.C of the Zoning and Development Code:

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

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

G Road, identified as a major arterial under the Grand Valley Circulation Plan, will not be adversely impacted by the granting of this vacation. An additional 10 feet of right-of-way dedication will accommodate needed widening of G Road when that capital improvement occurs. Likewise, the Growth Plan and its recommended densities for surrounding properties will not be affected by the granting of the vacation.

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

No parcels will be landlocked due to the vacation of the additional right-of-way. The requested area to be vacated will be integrated into the approved Arcadia North Subdivision which will provide its own public streets for access to the development.

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

There are no restricted access issues with this request since the actual alignment and improvement of G Road is already in place.

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

There are no identifiable adverse impacts that would result from vacating this right-of-way. The need for public facilities and services in this area can be situated in the existing G Road right-of-way as it is dedicated and improved.

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

Existing and future public facilities and services would not be inhibited to this or any other nearby property. The Arcadia North Subdivision will be extending necessary facilities and services to the development through Caleb Street which will extend north of G Road.

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

The elimination of an unused and unbuilt alignment of G Road will relieve the City of any responsibility for managing or maintaining this right-of-way.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Arcadia North Right-of-way Vacation application, File number VR-2004-269, for approval to vacate excess right-of-way, staff makes the following findings of fact and conclusions:

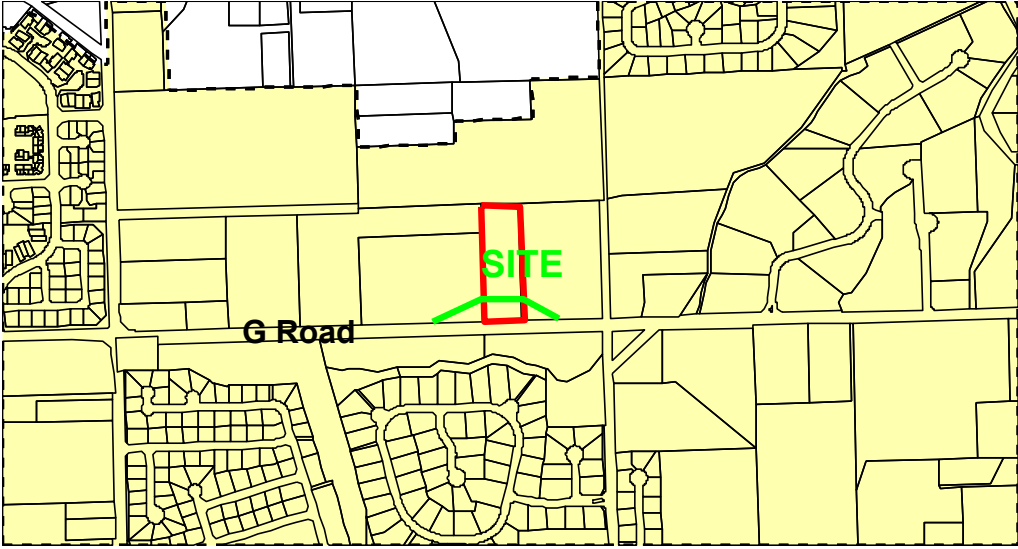
1. The proposed vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 of the Zoning and Development Code have all been met.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission, at their regularly scheduled meeting of February 8, 2005, recommend to the City Council approval of the vacation of the excess right-of-way along G as set forth in the attached legal description, finding that the vacation is in compliance with Section 2.11 and the conditions and conclusions listed in the staff report.

# Site Location Map

## G Road Right-of-way Vacation



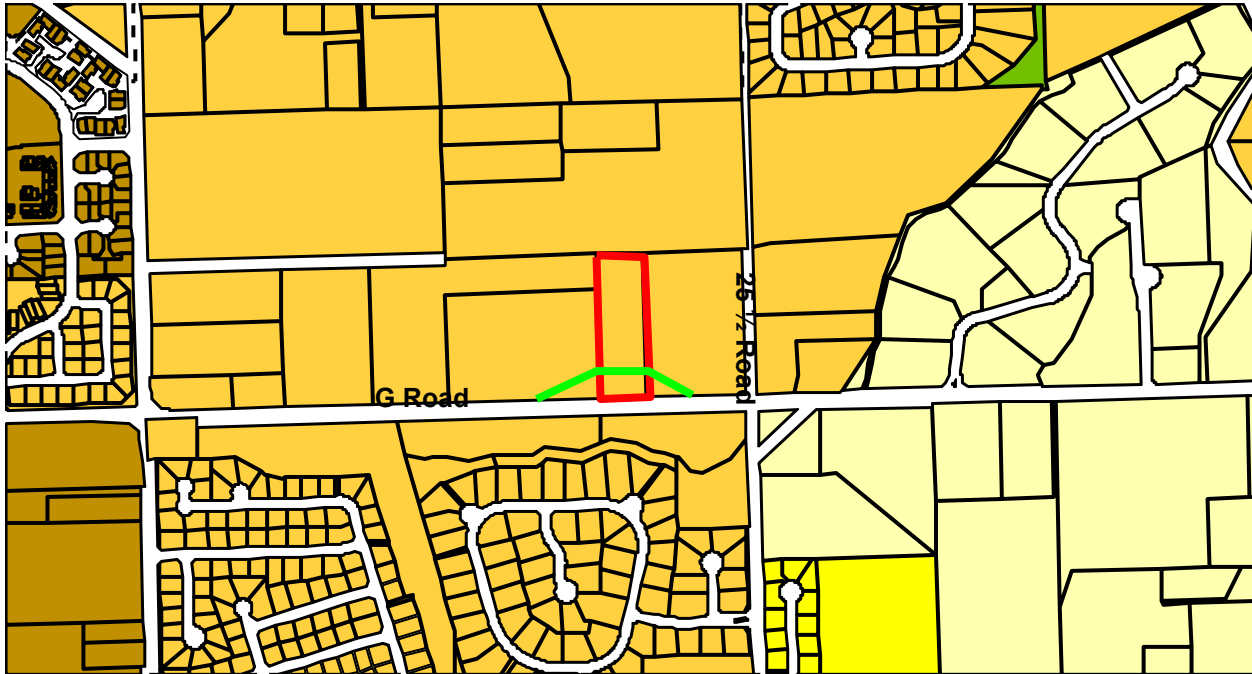
# Aerial Photo Map

## G Road Right-of-way Vacation



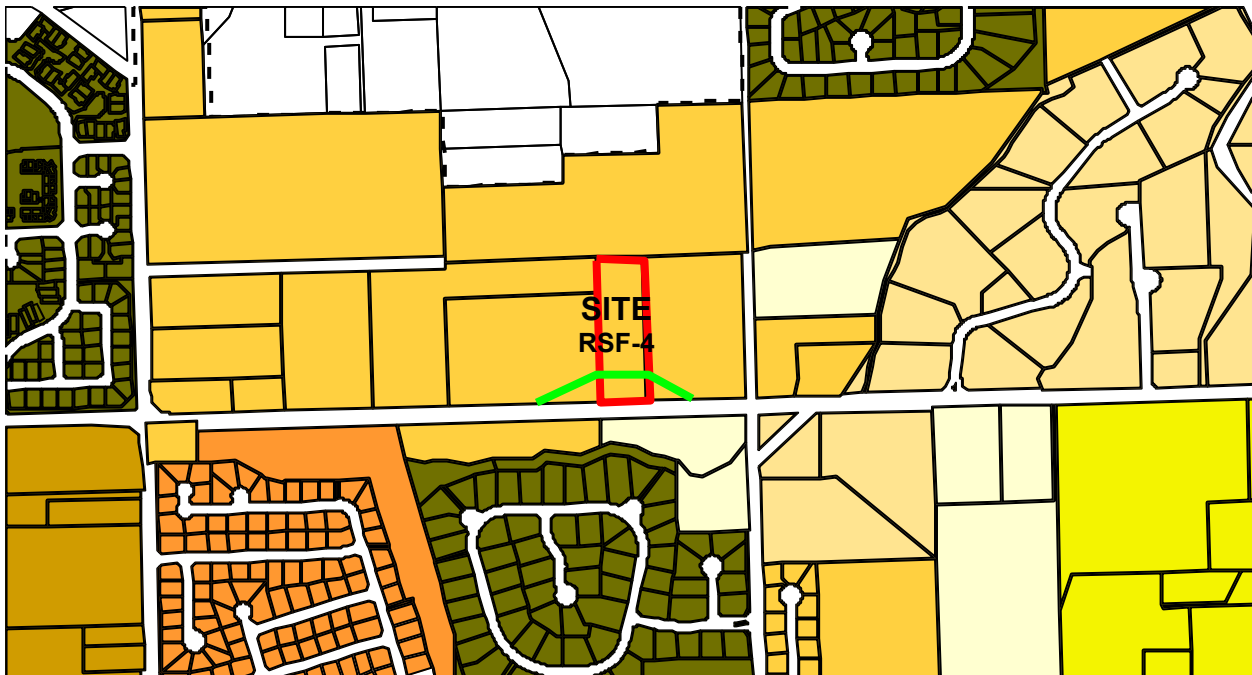
# Future Land Use Map

Figure 3



## Existing City and County Zoning

### G Road Right-of-way Vacation



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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY  
ALONG G ROAD**

Recitals.

A vacation of a portion of the undeveloped right-of-way along G Road has been requested by the adjoining property owner. The vacation request is a result of the Arcadia North Subdivision's proposal to develop 10 single family lots on 2.88 acres of vacant land, zoned RSF-4. The request to vacate is specifically for that dedication made in the Quit Claim Deed to Mesa County and recorded in the Mesa County Clerk & Recorder's records at Book 131 Page 145, less any portion of the described land in the deed actually lying within the G Road right-of-way otherwise dedicated for right-of-way purposes. The legal description prepared by the City Surveyor reflects this (Exhibit B).

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

The following described dedicated right-of-way, as shown on "Exhibit A", for G Road is hereby vacated:

**Dedicated right-of-way to be vacated:**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 34, Township 1 North, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land describe in Book 131, Page 145, Public records of Mesa County, Colorado, LESS HOWEVER, any portion of the above described land lying within the right of way for G Road, as same is described in Book 2451, Pages 823 through 825, inclusive, and Book 1659, Pages 622 and 623, Public Records of Mesa County, Colorado.



Introduced on first reading this 16<sup>th</sup> day of February, 2005 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

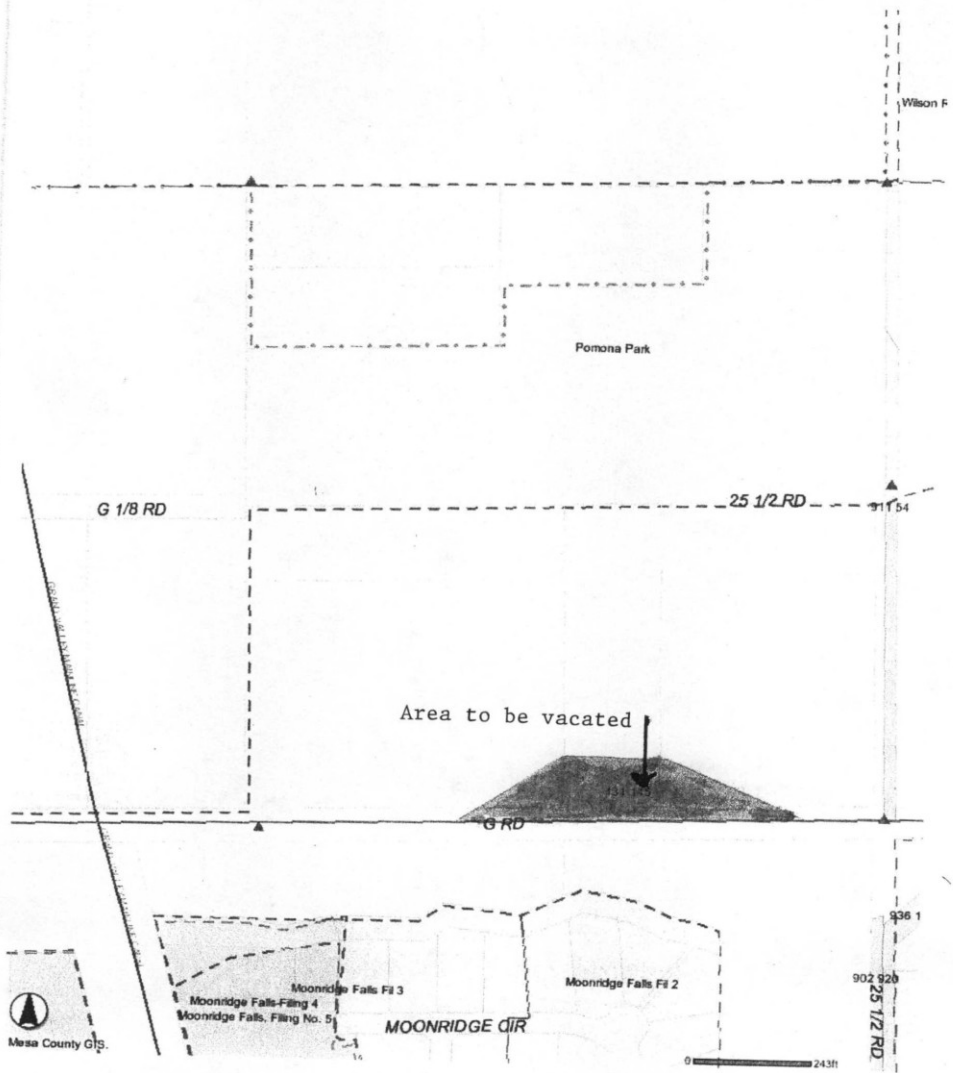
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Mayor

ATTEST:

---

City Clerk



[http://mcgis.co.mesa.co.us/output/subdivision\\_MCGIS266829561289.gif](http://mcgis.co.mesa.co.us/output/subdivision_MCGIS266829561289.gif)

1/25/2005

Exhibit A

Exhibit B

VACATION OF RIGHT OF WAY

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 34, Township 1 North, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land describe in Book 131, Page 145, Public records of Mesa County, Colorado, LESS HOWEVER, any portion of the above described land lying within the right of way for G Road, as same is described in Book 2451, Pages 823 through 825, inclusive, and Book 1659, Pages 622 and 623, Public Records of Mesa County, Colorado.

**Attach 10**  
**Setting a Hearing on Rezoning Jacobson Property**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Jacobson Rezone, 738 26 Road					
<b>Meeting Date</b>		February 16, 2005					
<b>Date Prepared</b>		February 7, 2005				<b>File #</b> RZ-2004-304	
<b>Author</b>		Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>		Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A request for approval to rezone 36.97 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RMF-5 (Residential multi-family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth Plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range.

**Budget:** N/A

**Action Requested/Recommendation:** Set a public hearing for March 2, 2005 and consider final passage of the re-zoning ordinance.

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

**Attachments:**

1. Staff report/Background information
2. General Location Map and Aerial Photo
3. Growth Plan Map
4. Zoning Map
5. Zoning Ordinance

BACKGROUND INFORMATION				
Location:		738 26 Road		
Applicants:		Marion Jacobson, owner; Widick & Assoc. Developer; O'Connor Design Group, c/o Pat O'Connor, representative.		
Existing Land Use:		Single family residence, vacant land		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	I-70; North of I-70 a large lot residential subdivision (Partridge Farms)		
	South	Unplatted parcels and platted residential		
	East	Large lot residential subdivision		
	West	Bookcliff Gardens and large lot subdivision		
Existing Zoning:		RSF-2		
Proposed Zoning:		RMF-5		
Surrounding Zoning:	North	PD, RSF-1, RSF-2 / County RSF-R		
	South	RSF-2, RSF-4 and RMF-5		
	East	RSF-2		
	West	B-1 and RSF-2		
Growth Plan Designation:		Residential medium, 4 to 8 du/ac		
Zoning within density range?		X	Yes	No

**STAFF ANALYSIS:**

1. Background: The property located at 738 26 Road is bounded by Interstate 70 on the north; a single-family residence on 24.5 acres on the south; a large lot subdivision to the east and Bookcliff Gardens, G 1/2 Road and Sunpoint North Subdivision (undeveloped) on the west. The property was annexed into the City in 2000, as part of the G Road North Annexation. This annexation area consisted of annexing 274 acres of land. The G Road North Enclave had been enclaved since May 7, 1995. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all enclave areas within 5 years. At that time the existing County zoning was applied to these properties with the understanding that at the time of redevelopment they would need to come into conformance with the Growth Plan for this area.

2. Consistency with the Growth Plan: To be consistent with the Growth Plan, the applicant must request a rezone for their property. The Growth Plan suggests that this property develop within the "Residential Medium" category, which is 4 to 8 dwelling

units per acre. The current zoning is RSF-2, (residential single-family, not to exceed 2 dwelling units per acre). The request to rezone to RMF-5, (residential multi-family, not to exceed 5 dwelling units per acre), is consistent with the Growth Plan by being in the mid-range of the spectrum.

3. Consistency with Section 2.6 of the Zoning and Development Code

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

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

State law requires the City to zone newly annexed areas within 90 days of the annexation. Since this was such a large area for annexation the area property owners requested that the proposed City zoning be identical with existing Mesa County zoning for enclaves. Therefore the zoning was not in error at the time of adoption. At that time it was noted that the proposed RSF-R and some of the proposed RSF-2 zone districts did not conform to the Growth Plan's Future Land Use Map recommended densities. It was determined at that time that any future development on these properties may include rezoning to higher densities supported by the Growth Plan Future Land Use map. (ANX-2000-114).

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

The character of the neighborhood is changing due to the transition from rural to urban development in this area near I-70, as anticipated by the Growth Plan. The construction of Wilson Ranch, The Estates Subdivision, the recent rezoning of Blue Heron Meadows proposed subdivision and other possible zone changes for further development near this property are currently changing this area. Current growth trends within the City remain constant.

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

The proposed rezone to RMF-5 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion "e" which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the

impacts of any development consistent with the RMF-5 zone district, therefore this criterion is met.

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

The proposal does conform to the goals and policies of the Growth Plan and the requirements of the Zoning and Development Code.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RMF-5 zone district. Road improvements to G ½ Road as well as 26 Road have been discussed regarding future impact from additional traffic. At the required neighborhood meeting held on November 19, 2004, one of the major concerns was in regards to traffic. Design standards will be addressed during the subdivision process.

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

The re-zoning request is to accommodate the Growth Plan/Future Land Use Map. It was always the intent to re-zone the property upon future development, not based on the availability of other land supplies.

- g. The community or neighborhood will benefit from the proposed zone.**

The proposed zoning change will allow the property to be developed at a density that will support its infrastructure needs and the natural geographic constraints of the property. The property is situated only 3 miles directly north of the core of the City, and promotes the desire for compact and fiscally responsible development patterns. There are wetlands and a large pond on the property, all of which can be enhanced by the proposed future subdivision.

FINDINGS AND CONCLUSIONS:

After reviewing the Jacobson Rezone application, RZ-2004-304, for a rezone to RMF-5, staff makes the following findings of fact and conclusions:

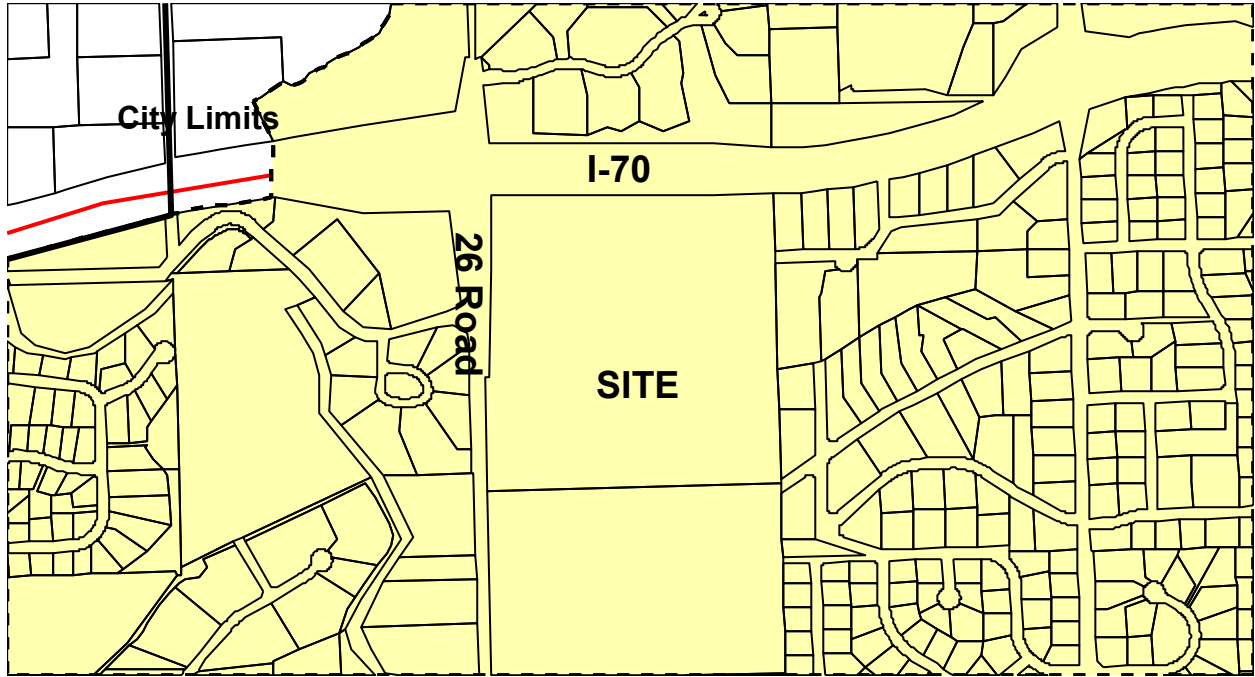
1. The requested rezone is consistent with the Growth Plan
2. The review criteria of Section 2.6.A. of the Zoning and Development Code have been met.

PLANNING COMMISSION RECOMMENDATION: At their regularly scheduled meeting of January 25, 2005, the Planning Commission held a Public Hearing and denied the request for recommendation of the zoning designation of RMF-5 for the Jacobson Rezone application, file number RZ-2004-304.



# Site Location Map

738 26 Road



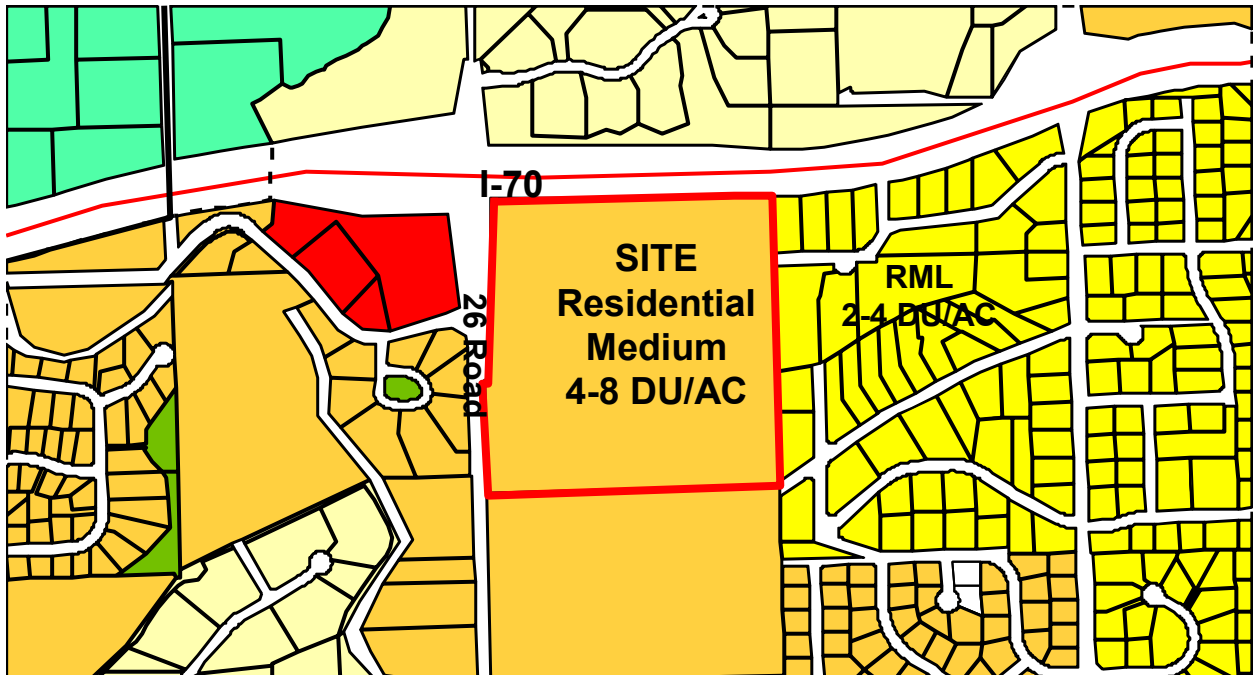
# Aerial Photo Map

738 26 Road



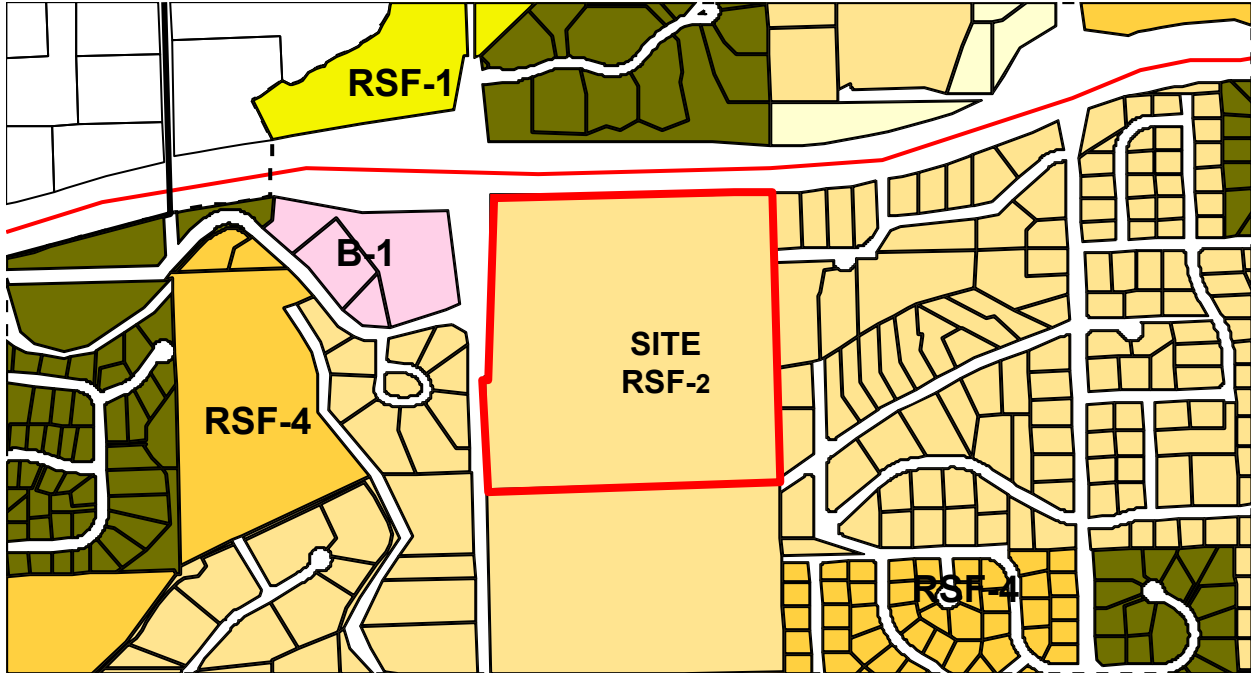
## Future Land Use Map

738 26 Road



## Existing City and County Zoning

738 26 Road



CITY OF GRAND JUNCTION, COLORADO  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING APPROXIMATELY 37 ACRES OF LAND  
LOCATED AT 738 26 ROAD FROM RSF-2 TO RMF-5

Recitals.

A rezone from the Residential Single Family - 2 (RSF-2) district to the Residential Multi-Family - 5 (RMF-5) district has been requested for the property located at 738 26 Road for purposes of developing a residential subdivision. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium, 4-8). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its January 25th, 2005 hearing, recommended denial of the rezone request from the RSF-2 district to the RMF-5 district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RESIDENTIAL MULTI-FAMILY - FIVE (RMF-5) DISTRICT:

738 26 Road, Tax Parcel ID # 2701-353-00-061; totaling 36.973 acres.

Uses Permitted are those as listed in the Zoning and Development Code for the RMF-5 zoning designation.

INTRODUCED FOR FIRST READING AND PUBLICATION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

ATTEST:

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

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

**Attach 11**  
**Setting a Hearing on Sycamore Creek Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Sycamore Creek Annexation located at 2370 Broadway						
<b>Meeting Date</b>	February 16, 2005						
<b>Date Prepared</b>	February 4, 2005				File #ANX-2005-005		
<b>Author</b>	Faye Hall		Planning Technician				
<b>Presenter Name</b>	Faye Hall		Planning Technician				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 17.10 acre Sycamore Creek annexation consists of one parcel of land and portions of the Sayre Drive, Pleasant Ridge Drive, and Highway 340 (Broadway) rights-of-way.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Sycamore Creek Annexation petition and introduce the proposed Sycamore Creek Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for April 6, 2005.

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

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2370 Broadway		
<b>Applicants:</b>		Owner: Howard & Maureen Holt Representative: Aibonito Design, LLC – Hiram Revez		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Scenic Elementary School & Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Low (2-4 du/ac)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 17.10 acres of land and is comprised of one parcel of land and the Sayre Drive, Pleasant Ridge Drive, and Highway 340 (Broadway) rights-of-way. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all 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 Sycamore Creek Annexation is eligible to be annexed because of compliance with the following:

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

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

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

The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>February 16, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>February 22, 2005</b>	Planning Commission considers Zone of Annexation
<b>March 16, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>April 6, 2005</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>May 8, 2005</b>	Effective date of Annexation and Zoning

**SYCAMORE CREEK ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2005-005
<b>Location:</b>		2370 Broadway
<b>Tax ID Number:</b>		2945-171-00-207
<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>		17.10
<b>Developable Acres Remaining:</b>		16.40
<b>Right-of-way in Annexation:</b>		.6975 (30,383 sq ft)
<b>Previous County Zoning:</b>		RSF-4
<b>Proposed City Zoning:</b>		RSF-2
<b>Current Land Use:</b>		Residential
<b>Future Land Use:</b>		Residential
<b>Values:</b>	<b>Assessed:</b>	\$37,510
	<b>Actual:</b>	\$471,250
<b>Address Ranges:</b>		2370 Broadway
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire
	<b>Irrigation/ Drainage:</b>	None
	<b>School:</b>	School District 51
	<b>Pest:</b>	Redlands Mosquito Control

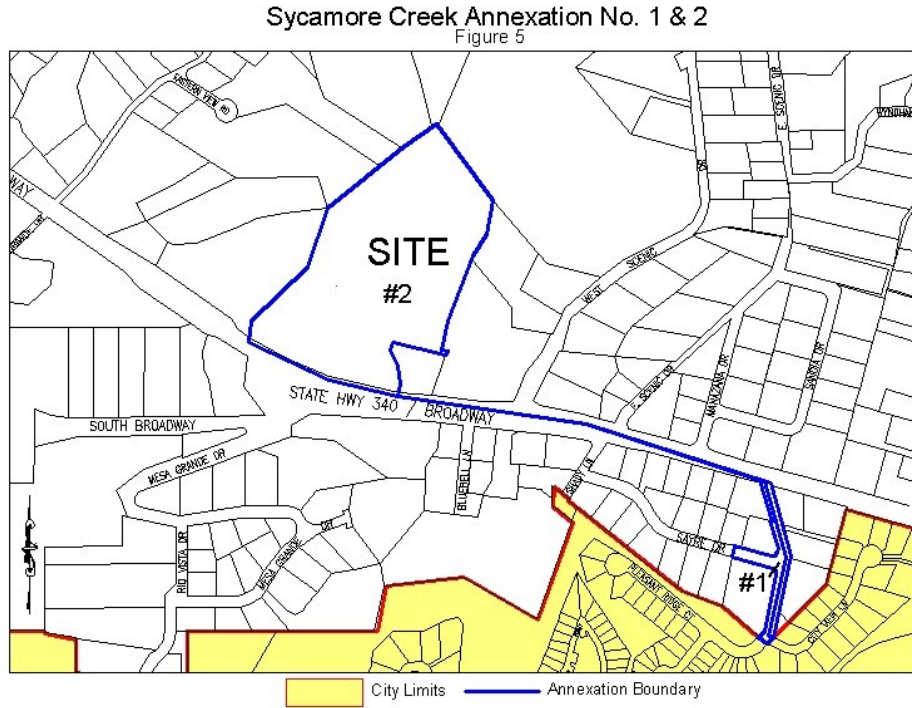
Attachments:

- Annexation – Location Map
- Aerial Photo
- Growth Plan Map
- Zoning Map



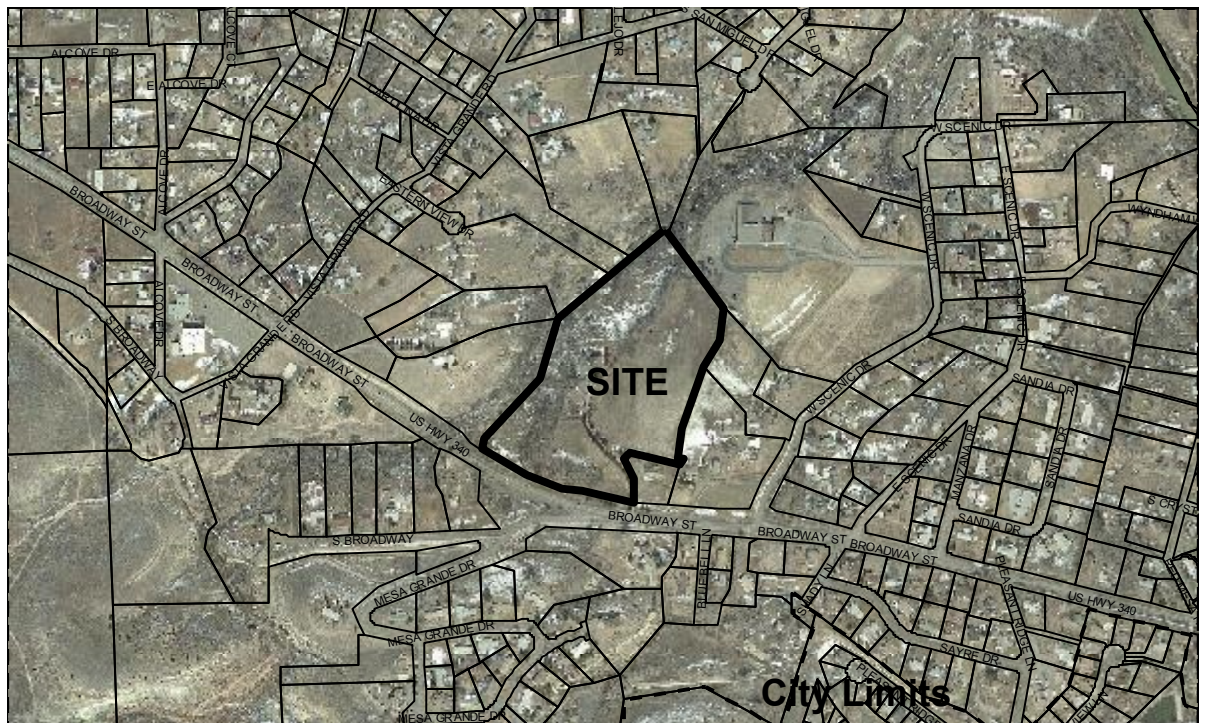
# Annexation - Location Map

Figure 1



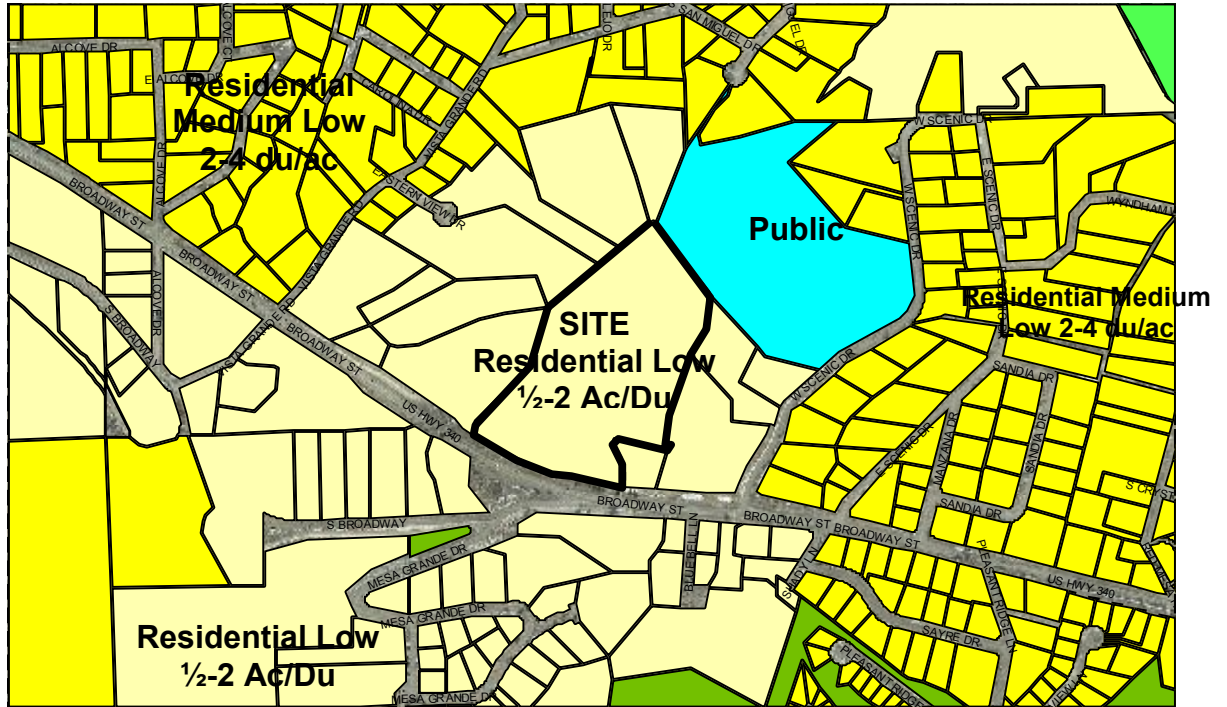
# Aerial Photo Map

Figure 2



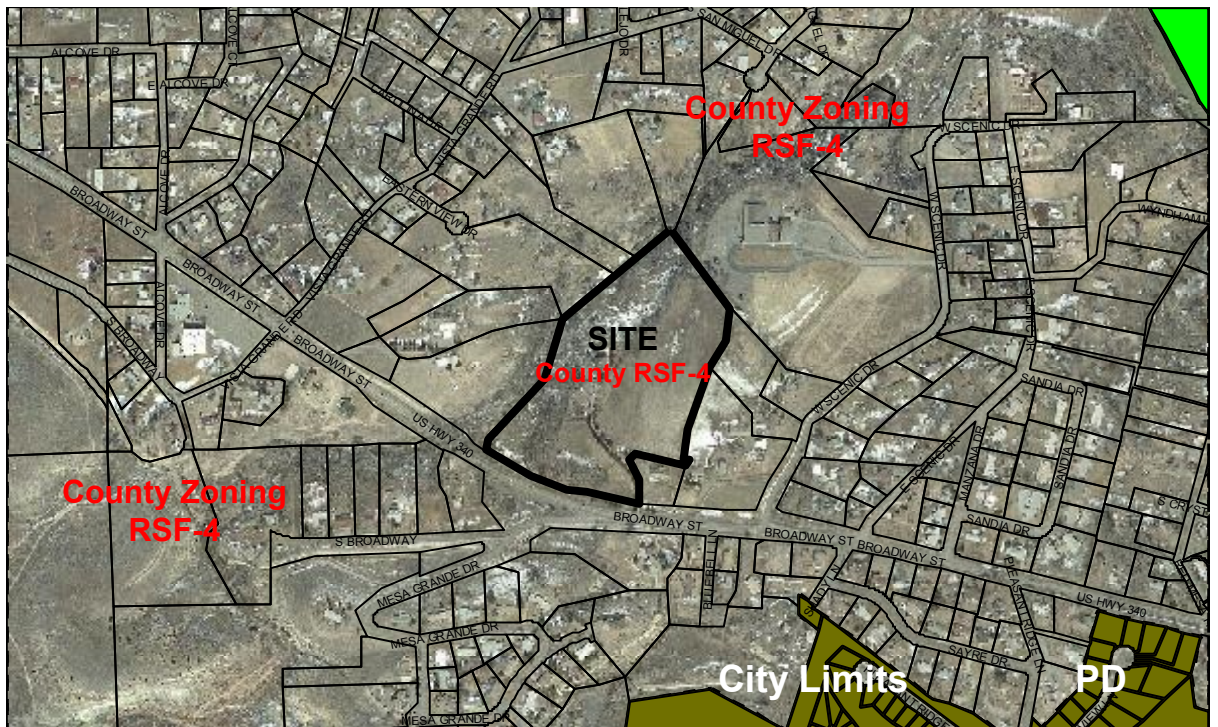
# Future Land Use Map

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."

**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 6th of April, 2005, 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**

**SYCAMORE CREEK ANNEXATION #1 & #2**

**LOCATED AT 2370 BROADWAY AND PORTIONS OF THE SAYRE DRIVE,  
PLEASANT RIDGE DRIVE, AND HIGHWAY 340 (BROADWAY) RIGHTS-OF-WAY**

WHEREAS, on the 16th day of February, 2005, 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:

**SYCAMORE CREEK ANNEXATION NO. 1**

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, 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 Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N12°31'37"E, a distance of 50.07 feet to a point on the North line of Sayre Drive; thence S74°29'23"E along the North line of said Sayre Drive, a distance of 162.09 feet to a point of a tangent curve to the left having a radius of 25.00 feet and a central angle of 121°55'00"; thence northeasterly along the arc a distance of 53.20 feet; thence N16°24'23"W, along the West line of Pleasant Ridge Drive, a distance of 125.83 feet; thence S73°36'34"E, a distance of 10.24 feet to a point being the Southeast corner of Lot 7, Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado; thence N16°30'13"W, along the West line of said Pleasant Ridge Drive, a distance of 223.91 feet; thence N74°35'13"W, a distance of 790.69 feet; thence N15°24'47"E, a distance of 2.00 feet; thence S74°35'13"E, a distance of 809.18 feet; thence S16°24'23"E, a distance of 380.53 feet; thence S12°31'37"W, a distance of 352.80 feet; thence S77°28'23"E, a distance of 25.00 feet; thence S44°53'37"W, a distance of 44.08 feet; thence N50°00'22"W, a distance of 50.18 feet to a point being the Southeast corner of said Lot 8M; thence N44°53'37"E, along the West line of said Pleasant Ridge Drive, a distance of 33.86 feet; thence N12°31'37"E, a distance of 252.02 feet to a point of tangent curve to the left having a radius of 25.00 feet and a central angle of 87°01'00"; thence northwesterly along the

arc a distance of 37.97 feet; thence N74°29'23"W, a distance of 179.95 feet to the Point of Beginning.

CONTAINING 0.6975 Acres (30,383 Sq. Ft.), more or less, as described.

### SYCAMORE CREEK ANNEXATION NO. 2

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°42'56"E, a distance of 234.23 feet to the POINT OF BEGINNING; thence N16°24'23"W, a distance of 380.53 feet; thence N74°35'13"W, a distance of 809.18 feet; thence N84°02'09"W, a distance of 817.73 feet; thence N76°52'24"W, a distance of 432.77 feet; thence N60°00'34"W, a distance of 279.93 feet; thence N09°12'49"E, a distance of 101.19 feet; thence N46°05'49"E, a distance of 341.30 feet; thence N20°53'49"E, a distance of 273.50 feet; thence N50°59'49"E, a distance of 423.30 feet; thence N54°38'01"E, a distance of 173.11 feet; thence S39°37'44"E, a distance of 391.23 feet; thence S10°43'51"W, a distance of 180.00 feet; thence S32°48'47"W, a distance of 106.34 feet; thence S21°27'17"W, a distance of 290.99 feet; thence S10°23'22"W, a distance of 128.27 feet; thence S80°07'38"E, a distance of 23.40 feet; thence S19°42'58"W, a distance of 23.08 feet; thence N76°49'27"W, a distance of 240.55 feet; thence S15°12'20"W, a distance of 30.67 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S53°49'32"W, a radial distance of 217.20 feet; thence southerly along the arc, through a central angle of 42°04'09", a distance of 159.48 feet; thence S05°53'40"W, a distance of 79.76 feet; thence S84°02'09"E, a distance of 817.86 feet; thence S74°35'13"E, a distance of 837.53 feet; thence S16°24'23"E, along the West line of Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado, a distance of 373.82 feet; thence S12°31'37"W, along the West line of Ratliff's Subdivision, as same is recorded in Plat Book 15, Page 215, Public Records of Mesa County, Colorado, a distance of 359.25 feet; thence N77°28'23"W, a distance of 25.00 feet; thence N12°31'37"E, a distance of 352.80 feet to the Point of Beginning.

CONTAINING 16.4031 acres (714,517 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 6th day of April, 2005, 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 16th day of February, 2005.

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>
<b>February 18, 2005</b>
<b>February 25, 2005</b>
<b>March 4, 2005</b>
<b>March 11, 2005</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SYCAMORE CREEK ANNEXATION #1**

**APPROXIMATELY 0.6975 ACRES**

**LOCATED IN THE SAYRE DRIVE, PLEASANT RIDGE DRIVE, AND HIGHWAY 340  
RIGHTS-OF-WAY**

**WHEREAS**, on the 16th day of February, 2005, 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 6th day of April, 2005; 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:

**SYCAMORE CREEK ANNEXATION NO. 1**

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, 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 Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N12°31'37"E, a distance of 50.07 feet to a point on the North line of Sayre Drive; thence S74°29'23"E along the North line of said Sayre Drive, a distance of 162.09 feet to a point of a tangent curve to the left having a radius of 25.00 feet and a central angle of 121°55'00"; thence northeasterly along the arc a distance of 53.20 feet; thence



N16°24'23"W, along the West line of Pleasant Ridge Drive, a distance of 125.83 feet; thence S73°36'34"E, a distance of 10.24 feet to a point being the Southeast corner of Lot 7, Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado; thence N16°30'13"W, along the West line of said Pleasant Ridge Drive, a distance of 223.91 feet; thence N74°35'13"W, a distance of 790.69 feet; thence N15°24'47"E, a distance of 2.00 feet; thence S74°35'13"E, a distance of 809.18 feet; thence S16°24'23"E, a distance of 380.53 feet; thence S12°31'37"W, a distance of 352.80 feet; thence S77°28'23"E, a distance of 25.00 feet; thence S44°53'37"W, a distance of 44.08 feet; thence N50°00'22"W, a distance of 50.18 feet to a point being the Southeast corner of said Lot 8M; thence N44°53'37"E, along the West line of said Pleasant Ridge Drive, a distance of 33.86 feet; thence N12°31'37"E, a distance of 252.02 feet to a point of tangent curve to the left having a radius of 25.00 feet and a central angle of 87°01'00"; thence northwesterly along the arc a distance of 37.97 feet; thence N74°29'23"W, a distance of 179.95 feet to the Point of Beginning.

CONTAINING 0.6975 Acres (30,383 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 16th day of February, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SYCAMORE CREEK ANNEXATION #2**

**APPROXIMATELY 16.40 ACRES**

**LOCATED AT 2370 BROADWAY**

**WHEREAS**, on the 16th day of February, 2005, 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 6th day of April, 2005; 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:

**SYCAMORE CREEK ANNEXATION NO. 2**

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°42'56"E, a distance of 234.23 feet to the POINT OF BEGINNING; thence N16°24'23"W, a distance of 380.53 feet; thence N74°35'13"W, a distance of 809.18 feet; thence N84°02'09"W, a distance of 817.73 feet; thence N76°52'24"W, a distance of 432.77 feet; thence N60°00'34"W, a distance of 279.93 feet; thence N09°12'49"E, a distance of 101.19 feet; thence N46°05'49"E, a distance of 341.30 feet; thence

N20°53'49"E, a distance of 273.50 feet; thence N50°59'49"E, a distance of 423.30 feet; thence N54°38'01"E, a distance of 173.11 feet; thence S39°37'44"E, a distance of 391.23 feet; thence S10°43'51"W, a distance of 180.00 feet; thence S32°48'47"W, a distance of 106.34 feet; thence S21°27'17"W, a distance of 290.99 feet; thence S10°23'22"W, a distance of 128.27 feet; thence S80°07'38"E, a distance of 23.40 feet; thence S19°42'58"W, a distance of 23.08 feet; thence N76°49'27"W, a distance of 240.55 feet; thence S15°12'20"W, a distance of 30.67 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S53°49'32"W, a radial distance of 217.20 feet; thence southerly along the arc, through a central angle of 42°04'09", a distance of 159.48 feet; thence S05°53'40"W, a distance of 79.76 feet; thence S84°02'09"E, a distance of 817.86 feet; thence S74°35'13"E, a distance of 837.53 feet; thence S16°24'23"E, along the West line of Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado, a distance of 373.82 feet; thence S12°31'37"W, along the West line of Ratliff's Subdivision, as same is recorded in Plat Book 15, Page 215, Public Records of Mesa County, Colorado, a distance of 359.25 feet; thence N77°28'23"W, a distance of 25.00 feet; thence N12°31'37"E, a distance of 352.80 feet to the Point of Beginning.

CONTAINING 16.4031 acres (714,517 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 16th day of February, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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

**Attach 12**  
**Setting a Hearing on Zoning the Storage Place II Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Storage Place II Annexation, located at 501 Centennial Road to C-1 (Light Commercial)					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 7, 2005				File #ANX-2004-263	
<b>Author</b>	Faye Hall		Planning Technician			
<b>Presenter Name</b>	Faye Hall		Planning Technician			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed zoning ordinance to zone the Storage Place II Annexation C-1 (Light Commercial) located at 501 Centennial Road.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for March 2, 2005. The Planning Commission recommended approval of the C-1 zoning at their February 8, 2005 meeting.

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

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		501 Centennial Road		
<b>Applicants:</b>		Owner: A Storage Place - GJE LLC - Darryl Flaming Developer: Colorado Storage Properties - GJE LLC - Todd Langord Representative: Balaz & Associates, Inc. - Bill Balaz		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Storage Units		
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial Storage Units		
	<b>South</b>	Gas Station / Convenience Store / Church		
	<b>East</b>	Commercial Storage Units		
	<b>West</b>	Cemetery		
<b>Existing Zoning:</b>		County C-2		
<b>Proposed Zoning:</b>		City C-1		
<b>Surrounding Zoning:</b>	<b>North</b>	City C-1		
	<b>South</b>	County C-2		
	<b>East</b>	City C-1		
	<b>West</b>	County RSF-R & C-2		
<b>Growth Plan Designation:</b>		Commercial		
<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 C-1 zone district is consistent with the Growth Plan density of Commercial. The existing County zoning is C-2. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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 C-1 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.

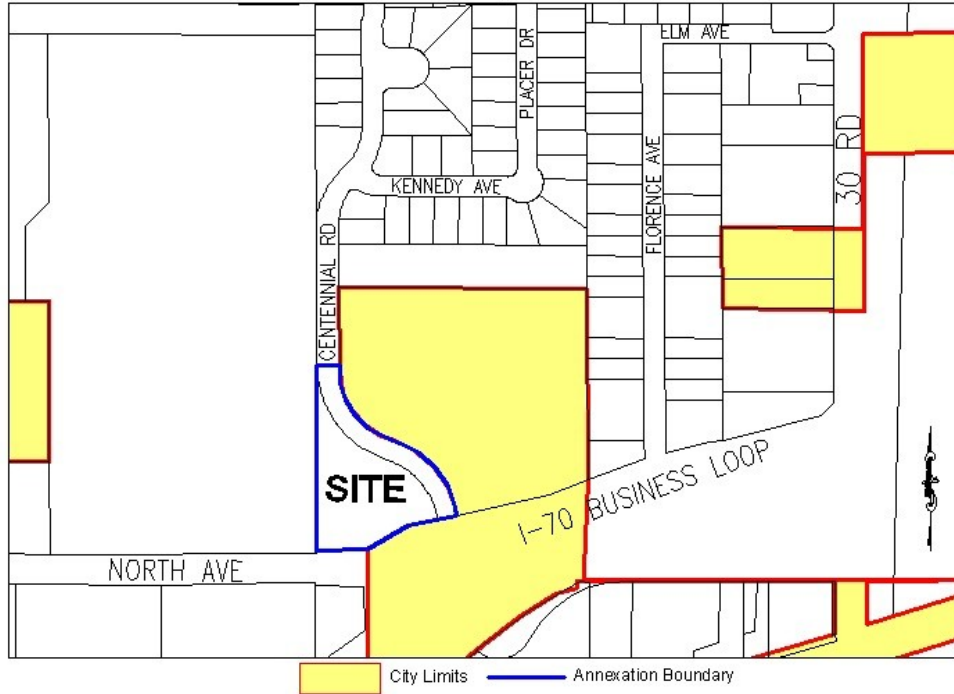
Attachments:

Annexation – Location map  
Aerial Photo  
Growth Plan Map  
Zoning Map

# Annexation - Location Map

Figure 1

Storage Place II Annexation  
Figure 5



# Aerial Photo Map

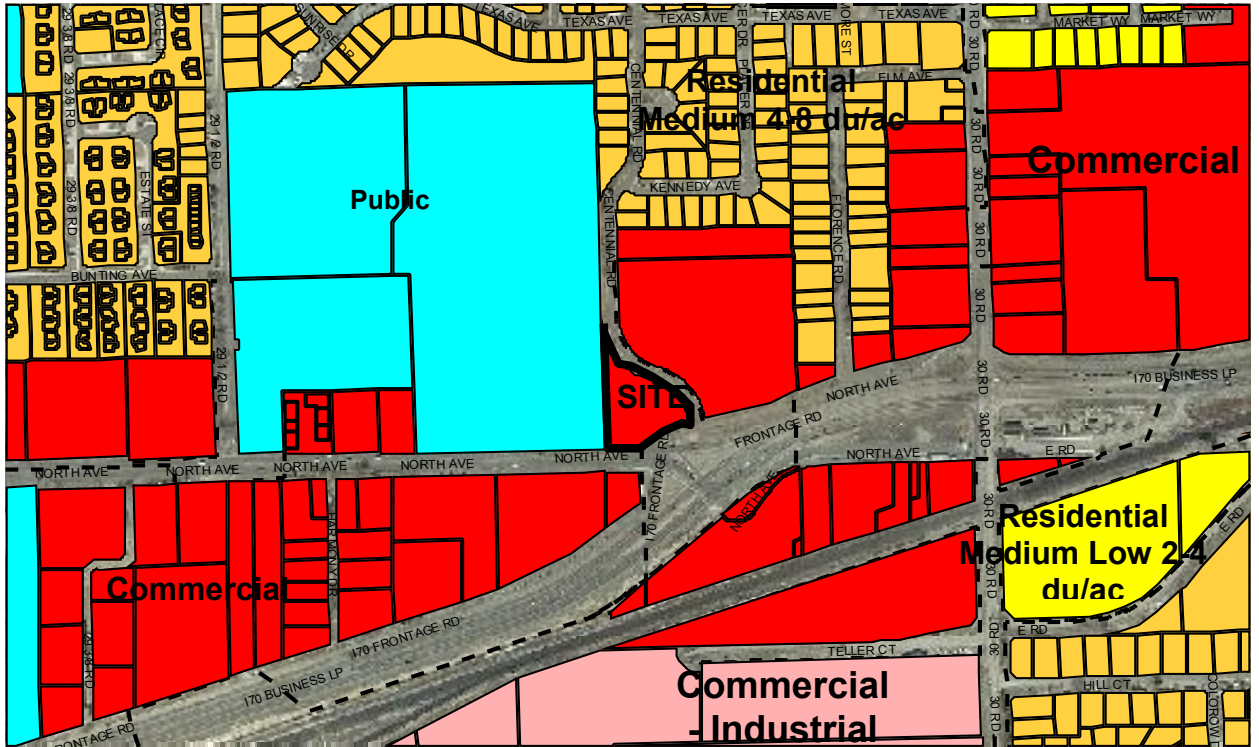
Figure 2





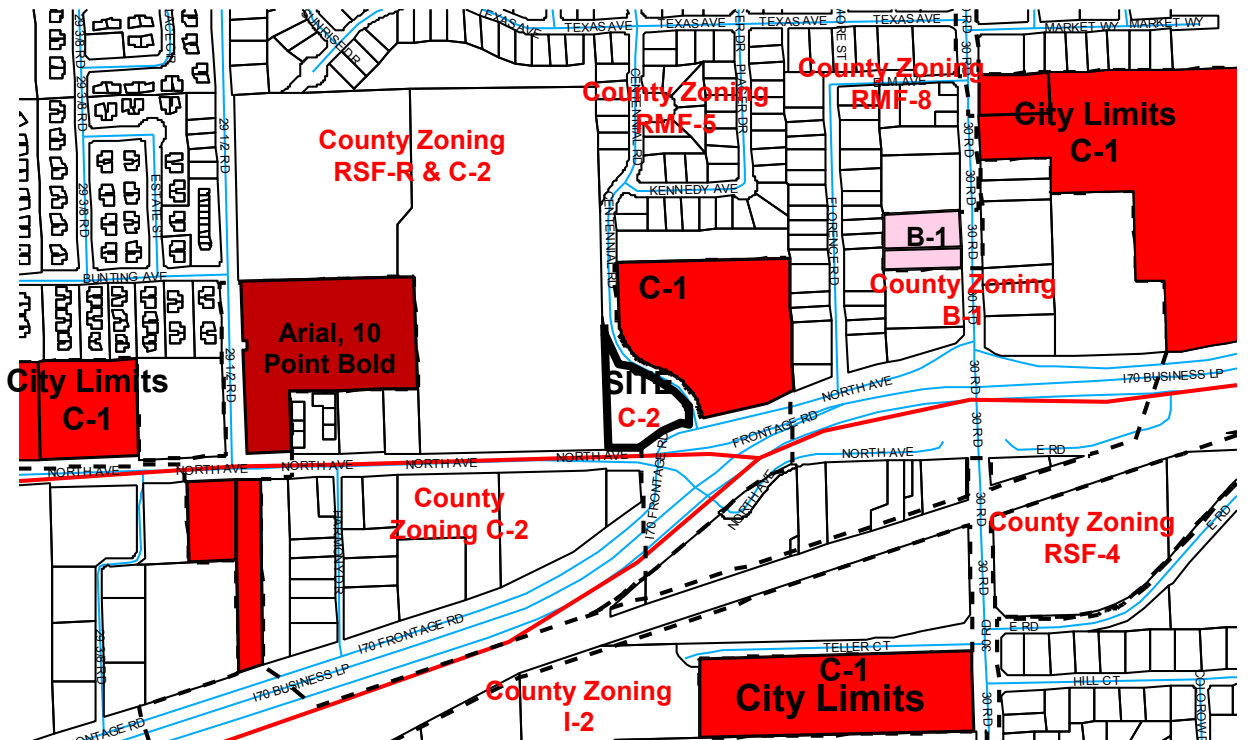
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE STORAGE PLACE II ANNEXATION TO  
C-1 (LIGHT COMMERCIAL)**

**LOCATED AT 501 CENTENNIAL ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Storage Place II Annexation to the C-1 (Light Commercial) 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 C-1 (Light Commercial) zone district be established.

The Planning Commission and City Council find that the C-1 (Light Commercial) 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 C-1, Light Commercial.

STORAGE PLACE II

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

COMMENCING at the Southwest corner of the SE 1/4 SE 1/4 of said Section 8 and assuming the West line of the SE 1/4 SE 1/4 of said Section 8 bears N 00°03'35" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'35" W along the West line of the SE 1/4 SE 1/4 of said Section 8, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'35" W along the West line of the SE 1/4 SE 1/4 of said Section 8, also being the East line of Memorial Gardens Minor Subdivision, as same is recorded in Plat Book 19, Page 379, Public Records of Mesa County, Colorado, a distance of 441.19 feet to a point being the intersection of the West right of way for Centennial Road and the West line of the SE 1/4 SE 1/4 of said Section 8, as same is shown on the plat of Centennial '76-Filing One, as same is recorded in Plat

Book 11, Page 202 and 203, Public Records of Mesa County, Colorado; thence N 89°56'25" E a distance of 50.00 feet to a point on the East right of way for said Centennial Road, being the beginning of a 175.00 foot radius curve, concave Northeast, whose long chord bears S 34°46'02" E and with a long chord length of 199.29 feet; thence Southeasterly 212.02 feet along the arc of said curve, through a central angle of 69°24'54"; thence S 69°28'29" E along the East right of way for said Centennial Road, a distance of 34.25 feet to a point being the beginning of a 225.00 foot radius curve, concave Southwest, whose long chord bears S 40°53'44" E and with a long chord length of 215.27 feet; thence Southeasterly 224.46 feet along the arc of said curve, through a central angle of 57°09'30"; thence S 12°18'59" E along the East right of way for said Centennial Road, a distance of 20.00 feet to a point on the North right of way for I-70B, as same is recorded in Book 605, Page 267 and Book 693, Page 35, Public Records of Mesa County, Colorado; thence S 77°41'01" W along said North right of way for I-70B, a distance of 128.91 feet; thence S 58°25'31" W along said North right of way for I-70B, a distance of 106.64 feet; thence S 89°57'58" W along a line 50.00 feet North of and parallel with, the South line of the SE 1/4 SE 1/4 of said Section 8, a distance of 123.66 feet, more or less, to the Point of Beginning.

CONTAINING 1.982 Acres (86,349.6 Sq. Ft.), more or less, as described.

Introduced on first reading this 16th day of February, 2005 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 13**  
**Setting a Hearing on the Tezak Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Zoning the Tezak Annexation, located at 2397 Sayre Drive, to RSF-4 (Residential Single-Family 4 du/ac).					
<b>Meeting Date</b>		February 16, 2005					
<b>Date Prepared</b>		February 7, 2005			File #ANX-2004-288		
<b>Author</b>		Faye Hall		Planning Technician			
<b>Presenter Name</b>		Faye Hall		Planning Technician			
<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 Tezak Annexation RSF-4 (Residential Single-Family 4 du/ac), located at 2397 Sayre Drive.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for March 2, 2005. The Planning Commission recommended approval of the RSF-4 zoning at their February 8, 2005 meeting.

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

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2397 Sayre Drive		
<b>Applicants:</b>		Owner: John & Janet Tezak Developer: Cole & Company Builders – Dale Cole		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4 & City Planned Development		
	<b>West</b>	City Planned Development		
<b>Growth Plan Designation:</b>		Residential Medium Low (2-4 du/ac)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-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.

Attachments:

Annexation – Location Map

Aerial Photo

Growth Plan Map

Zoning Map

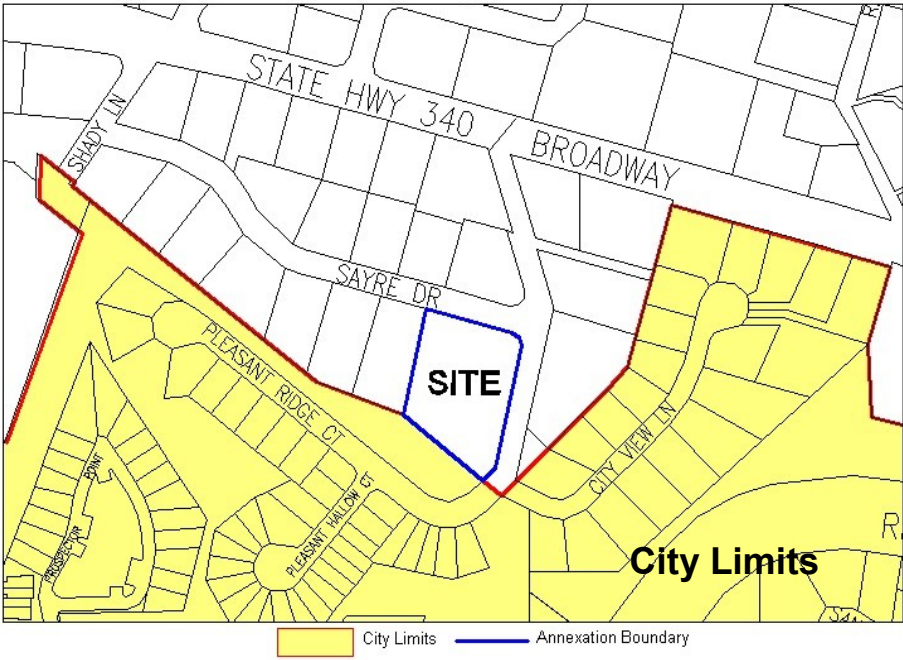




# Annexation - Location Map

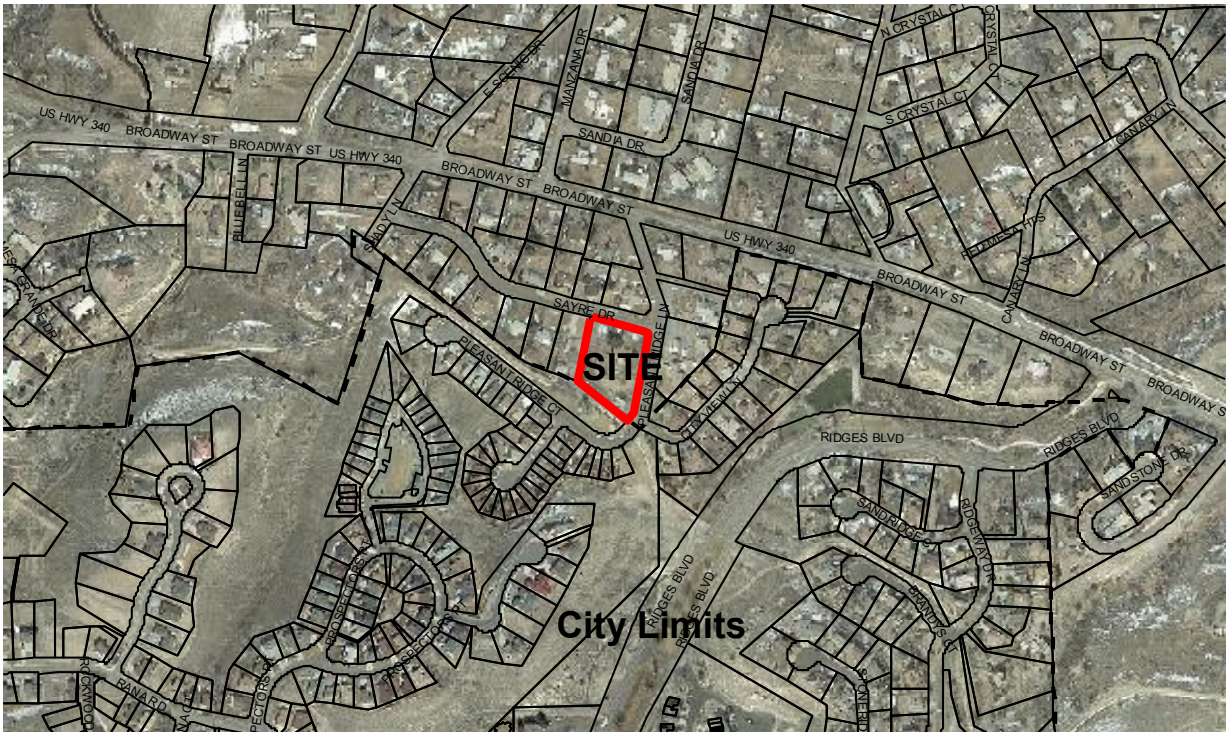
Figure 1

Tezak Annexation  
Figure 5



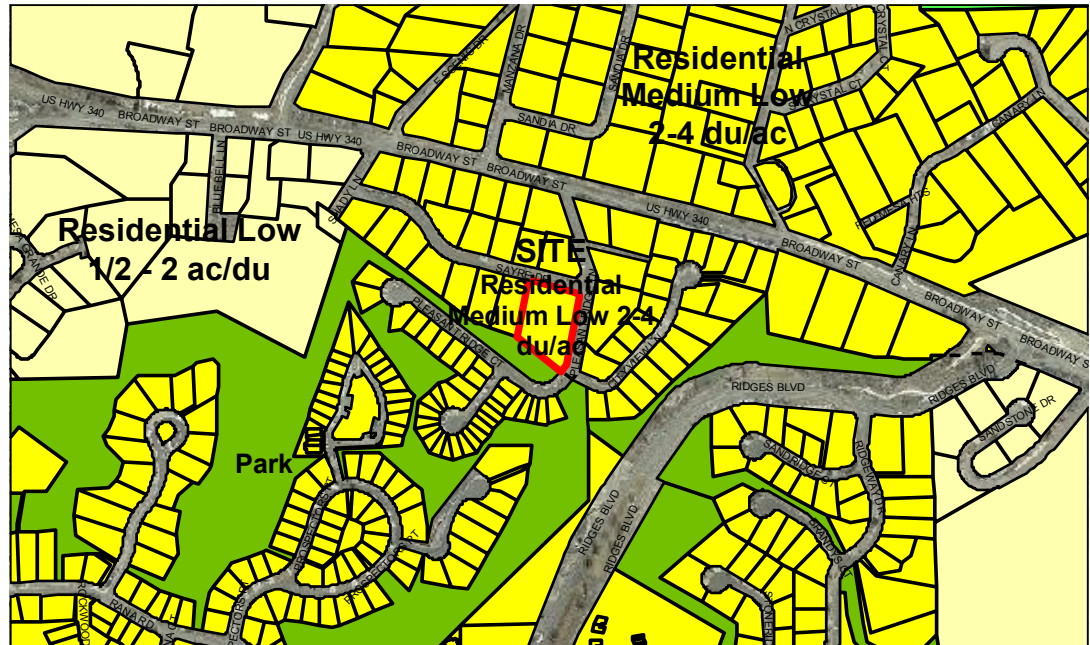
# Aerial Photo Map

Figure 2



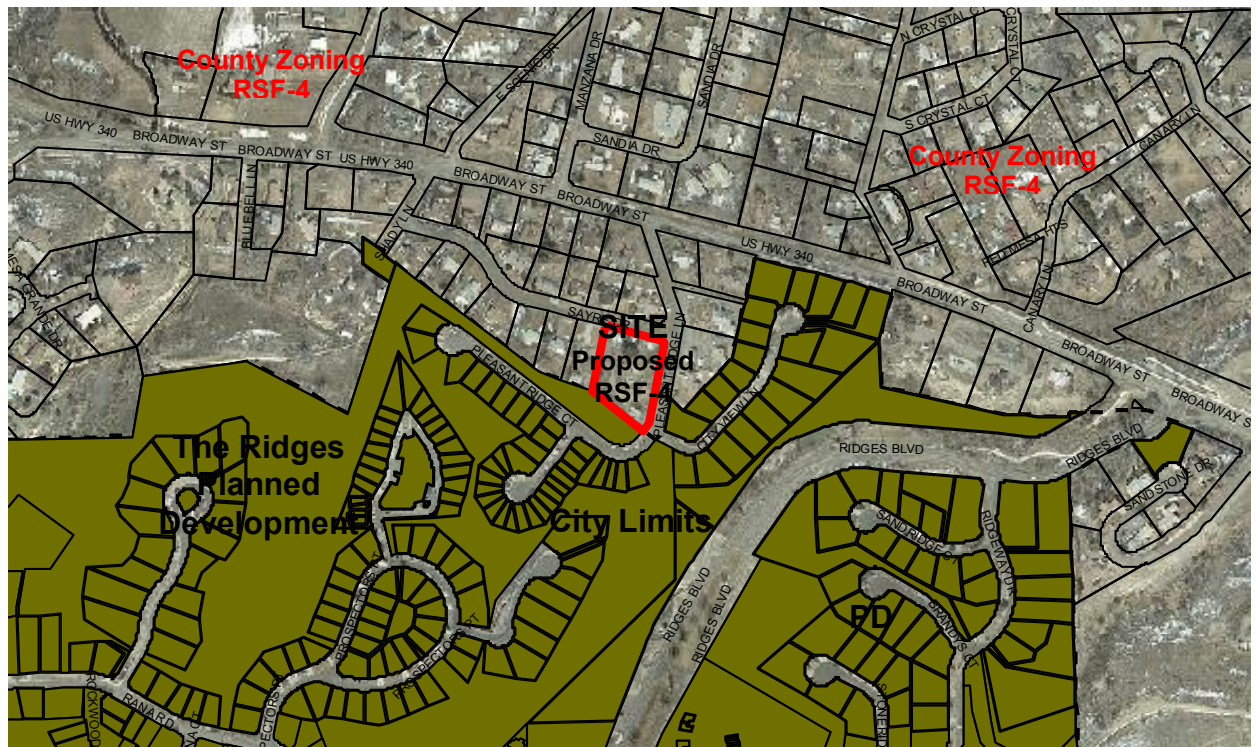
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LOCATED AT 2397 SAYRE 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 Tezak 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 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 Residential Single-Family with a density not to exceed 4 units per acre.

**TEZAK ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 17, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Lot 8M, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado.

CONTAINING 1.2324 Acres (53,682.36 Sq. Ft.), more or less, as described.

Housing type, density and bulk standards shall be for the RSF-4 (Residential Single-Family 4 du/ac) zone district.

Introduced on first reading this 16th day of February, 2005 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 14**

**Change Order to the CSEP Basin 9, 13 & 14 Construction Contract  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Change Order to the CSEP Basin 9, 13 & 14 Construction Contract for Replacement of a 24" Waterline Crossing the Colorado River					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 10, 2005					
<b>Author</b>	Bret Guillory		Utility Engineer			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Change Order #4 is required to replace 170' of existing 24" steel pipe underneath the Colorado River with HDPE pipe.

**Budget:** The 2004 / 2005 Waterline Replacement Project is budgeted as follows:

<b>Project Funds (Water Line Replacements):</b>	
Fund 3011 Carry forward from 2004 (\$900,463)	<b>\$900,463</b>
Fund 3011 Budgeted for 2005 Waterline Replacements	<b>\$300,000</b>
<b>Available Funds 2005</b>	<b>\$1,200,463</b>
<b>Project Costs (Water Line Replacements):</b>	
River Crossing \$222,530; plus Change Order #4 @ \$94,111	\$316,641
2005 Water Line Replacements (estimated)	\$758,400
<b>Total Project Cost</b>	<b>\$1,075,041</b>
<b>Remaining Available Funds Water Lines 2005</b>	<b><u>\$125,422</u></b>

As shown above, there would be \$125,422 available in the 2005 Water Line replacements for additional work as needed.

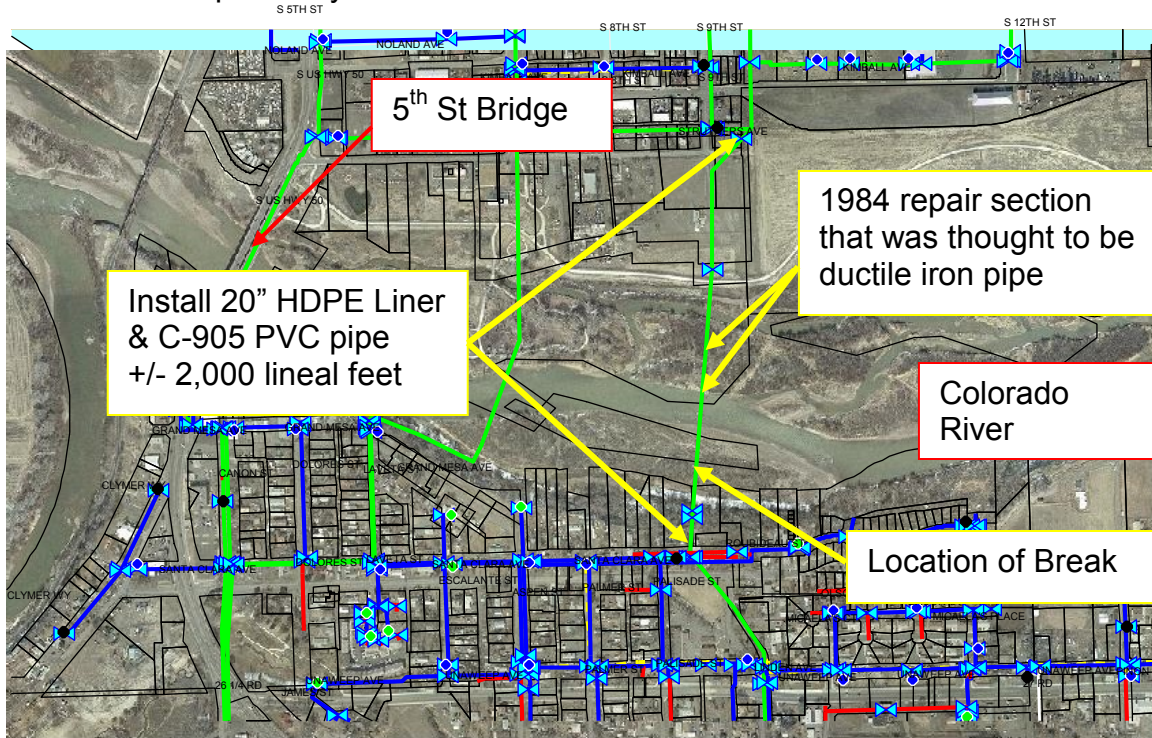
**Action Requested/Recommendation:** Authorize the City Manager to execute a construction contract change order in the amount of \$94,111.50 with Mendez, Inc.

**Background Information:** On October 20, 2004 City Council approved a change order to the CSEP Basin 9,13&14 contract with Mendez, Inc. in the amount of \$222,530 for repair and replacement of a 24" steel water line that crosses under the Colorado River. Approval of the change order was based upon receipt of two bids from contractors we had ongoing contracts with; Mendez, inc. and Skyline Contracting. The two bids were

solicited after a standard advertisement for bids yielded one high priced bid from a contractor not pre-qualified with the City. That first bid was rejected.

The plan included replacement of the existing 24" steel pipe, including the broken section, by slip lining the existing pipe with 20" HDPE. There was a previous repair to this section of pipe that was completed in 1984. That repair section was thought to be ductile iron pipe that we would leave in place and not slip line. Once excavated, we found that the 1984 repair was made with steel pipe. Staff recommends including the replacement of the 1984 steel pipe with new HDPE, which will provide the City with a much more dependable system. The additional length of HDPE pipe is 170 feet. A cost to complete the additional work needed to replace the steel pipe has been negotiated with Mendez, Inc. in the amount of \$94,111.50. The additional cost per foot for this work is due to construction of a larger, reconfigured coffer dam; diversion of about 2/3 of the river flow to the south channel; and depth of excavation increases from 7 feet to 18 feet at the access points either side of the 1984 repair section.

The City's Purchasing Policy requires City Council action for any change order (or the aggregate of change orders) exceeding \$50,000. Work began on January 17, 2005 and should be completed by the end of March 2005.



**Attach 15**

**Purchase of Property at 912, 918 and 940 S. 4<sup>th</sup> Street  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Properties at 912, 918 and 940 S 4 <sup>th</sup> St for the Riverside Parkway Project					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 10, 2005				<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 912, 918 and 940 S. 4th St from Gilbert A Gonzales 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 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property:

<b>2005 Right-of-Way Budget</b>	<b>\$8,300,000</b>
2005 Right-of-Way Related Expenses to Date.*	\$1,433,282
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$118,700
Purchase Supplement	\$67,900
Estimated Moving Costs	\$3,500
Estimated Closing Costs	\$1,600
Environmental Inspections	\$3,500
Asbestos Removal	\$5,000
Demolition	\$5,000
Misc environmental cleanup	\$1,000
<b>Total Costs Related to This Request</b>	<b>\$206,200</b>
<b>2005 Remaining Right-of-Way Funds</b>	<b>\$6,660,518</b>
<b>Total Project Budget</b>	<b>\$88,925,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
Other Prelim. Engineering	\$2,940,000
Construction Engineering	\$5,375,000
Construction	\$55,000,000
Right-of-Way & Land Purchases	\$15,000,000
Relocation Expenses	\$5,000,000
<b>Total Estimated Project Costs</b>	<b>\$88,925,000</b>
Remaining Funds / Contingency	\$0
*Includes 910 S. 4th St, 1014 S 4th St, 1554 Independent, and 2502 Hwy y 6&50 approved by Council on 2/2/05.	



**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at 912, 918 and 940 S. 4th St from Gilbert A Gonzales.

**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.

The subject properties are located west of Highway 50 (5<sup>th</sup> St) north of the Paintball facility. There are three parcels being purchased.

Property	Project #	Area (acres)	Zoned	Cost	Improvements
912 S. 4th St	E-2	0.081	C-2	Included in E-3	Vacant
918 S. 4th St	E-3	0.163	C-2	\$ 56,700	Out building
940 S. 4th St	E-6	0.171	C-2	\$ 62,000	975 sf house const in 1907
		0.415		\$ 118,700	

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 2048 Orchard Ave for \$132,500. The supplement for Mr. Gonzales was calculated at \$129,900. Mr. Gonzales is responsible for the difference. The determination of the housing supplement is calculated as follows:

Comparable property market price	\$ 129,900
Value by Appraisal of the Subject (only 940 S 4th St)	\$ 62,000
Total Replacement Housing Payment	\$ 67,900

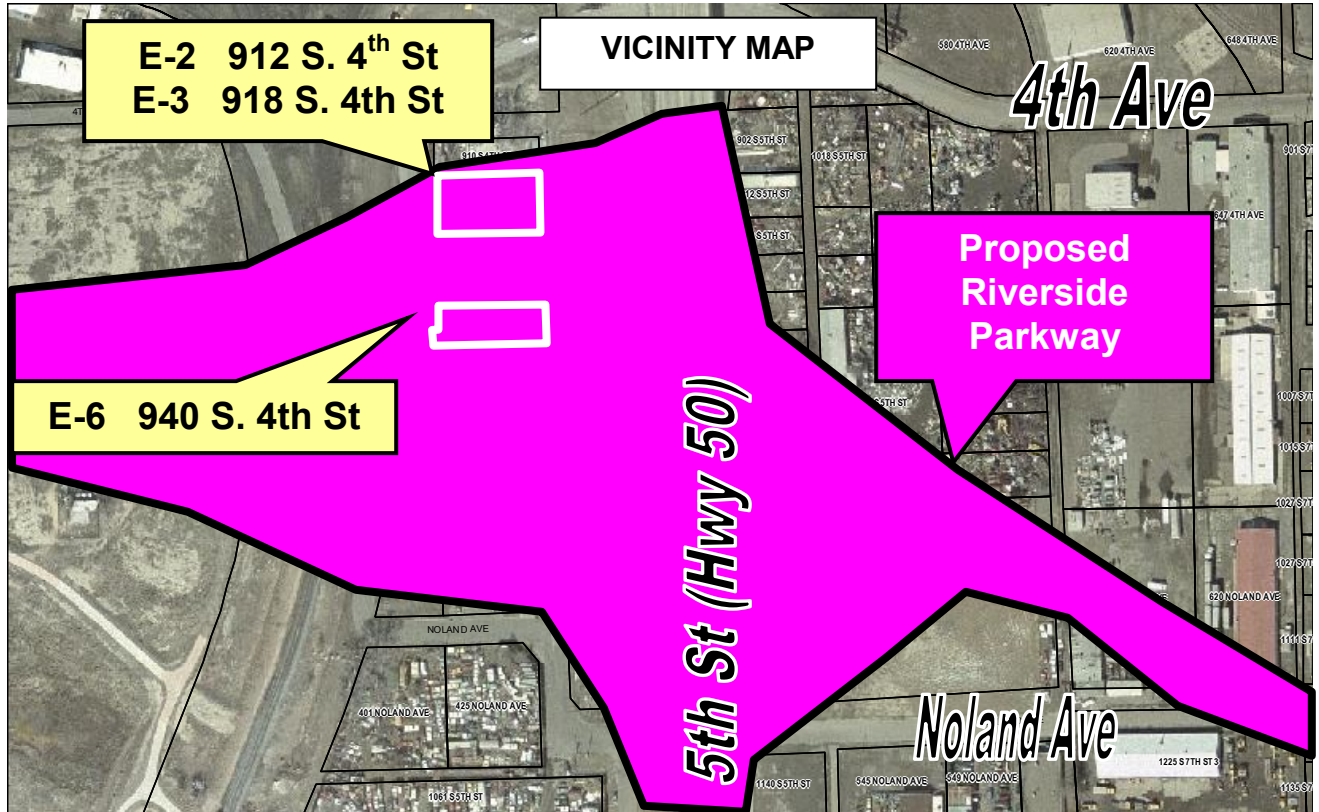
Mr. Gonzales is entitled to \$67,900 as replacement housing payment when he purchases and occupies a DSS replacement house and provides the City of Grand Junction, with the appropriate purchase contract that shows he is spending \$129,900 or more for the property. They are also entitled to some closing costs, interest supplements, and tax supplements totaling approximately \$1,600.

Moving costs are based on the lower of two professional move estimates. Mr. Gonzales is entitled to the lower of the two estimates, approximately \$3,500, if he performs a self move, 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 Gilbert A Gonzales is \$191,700.

Closing is set for February 24, and the owner would have 30 days to move to a different home at 2048 Orchard Ave. Grand Junction, CO 81501.

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



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

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY  
AT 912, 918 AND 940 S. 4TH STREET FROM GILBERT A. GONZALES**

Recitals.

A. The City of Grand Junction has entered into a contract with Gilbert A Gonzales for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The three properties to be acquired are as follows:

Property	Assessor #	Project #	Area (acres)	Zoned
912 S. 4th St	2945-232-00-002	E-2	0.081	C-2
918 S. 4th St	2945-232-00-003	E-3	0.163	C-2
940 S. 4th St	2945-232-00-006	E-6	0.171	C-2
			0.415	

B. The purchase contract provides that on or before February 16, 2005, 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 \$118,700. In addition, the City pays a Replacement Housing Supplement of \$67,900, moving expenses of \$3,500 and closing and tax supplement of \$1,600. The total acquisition cost is \$191,700. 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 \$118,700 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property. The balance of the \$191,700 will be reimbursed after the owner incurs those expenses shortly after closing.

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 \_\_\_\_\_, 2005.

Attest:

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

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City Clerk

**Attach 16**

**Purchase Property at 2501 Highway 6 & 50**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Property at 2501 Highway 6 & 50 for the Riverside Parkway Project					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 10, 2005				<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 two parcels at 2501 Highway 6&50 from Erasmo and Sandra Muniz 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 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property:

<b>2005 Right-of-Way Budget</b>	<b>\$8,300,000</b>
2005 Right-of-Way Related Expenses to Date:*	\$1,433,282
<b>Costs Related to this Property Purchase:</b>	
Estimated Purchase Price	\$475,000
Estimated relocation benefits (if relocated w/in City limits)	\$60,251
Environmental Inspections	\$5,000
Asbestos Removal	\$0
Demolition (cost avoidance)	\$20,000
Misc environmental cleanup	\$5,000
<b>Total Costs Related to This Request</b>	<b>\$565,251</b>
<b>2005 Remaining Right-of-Way Funds</b>	<b>\$6,301,467</b>
<b>Total Project Budget</b>	<b>\$88,925,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
Other Prelim. Engineering	\$2,940,000
Construction Engineering	\$5,375,000
Construction	\$55,000,000
Right-of-Way & Land Purchases	\$15,000,000
Relocation Expenses	\$5,000,000
<b>Total Estimated Project Costs</b>	<b>\$88,925,000</b>
Remaining Funds / Contingency	\$0
*Includes 910 S. 4th St, 1014 S 4th St, 1554 Independent, and 2502 Hw y 6&50 approved by Council on 2/2/05.	

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at 2501 Highway 6&50 from Erasmo and Sandra Muniz.

**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.

On January 5, 2005, City Council had authorized the acquisition of this property by condemnation. Since that time, negotiations have continued and a settlement in lieu of litigation has been reached.

The subject property is located just south of Hwy 6&50 on the east side of 25 Road. This building is utilized by Muniz Auto Inc. The subject property contains the following;

Parcel	Parcel #	Address	Acres	Zoned	Current use	Ownership
B-2	2945-103-00-067	2501 Hwy 6 & 50	0.305	C-2	Auto Sales / sales lot	Erasmo and Sandra Muniz
B-3	2945-103-00-068	2501 Hwy 6 & 50	0.487	C-2	Auto Sales / 2 buildings	Erasmo and Sandra Muniz
			0.792			

The subject property contains 0.792 acres of C-2 zoned land area and two buildings including a 900 sq ft office and 1728 sq ft shop. The buildings were constructed in 1997.

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.

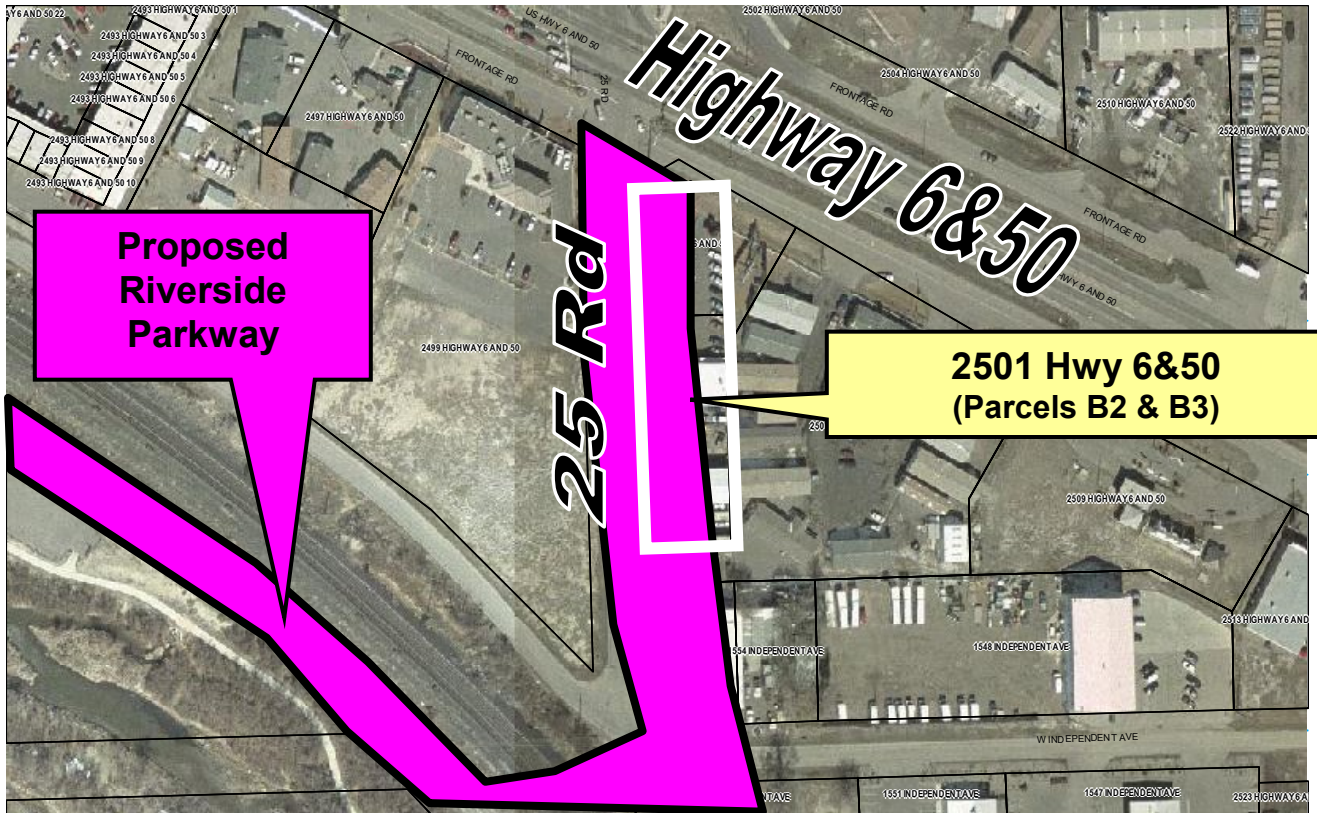
Moving costs are based on the lower of two professional move estimates and is estimated at \$27,751. Provided the Muniz business relocates within the City of Grand Junction up to \$30,000 in additional reimbursable relocation benefits will be available. In accordance with City policy, a \$2,500 "site search" cost is also paid to compensate the owners for time invested in looking for replacement property. The demolition and clean up of the site has been negotiated to be completed by Muniz for a cost of \$20,000. The City would normally have contracted for this work.

The total to be paid to Erasmo and Sandra Muniz is \$555,251.

Closing is set for early March, and the owner has until May 1 to move, remove the structures and provide a clean site.

Staff recommends this purchase as it is necessary for the construction of the proposed 25 Rd overpass and connection to Highway 6 & 50.

# VICINITY MAP





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

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY  
AT 2501 HIGHWAY 6 & 50 FROM ERASMO AND SANDRA MUNIZ**

Recitals.

A. The City of Grand Junction has entered into a contract with Erasmo and Sandra Muniz for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The two properties to be acquired are as follows:

Parcel	Parcel #	Address	Acres	Zoned
B-2	2945-103-00-067	2501 Hwy 6 & 50	0.305	C-2
B-3	2945-103-00-068	2501 Hwy 6 & 50	0.487	C-2
			0.792	

B. The purchase contract provides that on or before February 16, 2005, 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 \$475,000. In addition to the purchase price, a reestablishment benefit of \$60,251 in accordance with the City's relocation policy. Muniz will remove the buildings and provide a clean site by May 1 for \$20,000. The total acquisition cost is \$555,251. 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 \$475,000 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property. The balance of the \$555,251 will be reimbursed after the owner incurs those expenses shortly after closing.

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 \_\_\_\_\_, 2005.

Attest:

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

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

**Attach 17**  
**Public Hearing – Pinnacle Ridge Annexation and Zoning**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Annexation and Zoning of the Pinnacle Ridge Annexation, located northeast of Monument Road and Mariposa Drive					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 7, 2005				File #ANX-2004-236	
<b>Author</b>	Kathy Portner		Planning Manager			
<b>Presenter Name</b>	Kathy Portner		Planning Manager			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>	x	Yes		No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> x <b>Individual Consideration</b>

**Summary:** Acceptance of petition to annex and consider the annexation and zoning of the Pinnacle Ridge Annexation. The Pinnacle Ridge Annexation is located northeast of Monument Road and Mariposa Drive and consists of one parcel on 45.5 acres. The zoning being requested is RSF-2.

**Budget:** N/A

**Action Requested/Recommendation:** 1) Approve resolution accepting a petition for annexation, and 2) Public hearing to consider final passage of annexation and zoning ordinances.

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

**Attachments:**

1. Staff report/Background information
2. Annexation Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Contour Map
5. Applicant's General Project Report
6. Planning Commission Minutes
7. Resolution Accepting Annexation Petition
8. Annexation Ordinance
9. Zoning Ordinance
10. Correspondence from a Citizen

AGENDA TOPIC: Annexation and Zoning of the Pinnacle Ridge Annexation, located northeast of Monument Road and Mariposa Drive

ACTION REQUESTED: 1) Approve resolution accepting a petition for annexation, and 2) Public hearing to consider final passage of annexation and zoning ordinances.

BACKGROUND INFORMATION				
Location:		Northeast of Monument Road and Mariposa Drive		
Applicants:		Owner: Claude & Marie Barlieb; Viola Cassel Representative: Vortex Engineering; Robert Jones II		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential Medium Low, 2-4 du/ac		
	South	Public		
	East	Residential Low, ½ - 2 ac/du		
	West	Residential Medium Low, 2-4 du/ac		
Existing Zoning:		County RSF-4		
Proposed Zoning:		RSF-2		
Surrounding Zoning:	North	PD (Planned Development, 4 du/ac)		
	South	CSR (Community Services and Recreation)		
	East	RSF-2 and County RSF-4		
	West	PD (Planned Development, 4 du/ac)		
Growth Plan Designation:		Residential Low ½ - 2 ac/du		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Acceptance of petition to annex and consider the annexation and zoning of the Pinnacle Ridge Annexation. The Pinnacle Ridge Annexation is located northeast of Monument Road and Mariposa Drive and consists of one parcel on 45.5 acres. The zoning being requested is RSF-2.

RECOMMENDATION: Staff recommends approval of the Resolution Accepting Petition and the Annexation Ordinance. At their January 25, 2004 hearing, the Planning Commission recommended approval of the RSF-2 zoning. Staff recommends denial of the request for RSF-2 zoning and recommends a zoning of RSF-E (Residential Single Family, Estate, 2-5 acres/unit).

## **Staff Analysis:**

### **ANNEXATION:**

This annexation area consists of approximately 45.5 acres. The property owners have requested annexation into the City to allow them to proceed with a development proposal for the property. Under the 1998 Persigo Agreement all development on the Redlands, within a ¼ mile of the City limits, requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Pinnacle Ridge 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 Pinnacle Ridge Annexation will enclave approximately 5 acres.

### **ZONE OF ANNEXATION:**

#### **1. Background:**

The 45.5 acre Pinnacle Ridge Annexation, located northeast of Monument Road and Mariposa Drive, consists of a parcel, a portion of which contains the Energy Center Subdivision, platted in 1955. The Energy Center Subdivision was never developed and no improvements were ever provided. The City does not recognize the validity of this plat. The annexation does not include a portion of the antiquated Energy Center Subdivision owned by others, which will be enclaved by the Pinnacle Ridge Annexation.

The property is landlocked, which means there is no legal access to any adjoining Right-of-Way. The City has agreed to negotiate with the developer for access across City-owned property, known as Painted Bowl, to Mariposa Drive. Any development of the property will require a second access, which will likely be a future access point to undeveloped property to the northeast. Access to Bella Pago will not be allowed.

The property has steep terrain and a ridgeline visible from Monument Road. An “Existing Slope Analysis” done by Rhino Engineering for the property indicates approximately 21% of the property containing slopes of less than 10%; 24% of the property containing slopes of 10%-20%; 36% of the property containing slopes of 20%-30%; and 19% of the property containing slopes of greater than 30%.

2. Consistency with the Growth Plan:

The Growth Plan designates this property as Residential Low, ½ - 2 acres per unit. The requested RSF-2 zoning is at the high end of the land use designation. There are two other zone districts that can be considered, RSF-1 (Residential Single Family, 1 unit per acre) and RSF-E (Residential Single Family, Estate, 2 acres per unit). In addition, there are many goals and policies of the Growth Plan, as well as the Redlands Area Plan, that would support a lower density on this property.

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

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

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

The existing zoning of County RSF-4 is not in conformance with the Growth Plan or the Mesa County Countywide Plan designation of Residential Low, ½ to 2 acres per unit. The zone district had been in place for many years. At the time the County adopted the Countywide Plan, they did not follow up with rezoning, as the City did. With annexation, the City must apply a City zone district to the property. Under the Persigo Agreement, the City can either zone the property consistent with the existing County zoning or zone in compliance with the Growth Plan. Therefore, the options for zoning this property are RSF-E, RSF-1, RSF-2 or RSF-4.

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

The zoning request is in conjunction with an annexation request. Therefore, this criterion 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 other nuisances*

This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. The proposed RSF-2 zoning is compatible with the zoning of the property to the east; however, a density of 2 units per acre might be difficult to achieve given the limited access to the site, steep terrain and ridgeline issues.

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

The proposed zoning density is consistent with the Future Land Use designation of Residential Low, ½ to 2 acres per unit; however, the following goals and policies of the Growth Plan and Redlands Area Plan must also be considered:

Policy 20.7: The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City and County will encourage dedications of conservation easements on land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2: The City and County will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City and County will encourage the preservation of natural hazard areas for use as habitat and open space areas.

Redlands Plan Goal: Protect the foreground, middleground, and background visual/aesthetic character of the Redlands Planning Area.

Redlands Plan Goal: Minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Redlands Plan Policy: Development on prominent ridgelines along the major corridors of Highway 340, South Broadway, South Camp Road and Monument Road shall be minimized to maintain the unobstructed view of the skyline.

Redlands Plan Policy: Development along Monument Road, as an access to the Tabeguache trailhead and gateway to the Colorado National Monument, and along Highway 340, as the west entrance into the Monument, shall be sufficiently setback from the corridors to maintain the open vistas of the Monument.

Redlands Plan Policy: Development in or near natural hazard areas shall be prohibited unless measures are taken to mitigate the risk of injury to persons and the loss of property.

Redlands Plan Policy: The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, mitigations shall be required to reduce the visual impact of the work.

Development of this property at the high end of the land use designation density would be contrary to the above goals and policies.

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

Adequate public facilities are currently available or can be reasonably extended to address the impacts of development consistent with any of the zone districts within the Residential Low land use category.

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

The zoning request is in conjunction with an annexation request. Therefore, this criterion is not applicable.

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

The zoning request is in conjunction with an annexation request. Therefore, this criterion is not applicable.

#### FINDINGS OF FACT/CONCLUSIONS:

In accordance with the Persigo Agreement, the City can consider applying a zone district consistent with current County zoning or in compliance with the Growth Plan. The existing County zoning of RSF-4 is clearly not appropriate for this site. The zone districts that can be considered within the Future Land Use designation of Residential Low are RSF-E, RSF-1 and RSF-2. The applicant has requested RSF-2, which is at the high end of the designation.

Staff found that the RSF-2 zoning does not “conform with and further the goals and policies of the Growth Plan” or the Redlands Area Plan. Given the site’s location, steep terrain and ridgeline issues, staff recommended zoning at the low end of the land use designation, RSF-E (Residential Single Family, Estate, 2 acres per unit).

The applicant has not provided convincing evidence that the RSF-2 zoning is appropriate, or that it can be achieved, given the ridgeline and steep slope regulations of the City. In addition, staff does not have sufficient information to support the RSF-1 zoning. The density range of the Growth Plan is to allow for variation in zoning

depending on the specific constraints or attributes of a property. Staff found that the constraints of this property warrant a zone district at the low end of the land use category. The detailed planning and engineering that is necessary to show that a higher density can be achieved is best suited to a Planned Development review.

After reviewing the Pinnacle Ridge Annexation zoning application, ANX-2004-236, for a zone of annexation, staff recommended that the property be zoned RSF-E with the following findings of fact and conclusions:

1. The RSF-E zone district is consistent with the Growth Plan
2. The review criteria in Section 2.5.A of the Zoning and Development Code have all been met when the RSF-E zone district is applied.

**PLANNING COMMISSION RECOMMENDATION:**

At the January 25, 2005 hearing, Planning Commission recommended the RSF-2 zone district (5-2), with the findings that the RSF-2 is consistent with the Growth Plan and rezone criteria. The Planning Commission felt that the steep slopes, geologic hazards and ridgeline issues could be adequately addressed by applying the Zoning and Development Code provisions at the time of development. A copy of the Planning Commission minutes will be provided in the packet for second reading of the ordinance.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>January 5, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>January 25, 2005</b>	Planning Commission considers Zone of Annexation
<b>February 2, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>February 16, 2005</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>March 20, 2005</b>	Effective date of Annexation



PINNACLE RIDGE ANNEXATION SUMMARY		
<b>File Number:</b>		ANX-2004-236
<b>Location:</b>		Northeast of Monument Road and Mariposa Drive
<b>Tax ID Number:</b>		2945-212-00-011; 2945-212-08-001—010; 2945-212-10-001—009
<b>Parcels:</b>		20 (antiquated subdivision)
<b>Estimated Population:</b>		0
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		45.47
<b>Developable Acres Remaining:</b>		45.47
<b>Right-of-way in Annexation:</b>		Unbuilt, platted Right-of-Way
<b>Previous County Zoning:</b>		RSF-4
<b>Proposed City Zoning:</b>		RSF-2
<b>Current Land Use:</b>		Vacant
<b>Future Land Use:</b>		Residential
<b>Values:</b>	<b>Assessed:</b>	\$25,790
	<b>Actual:</b>	\$88,800
<b>Address Ranges:</b>		
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	
	<b>Fire:</b>	Grand Junction Rural Fire
	<b>Irrigation/ Drainage:</b>	Redlands Water and Power
	<b>School:</b>	District 51
	<b>Pest:</b>	N/A

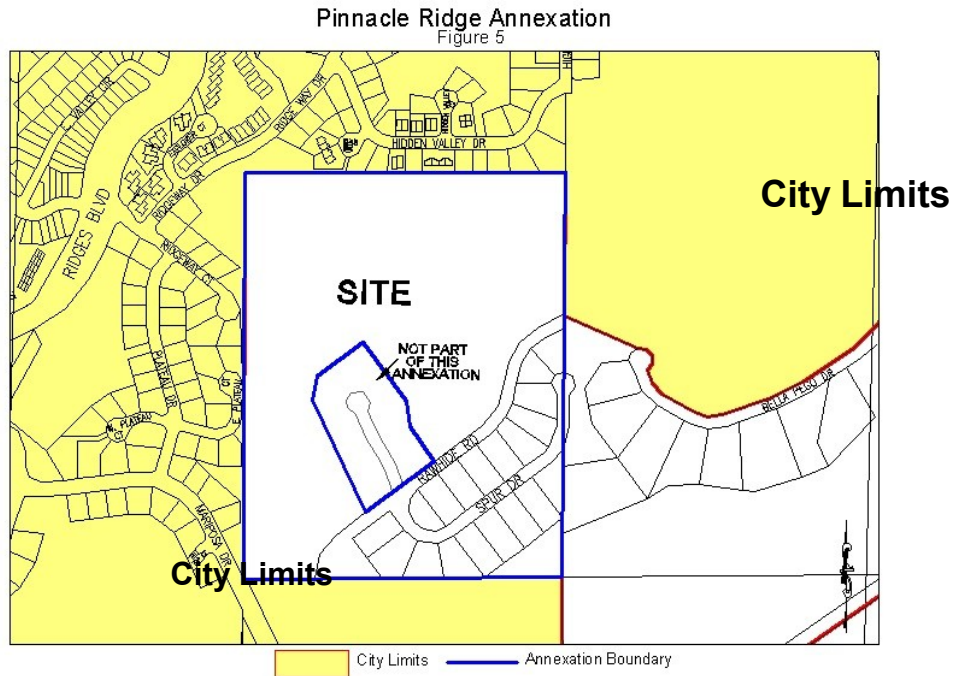
Attachments:

1. Staff report/Background information
2. Annexation Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Contour Map
5. Applicant's General Project Report
6. Planning Commission Minutes

7. Resolution Accepting Annexation Petition
8. Annexation Ordinance
9. Zoning Ordinance
10. Correspondence from a Citizen

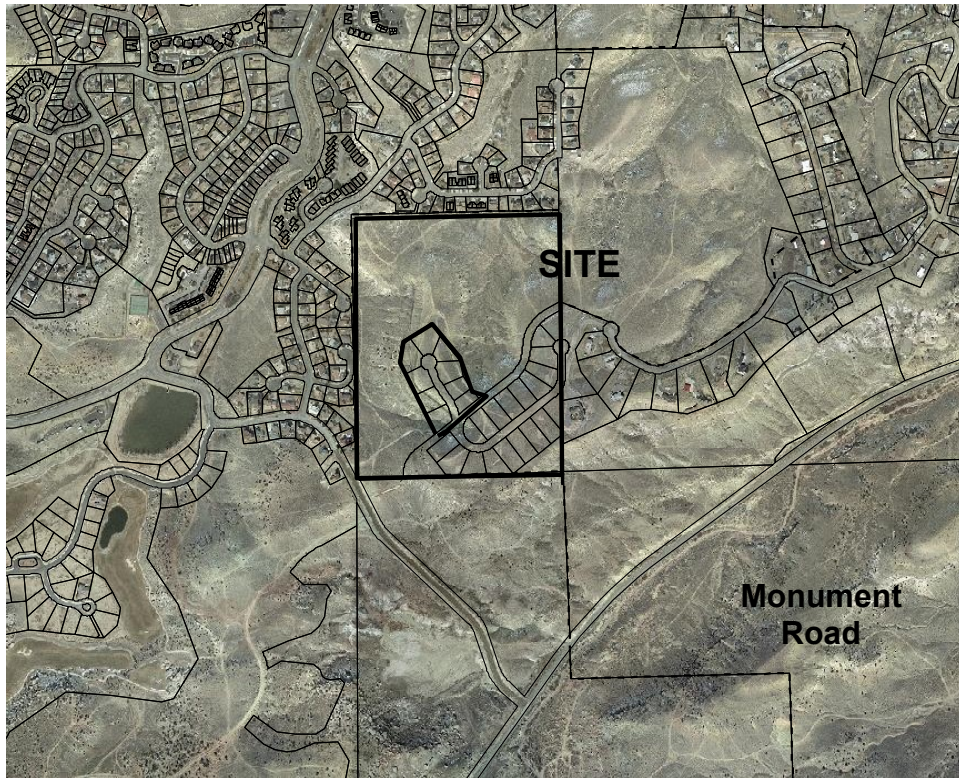
# Site Location Map

Figure 1



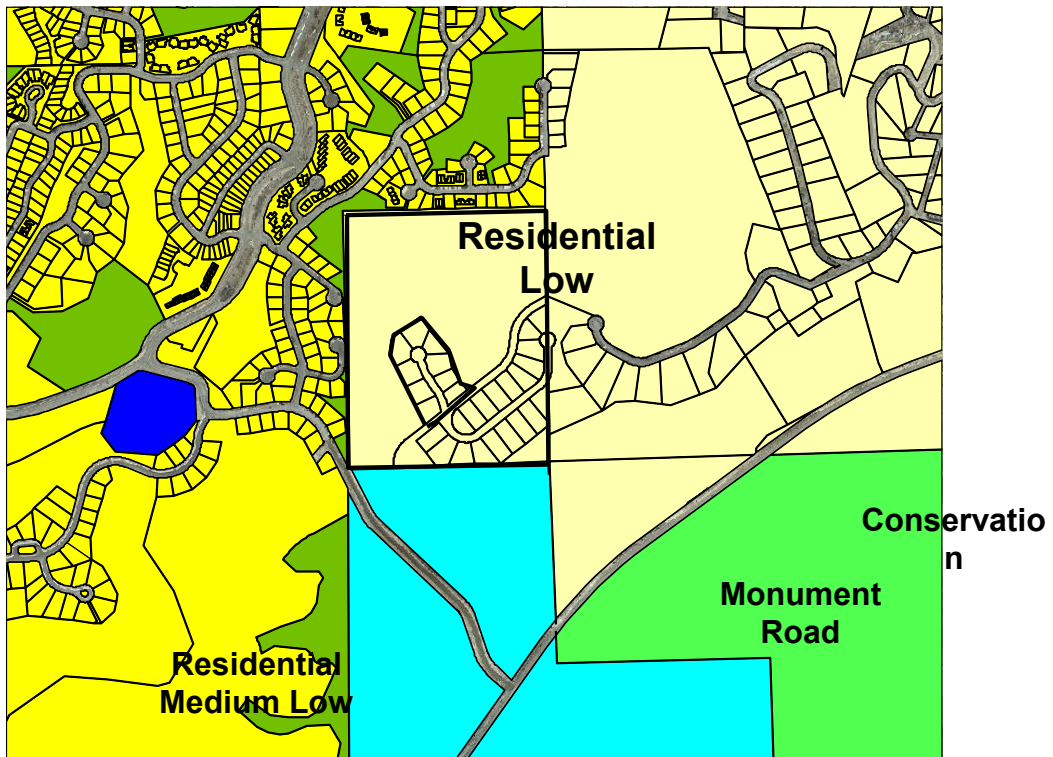
# Aerial Photo Map

Figure 2



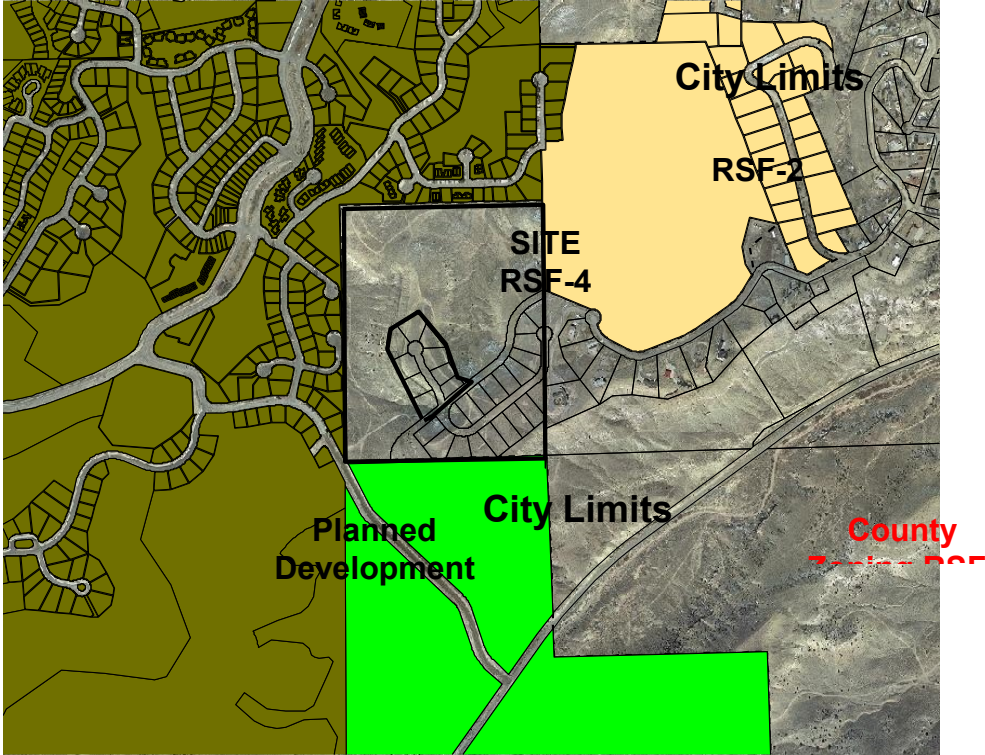
## Future Land Use Map

Figure 3



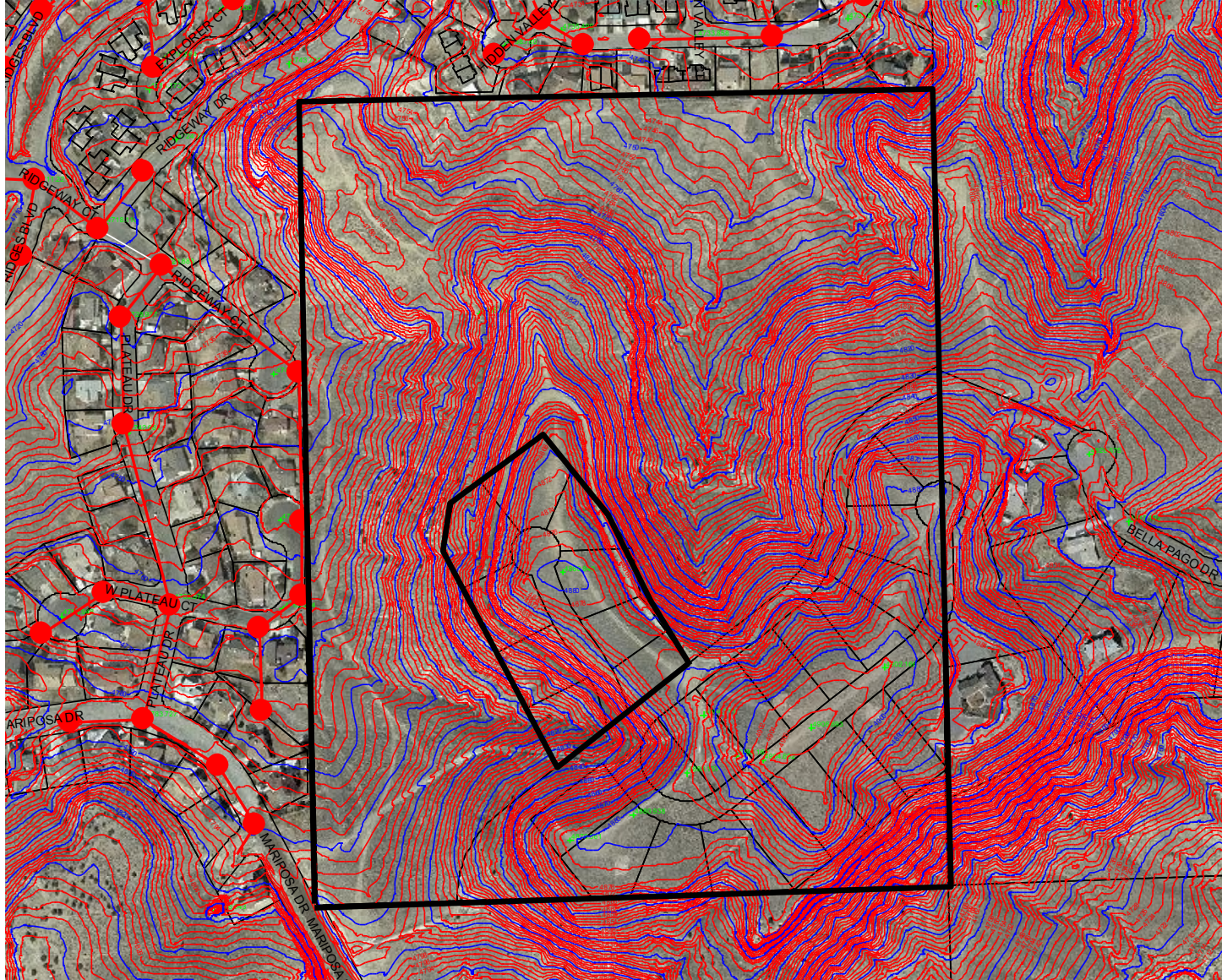
## Existing City and County Zoning

Figure 4



# PINNACLE RIDGE ANNEXATION CONTOUR MAP

Figure 5





# Vortex Engineering, Inc.

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## General Project Report For Pinnacle Ridge Subdivision

Date: September 28, 2004

Prepared by: Robert W. Jones II, P.E.  
Vortex Engineering, Inc.  
255 Vista Valley Drive  
Fruita, CO 81521  
970-260-9082  
VEI # F04-006

Type of Design: New Residential Subdivision

Owner: Two R & D, LLC  
1880 K Rd.  
Fruita, CO 81521

Property address: T.B.D.

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Exhibit 'A' – 11X17 Site Vicinity Map





## *Introduction/Site History*

### **Property Location**

The site is located along the north-east side of Mariposa Drive approximately ¼ mile north-west of the intersection of Monument Road in the Ridges/Redlands area of Grand Junction, Colorado. The subject site lies north and west of the intersection of Monument Road and Mariposa Drive. The site is located near various mixed residential uses.

The Ridges Subdivision bound the site to the north and west, vacant ground to the east and south. The property is currently undeveloped and is not used for any specific purpose. This property was originally platted in 1955 and was never developed in accordance with the plat. Given this fact, the City of Grand Junction has requested a complete re-plat and annexation of the property. Please reference Exhibit 'A'—Vicinity Map within this report for further information.

By legal description, the property is described as a parcel of land situated in the W ½ NW ¼ of Section 21, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being described as follows:

The south 10 acres of the NW ¼ NW ¼ and the SW ¼ NW ¼ of said Section 21.

EXCEPTING THEREFROM: Lots 1-9, Block 3 and the adjoining dedicated right-of-way know as Spur Drive and Lot 2, Block 2, Energy Center Subdivision, Phase I as platted and recorded in Plat Book 8 at Page 55 with a Reception Number 644620 of the Mesa County records. The property is approximately 50.0 acres in size.

### **Description of Property and Project**

Two R & D, LLC is proposing to develop a residential subdivision with approximately 90 homes. The property is approximately 50.0 acres in size, and is currently located in Mesa County. Two R & D, LLC is proposing to annex the property into the City of Grand Junction, Colorado. The site is currently vacant and has areas of steep terrain. The property is presently zoned RSF-4 and is not zoned in alignment with the current City Master Plan for this area.

The Site Plan for the Pinnacle Ridge development includes approximately 90 homes to be constructed in three phases. One (1) upper lot phase, and two (2) lower lot phases. The first phase of this development includes 18 upper lots owned by the developer, and 10 lots, which are not part of this Site Plan application and will not be developed in conjunction with this subdivision, owned by others. Access for this development is proposed via a full movement access point onto Mariposa Drive with future access being established through the planned development to the northeast.

Stormwater Management on site will be provided in the form of various Detention Basins. Both linear detention basins in series and stand-alone detention basins will be provided. Several outfall points will be utilized at the north and western boundaries of the site.

A water main is planned to be constructed and will connect to the main in Mariposa Drive. A Sewer Main is planned to be constructed and will connect to the main in the Ridges to the west.

The subject site has significant topography, with elevations peaking at 4904, descending to 4746. Two natural plateaus exists on site and dominates much of the southern corner of the property. These elevations are approximate and are the result of a review of the Topographic survey for this site.

A detailed Geotechnical Investigation Report was prepared by Geotechnical Engineering Group and will be submitted for review with the Preliminary Plan of Subdivision application.

## **C. Purpose of General Project Report**

The 50.0 acre parcel is planned to be developed as a residential subdivision with various phases of construction. The purpose of this General Project Report is to provide a general review and discussion of the Site, Zoning, and Planning of the subject site for Staff to properly determine the compatibility of the proposed Annexation and Rezone request in relation to the surrounding uses and classifications.

### *Existing Drainage Conditions*

#### **A. Major Basin Characteristics**

This property is located south and west of the Colorado River. The watershed in this region generally slopes from the south to the north, ultimately draining to the Colorado River.

#### **Site Characteristics**

The lowest elevations on this site occur near the northwest and southwest corners of the property. Elevations vary from 4904 to 4746 feet. The existing drainage patterns of the property include a combination of sheet flow, shallow concentrated flow, and channel flow. No stormwater management exists on site at present.

This site currently accepts off-site drainage from the north-eastern property. Most of these off-site areas are undeveloped vacant ground in composition. Drainage is generally from the south to the north, although the site has two natural plateaus, which drains storm water off in all directions.

### *Proposed Drainage Conditions*

#### **A. Design Criteria & Approach**

As expected in most developments, conversion and development of this property from bare ground to a residential subdivision will increase the storm water runoff, both in peak rates and volumes. However, with planned on site detention, runoff rates leaving the property will not be increased above the existing rates.

It is anticipated that on-site detention of the storm water runoff in the form of above ground basins will be utilized to attenuate the post development runoff rates to pre-development levels. Generally, the 2-yr and 100-yr storm events must be managed.

### *Current Use & Zoning Review*

- a) Current Zoning: RSF-4 (Residential-Single-Family District)
- b) Current Zoning Description: The RSF-4, Residential-Single-Family district is primarily intended to accommodate medium density, single-family residential development, and to provide land use protection for areas that develop in such a manner. The RSF-4 district is intended to be applied in the Joint Urban Planning Area's Urban Growth Boundary. It corresponds to and implements the Mesa Countywide Land Use Plan's "Urban Residential/Medium Density" classification.
- c) Current Jurisdiction: Mesa County

- d) Existing Use: Vacant parcel-undeveloped
- e) Proposed Use: Residential Subdivision
- f) Is the property located within the 201 Persigio Agreement Area? YES

#### *Future Use & Rezone Application Review*

The Future Land Use Plan of the Mesa Countywide Land Use Plan is designated to provide guidance for the 15 year period from 1996 to 2010. The goals, policies, and action items are intended to provide guidance, priorities, and implementation strategies needed to accomplish the principles and features of the Future Land Use Plan (Map). The Future Master Planned Zoning for this property is RL (Residential Low District); however, the property is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west.

The applicant is requesting an Annexation and Rezone for this property. The requested zoning of the property is RSF-2. This zoning is in direct alignment with the Future Land Use Plan as indicated above. This zoning is also justified due to the partial surrounding of the property with a higher land master plan zoning classification of Residential/Medium Low Density.

A review of the Approval Criteria for the Rezoning follows (The discussion and answers which addresses each of the criteria is in red):

1.) *The existing zoning was in error at the time of adoption; This property is presently located in Mesa County and therefore did not correlate to the City zoning.*

2.) *There has been a change in character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. and such changes were not anticipated and are not consistent with the plan; There has certainly been a change in the character of this neighborhood in the continuing increase of residential development due to the present growth trend. This is evident by the increasing demand for housing in the Redlands area of Grand Junction and the many new subdivisions completed or under construction. The closest and largest new subdivision, which has impacted this development, is the Redlands Mesa development. The installation of Mariposa Drive and the subsequent public facilities has further opened this area up for development.*

3.) *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, stormwater or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances; The subject site is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west. To the south is City owned property with a Future Land Use Classification of CSR, to the east is Residential Low Density Future Land Use Classification (RL). Any adverse impacts, which may be associated with the development of this property, will be mitigated to the guidelines established by the City of Grand Junction. Adequate public facilities exist for the development of this property and the appropriate water systems reports will be submitted to the City for review.*

Storm water and drainage for this property will actually be improved over the existing conditions due to the unmanaged state of the drainage presently on site.

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;* The proposed zoning of the property is RSF-2, which is in direct alignment with the Future Land Use Classification of this property. Furthermore, RSF-2 zoning will make a nice transition zone from the higher density development to the north and west. The subject site is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west. To the south is City owned property with a Future Land Use Classification of CSR, to the east is Residential Low Density Future Land Use Classification (RL).

5.) *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;* Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. Please reference Section 6 of this report for further information.

6.) *There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs;* This property is one of the last available pieces for development in this area. To the applicant's knowledge, no other reasonable site is available.

7.) *The community or neighborhood will benefit from the proposed zone;* This project will offer many amenities that are currently not available, such as improved trails and open space areas. Additionally, this development should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Ridges/Redlands area is poor. This subdivision should prove to uplift the existing subdivision and neighborhood in aesthetics and value by providing higher comparable homes and greater community amenities.

### *Utilities/Public Facilities*

#### **Electric**

The provider for electric service in this area is Xcel Energy. It is estimated that there is adequate capacity to service the proposed subdivision with electric power.

#### **Water**

The provider for water service in this area is Ute Water Company. A 10" water main is located in Mariposa Drive. The applicant is proposing to connect to this main to supply this development with water service. Fire Flow tests completed by Ute Water, indicate that adequate pressure and supply exists to service this development.

#### **Sewer**

The provider for sewer service in this area is the City of Grand Junction/Persigio. It is not presently anticipated that an off-site sewer main extension will be required with the development

of this property. An 8" sewer line is located in Plateau Ct. and north of the development. It is estimated that there is adequate capacity to service the proposed subdivision with sewer service.

**Natural Gas**

The provider for gas service in this area is Xcel Energy. It is anticipated that this main will have the capacity to service the proposed subdivision.

**Telephone**

The provider for telephone service in this area is U.S. West. It is estimated that there is adequate capacity to service the proposed subdivision with telephone services.

***Cable Television***

The provider for cable service in this area is Bresnan. It is estimated that there is adequate capacity to service the proposed subdivision with cable services.

### **Irrigation**

The provider for irrigation service in this area is the Ridges Irrigation District and the Redlands Water and Power Company.

### **H. Fire Protection**

The provider for Fire Protection service in this area is the Grand Junction Rural Fire District.

### **I. Police Protection**

The provider for Police Protection service in this area is the City of Grand Junction Police Department & the Mesa County Sheriff's Department.

### **J. School District**

The provider for public education in this area is Mesa County School District 51. It is not anticipated at this time that a mere 90 homes will have a significant impact on the existing facilities in terms of capacity. Furthermore, the school impact fees generated from this development should off-set any additional expenses incurred by the School District.

### **K. Parks/Trails**

Presently no neighborhood parks or trails exist in this area of the Ridges. The developer of this subdivision has planned for ample open space and a system of improved trails to be constructed in conjunction with the development. These community amenities are a major improvement for this area of the Ridges.

### *Transportation*

Currently the site is planned to be accessed from Mariposa Drive. Mariposa Drive is soon to be finished as a 2-lane, no median, paved, City owned and maintained roadway.

Approximately 90 homes are planned for this development. An increase in the traffic of approximately 861 Vehicle Trips per day (VTPD) will occur at the ultimate build-out of this subdivision. The main entrance into the planned subdivision would be from Mariposa Drive. It is not anticipated that this will create congestion or a major decrease in the level of service for Mariposa Drive. The planned subdivision will have a full Transportation Impact Analysis completed and submitted to the City of Grand Junction for review.

### *Public Benefit & Development Schedule/Phasing*

This development appears to be an excellent opportunity and should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Ridges/Redlands area is poor. This subdivision should prove to uplift the existing subdivision to the north in aesthetics and value by providing higher comparable homes and a greater community amenities.

This development is planned to be completed in three (3) phases. The first phase of the subdivision will be completed upon final approval from the City of Grand Junction and replatting of the property.

### *9.0 Limitations/Restrictions*

This report is a site-specific investigation and is applicable only for the client for whom our work was performed. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering Incorporated and is to be taken in its entirety. Excerpts from this report may be taken out of context and may not convey the true intent of the report. It is the owner's and owner's agents responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineer should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

### *10.0 References*

The following manuals and computer web sites were used for this General Project report:

- Storm water Management Manual, City of Grand Junction and Mesa County, May 1996.
- Zoning Ordinance Manual, City of Grand Junction, January 20, 2002.
- Mesa County Land Development Manual, Mesa County, May, 2000.
- T.E.D.S. Manual, City of Grand Junction, July 2003.
- City of Grand Junction GIS Master Web Site and the Mesa County Web Site.
- Growth Plan Manual, City of Grand Junction, October 2, 1992.



PLANNING COMMISSION MINUTES  
January 25, 2005

**ANX-2004-236 ZONE OF ANNEXATION--PINNACLE RIDGE ANNEXATION**

**A request for approval to rezone 45.5 acres from a County RSF-4 (Residential Single Family, 4 units/acre) zone district to a City RSF-2 (Residential Single Family, 2 units/acre) zone district.**

**Petitioner: Claude Barlieb**

**Location: Northwest of Monument Road and Mariposa Drive**

**PETITIONER'S PRESENTATION**

Tom Volkman, legal counsel representing the petitioner, gave a Powerpoint presentation. Referencing the Future Land Use Map, he noted the location of the site. In providing a background overview, he said that a portion of the site had been platted in the County in 1955. Although not built out, taxes had been paid on it for the last 50 years. The City's current position, he said, was not to recognize the plat. As part of recent discussions, the decision was made to annex the property into the City with an RSF-2 zone district. Surrounding zonings included PD zones with underlying 4 unit/acre densities, a section of County-zoned RSF-4 and City-zoned RSF-2. The Growth Plan recommended Residential Low for the site (1/2 to 2 units/acre densities). In keeping with Code section 2.14.F and the Persigo Agreement, zones of annexation were selected in compliance with Growth Plan recommendations or as the closest City equivalent to the property's existing County zone. The current request represented half of what the Growth Plan recommended; however, staff was recommending an even lower density zone of RSF-E (1 unit/2 acres).

Staff's concerns, he said, centered around steep slopes and ridgeline development standards. While acknowledging the presence of both steep slopes and ridgelines, those topographic constraints were specifically handled through the Code's mitigation criteria. Citing Code section 7.2.G, he noted an arithmetic treatment of the property with regard to steep slopes (e.g., widths of lots, development of lots, what type of development could occur within specific slope contours, etc.). Citing Code section 7.2.H dealing with ridgeline development, setbacks were addressed and mitigation techniques were provided to minimize visual impacts from adjacent roads. Staff had cited a number of Growth Plan policies to support their position for recommending RSF-E; however, even the RSF-2 zone district was less dense than what the Growth Plan recommended. Mr. Volkman contended that those Growth Plan goals and policies contemplated mitigation of the problems referenced, not prohibition of development. Staff also made reference to "natural hazard areas." However, that reference by the Code's own definition meant areas so designated by a state or federal agency. No mention had been made in staff's comments to any such agency having made that determination on the property.

With regard to staff's comments regarding risks for loss of life, property damage, etc., the petitioner had every intention of employing mitigation techniques to avoid such cataclysmic events. While agreeing that it was difficult not to discuss plan specifics without being able to present the plan, Mr. Volkman contended that if a zone request could not be supported without some consideration being given to a plan, it was just as erroneous to discount that zone request based upon staff's assumptions. Staff's assumptions, he maintained, identified potential engineering issues, not necessarily those that currently existed.

The petitioner sought no special treatment with regard to steep slopes or ridgeline development standards, or with regard to the zone of annexation. The requested City RSF-2 zone, he reiterated, represented half the density of its current County RSF-4 zone. Should planning commissioners want to

discuss more specific engineering-related issues, the petitioner's engineering consultants were present and available for questions. He reminded planning commissioners, however, that the only request before them was the zone of annexation and not the development plan.

### **STAFF'S PRESENTATION**

Kathy Portner gave a Powerpoint presentation containing the following slides: 1) site location/annexation map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) contour map. She overviewed the request and said that the site was currently going through the City's annexation process. The annexation did not include a portion of property denoted within the site; thus, the City's annexation would create an enclave of that property. She concurred that the City did not recognize the County plat referenced by Mr. Volkman. The site was presently landlocked with no available access or right-of-way. The City had agreed to negotiate with the petitioner for access across City-owned property (Painted Bowl) to Mariposa. Discussions between both City and County staffs had resulted in a decision not to support a connection to Bella Pago since the street was substandard. A secondary access would be required; likely this would be made in the form of a stub street to undeveloped property.

The Future Land Use Map designated the site as Residential Low. Surrounding land uses included Residential Low to the east; a public CSR designation to the south; and Residential-Medium for the Ridges development, although the Ridges had probably been built out to about half that density. Three zone designations could be considered under the Residential Low classification: RSF-E, RSF-1 and RSF-2. Prior to annexation, the property had been zoned County RSF-4. When the Growth Plan was adopted in 1996 by both the City and County, the County had opted not to rezone properties that were inconsistent with the Growth Plan. Under the Persigo Agreement, the City could opt to zone a property undergoing annexation in accordance with its County equivalent (in this case RSF-4) or according to Growth Plan recommendations (any one of the three alternatives previously mentioned).

The site was constrained by topography, access, and ridgelines. A slope analysis undertaken by the petitioner indicated that 19 percent of the site had slopes in excess of 30 percent; 36 percent of the site had slopes between 20-30 percent; 24 percent of the site had slopes between 10 and 20 percent; and 21 percent of the site had less than 10 percent slopes. The Code did handle development in each of those categories differently. The goals and policies of the Growth Plan and those included as part of the Redlands Area Plan needed to be considered along with surrounding area conditions prior to assigning a zone district. While a range of zoning options were available within a given land use classification, it was erroneous for a petitioner to think that either the high or low-end options were assured. The Growth Plan's goals and policies did reference mitigation of steep slopes and hilltops; however, staff felt that limiting development density was a form of mitigation as was limiting cut and fill work along hillsides and avoiding development in natural hazard areas. While the Growth Plan did not have a definition of "natural hazard area," the geotechnical reports required for a site such as this would be submitted to the State for review and comment.

Given the variety of topographic and access-related issues inherent to the subject property, staff recommended a zone district at the low end of the Residential Low category, which was RSF-E. Staff felt that the petitioner had not convincingly demonstrated how an RSF-2 zone was the most appropriate or how those densities could be achieved. Further, the specific planning and engineering necessary to show what density could be achieved was best undertaken during a planned development review; this would allow the plan to be considered in conjunction with a requested zone district.

Ms. Portner emphasized that engineering concerns did not represent the sole basis for staff's RSF-E recommendation. Other planning goals and policies contained in the Growth Plan and Redlands Area

Plan suggested that the RSF-E zone district may be more appropriate, or that the City needed to tie a specific plan to whatever zone district was placed on the property.

### **QUESTIONS**

Commissioner Cole asked whether a rezone could be requested by the petitioner at the same time the plan was submitted for review, to which Ms. Portner replied affirmatively. She added that a zone of annexation was applied as a legal requirement of the annexation process. A formal rezone request could be requested in conjunction with preliminary plan submission.

Commissioner Lowrey understood the assertion that a lower density development could be more easily mitigated; however, he'd heard no compelling evidence to suggest that an RSF-E zone district was better than an RSF-2. Ms. Portner said that application of the RSF-2 zone district to the site would set up a density expectation of 2 units/acre. If the developer should sell the property, that expectation would be passed on to the new owner.

Commissioner Lowrey asked whether the slopes were so steep as to preclude any consideration of an RSF-2 zone district. Ms. Portner said that without a plan, it was difficult to know how or if development to that allowable density would work.

Chairman Dibble wondered who actually determined whether "natural hazard areas" existed on a given site. Ms. Portner referenced the Code definition mentioned previously; however, there were more general documents available that identified natural hazard areas valley-wide. The Code also required site-specific analysis of properties such as this by the petitioner's geotechnical staff. Those site-specific analyses were then sent to the State for review and comment. When asked if the current property had been identified as having natural hazard area on it, Ms. Portner said that there were general documents available that showed rock fall areas but nothing else to any great detail. However, the petitioner's geotechnical report would address that in more detail.

Chairman Dibble asked if the slope analysis referenced earlier was based upon pre-construction conditions. Ms. Portner suggested that the question be directed to the petitioner. When asked if more than a third of the property was considered unbuildable by the Code, Ms. Portner said that using the term "unbuildable" was probably erroneous; rather, the steeper slopes and ridgelines were highly regulated by the Code. The Code essentially said that certain designated areas were unbuildable without special consideration having been given by the Planning Commission and City Council, based upon evidence that appropriate mitigation could be achieved.

Chairman Dibble asked for confirmation that the parcel was currently landlocked, which was given. Ms. Portner said that it would take negotiations to gain the required access, the most likely connection being through the publicly-owned CSR-zoned property to Mariposa Drive. When asked if the City had any special plans for the CSR-zoned property, Ms. Portner said that at the present time, the City had none.

Commissioner Lowrey asked if the 19 percent of the site listed as having slopes steeper than 30 percent was considered undevelopable. Ms. Portner reiterated that those areas would be especially difficult to develop. Since the Code specified that special consideration had to first be given by Planning Commission and City Council before development of those areas could be undertaken, staff tried to discourage any development within those areas. Where development was unavoidable, the petitioner had to provide evidence that proposed mitigation would satisfactorily address slope and ridgeline issues. Planning Commission and City Council approval were still required.

Commissioner Lowrey asked what restrictions or guidelines were inherent to the 20-30 percent slope contour. Ms. Portner said that lot sizes would have to be increased. If the petitioner employed clustering techniques, the smaller lot sizes allowed in clustering would not be permitted for lots within that particular slope contour. On a parcel with the current topographic constraints, it was likely the petitioner would want to utilize clustering techniques. She added that regardless of the zone district applied to the property, the petitioner would still have to comply with Code criteria regarding steep slopes and ridgeline development.

## **PUBLIC COMMENTS**

### **FOR:**

Marie Barliel (253 Wendall Rock Court, Grand Junction), owners of the property, felt that her property was very similar in topography to the adjacent Ridges Subdivision and the Redlands Mesa Golf Course. With proper engineering, the problems inherent to those particular developments had been satisfactorily mitigated just as those on her property would be.

Darren Davidson (2204 Ridgeview Drive, Grand Junction) supported the RSF-2 zone because it allowed for densities as low as 1 unit/acre. If an RSF-E zone were applied to the property, it would take from the petitioner any flexibility and chance at mitigation. He noted that approximately \$100K had already been spent on engineering analyses. He'd undertaken a great deal of research on slope development and felt that the same infrastructure would be required for a development density of even 1 unit/acre. Even if the RSF-2 zone were applied to the property, Planning Commission still had the option of finding that a lesser density was more appropriate. But at least the petitioner would be given the flexibility of presenting a plan and demonstrating how proposed mitigation would work. He asked that the petitioner be given that flexibility.

Bill Foster (no address given), a partner in the parcel excluded by the City for annexation, referenced interactions and discussions with the petitioner and staff that weren't always amicable. He said that while disappointed that his parcel had been excluded from the City's annexation, he felt that downzoning the subject parcel from RSF-4 to RSF-E would be "grossly unfair" and wouldn't be compatible with surrounding zonings. He had been involved in development of the Ridges Subdivision and they'd been able to mitigate slopes steeper than the ones present on the petitioner's property. To his knowledge, there were no ongoing issues with the Ridges and, in fact, development within that subdivision was continuing.

### **AGAINST:**

Michael Salogga (2397 Mariposa Drive, Grand Junction) noted the location of his property on Mariposa Drive and said that the petitioner's plan had been presented at neighborhood meetings. While it apparently wasn't appropriate to refer to it, it's all that the neighbors had to go on. Access was a big concern. He and his neighbors were concerned about traffic impacts to Mariposa Drive, traffic that would come not only from the petitioner's property but also from Redlands Mesa and another 14-acre parcel near Shallow Lake. Also, the petitioner proposed a street stub to another approximately 50-acre parcel to the south. Once developed, traffic from that parcel may also be routed to Mariposa.

Chairman Dibble said that access was currently under negotiations and was not an issue about which the Planning Commission could render a determination. Mr. Salogga felt that the issue was germane in that if an RSF-2 zone district were applied to the property, more traffic could potentially be routed to Mariposa and through their subdivision.

Mr. Salogga said that drainage issues were also of great concern. He submitted photos that depicted flooding from a particularly heavy rainfall during the summer of 2002. Lots along East Plateau Court had been flooded. Any additional development of homes in that area would only exacerbate drainage

issues. Again, he emphasized that it was being brought up in the context that increased density increased impacts.

Ms. Kreiling noted that the Code's criteria for zones of annexation included neighborhood compatibility. Criteria further stated that an applied zone of annexation should not create adverse impacts such as capacity or safety of the street network, parking problems, and drainage problems. Thus, the issues brought forth by Mr. Salogga were germane to Planning Commission's consideration of an appropriate zone district application.

Barbara Salogga (2397 Mariposa Drive, Grand Junction) felt that it would be more prudent to err on the side of caution although she felt she could support an RSF-1 zone. She understood the petitioner's concerns over profitability of the parcel, but she felt that RSF-2 was just too aggressive given the site's topography.

Mike Hahn (2398 Mariposa Drive, Grand Junction) said that he'd seen the petitioner's plan and it appeared that most of the homes would be constructed on lands directly behind his home. He felt that the development would be unsightly, and he shared previously stated drainage concerns.

Cinda Kerbein (2421 Hidden Valley Drive, Grand Junction) said one of the site's very steep slopes was situated right behind her home. She expressed concern over roads and homes constructed along that particular ridgeline. Drainage was a very real concern, and she said her back fence was already buried by mud sliding down from that slope. Additional earthmoving could further destabilize that hillside and send it careening into her backyard. She hoped that a lower density option would be approved.

Erin Philips (2398 E. Plateau Court, Grand Junction) expressed her agreement with statements made by other opponents to the RSF-2 zone district.

Michael Kerbein (2421 Hidden Valley Drive, Grand Junction) said that he'd already had to have French drains installed to mitigate the drainage coming from the steep slope located behind his home. He recalled having asked the engineer at the neighborhood meeting, "If the house slid into my yard, could I keep it"?

Rebecca Behrens (2413 Hidden Valley Drive, Grand Junction) expressed similar concerns over drainage and the destabilization of slopes. She also concurred with statements made by other opponents of the RSF-2 zone.

Dan Flannigan (2399 Ridgeway Court, Grand Junction) also concurred with statements made by opponents of the RSF-2 zone and expressed support for staff's RSF-E zone recommendation.

### **PETITIONER'S REBUTTAL**

Robert Jones II, engineering consultant representing the petitioner, said that in listening to comments made, he felt that the issues brought forth would be better addressed during preliminary plan review. The RSF-2 zone district represented half the density of those parcels directly to the north and west. A topographic survey had been completed and only 12 percent of the site had slopes greater than 30 percent, if you removed Mr. Foster's property, which was not included in the current request. Actual impacts to slopes greater than 30 percent would be minimal at best. Impacts would be mitigated through construction of decorative retaining walls. He'd brought with him Mr. John Withers of the Geotechnical Engineering Group, who'd performed an extensive analysis of the site, including drilling and test pits. That information had been submitted to staff. Mr. Withers was available for questions.

The preliminary site plan had been refined since the last neighborhood meeting, and the overall density had been reduced to 1.6 units/acre, or 73 units, with average lot sizes of between 13,000 to 14,000 square feet. Only the RSF-2 zone district would support that density.

A ridgeline analysis had been completed (exhibit presented for review). It had taken into account the existing elevations of Monument Road, the existing slope up to the property, and the proposed grades established on the preliminary site plan and engineering documents. Mr. Jones noted that while ridgeline standards and issues had been repeatedly mentioned, in actuality only the four lots on top would be affected by those regulations. Referencing the ridgeline analysis exhibit, he noted the clear line of sight between the upper and lower levels that would be present based on minimum setbacks of 47 feet. With lot depths of 200 feet on top, he didn't feel that ridgeline issues would be present. Preparatory work and site analyses had been undertaken over the last four years, and he felt that sufficient data was available to support the zone requested and density proposed.

### **QUESTIONS**

Chairman Dibble asked how drainage issues would be mitigated. Mr. Jones said that onsite stormwater management detention would be employed; however, the site would be allowed to release water only at historic rates. Approximately three onsite stormwater basins had been proposed and stormwater would be retained. Drainage issues would be dealt with during preliminary plan review. Detention ponds would be designed to 100-year flood specifications.

Mr. Jones said that with regard to access, a TEDS exception had been approved by the City for the cul-de-sac length that went on top and the intersection grade of the upper road. He reiterated that a lot of time and planning had gone into the project thusfar, and planning commissioners et al. would have a chance for more in-depth review during preliminary plan review.

Commissioner Pitts asked if it were Mr. Jones' contention that the natural hazard areas referenced by staff did not exist. Mr. Jones deferred response to Mr. Withers, who then came forward and answered that geologic hazards had been identified on a map of the Redlands area dated 1976. The potential rockfall hazard mapped on the site at that time was denoted along the south perimeter of the property, an area that sloped down to Monument Road. That geologic hazard would not in any way impact the site if zoned RSF-2.

Chairman Dibble asked if any of the proposed roadwork would in any way destabilize existing slopes enough to create additional hazards for Monument Road. Mr. Withers said that grading at any perimeter would match existing grades. In the line of sight analysis, he assumed a slope away from the existing ridgeline at a 3:1 ratio. From a zoning standpoint, he felt it to be a non-issue.

Mr. Volkman said that any inference on his part that staff had identified specific natural hazard areas on the site was incorrect. He understood that staff had only made a reference to natural hazard areas potentially being present.

Chairman Dibble asked Mr. Dorris if he'd had a chance to review the geological data submitted by the petitioner. Mr. Dorris said that, generally speaking, the site's topography would require steep grades on internal roads leading up to the site's highest development areas. Getting those grades up on top would require significant cuts and fills. There were engineering challenges inherent to the site but nothing that couldn't potentially be overcome, albeit at significant expense. Overlot grading plans would be reviewed more closely during preliminary plan review.

Chairman Dibble asked if infrastructure requirements would essentially be the same regardless of which of the three available zone districts was applied. Mr. Dorris said that one option available to the petitioner was to seek a planned development (PD). An underlying zone existed for a PD but the PD process allowed the City to grant some leeway on underlying zoning requirements in exchange for some additional community benefits/amenities to be provided for by the developer. He felt that the subject property was perfectly suited for such an arrangement. It was also possible that the developer could forego development of the uppermost lots. That would greatly reduce the amount of cutting/filling required and reduce street grades. It was possible to situate all of the proposed units at lower elevations, which would lessen required street grades. With regard to drainage, there were still existing drainage problems inherent to the Ridges development. The petitioner would be required to mitigate many of the same issues as those that were encountered in the Ridges.

Commissioner Cole asked for confirmation that staff's assessment and zoning recommendation had been based on the data submitted to them by the petitioner's representatives thusfar, which was given.

Commissioner Lowrey asked if an RSF-E zone district would limit development of the site to no more than 22 units, to which Ms. Portner replied affirmatively. If the property were zoned RSF-1, Commissioner Lowrey noted that up to 45 units could be constructed. If the property were zoned RSF-2, he asked if the Planning Commission could approve anything between 45 and the 90 possible units allowed. Ms. Portner said that since the RSF-2 zone district had no minimum density requirements, any number of units up to the maximum number allowed could be considered.

Commissioner Cole asked, if the property were zoned RSF-E, could the petitioner come back and request a Planned Development, and would the underlying zoning remain RSF-E? Ms. Portner said that a PD could be requested but the underlying zoning would be dependent upon the approved plan. If a plan that proposed a density of 1.6 units per acre were submitted and approved, the underlying zoning for that plan would be the zone district which was most closely aligned to the approved plan. In the current scenario, that would be RSF-2. Also, in that PD scenario, planning commissioners would be able to consider the plan in conjunction with the zone district.

## **DISCUSSION**

Commissioner Lowrey felt that insufficient information was available to the Planning Commission to determine just what density was most appropriate for the site. The Ridges Subdivision had very similar topography, yet it was zoned RSF-4. He felt that since the site could probably support 45-60 homesites, he could support the petitioner's request for RSF-2 zoning, with the understanding that the Planning Commission could restrict the actual density if review of the plan determined that a lesser density was warranted. He felt that the site could definitely support more than the 22 maximum homesites that an RSF-E zone district would allow. He felt that providing additional design flexibility on the front end would not jeopardize any later decision to reduce the site's overall density if the evidence presented during preliminary plan review justified it. Applying the RSF-E zone district at this point, he felt, would be too restrictive.

Commissioner Wall concurred with Commissioner Lowrey's comments and expressed his support for the RSF-2 zone district.

Commissioner Cole remarked that staff had taken into account a great deal of geotechnical and other data not normally required for a zone of annexation. As such, he felt that staff's assessment and recommendation was based on much of the same information that would be presented during preliminary plan review. He supported staff's recommendation and noted that the petitioner could still seek a rezone of the property to RSF-2 through the PD process.

Commissioner Pitts agreed with Commissioner Cole's conclusion and expressed his support for staff's recommendation as well.

Chairman Dibble agreed with comments made by the first two commissioners. There wasn't enough information to suggest that RSF-E was a better fit than the RSF-2 zone district. It was understood that while the petitioner may want to construct 73 units on the property, preliminary plan review findings could in fact support a less dense development. He also felt that securing access to the site was probably the biggest obstacle facing the petitioner. He felt he could support the requested RSF-2 zone.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item ANX-2004-236, I move that we recommend approval of RSF-E (Residential Single Family-Estate, 2-5 acres per unit) for Pinnacle Ridge Annexation, with the facts and conclusions listed in the staff report."**

Commissioner Carlow seconded the motion.

A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Lowrey, Wall, and Pavelka-Zarkesh opposing.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on Zone of Annexation ANX-2004-236, I move that we recommend approval of RSF-2 (Residential Single Family) for the Pinnacle Ridge Annexation, with the facts and conclusions listed in the staff report."**

Commissioner Wall seconded the motion.

A vote was called and the motion passed by a vote of 5-2, with Commissioners Cole and Carlow opposing.

Commissioner Cole noted that the approved motion mentioned taking into consideration staff's findings and conclusions. Wasn't that contradictory? Chairman Dibble said that while planning commissioners considered staff's findings and conclusions, they didn't necessarily have to agree with them.

Commissioner Lowrey said that he was in no way disregarding staff's assessment or conclusion; he just wanted to leave open the door of flexibility.

A brief recess was called at 9:38 p.m. The public hearing reconvened at 9:45 p.m.



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

**A RESOLUTION ACCEPTING A**

**PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**PINNACLE RIDGE ANNEXATION**

**LOCATED NORTHEAST OF MONUMENT ROAD AND MARIPOSA DRIVE**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 5<sup>TH</sup> day of January, 2005, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PINNACLE RIDGE ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the SW 1/4 NW 1/4 of said Section 21, LESS HOWEVER, Block Three and all of Spur Drive lying within said Block Three lying North of the North right of way for Rawhide Drive, as shown on Energy Center Subdivision, Phase 1, as same is recorded in Plat Book 8, Page 55, Public Records of Mesa County, Colorado, TOGETHER WITH, all of the NW 1/4 NW 1/4 of said Section 21 lying South of and adjacent to, the South line of The Ridges Filing No. Three, as same is recorded in Plat Book 12, Page 373, Public Records of Mesa County, Colorado.

CONTAINS 45.4667 Acres (1,980,529.8 Sq. Ft.), more or less, as described

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of February, 2005; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near

future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this 16th day of February, 2005.

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President of the Council

Attest:

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PINNACLE RIDGE ANNEXATION**

**APPROXIMATELY 45.5 ACRES**

**LOCATED NORTHEAST OF MONUMENT ROAD AND MARIPOSA DRIVE**

**WHEREAS**, on the 5<sup>th</sup> day January, 2005, 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 16th day of February, 2005; 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:

**PINNACLE RIDGE ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the SW 1/4 NW 1/4 of said Section 21, LESS HOWEVER, Block Three and all of Spur Drive lying within said Block Three lying North of the North right of way for Rawhide Drive, as shown on Energy Center Subdivision, Phase 1, as same is recorded in Plat Book 8, Page 55, Public Records of Mesa County, Colorado, TOGETHER WITH, all of the NW 1/4 NW 1/4 of said Section 21 lying South of and adjacent to, the South line of The Ridges Filing No. Three, as same is recorded in Plat Book 12, Page 373, Public Records of Mesa County, Colorado.

CONTAINS 45.4667 Acres (1,980,529.8 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 5th day of January, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

Attest:

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

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ZONING THE PINNACLE RIDGE ANNEXATION TO RESIDENTIAL  
SINGLE FAMILY, 2 UNITS PER ACRE (RSF-2),  
LOCATED NORTHEAST OF MONUMENT ROAD AND MARIPOSA 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 Pinnacle Ridge Annexation to the RSF-2 zone district.

After public notice and public hearing, the Grand Junction City Council finds that the RSF-2 zone district meets the recommended land use category as shown on the Future Land Use map and the Growth Plan's goals and policies, and meets the criteria found in Section 2.5 of the Zoning and Development Code.

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

The following property is zoned RSF-2, Residential Single Family, with a density not to exceed 2 units per acre:

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
PINNACLE RIDGE ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the SW 1/4 NW 1/4 of said Section 21, LESS HOWEVER, Block Three and all of Spur Drive lying within said Block Three lying North of the North right of way for Rawhide Drive, as shown on Energy Center Subdivision, Phase 1, as same is recorded in Plat Book 8, Page 55, Public Records of Mesa County, Colorado, TOGETHER WITH, all of the NW 1/4 NW 1/4 of said Section 21 lying South of and adjacent to, the South line of The Ridges Filing No. Three, as same is recorded in Plat Book 12, Page 373, Public Records of Mesa County, Colorado.

CONTAINS 45.4667 Acres (1,980,529.8 Sq. Ft.), more or less, as described

Introduced on first reading this 2<sup>nd</sup> day of February, 2005.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of February, 2005.

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Mayor

ATTEST:

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City Clerk

## Citizen Comment recommending RSF E zoning for Pinnacle Ridge

Dear Mayor Hill and council members,

2/16/05

My name is Bill Hilty, and I live in the Ridges on High Ridge Drive a bit north of the planned Pinnacle Ridge development. I support infill development and a developer's right to develop land he or she has purchased and owned, however, I feel that this site has physical and geographical complexities that were completely unrecognized and overlooked by the planning commission at their January 25<sup>th</sup> meeting in recommending RSF-2 zoning rather than the RSF E zoning recommended by Community Development staff.

1. Physical prominence. "Pinnacle ridge" is the highest hilltop between Monument Drive and Redlands parkway. Many are not aware, but combined with the "3 Sisters" hills just to the South of Monument Drive it is a prominent natural landscape feature viewed looking south-west from downtown and central Grand Junction, and is actually easily visible throughout the city from Eastgate shopping center all the way to Mesa mall. The ridgeline is also prominently visible from 6 of the back nine holes or Redlands Mesa golf course and from many of the million dollar homes being constructed around the golf course. The property was not included in the ridgeline development restrictions, but covering this prominent area with RSF-2 density housing will appear dramatically different than RSF E density housing, which is likely to preserve some of the beautiful natural features of this ridge while allowing development.

2. Expanding Bentonite soils and drainage. It is well known that the soil in the Ridges Area (and on Pinnacle Ridge) presents uniquely difficulties for development. Of 6 homes along my side of High Ridge Drive, all built within the last 10 years, three already have major foundation cracks despite soil analyses and engineered foundations. Similar problems have occurred around Prospector's Point further west in the Ridges. Higher density of development concentrates roof runoff and exponentially compounds this problem, particularly with the steep slopes existing throughout the property. Furthermore, nearly all of the proposed Pinnacle Ridge development is *above* existing Ridges homes, so this increased drainage will negatively affect an unpredictable number of existing homeowners.

3. Difficult road access, and increasing traffic through the Ridges. Historically, access to this property was from Bello Pago. The Bello Pago Neighborhood has appropriately and aggressively closed this access because Bello Pago is a winding neighborhood street. But now the Ridges neighborhood will suffer—particularly if RSF-2 zoning is adopted. Much of the traffic in the present Pinnacle Ridge development plan will be exiting the south end of proposed road A through Ted Munkres property (not yet developed—potential for 60-80 more homes with no major collector road access!!!) to Hidden Valley Drive, rather than exiting the north end onto Mariposa Drive, simply because this route is actually closer and faster to town (I have driven and timed this!) Both Hidden Valley Drive and adjoining Ridgeway drive are curving neighborhood streets with children at play and no sidewalks! As an aside, with RSF-2 zoning, I hope the developer is willing to pay for a traffic light at Ridges Boulevard and Broadway, because left turns are already difficult and much of the Redlands Mesa development is not yet completed or occupied!

In sum, Community Development department staff are trained professionals. They clearly recognize the physical prominence of, problematic history of, and the constraints of developing

the Pinnacle Ridge property. I urge you to adopt the Community Development staff recommendation of RSF-E zoning rather than an opinion of community volunteers.

Thank you for your time and community service!

Sincerely,

William M. Hilty  
396 High Ridge Dr. GJ, CO 81503  
(970) 244-6922



**Attach 18**  
**Public Hearing – Storage Place II Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	A hearing for the Storage Place II Annexation located at 501 Centennial Road					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 7, 2005				File #ANX-2004-263	
<b>Author</b>	Faye Hall		Planning Technician			
<b>Presenter Name</b>	Faye Hall		Planning Technician			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Storage Place II Annexation, located at 501 Centennial Road. The 1.98 acre annexation consists of one parcel of land and portions of the Centennial Road right-of-way.

**Budget:** N/A

**Action Requested/Recommendation:** Conduct a public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

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

**Attachments:**

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

STAFF REPORT/BACKGROUND INFORMATION			
<b>Location:</b>		501 Centennial Road	
<b>Applicants:</b>		Owner: A Storage Place – GJE LLC – Darryl Flaming Developer: Colorado Storage Properties – GJE LLC – Todd Langord Representative: Balaz & Associates, Inc. – Bill Balaz	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		Storage Units	
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial Storage Units	
	<b>South</b>	Gas Station / Convenience Store / Church	
	<b>East</b>	Commercial Storage Units	
	<b>West</b>	Cemetery	
<b>Existing Zoning:</b>		County C-2	
<b>Proposed Zoning:</b>		City C-1	
<b>Surrounding Zoning:</b>	<b>North</b>	City C-1	
	<b>South</b>	County C-2	
	<b>East</b>	City C-1	
	<b>West</b>	County RSF-R & C-2	
<b>Growth Plan Designation:</b>		Commercial	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 1.98 acres of land and is comprised of one parcel and portions of the Centennial Road right-of-way. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all 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 Haremza Annexation is eligible to be annexed because of compliance with the following:

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

demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

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

The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>January 5, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>February 8, 2005</b>	Planning Commission considers Zone of Annexation
<b>February 16, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>February 16, 2005</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>March 2, 2005</b>	Acceptance of Petition and Public Hearing on Zoning by City Council
<b>March 20, 2005</b>	Effective date of Annexation and Zoning

**STORAGE PLACE II ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-263
<b>Location:</b>	501 Centennial Road
<b>Tax ID Number:</b>	2943-084-00-059
<b>Parcels:</b>	1
<b>Estimated Population:</b>	0
<b># of Parcels (owner occupied):</b>	0
<b># of Dwelling Units:</b>	0
<b>Acres land annexed:</b>	1.98 acres
<b>Developable Acres Remaining:</b>	1.41 acres
<b>Right-of-way in Annexation:</b>	.57 acres
<b>Previous County Zoning:</b>	C-2
<b>Proposed City Zoning:</b>	C-1
<b>Current Land Use:</b>	Vacant
<b>Future Land Use:</b>	Commercial Storage Units
<b>Values:</b>	<b>Assessed:</b> \$29,310
	<b>Actual:</b> \$101,060
<b>Address Ranges:</b>	501 Centennial Road
<b>Special Districts:</b>	<b>Water:</b> Ute
	<b>Sewer:</b> Fruitvale Sanitation
	<b>Fire:</b> Grand Junction Rural
	<b>Irrigation/Drainage:</b> Grand Junction Drainage District / Grand Valley Irrigation Co
	<b>School:</b> Mesa Co School District #51

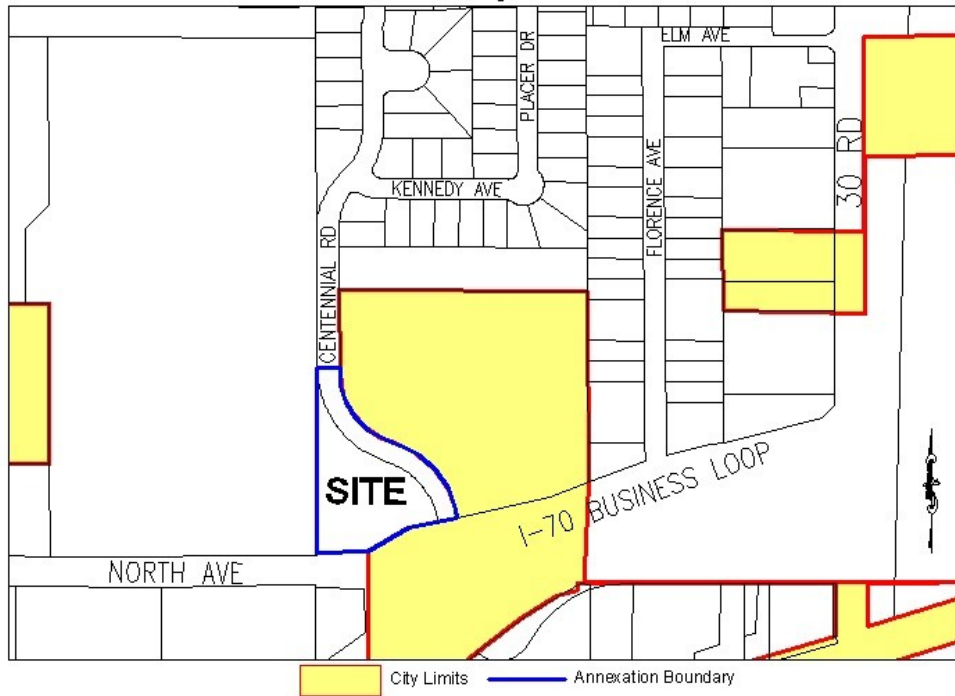
Attachments:

- Annexation – Location Map
- Aerial Photo
- Growth Plan Map
- Zoning Map

# Annexation - Location Map

Figure 1

Storage Place II Annexation  
Figure 5



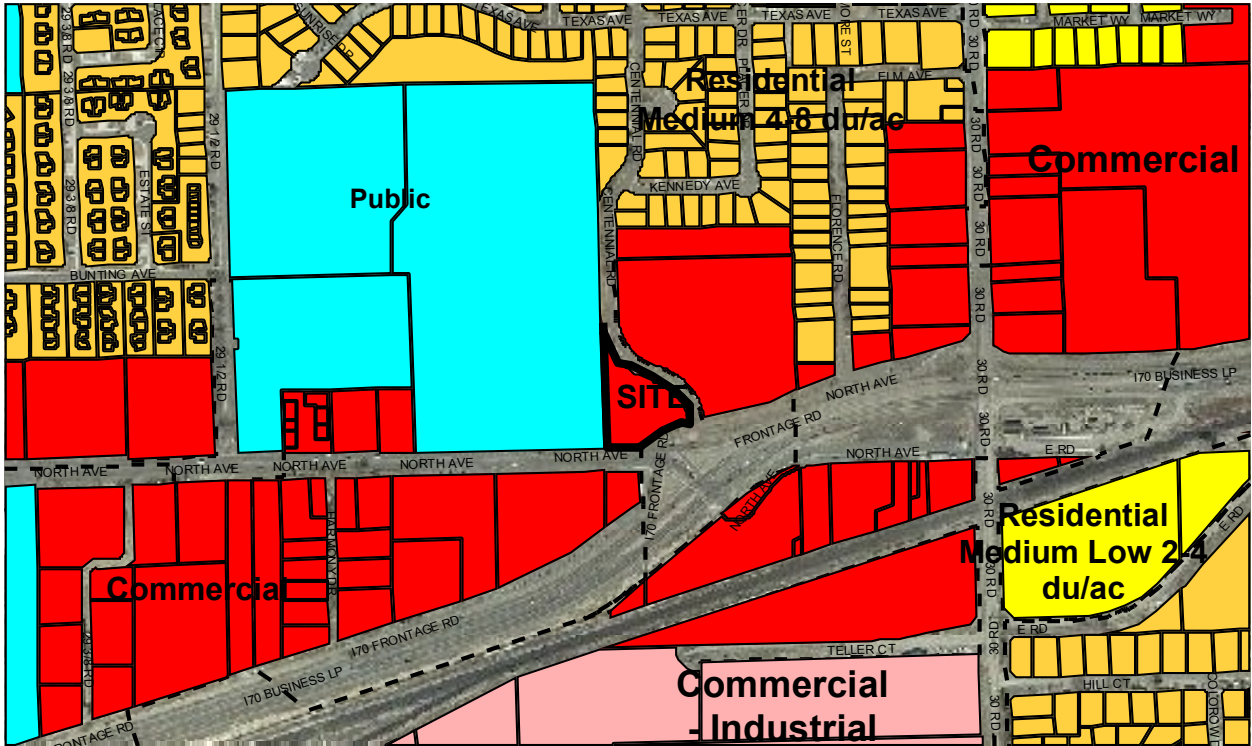
# Aerial Photo Map

Figure 2



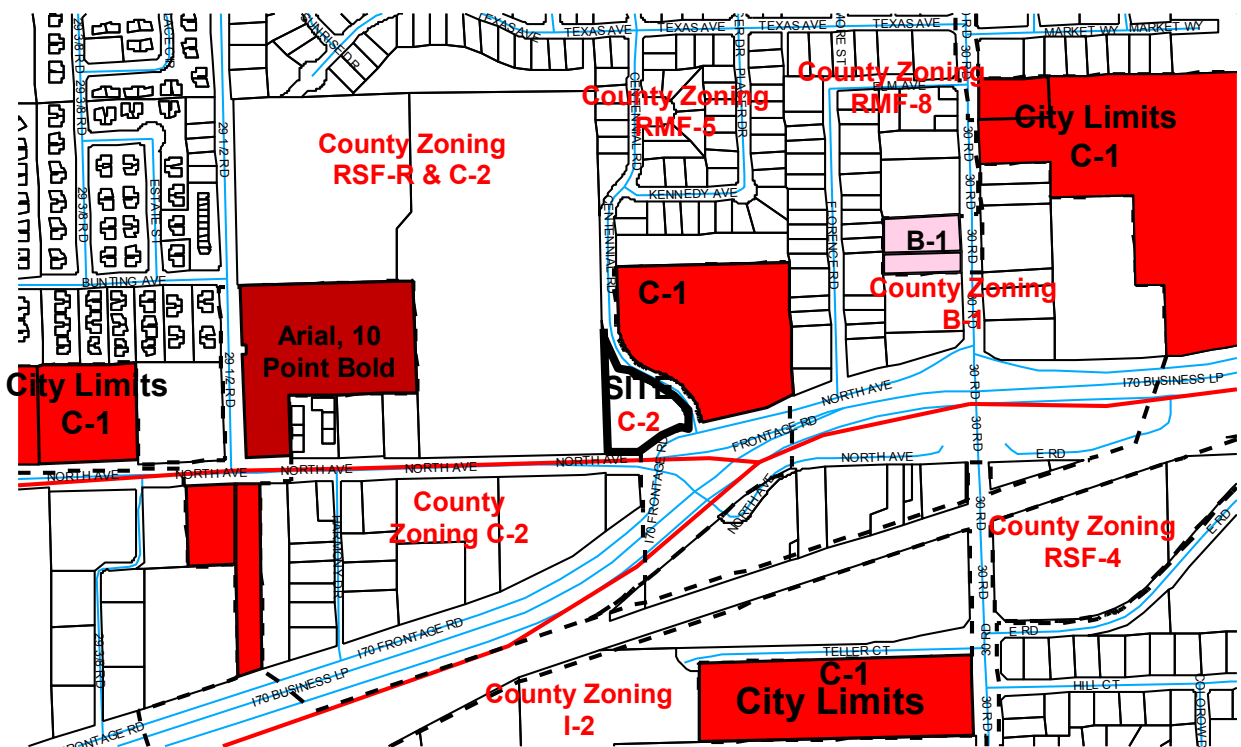
# Future Land Use Map

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."



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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**STORAGE PLACE II ANNEXATION**

**LOCATED AT 501 CENTENNIAL ROAD AND A PORTION OF THE CENTENNIAL  
ROAD RIGHT-OF-WAY**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 5th day of January, 2005, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**STORAGE PLACE II ANNEXATION**

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

COMMENCING at the Southwest corner of the SE 1/4 SE 1/4 of said Section 8 and assuming the West line of the SE 1/4 SE 1/4 of said Section 8 bears N 00°03'35" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'35" W along the West line of the SE 1/4 SE 1/4 of said Section 8, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'35" W along the West line of the SE 1/4 SE 1/4 of said Section 8, also being the East line of Memorial Gardens Minor Subdivision, as same is recorded in Plat Book 19, Page 379, Public Records of Mesa County, Colorado, a distance of 441.19 feet to a point being the intersection of the West right of way for Centennial Road and the West line of the SE 1/4 SE 1/4 of said Section 8, as same is shown on the plat of Centennial '76-Filing One, as same is recorded in Plat Book 11, Page 202 and 203, Public Records of Mesa County, Colorado; thence N 89°56'25" E a distance of 50.00 feet to a point on the East right of way for said Centennial Road, being the beginning of a 175.00 foot radius curve, concave Northeast, whose long chord bears S 34°46'02" E and with a long chord length of 199.29 feet; thence Southeasterly 212.02 feet along the arc of said curve, through a central angle of 69°24'54"; thence S 69°28'29" E along the East right of way for said Centennial Road, a distance of 34.25 feet to a point being the beginning of a 225.00 foot radius curve, concave Southwest, whose long chord bears S 40°53'44" E and with a long chord length of 215.27 feet; thence Southeasterly 224.46 feet along the arc of said curve, through a central angle of 57°09'30"; thence S 12°18'59" E along the East right of way for said Centennial Road, a distance of 20.00 feet to a point on the North right of way for I-70B, as same is recorded in Book 605, Page 267 and Book 693, Page 35, Public Records of Mesa County, Colorado; thence S 77°41'01" W along said North



right of way for I-70B, a distance of 128.91 feet; thence S 58°25'31" W along said North of way for I-70B, a distance of 106.64 feet; thence S 89°57'58" W along a line 50.00 feet North of and parallel with, the South line of the SE 1/4 SE 1/4 of said Section 8, a distance of 123.66 feet, more or less, to the Point of Beginning.

CONTAINING 1.982 Acres (86,349.6 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of February, 2005; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**STORAGE PLACE II ANNEXATION**

**APPROXIMATELY 1.98 ACRES**

**LOCATED AT 501 CENTENNIAL ROAD AND A PORTION OF THE CENTENNIAL  
ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 5th day of January, 2005, 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 16th day of February, 2005; 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:

**STORAGE PLACE II ANNEXATION**

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

COMMENCING at the Southwest corner of the SE 1/4 SE 1/4 of said Section 8 and assuming the West line of the SE 1/4 SE 1/4 of said Section 8 bears N 00°03'35" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'35" W along the West line of the SE 1/4 SE 1/4 of said Section 8, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'35" W along the West line of the SE 1/4 SE 1/4 of said Section 8, also being the East line of Memorial Gardens Minor Subdivision, as same is recorded in Plat Book 19, Page 379, Public Records of Mesa County, Colorado, a distance of 441.19 feet to a point being the intersection of the West right of way for Centennial Road and the West line of the SE 1/4 SE 1/4 of said Section 8, as

same is shown on the plat of Centennial '76-Filing One, as same is recorded in Plat Book 11, Page 202 and 203, Public Records of Mesa County, Colorado; thence N 89°56'25" E a distance of 50.00 feet to a point on the East right of way for said Centennial Road, being the beginning of a 175.00 foot radius curve, concave Northeast, whose long chord bears S 34°46'02" E and with a long chord length of 199.29 feet; thence Southeasterly 212.02 feet along the arc of said curve, through a central angle of 69°24'54"; thence S 69°28'29" E along the East right of way for said Centennial Road, a distance of 34.25 feet to a point being the beginning of a 225.00 foot radius curve, concave Southwest, whose long chord bears S 40°53'44" E and with a long chord length of 215.27 feet; thence Southeasterly 224.46 feet along the arc of said curve, through a central angle of 57°09'30"; thence S 12°18'59" E along the East right of way for said Centennial Road, a distance of 20.00 feet to a point on the North right of way for I-70B, as same is recorded in Book 605, Page 267 and Book 693, Page 35, Public Records of Mesa County, Colorado; thence S 77°41'01" W along said North right of way for I-70B, a distance of 128.91 feet; thence S 58°25'31" W along said North of way for I-70B, a distance of 106.64 feet; thence S 89°57'58" W along a line 50.00 feet North of and parallel with, the South line of the SE 1/4 SE 1/4 of said Section 8, a distance of 123.66 feet, more or less, to the Point of Beginning.

CONTAINING 1.982 Acres (86,349.6 Sq. Ft.), more or less, as described.

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

**INTRODUCED** on first reading on the 5th day of January, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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

**Attach 19**

**Public Hearing – Growth Plan Amendment Hanson Equip. Relocation  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Growth Plan Amendment, Hanson Equipment relocation to old Webb Crane site.					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 7, 2005				<b>File #</b> PFP-202-181	
<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	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** A request for a Growth Plan Amendment on 2 acres of land located at 763 23 ½ Road. The request is to change the Growth Plan from Commercial Industrial to the Estate designation.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of Resolution

**Attachments:**

- General Project Report
- Vicinity & Aerial Photo
- Growth Plan Map
- Zoning Map
- Draft Minutes from the Planning Commission on February 8, 2005
- Resolution

**Background Information:** Please see attached Staff report.

## ANALYSIS:

### 1. Background:

The subject property was annexed into the City on March 19, 2000. In 1999 a Growth Plan Amendment was processed to accommodate the location of Webb Crane. The request for annexation was a result of Webb Crane wishing to expand their business on the lot to the north of their site. In February of 2000, the City Council approved an additional Growth Plan Amendment from Estate to Commercial/Industrial for the northern parcel, based on the County PUD zoning for both parcels. Conditions of the PD required that they provide two additional housing units along 23 ½ Road, part of the northern parcel. These homes would be rental houses and could not be further subdivided. Webb Crane never followed up on the plan and has since gone out of business. The original PD ordinance specified the uses and the location for the uses on this property. Webb Crane was an industrial use.

Hanson Equipment is looking at relocating to this site. During the review process Staff recommended that instead of amending the existing PD ordinance that the applicants consider a request to rezone the property back to a straight zone, since it is such a large parcel of land and Hanson Equipment has no need for all the acreage. They also do not wish to be in the housing rental business and request that the original zoning designation of RSF-E be placed back on the two acre residential portion of the property.

### 2. Consistency with the Growth Plan:

The Growth Plan for this area was amended in 2000. It was changed to commercial/industrial to accommodate the County's existing PUD with Webb Crane. Please see the following report for the Growth Plan Amendment.

### 3. Growth Plan Amendment:

As recommended by staff, the applicant is requesting a Growth Plan Amendment for the proposed Lot 2, consisting of 2 acres along 23 ½ Road. The proposed amendment would change the land use designation from Commercial/Industrial to Estate (2 to 5 acres per unit).

In 2000 a Growth Plan Amendment was approved for the entire property from Commercial and Estate to Commercial/Industrial (Resolution 22-00). Subsequent to the Growth Plan Amendment being approved, the property was rezoned from County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) to Planned Development (PD). The PD ordinance was very specific to the various uses proposed by Webb Crane and required that the existing house along 23 ½ Road remain and that two additional houses be built along 23 ½ Road.

The new uses and lot configuration proposed by Hanson Equipment would have required an amendment to the PD ordinance. Staff recommended that the applicant, instead, request a Growth Plan Amendment to redesignate the property along 23 ½

Road to Estate, consistent with the intent of the PD ordinance; and maintain the Commercial/Industrial designation on the rest of the property.

In considering a Growth Plan Amendment, the review criteria of Section 2.5.C of the Zoning and Development Code must be met.

*There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;*

The Growth Plan Amendment in 2000 was not in error, but was very specific to the proposed Planned Development ordinance being considered for Webb Crane. The PD ordinance maintained the residential buffer along 23 ½ Road that was desired. By redesignating the 23 ½ Road frontage to Estate, the residential buffer will be retained.

*Subsequent events have invalidated the original premises and findings;*

The original premises and findings were based on the needs of Webb Crane to expand, and the ambiguous County zoning of PC (Planned Commercial) and AFT. With the PD ordinance being reconsidered, many of the original premises and findings are invalid.

*The character and/or condition of the area have changed enough that the amendment is acceptable.*

The character or condition of the area has not changed significantly, except that Webb Crane is no longer located on the property. However, the proposed Growth Plan Amendment is consistent with the intent of the prior approved PD.

*The change is consistent with the goals and policies of the plan, including applicable special are neighborhood and corridor plans;*

Staff concurs with the applicant that the proposed change to the Estate designation along 23 ½ Road better implements the goals of the North-Central Valley Plan to retain the large lot and agricultural character of this area, and especially the 23 ½ Road corridor.

*Public and community facilities are adequate to serve the type and scope of land use proposed;*

Adequate facilities exist or can be provided for development.

*An inadequate supply of designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and*

There is an adequate supply of Estate properties, especially in this area north of I-70. However, as previously noted, the previous plan was specific to the Webb Crane operation. This proposal would change the land use designation on two acres from Commercial to Estate, allowing for one residential lot. The Estate designation is a better fit for the residential uses along 23 ½ Road required in the PD zoning ordinance.

*The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

Redesignation to Estate will assure the future use of this property as residential, and conform to the existing low density residential in the area.

**FINDINGS OF FACT/CONCLUSIONS:**

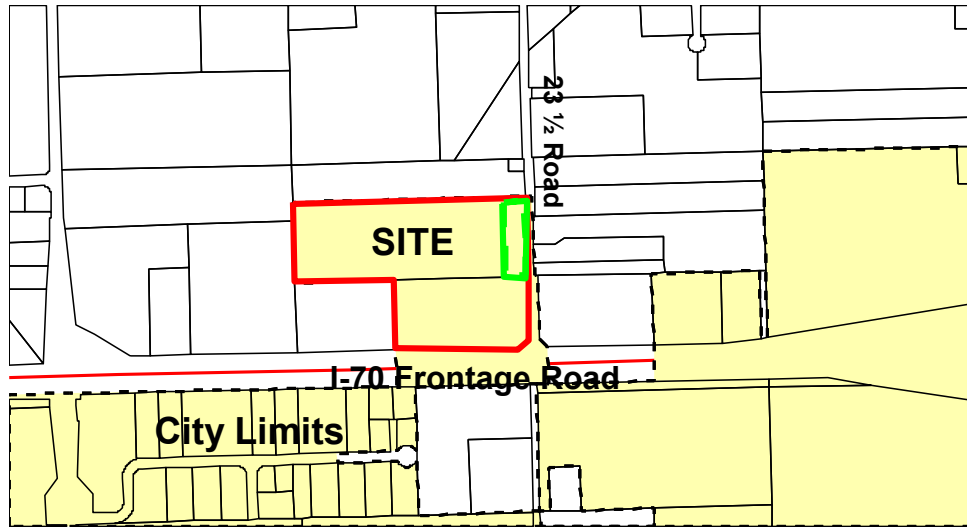
After reviewing the Hanson Equipment request for a Growth Plan Amendment, file number PFP-2004-181, staff makes the following findings of fact and conclusions:

1. The criteria in Section 2.5 for a Growth Plan Amendment have been met.

**PLANNING COMMISSION RECOMMENDATION:** the Planning Commission, at their regularly scheduled meeting of February 22, 2005, forward a recommendation of approval of the requested growth plan amendment; file number PFP-2004-181, to the City Council with the findings and conclusions listed above.

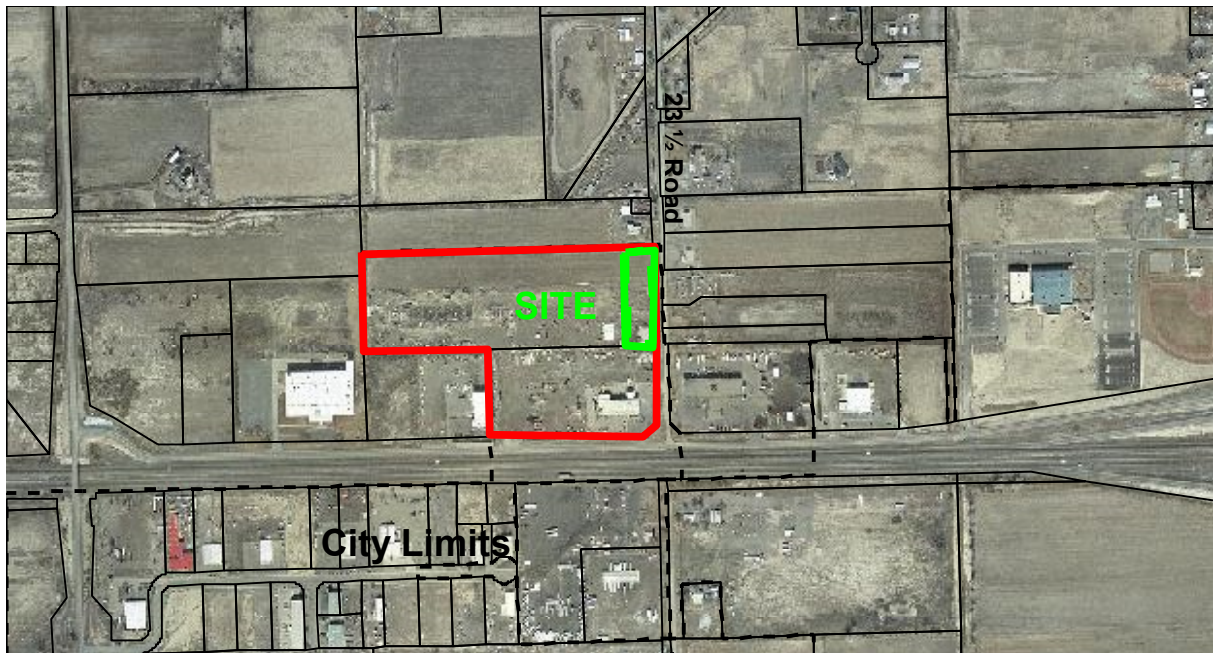
# Site Location Map

763 23 1/2 Road



# Aerial Photo Map

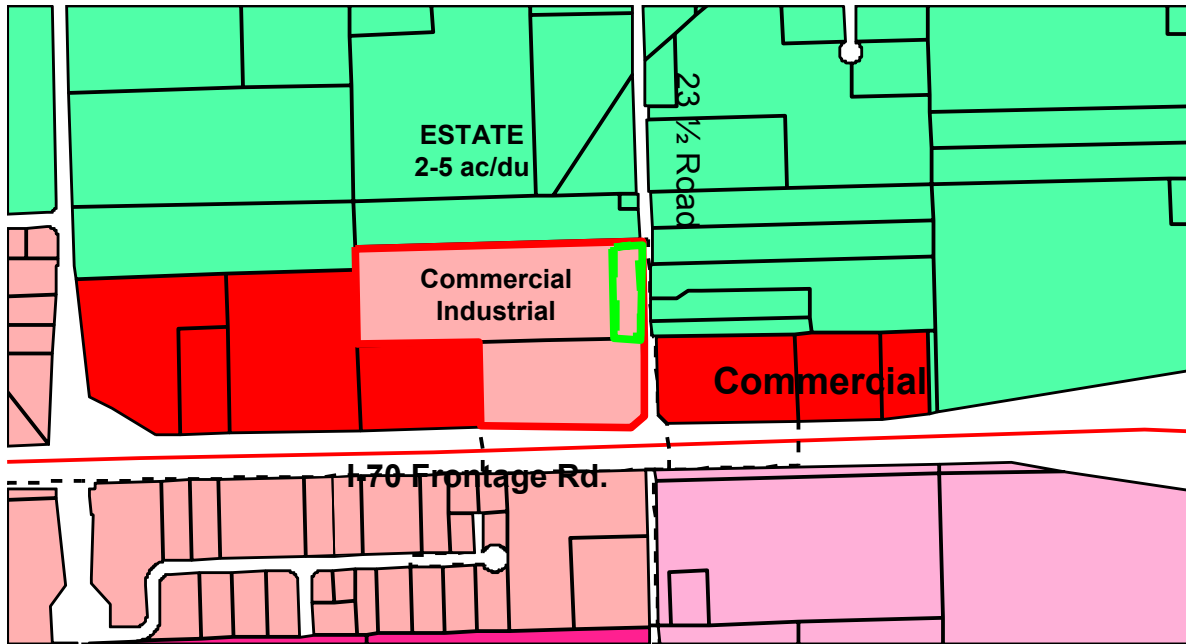
Figure 2





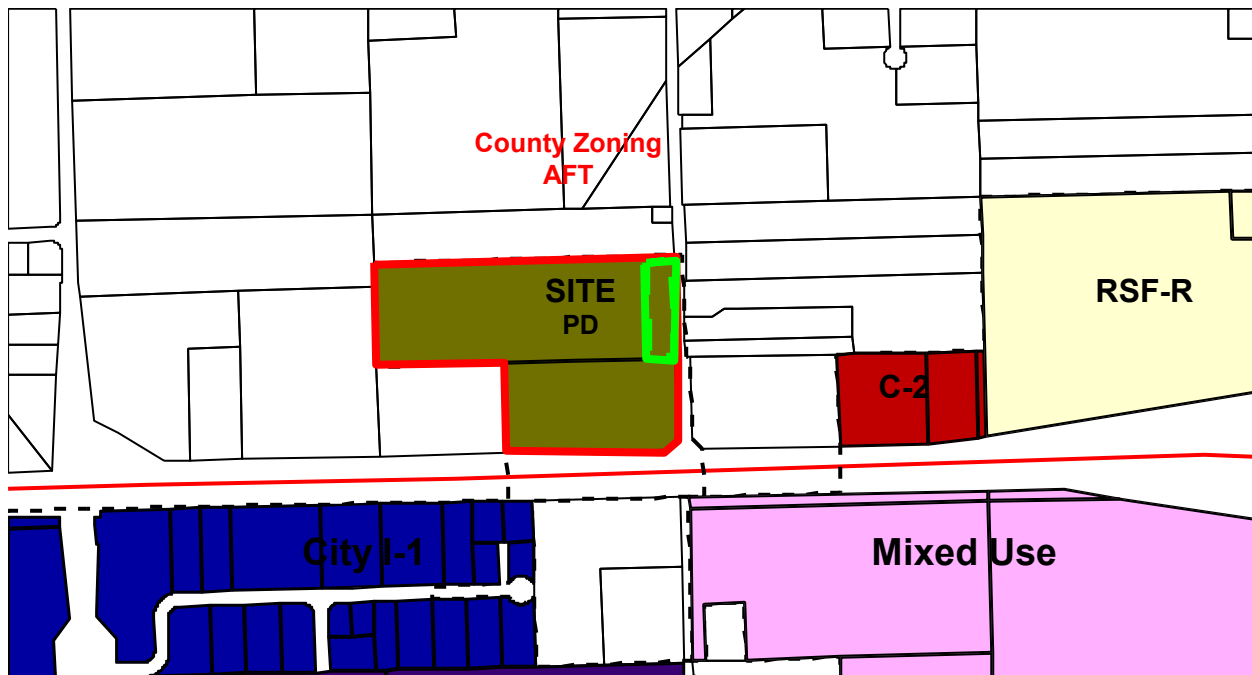
# Future Land Use Map

Figure 3



## Existing City and County Zoning

763 23 1/2 Road



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."

**PFP-2004-181 GROWTH PLAN AMENDMENT--HANSON EQUIPMENT**

**A request for approval for a Growth Plan Amendment for a 2-acre portion of a 20-acre parcel from Commercial/Industrial to Residential Estate.**

**Petitioner: Michael Staenberg, THF Belleville, LLC**

**Location: 2340 I-70 Frontage Road**

**STAFF'S PRESENTATION**

Lori Bowers gave a Powerpoint presentation containing an aerial photo map, showing the site's location, and a Future Land Use Map. Approval of the request would allow the existing single-family residential unit to remain on a separate 2-acre lot. A brief history of the site was given. The property was no longer owned by Webb Crane. Hanson Equipment was interested in expanding, but they wanted to separate the existing residential unit from the commercially zoned property. If approved, that 2-acre portion of property would revert back to its original Residential Estate zoning. Staff felt that Code criteria and Growth Plan recommendations had been met, and approval was recommended.

**QUESTIONS**

Commissioner Cole asked if Planning Commission would be giving final approval, or would it be giving its recommendation to City Council? Ms. Bowers said that Planning Commission would be passing along a recommendation to City Council. She added that a memo from Mesa County's planning staff had been received in support of the Growth Plan Amendment.

**PETITIONER'S PRESENTATION**

Jo Mason, representing the petitioner, offered no additional testimony but availed herself for questions.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PFP-2004-181, I move that we find for the growth plan amendment, for the 2-acre section of the old Webb Crane site, consistent with the goals and policies of the Growth Plan, and section 2.5 of the Zoning and Development Code, and recommend that the City Council approve the amendment."**

Commissioner Pitts seconded the motion.

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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION 2 ACRES ON THE NE CORNER OF 763 23 ½ ROAD

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 2 acres, located at the Northeast corner of 763 23 ½ Road be redesignated from Commercial Industrial to Estate on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM COMMERCIAL INDUSTRIAL TO ESTATE ON THE FUTURE LAND USE MAP.

Property Description

All that parcel of land being part of the Northwest Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, being more particularly described as follows:

Commencing at the Center Quarter Corner of Section 32, Township 1 North, Range 1 West of the Ute Meridian, whence the Northeast corner of Southeast Quarter Northwest Quarter of said Section 32 bears N 00°04'26"E, a distance of 1321.60 feet, for a basis of bearings, with all bearings contained herein being relative thereto; thence N 00°04'26"E, a distance of 660.80 feet to the Point of Beginning; Thence N 89°58'46"W, a distance of 217.17 feet; thence N 00°04'26" E, a distance of 441.72 feet; thence S 89°58'46"E, a distance of 227.17 feet to a point on the east line of the Northwest Quarter of said Section 32; thence S00°04'26"W, along said east line, a distance of 441.75 feet to the Point of Beginning.

CONTAINING 2.0 Acres (87,120 Sg. Ft.), more or less, as described.

PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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

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

**Attach 20**  
**Spy glass Ridge Special Consideration**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Spy Glass Ridge					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 9, 2005				<b>File # PP-2004-169</b>	
<b>Author</b>	Kathy Portner			Planning Manager		
<b>Presenter Name</b>	Kathy Portner			Planning Manager		
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** The developer of Spy Glass Ridge is requesting that the City Council allow for incursion hillside disturbance between slopes for one lot and allow for sections of two proposed streets to traverse slopes of greater than 30%.

**Budget:** N.A.

**Action Requested/Recommendation:** Council consideration of two provisions of Section 7.2.G, Hillside Development, of the Zoning and Development Code. Staff and Planning Commission recommend approval.

**Attachments:**

- Vicinity Map/ Aerial Photo
- Growth Plan Map/ Zoning Map
- Slope Map
- Development Potential Summary
- Special Consideration Map
- Hillside Mitigation Supplement
- Draft Minutes from the Planning Commission Meeting on February 8, 2005

**Background Information:** See attached Staff Report

AGENDA TOPIC: PP-2004-169 Spy Glass Ridge

ACTION REQUESTED: Council consideration of two provisions of Section 7.2.G, Hillside Development, of the Zoning and Development Code. Staff and Planning Commission recommend approval.

BACKGROUND INFORMATION			
Location:		27 Road and B ¼ Road	
Applicants:		Developer: SGH Company, LLC—Skip Berhorst Representative: Thompson-Langford, Doug Thies	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Residential Subdivision	
Surrounding Land Use:	North	Residential	
	South	Mining—Gravel Pit	
	East	Residential	
	West	Water Treatment Plant, vacant	
Existing Zoning:		RSF-2	
Proposed Zoning:		RSF-2	
Surrounding Zoning:	North	RSF-2 (City); RSF-4 (County)	
	South	RSF-4 (County)	
	East	RSF-4 (County)	
	West	CSR (Community Services and Recreation)	
Growth Plan Designation:		Residential Medium Low, 2-4 units/acre	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: The developer of Spy Glass Ridge is requesting that the City Council allow for incursion hillside disturbance between slopes for one lot and allow for sections of two proposed streets to traverse slopes of greater than 30%.

RECOMMENDATION: Staff recommends approval.

## ANALYSIS

**NOTE: The following report is an overview of the Spy Glass Ridge proposed Preliminary Plat. The two specific items that City Council needs to take action on are indicated with BOLD type.**

### 1. Background

Spy Glass Ridge was annexed as the SGH 27 Road Annexation in June of 2004. At the time of annexation, the property was zoned RSF-2 (Residential Single Family, 2 units per acre), which is at the low end of the Growth Plan Future Land Use designation of Residential Medium Low, 2-4 units per acre. The City Council also vacated an abandoned water line utility easement that crossed the property.

The Spy Glass Ridge subdivision is proposed for 225 single family residential lots on 160 acres, resulting in an overall density of 1.4 units per acre. Section 7.2.G.5 of the Zoning and Development Code requires that all property with a slope of greater than thirty percent (30%) be excluded from the calculation of density. The slope analysis for this property identifies 24.4% of the property, or 39 acres, with slopes of greater than 30%. Excluding that area from the calculation results in a net density of 1.86 units per acre. Approximately 90 acres, or 56% of the site, is proposed as dedicated open space.

The property is on Orchard Mesa, west of 27 Road, east of the City Water Treatment Facility, north of an Elam gravel pit on the Gunnison River, and south of residential development and the Dos Rios Elementary School. The topography consists of gently rolling to steep terrain, with approximately 200 feet of elevation change over the site. Many of the hilltops have been leveled by previous gravel extraction operations, and the property is criss-crossed by abandoned haul roads and unauthorized four wheel drive roads. Many of the natural, steeper slopes are relatively undisturbed and protected by sparse native vegetation. There are City owned raw water lines that cross the northern portion of the property. There is an overhead power line that crosses the southwest corner of the property, providing power to the Elam gravel pit to the south.

### 2. Consistency with the Growth Plan

The proposed gross density of 1.4 units per acre, and net density of 1.9 units per acre does not exceed the maximum density of 2 units per acre in the RSF-2 zone district. The zoning of RSF-2 is consistent with the Future Land Use designation of Residential Medium Low, 2-4 units per acre. The property was zoned at the low end of the land use category because of the steep terrain. The net density of 1.9 units per acre is applicable to the determination of minimum density (section 3.6.B.3 of the Zoning and Development Code). Because the RSF-2 zone district does not have a minimum density requirement, the required minimum density is no lower than 80% of the Growth Plan designation, or 1.6 units per acre (section 3.6.B.9 of the Zoning and Development Code). The proposed development is consistent with the Growth Plan density.

In addition, there are many goals and policies in the Growth Plan that support minimizing development on steep slopes or hazard areas and providing appropriate mitigation measures for safety, preservation and aesthetics. In meeting the standards of the Zoning and Development Code, the project is consistent with the goals and policies of the Growth Plan.

### Site Access and Traffic Patterns

The property's primary access will be from 27 Road via the proposed Spy Glass Drive, which will align with the existing Rincon Drive. Secondary access will be provided via the proposed Hideaway Lane and Lookout Lane, which is an extension of another section of 27 Road that winds through the Sierra Vista Subdivision to the south. A connection will also be made to the north onto B ¼ Road, aligning with Kema Court. Vehicular access to the south and west is precluded by topography, and not necessary given the public land ownership and gravel mining operation. It is anticipated that the majority of the Spy Glass Ridge traffic will be approaching from the north and use Spy Glass Drive as the primary entrance and exit.

The applicant has identified necessary improvements to the 27 Road and Highway 50 intersection to accommodate the additional traffic. The Colorado Department of Transportation will require that an access permit be obtained.

The applicant is proposing the use of Alternate Residential Street Standards for some of the internal street sections. Generally, the street section excludes sidewalks on one side of the streets where there is abutting open space.

### Utilities

All necessary utilities are available to the property. The applicant and City have worked out the details of the construction and future maintenance of a sewer lift station. The applicant is also working with the City to purchase "backwash" water from the City's water treatment plant for limited landscape irrigation use within the HOA maintained areas (not for individual lots).

### Development Schedule and Phasing

The developer is proposing a 10 year development schedule. The attached phasing plan indicates the first filing, consisting of 61 lots, will be submitted for review by June of 2006, with each subsequent filing being submitted in 3 year intervals.

### Subdivision Design

Design of the Spy Glass Ridge Subdivision is based on the RSF-2 zoning, Cluster provisions of the Zoning and Development Code (Code) and the Hillside and Ridgeline development sections of the Code. A Site Analysis was done for the property, which resulted in a Development Potential map. The Development Potential map identifies areas of high, medium and low development potential, based on slope, soils, geologic hazards, and drainages. The proposed development is concentrated in the area identified as having high potential for development.



The Cluster provisions (section 6.7.D.5 of the Code) allow for the clustering of lots on the most developable area of a property to preserve environmentally sensitive areas and open space. Spy Glass Ridge will have over 50% of the property as dedicated open space, allowing for the minimum lot size to be reduced to 4,250 s.f. This lot size is most consistent with the RMF-8 zone district; therefore, the bulk standards of the RMF-8 zone district will apply. As required by the Code, the applicant did offer the open space to the City for public use. The offer was rejected, therefore the open space will be owned and maintained by the HOA and the applicant will pay the required parks and open space fees.

The open space will include over 2.1 miles of soft surface hiking trails that loop throughout the project. In addition, one tract containing a paved off-street pedestrian circulation link, connecting Spy Glass Drive to Mesa View Drive, will be dedicated to the City. The open space will also include a 2.25 acre site for a Community Center with limited recreational facilities.

### Hillside and Ridgeline Development

The applicant has done a full analysis of how the proposed development meets the hillside and ridgeline development standards (sections 7.2.G and H of the Code). The development meets the requirements with four exceptions that must be reviewed and considered by the Planning Commission, two of which must also be considered by City Council.

**Lot 201 has an average slope of 21.57%, which requires a minimum lot size of 15,000 s.f. and minimum lot width of 200 ft. at the setback line, rather than the required 10,000 s.f. lot size and 100 ft. lot width for lots with an average slope of 10%-20%. The proposed lot is 11,255 s.f. and is 100 ft. wide at the setback line. Section 7.2.G.5 of the Code allows for the Planning Commission and City Council to allow for some incursion hillside disturbance between slopes. Staff concurs with the applicant's request to allow this lot to be of similar size and width to the surrounding lots.**

In addition, 5 lots with average slopes of 10%-20% (lots 50, 51, 54, 56 and 57) do not meet the required 100 ft. lot width at the setback. However, the 100 ft. width is met at a greater setback, leaving adequate building area on the lot. Section 3.2.C of the Code allows minimum lot width to be varied by the Planning Commission on irregularly shaped lots. Staff recommends that the Planning Commission approve the 5 lots with the modified width.

### **Section 7.2.G.7 of the Code states:**

- a. Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than thirty percent (30%) unless, after review by the Planning Commission and approval by the City Council, it is determined that:**

- (1) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purposes of this section; and**
- (2) The Developer has taken reasonable steps to minimize the amount of hillside cuts and taken measures to mitigate the aesthetic impact of cuts through the use of landscaping and other mitigation measures acceptable to the Director.**

**There are sections of Spy Glass Drive and Lookout Lane that traverse 30% slopes. These two access roads are following the historic gravel haul road alignments. The developer is proposing a number of mitigation measures for each of those sections in their Hillside Mitigation Supplement. Mitigation measures include slopes being laid back to 3:1 to allow for revegetation and terracing. Details of the treatments to these slopes will be reviewed and approved with the final development plans. Staff recommends approval of these road sections to traverse the 30% slopes with appropriate mitigation measures.**

The Spy Glass Ridge development is within a Ridgeline Protection Area as defined by the Code (Exhibit 7.2.C.1). The purpose of the ridgeline development standards is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion. All lots platted within the mapped ridgeline area must have buildings, fences and walls setback at least 200 feet from the ridgeline. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped roads or that mitigation will be provided.

The Ridgeline Lot Supplement supplied by the applicant includes the ridgeline analysis. Thirteen lots were identified as having some ridgeline concern. Of the 13 lots identified, 4 were obscured from view by either buildings or trees along the south edge of the Highway; 2 were surveyed as having back drops of 26 to 30 feet, which will shield a typical one-story residential structure; the 7 remaining lots had a back drop of 12 feet to 23 feet.

Mitigation techniques proposed are limiting building height, requiring earth tone roofing materials, increasing the setback, limiting roof pitch, specifying building material and color. Staff concurs with their ridgeline analysis and proposed mitigation.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Spy Glass Ridge application, PP-2004-169, for preliminary plat approval, staff makes the following findings of fact and conclusions:

2. The proposed preliminary plat is consistent with the Growth Plan.
3. The review criteria in Section 2.8.B.2 of the Zoning and Development Code have all been met.

4. The following special considerations have been adequately addressed:
  - a. **Allowing lot 201 to be platted as proposed;**
  - b. Reducing required lot width at front setback for lots 50, 51, 54, 56 and 57;
  - c. **Allowing for sections of Spy Glass Drive and Lookout Lane to traverse 30% slopes with proposed mitigation measures;**
  - d. Approving the ridgeline mitigation proposed.

PLANNING COMMISSION RECOMMENDATION:

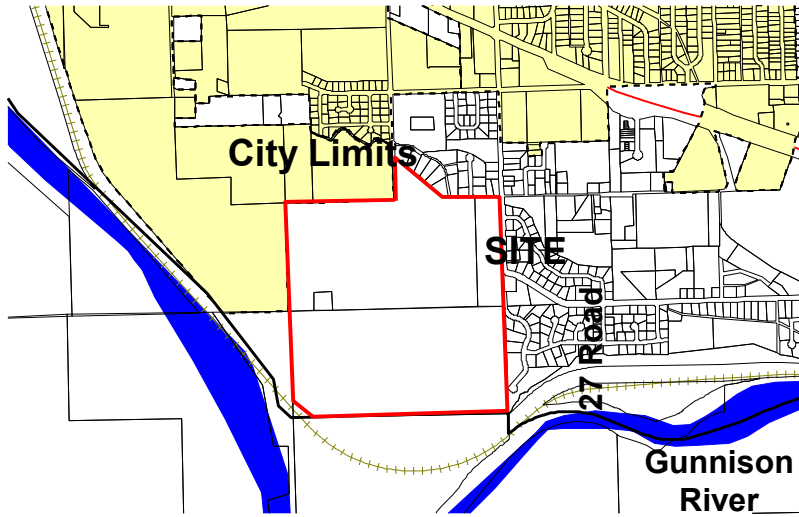
At their February 8<sup>th</sup> hearing, Planning Commission approved the Preliminary Plat and recommended approval to allow lot 201 to be platted as proposed and for sections of Spy Glass Drive and Lookout Lane to traverse 30% slopes with the mitigation measures proposed.

Attachments:

Vicinity Map/ Aerial Photo  
Growth Plan Map/ Zoning Map  
Slope Map  
Development Potential Summary  
Special Consideration Map  
Hillside Mitigation Supplement

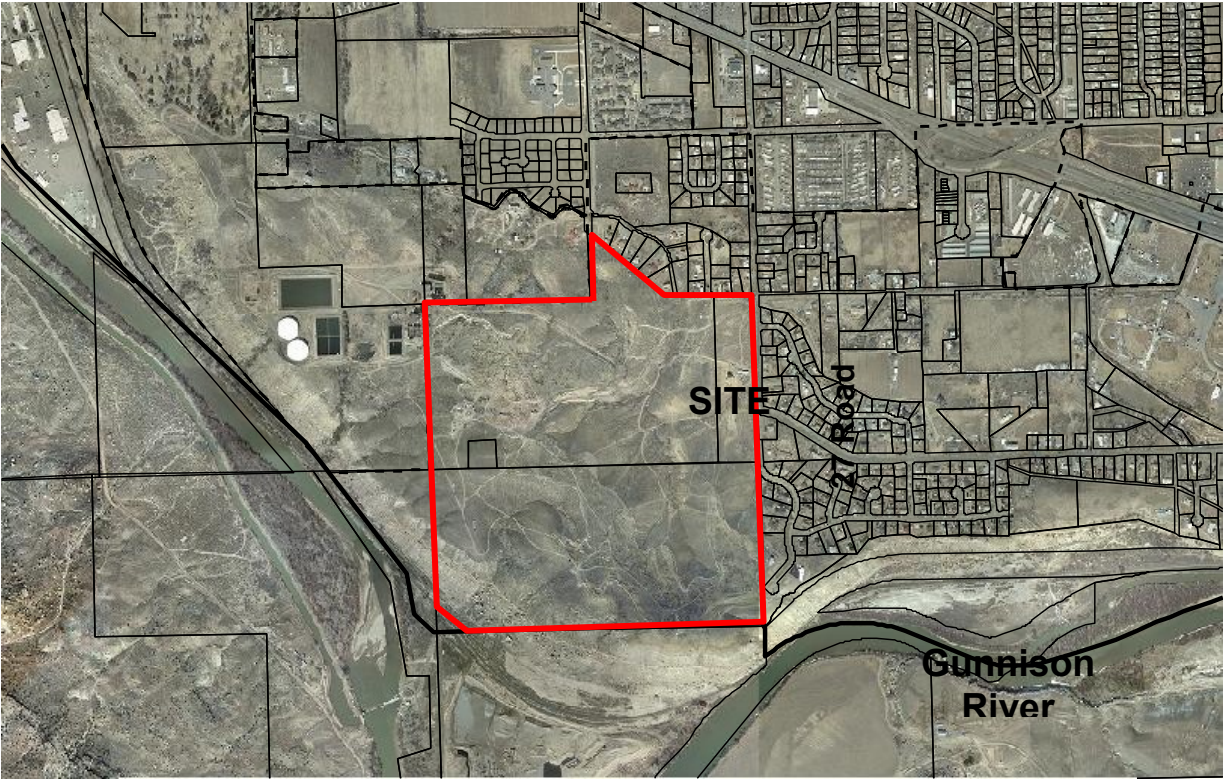
# Site Location Map

Figure 1



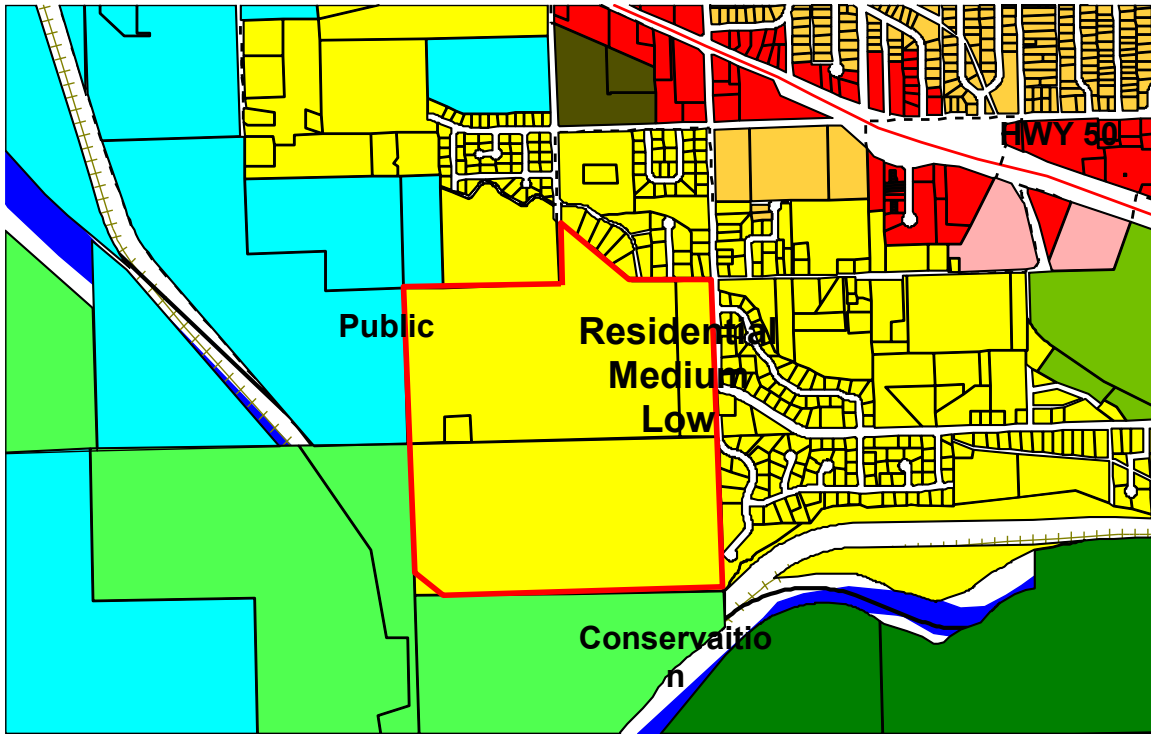
# Aerial Photo Map

Figure 2



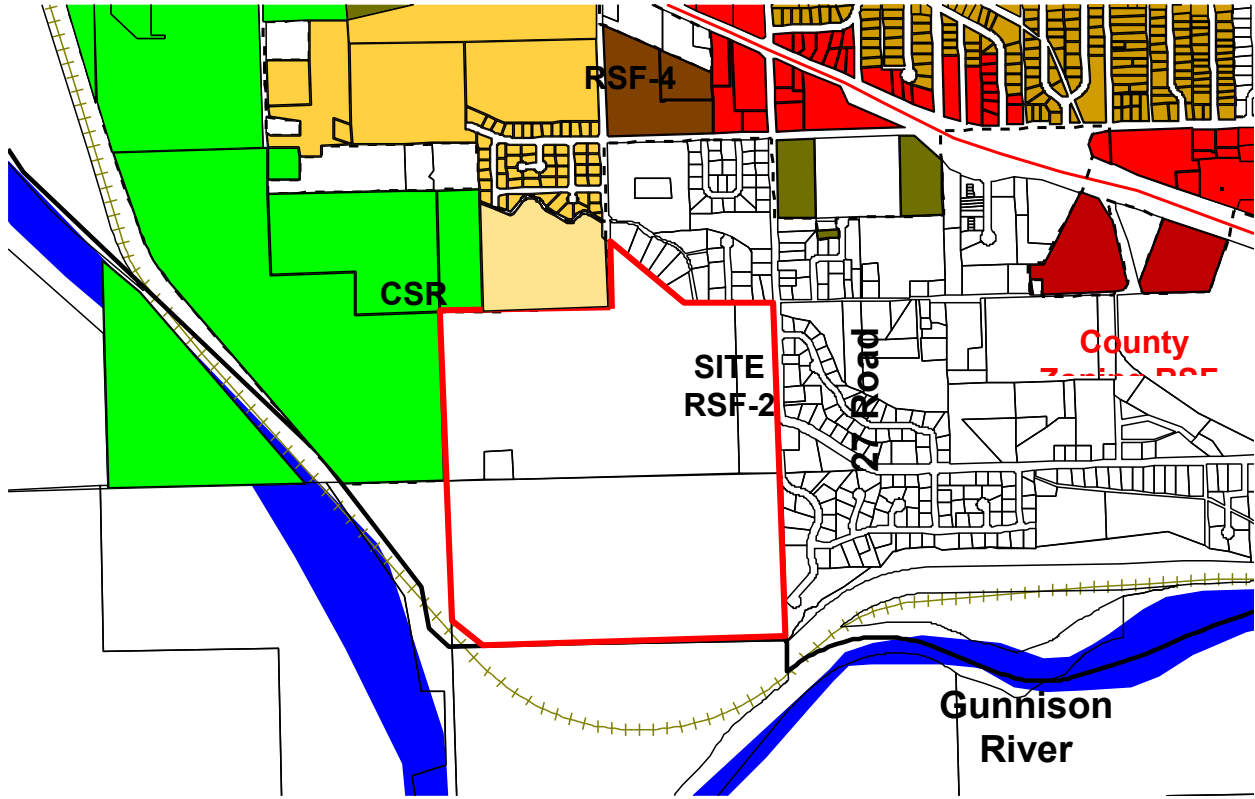
## Future Land Use Map

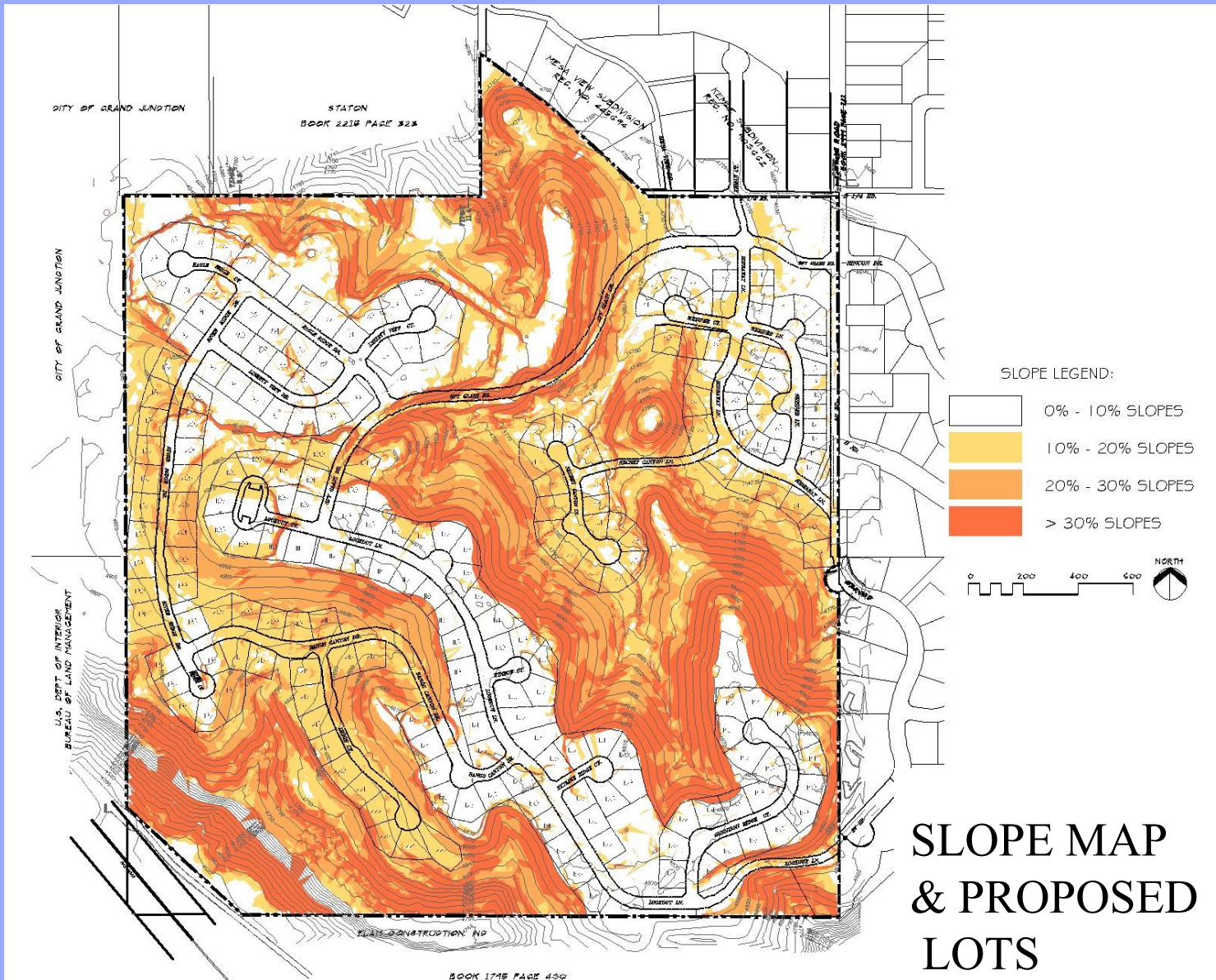
Figure 3



## Existing City and County Zoning

Figure 4

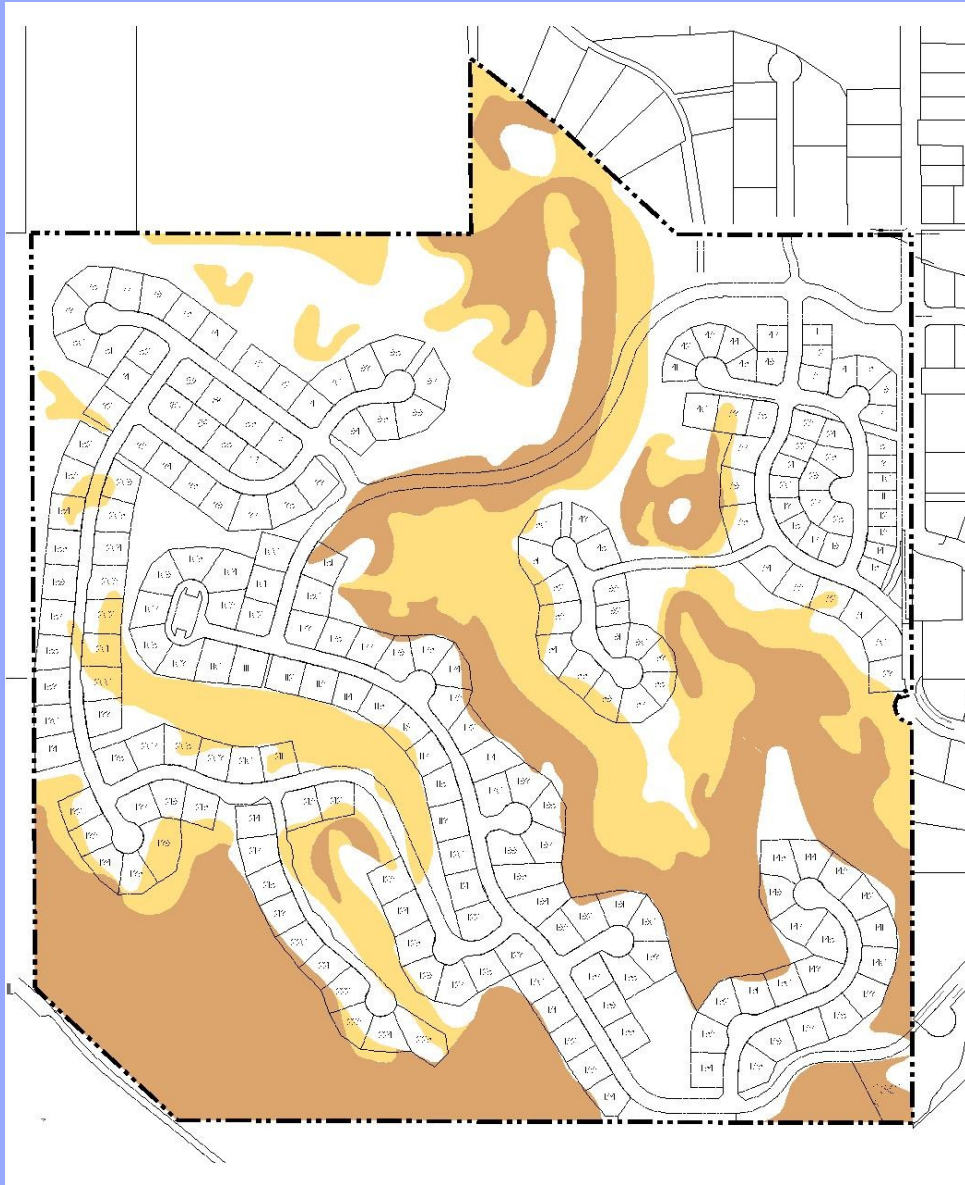




# SPY GLASS RIDGE

CLAYVONNE ROBERTS &  
 ASSOCIATES  
 LANDSCAPE AND PLANNING



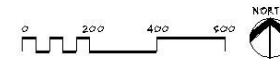


**OVERLAY SUMMARY**

APPLYING THE SUM OF THE OVERLAY AREAS' WEIGHTED VALUES TO THE FOLLOWING PARAMETERS DETERMINED THE DEVELOPMENT POTENTIAL.

- 0-4 = HIGH DEVELOPMENT POTENTIAL
- 5-6 = MED. DEVELOPMENT POTENTIAL
- 7-12 = LOW DEVELOPMENT POTENTIAL

- HIGH DEVELOPMENT POTENTIAL
- MEDIUM DEVELOPMENT POTENTIAL
- LOW DEVELOPMENT POTENTIAL



**OVERLAY SUMMARY  
w/ Lots**







## Special Approval Considerations

# SPYGLASS RIDGE

## *HILLSIDE MITIGATION SUPPLEMENT*

Clavonne, Roberts & Assoc., Inc.  
Landscape and Planning Architects  
844 Grand Avenue  
Grand Junction, CO 81501



## SPY GLASS RIDGE: HILLSIDE MITIGATION SUPPLEMENT

This supplemental packet of information addresses mitigation of hillside disturbance at Spy Glass Ridge. We have submitted numerous plan and map documents that address the Hillside Code Regulations, which pertain to assessments of natural slope conditions and the placement and sizing of proposed lots on those slopes. These documents include the Chapter 6 Site Analysis (an 8 sheet overlay of maps); a color coded Slope Map, an Existing Site Disturbance, 30% Slopes, and Proposed Grading Map, and a Hillside Development Analysis map. In examining the proposed overlot grading, it is worth noting that most proposed disturbance is within previously disturbed areas or areas that will become single family lots; the disturbance of existing 'natural' slope and vegetation areas is minimal. In addition to the above, the Hillside Code Regulation (Section 7.2.G) asks us to display that:

- o Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this Section;
- o The Developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through Landscaping or other steps.

This supplement will hopefully address these issues.

The drawing titled Existing Site Disturbance, 30% Slopes, and Proposed Grading Map identifies four cross-sections that we believe best represent the proposed grading situations that occur on the site. These are briefly discussed below:

- o Section A – typical along the main entry road (Spy Glass Drive) where proposed lots do not front on the road, the proposed route follows an historic gravel haul road as best as possible while meeting current road grade and curve requirements. The Section depicts the severity of the existing grade and narrow haul road, and the proposed wider road with slopes laid back at 3:1 grades. These 3:1 grades are acceptable for revegetation. Revegetation will include native grasses and shrubs, and will be irrigated with a temporary irrigation system until established.
- o Section B – typical along Ledge Court (and along Bangs Canyon Drive) where walls are proposed on the uphill side of the road. The Section depicts a four foot wall, outside of the ROW, with 3:1 revegetated slopes above the wall where slopes blend back to native conditions. Revegetation will include native grasses and shrubs, and will be irrigated with a temporary irrigation system until established. Proposed walls will be constructed of modular block, colored textured concrete, or natural rock. The 14' wide utility easement will be on the downhill side of the road.
- o Section C – occurs where Secret Canyon Lane cuts through a saddle between two ridges. This cut will be treated with 4 foot walls on either side of the road, and 3:1 revegetated slopes above and below the walls. Revegetation will include native grasses and shrubs, and will be irrigated with a temporary irrigation system until established. Proposed walls will be constructed of modular block, colored textured concrete, or natural rock. The proposed walls will be outside the 14' wide utility easements.
- o Section D – typical along the second entry road (Lookout Lane) where proposed lots do not front on the road, the proposed route follows an historic gravel haul road as best as possible while meeting current road grade and curve requirements. The Section depicts the severity of the existing grade and narrow haul road, and the proposed wider road with slopes laid back flatter than 3:1 grades. These flatter grades are achieved by creating a terrace within the lots above the road, that will be integrated into walkout units on these lots (see overlot grading for Lots 135 through 139). Revegetation of the flatter grades will include native grasses and shrubs, and will be irrigated with a temporary irrigation system until established.

In addition to the above four 'typical' sections, we have included two additional sections that show how walkout units work on 10% to 20% grades (best on 20%). Typical Profile A shows generalized grading of the lot when the proposed road is at grade at the ROW. Typical Profile B shows generalized grading of the lot when the proposed road is a four foot cut at the ROW. These Sections are provided to display a few facts: that development on hillsides of +/- 20% grades is not difficult; that the resulting grade required along the face of the house is typically around 30% (which is mowable); and that the addition of rear lot line walls would allow development of steeper sites, and/or flatter back yards.

The above described Sections and Profiles are attached.

## SPECIFIC HILLSIDE CONSIDERATIONS

We are seeking Planning Director, Planning Commission, and City Council approval for two specific conditions occurring on Spy Glass Ridge. Per Code, we are allowed to ask, and you are allowed to approve the following considerations.

### Condition One

Spy Glass Ridge has submitted requests for TED's Exceptions and Alternative Road Sections per City requirements, and received specific approvals. A single approval remains specific to the roadways. Code Section 7.2.G.7.a states:

*Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than 30% unless, after review by the Planning Commission and approval by the City Council, it is determined that:*

- 1. Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purposes of this section; and*
- 2. The Developer has taken reasonable steps to minimize the amount of hillside cuts and taken measures to mitigate the aesthetic impact of cuts through the use of landscaping and other mitigation measures acceptable to the Director.*

Two entry roads into Spy Glass Ridge (Spy Glass Drive and Lookout Lane) follow historic haul road routes into the project. These haul roads were appropriately located for access to the gravel, but they did not meet today's design standards. They created steep sided eroding cut slopes, and they traversed hillsides with 30% grades. There are no alternative routes to access the developable properties within Spy Glass Ridge, and the proposed roads will meet current design standards while mitigating the steep cut slopes existing on the property. The specific request of the Director, Planning Commission, and City Council is to allow these two roads, Spy Glass Drive and Lookout Lane, to follow the historic alignment and mitigate the historic road cuts, which entails traversing what were likely historic 30% hillsides. We believe we have adequately met the intent of Section 7.2.G.7 of the Code, and request the approvals for these two road segments.

### Condition Two

Spy Glass Ridge has submitted substantial documentation of compliance with the Hillside Regulations. A single approval remains specific to one proposed Lot (Lot #201). Code Section 7.2.G.5 states, in part:

*Slope shall be determined on a parcel by parcel basis if the slope is not generally uniform. The Director may allow some incursion hillside disturbance between slopes. Such incursions shall not exceed twenty (20) feet unless, upon recommendation of the Planning Commission, the City Council finds that a greater incursion is consistent with the purposes of this section.*

Lot 201 has an average slope of 21.57% ...or 1.56% above the Code threshold that would require it to be a 200' wide lot. The specific request of the Director, Planning Commission, and City Council is to allow this lot to remain 100' wide, which is consistent with the lot widths of adjacent proposed lots, and which has been shown to be an achievable and mitigatable through this supplement and other submittal documents. We believe we have adequately met the intent of Section 7.2.G.5 of the Code, and request the approvals for this Lot 201.

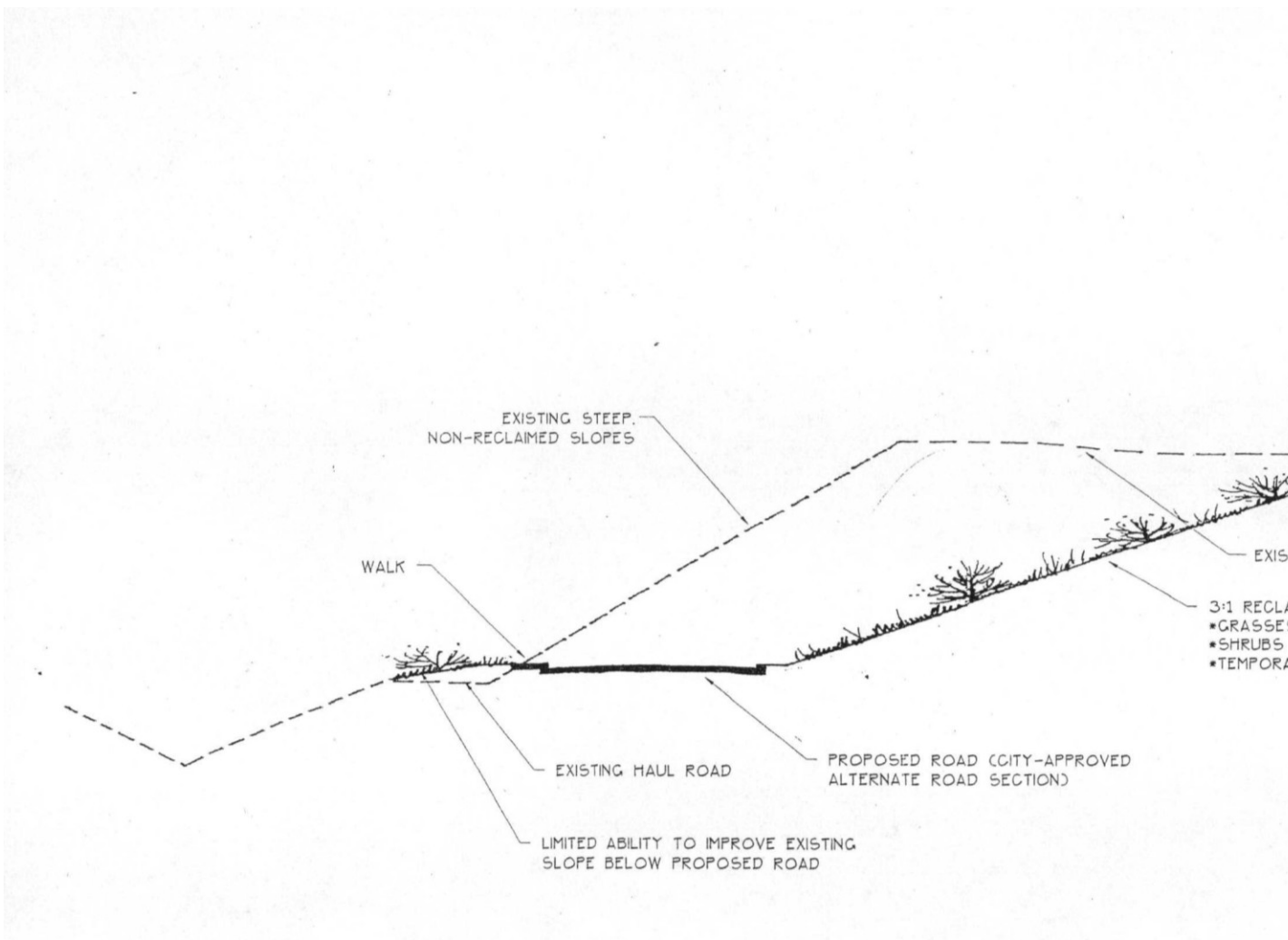
NORTH



# LOCATION OF SECTIONS

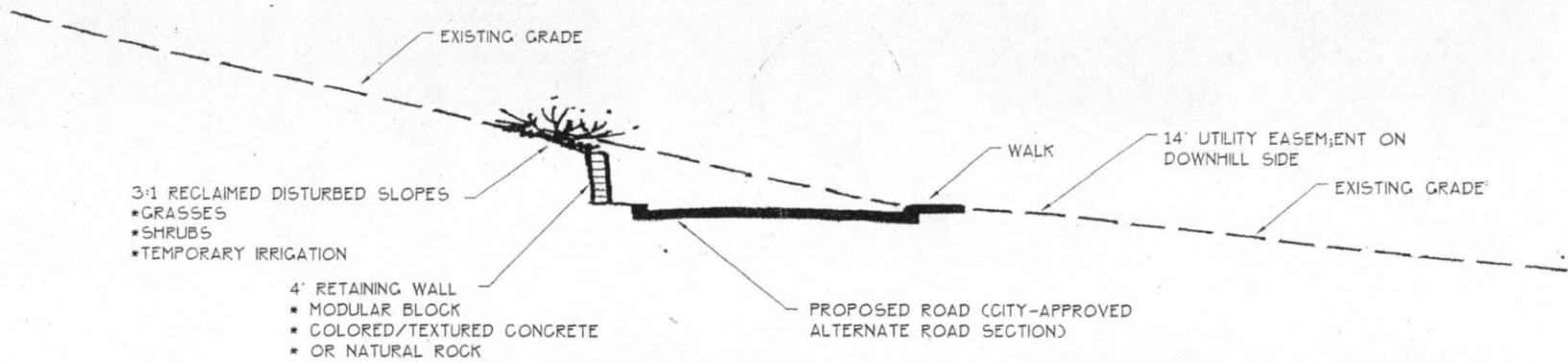
Clavonne, Roberts & Assoc., Inc.  
Landscape and Planning Architects  
844 Grand Avenue





# SPY GLASS RIDGE

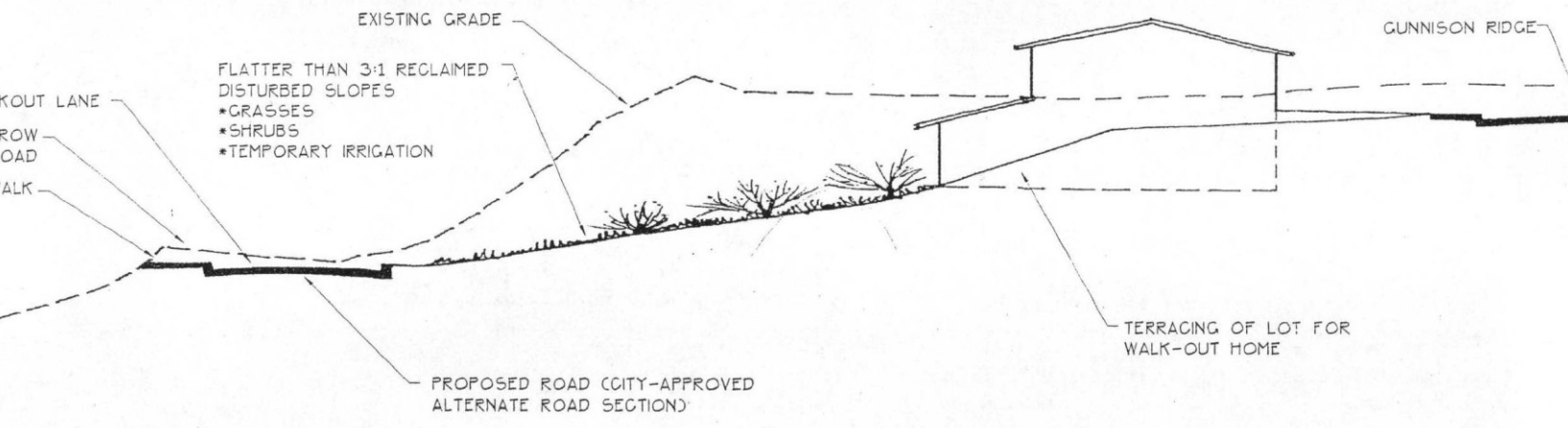
SECTION A: PROPOSED TREATMENT @ SPY GLASS DRIVE - MAIN ROAD



# LASS RIDGE

B: ROADWAY WALLS @ LEDGE COURT & BANGS CANYON DRIVE

CIAVONNE, ROBERTS & ASSOC., INC.  
 LANDSCAPE AND PLANNING ARCHITECTS  
 844 GRAND AVENUE



**GLASS RIDGE**  
 PLAN: PROPOSED SLOPE TREATMENT @ LOOKOUT LANE ENTRY

CIAVONNE, ROBERTS & ASSOC., INC.  
 LANDSCAPE AND PLANNING ARCHITECTS  
 2222 GRAND AVENUE



**PP-2004-169 PRELIMINARY PLAT--SPY GLASS RIDGE SUBDIVISION**

**A request for approval to develop 225 single-family lots on 160 acres in an RSF-2 (Residential Single-Family, 2 units/acre) zone district.**

**Petitioner:** Skip Behrhorst, SGH Company, LLC

**Location:** 27 and B 1/4 Roads

**PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, gave a Powerpoint presentation containing the following slides: 1) locational map; 2) aerial photo map; 3) photos of the site from various angles; 4) photo of the site showing site conditions, both natural and disturbed; 5) photo of existing main road cut; 6) photo of a rock ridge showing the site's natural vegetation; 7) proposed Preliminary Plat; 8) site analysis; 9) overlay summary showing best areas of development; 10) Preliminary Plat overlay; 11) existing disturbed areas and existing contours map; 12) slope analysis map; 13) requested Exceptions approval outline; 14) identification of 13 lots subject to potential ridgeline development standards; 15) photos of site from Highway 50; 16) ridgeline mitigation techniques; 17) locations of road sections; 18) Section A/Section B drawings showing site angles and road cuts; and 19) section views showing proposed street grades and slopes.

Mr. Ciavonne said that it was typical for the petitioner to procure and develop unique properties, yet he always overcame a property's obstacles with great success. He introduced the petitioner's various representatives, who were available for additional clarification and input. Approximately 60 percent of the site had been previously disturbed by mining operations occurring in the 1960s.

Referencing the Preliminary Plat, Mr. Ciavonne demonstrated how clustered placement of the lots would be limited to the previously disturbed and most buildable areas on the site, thus helping to protect the most environmentally sensitive areas. Lots 1 through 63 were expected to range in size from 4,500 square feet to 10,000 square feet; lots 64 through 225 were expected to range from 9,000 square feet to 11,000 square feet. The development's breakdown included construction of 225 residential lots (32.4%); private tract A (.39%); public road right-of-way (11.22%); public tracts B, C, D, and E (.14%); designated open space (55.85%). Open space would remain predominately undisturbed or revegetated with native vegetation; however, 2.1 miles of soft-surface hiking trails and limited irrigated landscape areas would be provided (locations noted on map). In addition, a HOA-maintained community center and park area had been proposed near the junction of Lookout Lane and Gunnison Ridge Court. Limited on-street and off-street parking would be provided in conjunction with the community center and vista overlook.

Noting the existence of a main haul road, Mr. Ciavonne said that it (proposed Spy Glass Drive) would serve as primary access to the proposed development, reducing further disturbance of the site. Plans included aligning the proposed Spy Glass Drive with existing Rincon Drive. Proposed Lookout Lane and Hideaway Lane would connect with 27 Road at two different points along the eastern property line. TEDS exceptions had been incorporated into the overall street design, which included the reduction of nighttime street lighting. Other proposed internal street and cul-de-sac locations were noted. Curb, gutter and sidewalk, in addition to chicanes, would be constructed. Main entry signage was planned at the 27 Road/Spy Glass Drive intersection, at the transition of Hideaway Lane and 27 Road, and at the intersection of Lookout Lane and Gunnison Ridge Court. Within the development, more subtle signage denoting individual

"neighborhoods" would also be provided. Signage for each of six proposed filings would be addressed at the onset of each phase.

Mr. Ciavonne briefly elaborated on how the street grading in four identified cross-sections would be undertaken (details provided in the petitioner's November 8, 2004 report entitled "Spy Glass Ridge, Hillside Mitigation Supplement," and included as part of the record). While Spy Glass Drive and Lookout Lane followed historic haul road routes, they did not meet current street standards in that they traversed hillsides with 30% grades. Since there were no alternative routes to access developable properties within Spy Glass Ridge, and the proposed roads would meet current design standards through the use of mitigation techniques explained in the Mitigation Supplement, special consideration and approval was requested from the Planning Commission and City Council to allow construction of those two streets within sections of the 30% contour.

Utilities were available to the site; however, approximately 90 residential lots would require a sewer lift station. Given the site's proximity to the City's water treatment plant, and the lack of irrigation water shares available to the property, an agreement had been reached with the City to purchase backwash water from the plant for irrigation of specially designated common areas. No irrigation water would be available to individual homeowners. Xeriscaping would be encouraged, and watering of individual lots would come from potable water sources.

In addressing Code section 7.2.G regarding hillside development, through plat and deed restrictions, more stringent setbacks would be required on many of the proposed lots to ensure privacy, sense of place, and for protection of environmentally sensitive areas. The majority of proposed lots between the 10% and 20% contours would meet or exceed the required 10,000-square-foot lot size/100-foot-wide minimums. The only exception to that would be lot 201, which, at a 21.57% grade, was only over the minimum by a negligible 1.57%. Lots between the 20% and 30% contour required lot width minimums of 200 feet. Special consideration was being requested from Planning Commission and City Council to grant an exception to this one lot, allowing it to retain its proposed 100-foot lot width. Referencing a site angle slide, Mr. Ciavonne noted 13 lots that would be subject to the Code's section 7.2.H regarding ridgeline development. Mitigation for those lots would include: 1) restricting the height of homes to 26 feet (one story); 2) requiring brown earthtone roofing materials (no metal); 3) increasing rear building setbacks to 30 feet; 4) requiring predominant hip roof design, or restricting roof pitches; 5) specific material palettes within HOA Design Guidelines for building wall material and color requirements; and 6) the use of vegetative berming in rear yard setbacks. Homes within the 10%-20% grade contour would employ walk-out units to minimize driveway grades.

Mr. Ciavonne also noted five lots located along Secret Canyon Court (lots 50, 51, 54, 56 and 57) which, as proposed, did not meet the minimum lot width of 100 feet at the setback line. However, since the 100-foot width was met at a greater setback on those irregularly-shaped lots, leaving adequate available building areas, special consideration and approval was sought to allow those five lots to maintain their modified widths. Staff, he said, supported the request.

### **QUESTIONS**

Commissioner Cole asked for clarification on how irrigation water would be obtained. Mr. Ciavonne reiterated that backwash water would be purchased and conveyed from the City's water treatment plant to irrigate just those specially identified onsite common areas. Again, no irrigation water would be provided to individual homeowners, and xeriscaping would be encouraged.

Doug Theis, project engineer representing the petitioner, confirmed that no irrigation water was available to the site. With regard to drainage, he was currently working on a preliminary drainage report. Historically, a majority of the site's drainage migrated to the northeast of the site; two retention ponds were planned for that area. The ponds would overdetermine the site's drainage, and discharges would be controlled and routed to KeMae Court and other areas.

### **STAFF'S PRESENTATION**

Kathy Portner gave a Powerpoint presentation which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City/County Zoning Map; 5) topographic map; 6) development potential analysis; and 7) an outline of special considerations. The petitioner had opted to employ clustering techniques, which allowed for smaller lot sizes where appropriate while providing a larger open space area and protecting those areas designated as environmentally sensitive. Excluding slopes exceeding 30% grades, the overall density of the project was 1.86 units/acre, just over the minimum density recommended by the Growth Plan of 1.6 units/acre and in compliance with the site's RSF-2 zone district.

Referencing the topographic map, she noted that the slope analysis indicated that 24% of the site had slopes greater than 30%; 18% of the site had slopes of 20% to 30%; 21% of the site had slopes between 10% and 20%; and less than 36% of the site had slopes less than 10%. The three special items for consideration of approval were supported by staff and included permission to allow: 1) a 100-foot frontage for lot 201; 2) currently designated lot widths on lots 50, 51, 54, 56 and 57; and 3) Spy Glass Drive and Lookout Lane to traverse the property within sections of the 30% grade contour, provided that mitigation techniques outlined in the previously-mentioned supplement were employed.

Having determined that the request met both Code requirements and Growth Plan recommendations, staff recommended approval of the request and approval of the special items for consideration.

### **QUESTIONS**

Commissioner Cole asked engineering staff to provide additional clarification on proposed accesses to and from the property. Ms. Lamberty said that primary access would be derived via the 27 Road/Rincon Drive intersection. However, additional points of connection included Hideaway Lane and Lookout Lane, which would connect to 27 Road at two points at the Sierra Vista Subdivision property line.

Commissioner Cole asked if improvements would be made to 27 Road. Ms. Lamberty explained that the new TCP ordinance no longer required developers to construct those improvements; however, for those streets that required improvements, those improvements would be undertaken using collecting TCP payments. When asked about a timetable for improvements, Ms. Lamberty said that 27 Road was already approaching urban collector-level traffic volumes. However, studies had determined that the only needed improvements were to the left-turn, right-turn, and through movements of traffic northbound on 27 Road to Highway 50. At some time, she thought that the City might consider additional turn lanes or pedestrian-related improvements; however, those improvements were not currently scheduled nor planned.

When Commissioner Cole asked if any improvements would be made to the 27 Road/Highway 50 intersection, Ms. Lamberty said that the traffic study undertaken by the developer indicated a need for some improvements expected more than 10 years out; however, they were not necessarily required solely as a result of the proposed development. Discussions with the

Colorado Department of Transportation (CDOT) were underway on Highway 50 intersection improvements at this and other Orchard Mesa intersections.

Commissioner Cole asked if maximum traffic volumes along 27 Road would be met or exceeded once build-out occurred with the current development, to which Ms. Lamberty replied negatively.

Chairman Dibble referenced a street stub to the north apparently connecting with Kemae Court and asked if that would be constructed right away. Ms. Lamberty said that the stub had not originally been proposed by the developer nor had it been required by the City. Mesa County had asked for it in anticipation of one day perhaps closing B 1/4 Road to eliminate an unsafe intersection. She thought that perhaps the Kemae cul-de-sac would ultimately extend to B 1/2 Road.

Chairman Dibble asked if Kemae Court currently derived its access via B 1/4 Road. Ms. Lamberty said that while the Kemae Subdivision was platted, only a small portion of it was currently constructed. The intersection of B 1/4 Road/27 Road, potentially slated for closure by Mesa County, was noted. She added that if Mesa County did not close the B 1/4 Road intersection, it would be her recommendation that the stub street to Kemae Court not be constructed.

## **PUBLIC COMMENTS**

### **FOR:**

Ken Staton (235 Linden Avenue, Grand Junction) expressed support for the project. He felt that a lot of thought and planning had gone into the project's design, and that the petitioner's representatives had done a great job of mitigating development challenges. He'd seen other developments undertaken by the petitioner, and they had all turned out to be beautiful projects. If handled with the same care and attention, the currently proposed development would be an asset to the community. He noted the existence of wildlife in the area but didn't think that they would be negatively impacted. He noted, however, that it was currently very difficult to access Highway 50 from Linden Avenue. He wasn't sure whether current intersection issues or traffic volumes along 27 Road would be significantly impacted by the development, but he hoped the City would do what it could to mitigate those issues before they could get any worse.

Abbi Willow (103 Mesa View, Grand Junction) felt that traffic along 27 Road to the Highway 50 intersection was currently "very bad," with stacking at the intersection often extending for quite a distance. While she supported the current project, she felt that improvements should be made sooner rather than later to 27 Road and Highway 50 to facilitate traffic movements. She also wondered if the pedestrian path, originally shown to connect Spy Glass Drive with Mesa View Drive, was still being planned.

Lance Oswald (196 27 Road, Grand Junction) said that as a 15-year Sierra Vista Subdivision resident, he generally supported the project. However, he was concerned about impacts to area wildlife. Over the years, he and his neighbors had seen fox, deer, coyotes, elk and even a mountain lion in the area. The wildlife didn't live there year-round, so they were not always seen year-round. The views for lots along the southeast side of Gunnison Ridge Court and near the Lookout Court cul-de-sac would be especially spectacular. Would it be possible to construct a walking trail along the rear property lines of those lots so that people could enjoy those views?

## PETITIONER'S REBUTTAL

Mr. Ciavonne noted that while wildlife may be present in the area, the Department of Wildlife had not indicated the presence of any designated wildlife corridors. Provided open space would be considered "private," and it would be maintained by the subdivision's Homeowners Association (HOA). Proposed trail locations were noted, including the path to Mesa View Drive.

It was not possible to extend trail segments along the lots mentioned by Mr. Oswald because of the steep ridgelines present in those areas. He felt that there would be plenty of great and accessible views present with the trails being proposed.

## DISCUSSION

Commissioner Lowrey felt that the staff and developer had done an excellent job in designing the current project. The topography of the site had been taken into consideration, and good mitigation measures were proposed to address specific development challenges. He expressed support for the request.

Commissioner Pitts agreed and could find no reason not to support the project.

Commissioner Cole also concurred with previous comments and expressed his support

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-169, Preliminary Plat for Spy Glass Ridge Subdivision, I move we forward a recommendation of approval to the City Council of the incursion hillside disturbance for lot 201 and allow for sections of Spy Glass Drive and Lookout Lane to traverse 30% slopes, with proposed mitigation measures."**

Commissioner Pitts seconded the motion.

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

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2004-169, Preliminary Plat for Spy Glass Ridge Subdivision, I move we approve the request, including reducing the required lot widths for lots 50, 51, 54, 56 and 57, and approving the ridgeline mitigation techniques proposed."**

Commissioner Pitts seconded the motion.

Ms. Kreiling advised the Planning Commission that since the Preliminary Plat would be conditioned upon approval by City Council of the first motion, the second motion could also include a statement that approval was also subject to City Council's approval of the first motion.

Commissioner Lowrey agreed to amend his motion accordingly. The revised motion follows:

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2004-169, Preliminary Plat for Spy Glass Ridge Subdivision, I move we approve the request, including reducing the required lot widths for lots 50, 51, 54, 56 and 57, approving the ridgeline mitigation techniques proposed, and also conditioned upon approval by City Council of the first motion."**

Commissioner Pitts seconded the amended motion.

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

**Attach 21**  
**Public Hearing – Regulating Newsboxes in the Downtown**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Newsrack Ordinance					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 14, 2005				<b>File #</b>	
<b>Author</b>	Harold Staf			<b>Executive Director, DDA</b>		
<b>Presenter Name</b>	Harold Staf			<b>Executive Director, DDA</b>		
<b>Report results back to Council</b>	x	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** The number of news boxes that have been placed downtown has proliferated in recent months. As many as 15 newspaper distributing machines and commercial advertising pieces are circulated in several locations downtown. This ordinance has been developed to so that a bank of racks will be made available for publication distribution. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

**Budget:** After further discussion with the various newspapers, the ordinance has been changed to allow certain vendors to purchase, install and maintain their own equipment in compliance with this ordinance and other vendors to rent space in joint use news boxes.

**Action Requested/Recommendation:** Approval on Second Reading

**Attachments:** Ordinance.

**Background Information:** Informational meetings have been held with representatives of The Daily Sentinel, Free Press, Denver Newspaper Agency (Post & News), USA Today and the Wall Street Journal.

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

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO COMMERCIAL ACTIVITIES IN THE DOWNTOWN AND AUTHORIZING PUBLICATION IN PAMPHLET FORM

**Recitals.**

Publication Distribution Machines (often called newspaper vending machines) on or adjacent to public sidewalks are a valuable method of distributing news and other information to the public; however, they may constitute an obstruction on public property and their often indiscriminate location on sidewalks and elsewhere can obstruct pedestrians and other users of the sidewalk. Newspaper vending machines can be unsightly and can distract drivers. Furthermore, commercial activities should not claim a right to physical occupation of the public sidewalk by proprietary structures in an unregulated manner. Even public utilities which have a high degree of autonomy from local regulation still must not interfere with the primary functions of the streets and sidewalks for which they have easements.

In accordance with Chapter 32 of the Grand Junction Code of Ordinances the Downtown Development Authority (“DDA”) has been delegated authority over commercial activities occurring on the Downtown Shopping Park on Main Street. Because of the serpentine street, the trees, flowers and planters, sidewalk dining and other frequent use of downtown for special events, the DDA has determined that the form, placement and other regulation of Publication Distribution Machines in the downtown area is an important and necessary step. The City Council has further determined that, at present, the problems caused by unregulated Publication Distribution Machines are most prevalent in the downtown area of the City.

The continued vitality of the City’s downtown has made downtown sidewalks increasingly congested, and thus, attractive locations for those who wish to disseminate information. There are many instances where the unregulated placement of these machines, whether individually or grouped together have interfered with access to fire hydrants and parking meters, blocked access from vehicle parking to the sidewalk, interfered with bus stops, obstructed views in the corner sight triangle and added to the difficulties that persons with mobility problems face in navigating the sidewalk and sidewalks. Further, significant portions of the downtown are undergoing historic renovation and the unregulated placement and appearance of proprietary Publication Distribution Machines interferes with the historic appearance of the area.

Because of the tipping danger, wind, vandalism and other forces that tend to move Publication Distribution Machines and other racks and devices serving a similar function in the distribution of Publications, Publication Distribution Machines shall be required to be consolidated into News Box Banks and firmly affixed to the ground and have a suitable cover so that the materials are not scattered about. Accordingly, this Ordinance

is intended to regulate the design and placement of News Box Banks within the sidewalk Right-of-Way in the downtown area of the City. Because the amount of space which can be devoted to News Box Banks is limited and thus of necessity, a method of allocating that space must be devised. The City will allocate fairly the responsibilities and privileges to users of the Right-of-Way.

The City Council has carefully considered what the best method of allocating public property for News Box Banks might be and has determined that the use of News Box Banks including supplemental Joint Use News Boxes will best fit the circumstances of the downtown Commercial Area. This Ordinance will serve to cause Publication Distribution Machines to be consolidated into News Box Banks placed in a few orderly and carefully chosen locations which will cause a balance to be struck between the competing needs of downtown uses and those who would serve them with Publications.

The Council intends by its adoption of this Ordinance and accordingly directs the DDA or its designee in its implementation of this Ordinance, to avoid doing anything which could be construed as censorship of the content of the Publications placed in News Box Banks or of vesting standard less or un-reviewable discretion in any public official which could be used to affect the content of the Publications that appear in News Box Banks or otherwise interfere with rights guaranteed under the First Amendment. This Ordinance and any other provisions of the Code shall be interpreted so as to avoid any such unconstitutional application or effect.

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

As used in this Ordinance the following terms have the following meanings unless the context requires otherwise:

“Director” means the Executive Director of the Grand Junction Downtown Development Authority (DDA) or his designee.

“Downtown Commercial Area” means the area within the DDA boundary bounded on the north by Grand Avenue, including locations on the north side of Grand Avenue, on the south by Pit kin Avenue, on the west by First Street and on the East by 8<sup>th</sup> Street.

“Use agreement” means the written agreement between the DDA or its designee and a Publisher for the use of a slot, if available, in a Joint Use News Box.

Every news box placed in a News Box Bank shall be either a Joint Use News Box or Single User News Box. The approved color for News Boxes is Chicago Blue as shown on the last page of Appendix A attached hereto. The approved color for News Boxes may be changed by the Director at his discretion in the event that Chicago Blue becomes unavailable or is deemed inappropriate for use.



(a) “Joint Use News Box” means a box which is owned by the DDA or its designee and installed in a News Box Bank, and is comprised of a box divided into multiple slots, which slots will allow the placement of multiple issues of a single Publication in each slot and will protect the Publications from the elements. The Publications may be obtained by opening a door without payment by the customer for the Publication. Slots in Joint Use News Boxes must be used by Monthly Publications and may be used by Weekly Publications which have not installed a Single User News Box for the location where the Publisher wishes to distribute its Publication. It is anticipated that the slots in Joint Use News Boxes will not allow for the face-up or face-out display of Publications. The Director shall provide information in the window of each Joint Use News Box which informs interested parties of the Publications distributed in the slots of each Joint Use News Box. Users of Joint Use News Boxes shall be charged fees as hereinafter described.

(b) “Single User News Box” means one unit in a News Box Bank, which unit is owned by a Publisher and installed in a Space in a News Box Bank with the permission of the Director. The model of a Single User News Box shall be as determined by the Director. A Single User News Box is designed to hold a Publication and protect it from the elements, which Publication may be obtained by opening a door, whether after depositing money in a device which unlocks the door or without payment by the customer, if any, for the Publication.

“News Box Bank” or “Bank” means a structure, the location of which is determined by the Director, consisting of multiple Single User News Boxes and Joint Use News Boxes installed on a News Box Bank Pedestal. The approved color for News Box Banks is Chicago Blue, and the approved model is the Boulevard model as shown on the last page of Appendix A. The approved color and model of News Box Banks may be changed by the Director at his discretion in the event that Chicago Blue or the Boulevard model is/are unavailable or is/are deemed inappropriate for use.

“News Box Bank Pedestal” or “Pedestal” means the leg(s) and/or base upon which Single User News Boxes and Joint Use News Boxes may be installed, which is owned by the DDA and affixed to the ground.

“Publication” means a periodical which:

(a) Is published in different issues with sufficiently different content or format so that each issue can be readily distinguished from previous or subsequent issues; and

(b) Is formed of printed sheets. The sheets may be die cut or deckle-edged, and may be made of paper, cellophane, foil or other similar materials.<sup>1</sup>

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<sup>1</sup> The requirements in this part of the definition are drawn from the United States Postal Service manual part of regulations which distinguish publications which

(c) “Daily Publication” means a Publication which is published at least one hundred (100) times per calendar year.

(d) “Monthly Publication” means a Publication which is published between twelve (12) and forty-nine (49) times per calendar year.

(e) “Weekly Publication” means a Publication which is published between fifty (50) and ninety-nine (99) times per calendar year.

“Publication Distribution Machine” means a machine used to distribute Publications which is placed or maintained on the public Right-of-Way within the Downtown Commercial Area as described above by a person other than the Director. Where prohibited, the term refers to the machine without regard for whether the Publication contained in the machine is a “Publication” within the meaning of this section or even whether there is any printed or other material within the machine, or the cost, if any, of any printed or other material within the machine.

“Publisher” means the person who pays to have a Publication printed or otherwise causes a Publication to be printed or otherwise reproduced.

“Right-of-Way” means a public street from property line to property line and includes public alleys, paths and/or breezeways. It also includes an easement or other right which the City has acquired from the property owner for the purpose of locating News Box Banks.

“Space” means the area of a News Box Bank in which a Single User News Box is placed.

**Sections 32-72 *et. seq.* are created to read as follows.**

**32-72 Location of News Box Banks.**

(a) The City Council, in accordance with the authority given to the DDA for the administration of commercial activities in the downtown authorizes the Director of the DDA to survey the area within and on the periphery of the Downtown Commercial Area to determine the locations of existing Publication Distribution Machines, the locations which are suitable for News Box Banks and the appropriate type of News Box Banks to be used, including size, model and color. The Director shall use in evaluating each location and type of News Box Bank, criteria which include but shall not be limited to a determination of the effect on pedestrian and emergency access on, to and from streets and sidewalks, and public transportation, required maintenance of public facility infrastructure, vehicular safety and the effect of the location, mass and bulk of News Box

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are eligible for special mailing rates from those which are not. A deckle edge is a rough, untrimmed edge.

Banks on the streetscape, aesthetics of each block and specifically the Director shall consider sidewalk width, sidewalk dining, parking (parking meter) access, including access by persons with disabilities, access to bicycle parking, access to fire hydrants, access to bus stops, access to benches and trash receptacles, maintenance access to street trees, planters, utility and signal poles, access generally from the street to the sidewalk and the sidewalk to the street, blocking of views at intersections, alleys and driveways, distance from intersections and driveways and alleys, distance from buildings and the visibility of public art. The Director shall determine the appropriate location for News Box Banks on each block after taking into consideration the current location and number of Publication Distribution Machines.

(b) The Council has, after holding a public hearing, considered the determinations of the Director as to the locations of News Box Banks and type of News Box Banks which shall be used. The proposed locations for News Box Banks are in the proximity of the following businesses or facilities:

1. United States Post Office, Main Branch, 241 North 4<sup>th</sup> Street;
2. Crystal Café, 314 Main Street;
3. Rockslide Brew Pub, 401 Main Street;
4. Greyhound Bus Station, 230 South Fifth Street;
5. Main Street Café, 504 Main Street;
6. Main Street Bagels Bakery & Café, 559 Main Street; and
7. Talley's BQ & Biscuit Factory, 623 Main Street.

City Council hereby ratifies the locations and adopts this Ordinance including Appendix A as reasonable place and manner regulations of News Box Banks.

(c) Future News Box Bank type(s) and location(s) may be determined by the Director.

(d) Should any News Box Bank require temporary or permanent removal because of construction or reconfiguration of streets, sidewalks or other portions of the Right-of-Way, the Director is directed to provide a replacement(s) location if the removal is reasonably expected to exceed 30 days, located as conveniently to the removed Bank as is reasonably practical.

### **32-73 Installation of News Box Banks.**

(a) The DDA may develop a system through the issuance of a Request for Proposal ("RFP") for the management, ownership, installation, fees, maintenance and other activities to be performed or accomplished at the Director's discretion, associated with the administration of this Ordinance. For the purposes of interpreting, construing and applying this Ordinance, if a contract is awarded following or pursuant to an RFP, the person or entity to which an RFP is awarded is considered the designee or agent of the Director.

(b) The Director shall install News Box Bank Pedestals as funds are appropriated so that owners of existing Publication Distribution Machines can remove those machines.

The Director shall install Pedestals on a per location basis and no owner of an existing Publication Distribution Machine within that location shall fail to remove it within fourteen calendar days thereafter. Any Publication Distribution Machine within the Right-of-Way after installation of News Bank Pedestal(s) is declared to be a public nuisance and may be summarily removed by the Director. The Director shall require full payment by the owner of the reasonable cost of removal and storage of the machine(s), plus fifteen percent for administration, before releasing the machine(s).

(c) The Director shall install News Box Bank Pedestals to accommodate Publishers in the order and priority set forth in section 32-77 of this Ordinance.

(d) Prior to installing News Box Bank Pedestals the Director shall consult with the City Manager or his designee and shall in addition follow these standards:

1. The Banks on each side of any block of Main Street shall not exceed (10) linear feet.
2. No Bank shall be longer than ten (10) linear feet. The Director may, in his discretion, install two Banks of less than ten (10) feet within fifty (50) feet of each other which, combined shall not exceed ten (10) linear feet.
3. The front of all News Box Banks shall face away from the street.
4. Except where vehicle parking or stopping is prohibited, News Box Banks shall not be installed within two (2) feet of the vertical face of the curb or of any other designated parking space or loading zone. News Box Bank Pedestals shall not be installed, and shall not overhang, any stamped, brick path embedded within a sidewalk.
5. No Bank shall be closer than five (5) feet to a fire hydrant.
6. No Bank shall be closer than five (5) feet to a bus stop sign and no Bank shall be installed in such a way as to interfere with access to buses at designated bus stops.
7. No Bank shall be closer than five (5) feet to a crosswalk.
8. No Bank shall be installed on or over a tree grate.
9. No Bank shall be closer than three (3) feet to any existing structure. Planters or other public walls or facilities are not a structure for purposes of this requirement.
10. No Bank shall intrude into any intersection, alley, and driveway sight triangles.

### **32-74 News Box Use.**

(a) On and after May 1, 2005, no person shall mechanically (via a Publication Distribution Machine) distribute any Publication or other material on the public Right-of-Way within the boundaries of the Downtown Commercial Area other than in accordance with this Ordinance.

- (b) Spaces in which Single User News Boxes are installed on News Box Bank Pedestals are not proprietary and users shall not assert ownership other than as provided or allowed in this Ordinance; slots in Joint Use News Boxes are not proprietary or exclusive and are available for use by Use Agreement as provided in this Ordinance.
- (c) Slots in Joint Use News Boxes, if available, must be used by Publishers of Monthly Publications and may be used by Publishers of Weekly Publications who do not own a Single User News Box for the location where the Publisher wishes to distribute its Publication. If a slot is not available in a Joint Use News Box for a Monthly Publication, the applicant shall be placed on a waiting list or may purchase a Single User News Box and place it in available space. Space(s) and/or slot(s) are determined on a first come first serve basis. The Director may impose a waiting list fee in order to assure the bona fides of Publisher(s) requesting a Space(s) or slot(s).
- (d) Publishers who distribute their Publication(s) in a Joint Use News Box(es) shall pay an initial user fee of ONE HUNDRED DOLLARS (\$100) per location and a monthly fee of TWENTY DOLLARS (\$20) per month for each slot used by that Publisher in a Joint Use News Box in each location. Monthly fees must be paid for a full year in advance on May 1<sup>st</sup> of each year.
- (e) Publishers who distribute their Publication(s) in Single User News Boxes shall be solely responsible for the entire expense of purchasing, stocking and maintaining their own Single User News Box for each location; however, they are not required to pay an initial or a monthly fee.
- (f) Subject to the provisions of section 32-77 of this Ordinance, a Space in a News Box Bank may be available to any Publisher of a Daily Publication or Weekly Publication that desires to place that Publisher's Single User News Box in accordance with the terms of this Ordinance. Unless otherwise allowed by the Director, only one Publication may be placed within a Single User News Box. In order to be eligible to place a Single User News Box in a News Box Bank, the applicant must be the Publisher of the Publication placed within a Single User News Box or an agent of the Publisher. Where the applicant is an agent, the applicant shall so indicate and the Single User News Box shall be used only for the distribution of the Publication(s) of such Publisher and no other.
- (g) Publishers shall purchase and will thereafter own their Single User News Boxes designed to accommodate and distribute the Publisher's publication(s) from the Space(s) provided by the DDA. The Director shall specify the type, location and other terms of attachment of the Single User News Box to the News Box Bank Pedestal. Installation of Single User News Boxes shall be performed by the Publishers, the Director or the Director's agent, at the Director's discretion.
- (h) A Publisher shall not place anything on the exterior of its Single User News Box other than its individual logo and the City and/or Downtown Partnership logo(s) or other identifying wording and/or contact information, except that those Publishers whose

Publications occupy “large capacity” Single User News Boxes (Boxes which hold approximately twice as many Publications as a standard Box) may place rack cards on their large capacity Boxes.

(j) If the Single User News Box allows, the user may place a copy of the Publication found in the Box inside the face plate so that it is visible, but the user may not place anything other than such Publication in that location.

(k) The Director shall not permit the placing of any advertising (other than rack cards on large capacity Single User News Boxes) on the outside of the News Box Banks. The Director may use any side of a News Box Bank other than the front face (where access to the Publications is gained), at no cost, for designs or graphics designed to enhance the identity of the City and/or the DDA or for other artwork approved by the Director, or as a location for a directory or map showing where public and/or private services may be found. This exception shall not be construed to permit the Director to place or permit paid advertisements nor to cause the Boxes or Banks to become any kind of public forum for the purposes of exercising free speech.

### **32-75 Obligations of Users.**

(a) Each Publisher shall maintain its own Single User News Boxes. A Publisher may be responsible for the maintenance of multiple Publishers’ Single User News Boxes if mutually agreed to by the affected Publishers. Maintenance shall include, without limitation, the maintenance in good working order of all mechanical workings of each Publisher’s Single User News Boxes, including, without limitation, the window and face plate, the coin mechanism, the coin tray and the lock, if any. All Publishers shall ensure that their respective Boxes or slots are kept free, both inside each Box and on the exterior surface of each Box, of all trash, refuse, garbage, litter, debris and graffiti.

(b) A Publisher may supply and affix its logo to its Single User News Boxes. The identifying picture or wording shall be no larger than four (4) inches high by twenty-two (22) inches wide for a Single User News Box, provided the logo does not extend over the edges of the front of the News Box. The identification shall be white text on a black background and shall be attached by self-stick tape on the front of the Box.

(c) The Director or his agent may rescind the right to use a Space(s) containing Single User News Box or slot(s) in a Joint Use News Box if the news box is not stocked with the Publisher’s Publication for a period of thirty days or if the user has failed to maintain the Box or slot for thirty days or if any payment due under this Ordinance is delinquent. The Director shall not rescind use rights without notice to the user and an opportunity for a hearing. One seven-day opportunity to cure shall be extended in any calendar year prior to revocation.

(d) A Publisher or authorized user of a Single User News Box, a Joint Use News Box or a slot therein or a Space in a News Box Bank shall indemnify, defend and hold the

DDA and the City and the respective officers and employees thereof harmless for any damage(s), loss or injury, direct or consequential, arising out of the use, misuse, placement, existence, operation maintenance or letting of the same. A Publisher may insure its interest therein. The City and the DDA rely on and will assert the provisions of the Colorado Governmental Immunity Act as the same now exist or may be amended. The Colorado Governmental Immunity Act does not protect a Publisher and the Publisher shall not assert or claim protection under or by virtue of the Act.

### **32-76 Joint Use News Box Use Agreement - Term, Expiration and Revocation.**

(a) A Use Agreement for a Joint Use News Box is valid for one year unless prepaid for more than one year in which case the Use Agreement shall be valid for up to three (3) years. A Use Agreement expires if not renewed before expiration. Except for emergencies, unanticipated construction, changes in the location of benches and/or transit stops and other situations in which relocation is necessary in the public interest, locations shall not be changed by the Director during any term but with notice on or before renewal a user may be relocated during the following year.

(b) If a user surrenders a Use Agreement in writing, the Director shall refund the unused prepayment pro rata based on the number of whole calendar years remaining.

(c) No Use Agreement may be assigned or transferred except incidental to the sale of the Publication from one Publisher to another and no user shall be deemed to possess any equity in the Use Agreement, although an existing user has priority in renewing, subject to the provisions of section 32-77 of this Ordinance. It shall be grounds for revocation of a Use Agreement for any user to attempt profit from any scarcity of slots in Joint Use News Boxes. No refund shall be made if a Use Agreement is rescinded, revoked or expires.

(d) Subject to the provisions of section 32-77 of this Ordinance, upon failure to renew, revocation or expiration of a Use Agreement, the Director may remove the Joint Use News Box(es) or close the applicable slot(s), remove the contents thereof and may hold the same as abandoned property and issue a new Use Agreement(s) to another Publisher(s).

### **32-77 Joint Use News Box Priority and Waiting List.**

(a) A Use Agreement is available on a first come, first served basis based on date of receipt of a written request, during normal business hours at the DDA offices. In the event of limited availability the allocation of slot(s) shall be determined by lot.

(b) If no slot satisfactory to the applicant is available, the applicant may be placed on a waiting list and shall pay a waiting list fee. The waiting list shall be structured so that it is specific to each location. The waiting list fee does not reduce the Use Agreement fee.

**32-78 Inapplicability of Other Code Sections.**

Given the First Amendment implications of this Ordinance, the Zoning and Development Code and Section 127 of the Charter concerning Revocable Permits shall not have applicability to the installation and administration of News Boxes by the Director pursuant to this Ordinance, however, the right to occupy a Space(s) and/or slot(s) is revocable, subject to the terms of this ordinance.

**Section 32-63 is amended by the addition of the following subparagraphs (d) through (h):**

- (d) For the purposes of this section of the ordinance, a Permit Fee, as otherwise provided, established or required in Chapter 32 shall not be applicable to Single User News Box. Fees for Joint Use News Boxes shall be set to cover the DDA's administrative, capital and installation and maintenance costs.
- (e) Fees shall be payable in accordance with the terms of this Ordinance prior to installation and use of Joint Use News Boxes. Fees may be decreased or increased by the DDA Board to cover the DDA's administrative costs, the capital costs and installation cost for the Joint Use News Boxes and the annual maintenance cost.
- (f) The capital and installation costs are determined on the basis of an amortization schedule determined by the Director and may be adjusted, based on replacement cost and to accrue a fund therefor and to reflect actual installation costs.
- (g) The maintenance cost will be based on the DDA's experience with commercial activity permit administration and may be adjusted in future years.
- (h) Fees shall be set by a resolution of the DDA Board and will remain in effect until amended. Fees must be submitted, if applicable, with the application for or renewal of a Use Agreement.

**All other provisions of Chapter 32 shall remain in full force and effect.**

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN PAMPHLET FORM ON THE 17<sup>TH</sup> DAY OF NOVEMBER 2004.



PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN  
PAMPHLET FORM ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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Bruce Hill  
President of the Council

Attest:

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Stephanie Tuin,  
City Clerk

**APPENDIX A  
NEWS BOX BANK  
LOCATIONS  
AND  
SAMPLE NEWS  
BOX BANK**

News Box Banks are  
proposed to be located at  
the following sites...

**U.S. POST OFFICE, MAIN  
BRANCH**  
241 North 4<sup>th</sup> Street



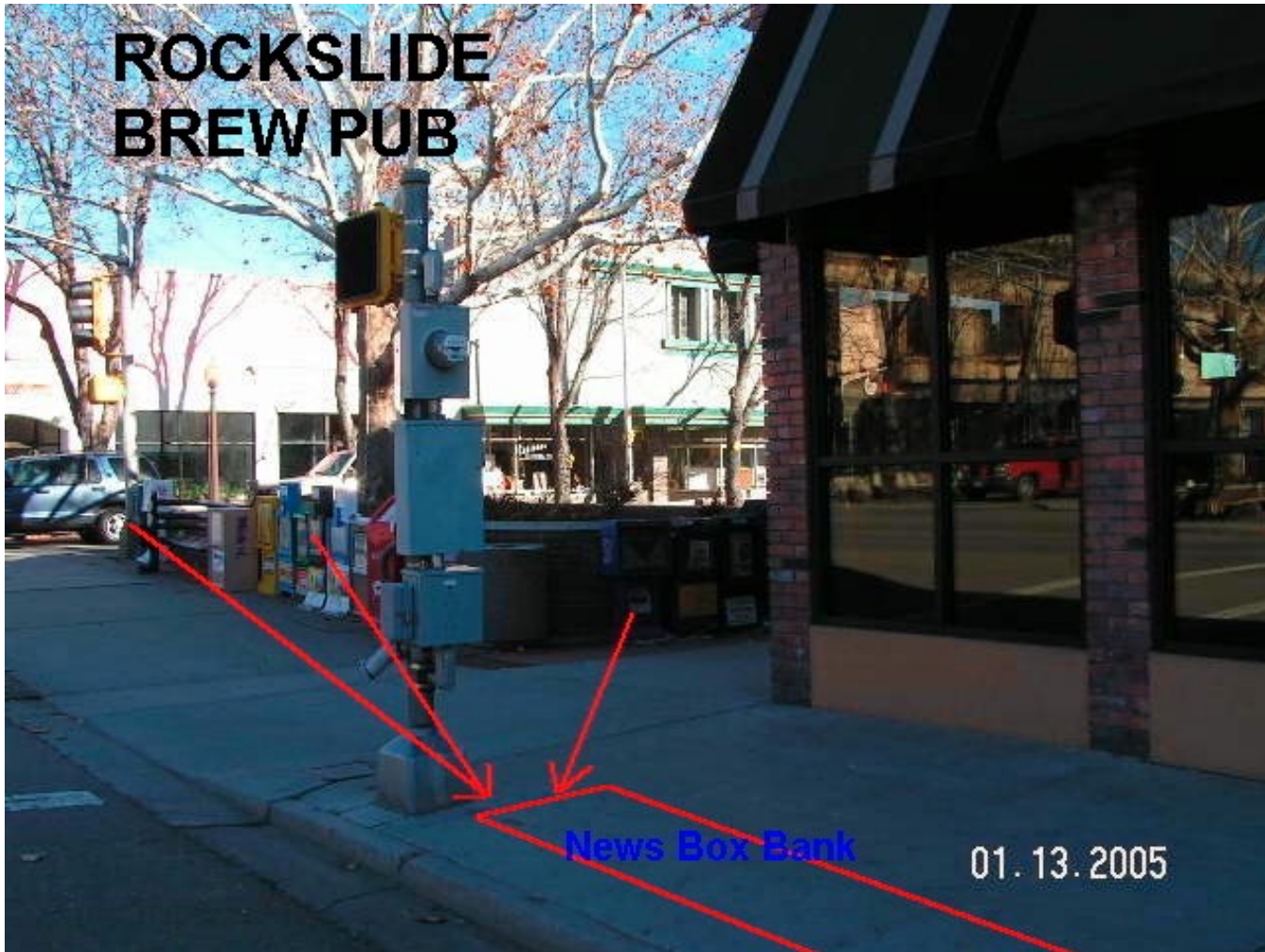
# CRYSTAL CAFÉ

314 Main Street



# ROCKSLIDE BREW PUB

401 Main Street



# GREYHOUND BUS STATION

230 South Fifth Street



# MAIN STREET CAFÉ/HAGGLE OF VENDORS

504 Main Street



# MAIN STREET BAGELS BAKERY & CAFÉ

559 Main Street





# TALLEY'S BQ & BISCUIT FACTORY

623 Main Street



**EXAMPLE OF NEWS BOX BANK  
COLOR: CHICAGO BLUE  
MODEL: THE BOULEVARD**



**Attach 22**  
**Public Hearing – Alcoholic Beverage Ordinance**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Alcoholic Beverage Ordinances					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	February 10, 2005				<b>File #</b>	
<b>Author</b>	Shelly Dackonish			<b>Staff Attorney</b>		
<b>Presenter Name</b>	John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener’s errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of ordinance to correct scrivener’s errors regarding possession and consumption of alcoholic beverages in public areas, and service of alcoholic beverages in sidewalk restaurants.

**Attachments:** Proposed Ordinance.

**Background Information:** In 1994 the City Council approved Ordinance No. 2743 which amended Chapter 19, Section 29 (now codified at Chapter 32, Section 10) of the Code of Ordinances, City of Grand Junction (“Code”) to allow consumption of malt and vinous beverages in the City in public ways, and in private ways used by the public, when and if such possession and consumption is authorized under a special events permit. The terms “possess” and “spirituous” were omitted from the amended Code language describing those beverages prohibited from possession or consumption within public ways and private ways used by the public.

On July 7, 2004, the City Council approved Ordinance No. 3650 which amends Chapter 32, Sections 62, 63 and 64 of the Code to allow alcohol beverage service in sidewalk restaurants. This revision is not reflected in Chapter 32, Section 10 of the code.

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

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO DRINKING ALCOHOLIC BEVERAGES IN PUBLIC WAYS.

**Recitals.**

In 1994 the City Council approved Ordinance No. 2743 which amended Chapter 19, Section 29 (now codified at Chapter 32, Section 10) of the Code of Ordinances, City of Grand Junction (“Code”) to allow consumption of malt and vinous beverages in the City in public ways, and in private ways used by the public, when and if such possession and consumption is authorized under a special events permit.

Due to a scrivener’s error, the terms “possess” and “spirituous” were omitted from the amended Code language describing those beverages prohibited from possession or consumption within public ways and private ways used by the public.

Furthermore, on July 7, 2004, the City Council approved Ordinance No. 3650, which amends Chapter 32, Sections 62, 63 and 64 of the Code to allow alcoholic beverage service in sidewalk restaurants. This revision is not reflected in Chapter 32, Section 10 of the Code.

This amendment is designed to correct the scrivener’s error, update Chapter 32, Section 10 of the Code to create consistency with Ordinance 3650, and to facilitate the continued consistent enforcement of the Code.

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

Chapter 32, Section 10 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. Deletions are shown in strikethrough; ADDITIONS ARE SHOWN IN ALL CAPS.

**Sec. 32-10. Drinking of alcoholic beverages in public ways; use of glass containers in grassed areas prohibited.**

(a) It shall be unlawful for any person to POSSESS OR drink ANY malt, ~~or~~ vinous, OR SPIRITUOUS LIQUORS ~~beverages~~ in the City, in or on any public street, road, highway, park or public way which is either publicly or privately owned and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. § 12-48-101 *et seq.* or such ~~public~~ place is a part of the premises designated under a valid

license issued pursuant to state law and the consumption is otherwise lawful.  
~~Consumption of spirituous liquors in or on any public street, road, highway or public way which is either publicly or privately owned shall be unlawful.~~

(b) No person shall drink from or use glass containers on the grassed areas of any public park.

**All other provisions of Chapter 32 shall remain in full force and effect.**

PASSED for first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005 on  
Second Reading.

\_\_\_\_\_  
Bruce Hill  
President of the Council

Attest:

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

**Attach 23**  
**Public Hearing – Amending Chapter 38, Utilities**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Ordinance Amending Chapter 38, Utilities, Concerning Industrial Pretreatment					
<b>Meeting Date</b>	February 16, 2005					
<b>Date Prepared</b>	January 27, 2005				<b>File #</b>	
<b>Author</b>	Jamie B. Kreiling			<b>Assistant City Attorney</b>		
<b>Presenter Name</b>	John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<input type="checkbox"/>	<b>Workshop</b>	<input type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>
						<b>Individual Consideration</b>

**Summary:** The proposed Ordinance amends Article II of Chapter 38 of the City's Code of Ordinances. The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made to clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other minor changes have been made for clarification purposes.

**Budget:** Cost of preparation and adoption only; no direct budgetary impact.

**Action Requested/Recommendation:** Adoption of Ordinance No. \_\_-05 amending Article II of Chapter 38 of the Code.

**Attachments:** A copy of the amended sections of Chapter 38 with the changes tracked for review and the proposed Ordinance.

**Background Information:** See summary.

**Sec. 38-26. Definitions.**

*Interference* means an introduction of pollutants into the Wastewater Treatment Works (“WWTW”) from any nondomestic source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW’s National Pollutant Discharge Elimination System (“NPDES”) permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (“SWDA”) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five (in case of heavy metals, three) times the average twenty-four hour concentration or flows during normal operation and may adversely affect the wastewater facilities.

**Sec. 38-29. Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.**

The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

**Sec. 38-63. Same--Definitions.**

*Act or theAct* means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water Act of 1977, PL 95-217, 33 U.S.C. section 466 *et seq.*, and as subsequently amended.

*Approval Authority* is is the Regional Administrator for the Environmental Protection Agency as the State of Colorado is an NPDES State without an approved State pretreatment program. If the State is approved as a State pretreatment program with an NPDES permit, then the Approval Authority will be the chief administrative officer of the water pollution control agency.

*Categorical industrial user* means an industrial user discharging into the City's 201 area wastewater collection, treatment and disposal system, the WWTW, which is classified as a



categorical industry and because of the nature of its discharge is governed by the national categorical pretreatment standards as specified in 40 CFR Chapter I, Subchapter N, and 40 CFR Section 403.6.

*Control Authority* is the WWTW.

*Interference* means an introduction of pollutants into the Wastewater Treatment Works (“WWTW”) from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW’s National Pollutant Discharge Elimination System (“NPDES”) permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (“SWDA”) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

*National pollutant discharge elimination system (“NPDES”) permit* means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State.

*National pretreatment standard, pretreatment standard, or standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

*National prohibitive discharge standards or prohibitive discharge standard* means any federal regulation developed under the authority of section 307(b) of the Clean Water Act, including the general pretreatment regulations (40 CFR Section 403.5).

*New Source* means any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR Section 403.3(k)(1) through (k)(3).

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the rate of their introduction into the WWTW, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into the WWTW. The reduction or alteration can be achieved by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

*Toxic pollutant* includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act or other applicable laws.

*Wastewater treatment works (“WWTW”)* means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes “any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature.” It further includes, “any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems.” For the purposes of sections 38-62 through 38-70, “WWTW” shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City’s and County’s WWTW.

**Sec. 38-65. Same--Regulations.**

(e) *Requirements.* The more stringent requirements and limitations imposed on discharges by the State, federal or those found in this article or otherwise required by City rules and regulations shall apply in any case where the requirements and/or limitations may vary.

**Sec. 38-70. Same--Pretreatment authority outside of the City.**

(a) In order to achieve and maintain compliance with the Clean Water Act, federal pretreatment standards and requirements, state regulations, sewage grant conditions, and WWTP discharge permit requirements, the City, as manager/operator of the Persigo WWTP, must possess and demonstrate a clear legal right to require compliance with pretreatment standards and requirements by any industrial user of the WWTW located outside of the City's territorial jurisdiction. To that end all governmental sewage connectors, including sanitation districts and the County, have been requested to adopt, and have adopted, by resolution, a regulatory pretreatment program either parallel to Ordinance No. 2169 or incorporating the provisions of Ordinance No. 2169, and requiring industrial users to comply with the City’s pretreatment program.

(b) The connector districts and the County shall also be requested to approve necessary revisions to existing sewer service agreements or joint agreements granting the City the right to administer and physically enforce the connector's pretreatment program on behalf of and as agent for the connector district or County. Such supplemental or indirect regulatory authority accorded to the City shall only be used where the industrial discharge permit program has proved insufficient to ensure compliance with the pretreatment program.

**CITY OF GRAND JUNCTION, COLORADO**

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

AN ORDINANCE AMENDING SECTIONS AND/OR PORTIONS OF SECTIONS  
OF ARTICLE II OF CHAPTER 38, UTILITIES,  
OF THE  
CODE OF ORDINANCES

Recitals:

The Industrial Pretreatment Program is audited by the Environmental Protection Agency (EPA) on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other changes have been made for clarification purposes.

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

Article II of Chapter 38 of the Code is amended as follows:

1. The definitions in Section 38-26 for *Interference*, *Slug*, and *Wastewater treatment works* are replaced with the following definitions for each word respectively:

*Interference* means an introduction of pollutants into the Wastewater Treatment Works ("WWTW") from any nondomestic source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW's National Pollutant Discharge Elimination System ("NPDES") permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean

Water Act, the Solid Waste Disposal Act (“SWDA”) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five (in case of heavy metals, three) times the average twenty-four hour concentration or flows during normal operation and may adversely affect the wastewater facilities.

*Wastewater treatment works (“WWTW”)* means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes “any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature.” It further includes, “any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems.” For the purposes of sections 38-62 through 38-70, “WWTW” shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City’s and County’s WWTW.

2. Section 38-29 shall now read as follows:

**Sec. 38-29. Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.**

The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

3. Section 38-63 is amended by adding the definition for *Control Authority* set forth below and the definitions for the listed respective words shall be replaced with the following definitions:

*Act or the Act* means the Federal Water Pollution Control Act, PL 92-500,

also known as the Clean Water Act, and including amendments thereto by the Clean Water Act of 1977, PL 95-217, 33 U.S.C. section 466 *et seq.*, and as subsequently amended.

*Approval Authority* means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

*Categorical industrial user* means an industrial user discharging into the City's 201 area wastewater collection, treatment and disposal system, the WWTW, which is classified as a categorical industry and because of the nature of its discharge is governed by the national categorical pretreatment standards as specified in 40 CFR Chapter I, Subchapter N, and 40 CFR Section 403.6.

*Control Authority* is the WWTW.

*Interference* means an introduction of pollutants into the Wastewater Treatment Works ("WWTW") from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW's National Pollutant Discharge Elimination System ("NPDES") permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act ("SWDA") (including title II, more commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

*National pollutant discharge elimination system ("NPDES") permit* means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State.

*National pretreatment standard, pretreatment standard, or standard* means any regulation containing pollutant discharge limits promulgated by EPA in

accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

*National prohibitive discharge standards or prohibitive discharge standard* means any federal regulation developed under the authority of section 307(b) of the Clean Water Act, including the general pretreatment regulations (40 CFR Section 403.5).

*New Source* means any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR Section 403.3(k)(1) through (k)(3).

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the rate of their introduction into the WWTW, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into the WWTW. The reduction or alteration can be achieved by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

*Toxic pollutant* includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act or other applicable laws.

*Wastewater treatment works ("WWTW")* means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature." It further includes, "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems." For the purposes of sections 38-62 through 38-70, "WWTW" shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City's and County's WWTW.

4. Section 38-65(e) shall now read as follows:

(e) *Requirements.* The more stringent requirements and limitations imposed on discharges by the State, federal or those found in this article or

otherwise required by City rules and regulations shall apply in any case where the requirements and/or limitations may vary.

5. Section 38-70(a) and Section 38-70(b) shall now read as follows:

(a) In order to achieve and maintain compliance with the Clean Water Act, federal pretreatment standards and requirements, state regulations, sewage grant conditions, and WWTP discharge permit requirements, the City, as manager/operator of the Persigo WWTP, must possess and demonstrate a clear legal right to require compliance with pretreatment standards and requirements by any industrial user of the WWTP located outside of the City's territorial jurisdiction. To that end all governmental sewage connectors, including sanitation districts and the County, have been requested to adopt, and have adopted, by resolution, a regulatory pretreatment program either parallel to Ordinance No. 2169 or incorporating the provisions of Ordinance No. 2169, and requiring industrial users to comply with the City's pretreatment program.

(b) The connector districts and the County shall also be requested to approve necessary revisions to existing sewer service agreements or joint agreements granting the City the right to administer and physically enforce the connector's pretreatment program on behalf of and as agent for the connector district or County. Such supplemental or indirect regulatory authority accorded to the City shall only be used where the industrial discharge permit program has proved insufficient to ensure compliance with the pretreatment program.

The remainder of Article II, Chapter 38, not specifically amended herein, shall remain in full force and effect

Introduced on first reading this 2nd day of February 2005.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of February 2005.

\_\_\_\_\_  
Mayor

Attest:

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