

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

**WEDNESDAY, MARCH 2, 2005, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Retired Pastor Eldon Coffey

**\*\*\* PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING MARCH 6, 2005 THROUGH MARCH 12, 2005 AS “WOMEN IN CONSTRUCTION WEEK” IN THE CITY OF GRAND JUNCTION

**CERTIFICATES OF APPOINTMENT**

TO THE COMMISSION ON ARTS AND CULTURE

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Minutes of the January 31, 2005 Special Meeting, Summary of the February 14, 2005 Workshop, February 14, 2005 Workshop Summary and Special Meeting Minutes, and the Minutes of the February 16, 2005 Regular Meeting*

2. **Purchase of an Automated Refuse Truck**

[Attach 2](#)

\*\*\* Indicates New Item

® Requires Roll Call Vote

This is for the purchase of a 2005 Mack Truck with a Heil 30 yard automated trash body. The existing unit is currently scheduled for replacement in 2005, as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase a 2005 Mack Truck with a Heil 30 Yard Automated Trash Body from Western Colorado Truck Center, Grand Junction, CO in the Amount of \$162,615.00.*

Staff presentation: Ronald Watkins, Purchasing Manager  
Mark Relph, Public Works and Utilities Director

3. **Memorandum of Understanding with CDOT for Sharing Traveler Information** [Attach 3](#)

The Memorandum of Understanding (MOU) updates and replaces the original MOU approved by City Council on June 16, 2003. The MOU provides for the sharing of statewide traveler information.

*Action: Authorize the Mayor to Sign a Memorandum of Understanding with CDOT for Sharing Traveler Information*

Staff presentation: Tim Moore, Public Works Manager

4. **Vacating an Emergency Access and a Drainage Easement Located at 559 Sandhill Lane** [File # VE-2004-235] [Attach 4](#)

The applicant proposes to vacate a 50' emergency access easement and 30' of a 50' drainage easement, located in City Market Subdivision. The Planning Commission recommended a conditional approval of this easement vacation request on February 8, 2005, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 40-05 – A Resolution Vacating a 50' Emergency Access Easement and 30' of a 50' Drainage Easement Located in Lot 2 of the Blue Heron Lake Industrial Park at 559 Sandhill Lane

*®Action: Adopt Resolution No. 40-05*

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing on Right-of-Way Vacation Located at 237 S. 7th Street**  
[File # VR-2004-281] [Attach 5](#)

Introduction of a proposed ordinance to vacate the southern half of the north/south alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street adjacent to Ute Avenue, reserving the areas as a 15' multi-purpose easement due to underground utilities.

Proposed Ordinance Vacating a Right-of-Way Located Adjacent to 237 S. 7<sup>th</sup> Street

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

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on Zoning the Hawk's Nest Annexation Located at 157 30 Road to RSF-4 (Residential Single Family 4 du/ac)** [File # ANX-2004-298]  
[Attach 6](#)

Introduction of a proposed zoning ordinance to zone the Hawk's Nest Annexation RSF-4 (Residential Single-Family 4 du/ac), located at 157 30 Road.

Proposed Ordinance Zoning the Hawk's Nest Annexation to RSF-4 (Residential Single-Family 4 Du/Ac) Located at 157 30 Road

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

Staff presentation: Faye Hall, Planning Technician

7. **Setting a Hearing on Zoning the Catlin Annexation, Located at 2830 C 1/2 Road, to RMF-8 (Residential Multi-Family 8 du/ac)** [File # ANX-2004-308]  
[Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Catlin Annexation RMF-8 (Residential Multi-Family 8 du/ac), located at 2830 C 1/2 Road.

Proposed Ordinance Zoning the Catlin Annexation to RMF-8 (Residential Multi-Family 8 Du/Ac) Located at 2830 C 1/2 Road

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

Staff presentation: Faye Hall, Planning Technician

8. **Setting a Hearing on Zoning the Fisher Annexation, Located at 104 29 <sup>3</sup>/<sub>4</sub> Road** [File # GPA-2004-191] [Attach 8](#)

Introduction of a proposed ordinance to zone the 16 acre Fisher Annexation, located at 104 29 <sup>3</sup>/<sub>4</sub> Road, RSF-R (Residential Single Family, Rural)

Proposed Ordinance Zoning the Fisher Annexation to RSF-R (Residential Single Family, Rural), Located at 104 29 <sup>3</sup>/<sub>4</sub> Road

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

Staff presentation: Kathy Portner, Planning Manager

9. **Setting a Hearing on Zoning the Manor Annexation, Located at the NE Corner of 26 <sup>1</sup>/<sub>2</sub> Road and I Road** [File # GPA-2004-205] [Attach 9](#)

Introduction of a proposed ordinance to zone the 11 acre Manor Annexation, located at the NE corner of 26 <sup>1</sup>/<sub>2</sub> Road and I Road, RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Zoning the Manor Annexation to RSF-4 (Residential Single Family, 4 Units Per Acre), Located at the NE Corner of 26 <sup>1</sup>/<sub>2</sub> Road and I Road

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

Staff presentation: Kathy Portner, Planning Manager

10. **Setting a Hearing on the Barker No. 3 Annexation, Located at 2939 Jon Hall Road** [File # ANX-2005-022] [Attach 10](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 0.298 acre Barker No. 3 annexation consists of 1 parcel.

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

Resolution No. 41-05 – 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, Barker No. 3 Annexation, Located at 2939 Jon Hall Road

®Action: *Adopt Resolution No. 41-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Barker No. 3 Annexation, Approximately 0.298 Acres, Located at 2939 Jon Hall Road

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

Staff presentation: Lori V. Bowers, Senior Planner

11. **Setting a Hearing on the Whaley Annexation, Located at 2941 & 2949 B ½ Road** [File # ANX-2005-010] [Attach 11](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.967 acre Whaley Annexation is a 2 part serial annexation consisting of 2 parcels.

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

Resolution No. 42-05 – 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, Whaley Annexation Located at 2941 & 2949 B ½ Road

®Action: *Adopt Resolution No. 42-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Whaley Annexation #1, Approximately 4.988 Acres, Located at 2941 B ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Whaley Annexation #2, Approximately 4.979 Acres, Located at 2949 B ½ Road

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

Staff presentation: Lori V. Bowers, Senior Planner

12. **Setting a Hearing on the Vacation of Dedicated Right-of-Way of Winters Avenue, West of South 7<sup>th</sup> Street** [File # VR-2002-200] [Attach 12](#)

Introduction of a proposed ordinance to vacate excess dedicated but not yet constructed Winters Avenue right-of-way, West of South 7<sup>th</sup> Street.

Proposed Ordinance Vacating a Portion of Undeveloped Right-of-Way, of Winters Avenue, West of South 7<sup>th</sup> Street

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

Staff presentation: Lori V. Bowers, Senior Planner

13. **Setting a Hearing for Rezoning the Hanson Equipment Property, Located at 763 23 ½ Road and 2340 I-70 Frontage Road** [File # PFP-2004-181] [Attach 13](#)

A request to rezone 2 acres of land located at 763 23 ½ Road, from PD to Estate and rezone the remaining 17.87 acres, located at 2340 I-70 Frontage Road, to I-1, (Light Industrial) from a PD zoning designation.

Proposed Ordinance Zoning 2.00 Acres of Land Located at 763 23 ½ Road

Proposed Ordinance Zoning 17.87 Acres of Land Located at 2340 I-70 Frontage Road

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

Staff presentation: Lori V. Bowers, Senior Planner

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

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

14. **Grand Junction Commission on Arts and Culture Funding Recommendations for Arts and Cultural Events and Projects** [Attach 14](#)

Recommendations to City Council for grants to support arts and cultural events, projects, and programs in Grand Junction for local citizens; and recommendations to Council for the purchase of 1% for the Arts projects for the Duck Pond Park restroom building and the Lincoln Park Splash Playground facility.

Mesa County Valley School District 51 Artists in Residence Program	\$7,500
KAFM Community Radio Arts & Entertainment Calendar/Local Artists CD	\$3,000
Grand Junction Symphony – “Die Fledermaus” opera production	\$2,000
Rocky Mt. Public Television KRMJ “Western Bounty” arts segments	\$2,000
Western Colorado Botanical Gardens Summer Music Concerts	\$1,800
Art Center Summer Art Camp Children’s Classes	\$1,000
Colorado Symphony (Denver) Summer Tour – Grand Junction Concert	\$1,000
Downtown Association Art & Jazz Festival	\$1,000
Grand Valley Community Theatre “Yours Anne” Anne Frank musical	\$1,000
Mesa State College Art Dept. Design & Build High School Art Project	\$1,000
Cinema at the Avalon Senior Matinee Posters/Postcards Printing	\$800
Colo. West Performing/Western Colorado Chamber Music Series Concert	\$800
Grand Junction Centennial Band Percussion Equipment Acquisition	\$800
Mesa State Foundation Dalton Trumbo Play “The Biggest Thief in Town”	\$800
Reader’s Festival	\$800
Museum of Western Colorado “Singspiration” Concerts	\$700
Pastel Society of Colorado “Passages in Pastels” Members Exhibit	\$500
St. Andrews Renaissance Guild Grand Valley Renaissance Festival	\$500

*Action: Approve Recommendations for the Purchase of Two 1% Artwork Projects and Approve Recommendations for Grant Funding*

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

15. **Design Amendment No. 3 to CSEP Contract** [Attach 15](#)

The proposed Amendment #3 is the final amendment for the Combined Sewer Elimination Project design contract with Stantec, Inc. in the amount of \$65,293 for additional design work associated with field changes, and additional construction management costs for the Basin 9, 13 & 14, Basin 7 & 11, and 2004 Waterline Replacement projects.

*Action: Authorize the City Manager to Execute a Design Contract Amendment for the Combined Sewer Elimination Project with Stantec, Inc. in the Amount of \$65,293.00*

Staff presentation: Mark Relph, Public Works and Utilities Director

16. **Purchase of Properties and Interests at 2547 River Road, 720 W. Grand Avenue, 1007 S. 5<sup>th</sup> Street and East of 2501 Highway 6&50 for the Riverside Parkway Project** [Attach 16](#)

The City has entered into a contract to purchase one parcel, portions of two other properties, and four outdoor advertising signs from Mark L. Gamble and Colorado West Outdoor Advertising 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. 43-05 – A Resolution Authorizing the Purchase of Real Property East of 2501 Highway 6 & 50, 2547 River Road, 720 W. Grand Avenue, and 1007 S. 5<sup>th</sup> Street from Mark L Gamble and Colorado West Outdoor Advertising, Inc.

*®Action: Adopt Resolution No. 43-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Purchase of Property at 402 Noland Avenue for the Riverside Parkway Project** [Attach 17](#)

The City has entered into a contract to purchase the property at 402 Noland Avenue from Mary E. Wales Revocable Trust 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. 44-05 – A Resolution Authorizing the Purchase of Real Property at 402 Noland Avenue from Mary E. Wales Revocable Trust

*®Action: Adopt Resolution No. 44-05*

Staff presentation: Mark Relph, Public Works and Utilities Director



18. **Interim Contract for Emergency Medical Services** [Attach 18](#)

The County's resolution regulating ambulance/emergency medical services took effect January 1, 2005. Under it, the City is authorized, but not required, to select service provider(s) for its ambulance service area and to recommend that/those provider(s) to the County. The resolution provides a deadline of May 31, 2005 for the City to do so, but authorizes an extension through November 30, 2005. The GJFD has notified the County that it will not complete a selection process until the November date. In its work session on January 17, 2005, the Council authorized staff to explore and develop a means to maintain the City's current "two-tier" system, using the Fire Department and American Medical Response (AMR), the City's current ambulance provider. Given the present temporary overlap in regulation of ambulance services (due to the County Resolution and the City's system) the proposed interim contract with AMR recognizes and substantially complies with both regulatory systems.

*Action: Authorize the City Manager to Execute an Interim Contract with American Medical Response through November 30, 2005*

Staff presentation: Rick Beaty, Fire Chief

19. **Amendments to Action Plans for 2001, 2002 and 2004 Program Years Community Development Block Grant (CDBG) Program** [Attach 19](#)

Amending the City's 2001, 2002 and 2004 Action Plans for the Community Development Block Grant (CDBG) Program Years 2001, 2002 and 2004 to 1) construct infrastructure for Camelot Gardens II Subdivision (CDBG 2001-03); 2) construct improvements in Duck Pond Park (CDBG 2002-08); 3) utilize a portion of the funds earmarked for the 2004 neighborhood program for roof repairs to Riverside School (CDBG 2004-08(a)); and 4) utilize a portion of the funds earmarked for the 2004 neighborhood program for architectural services for improvements to the City Senior Center (CDBG 2004-08(b)).

*Action: Approve the Amendments to the City's CDBG 2001, 2002 and 2004 Action Plans to Reflect the Revisions as Summarized*

Staff presentation: Kristen Ashbeck, Senior Planner

20. **Two Subrecipient Contracts for Projects within the City's 2002 and 2003 Program Years Community Development Block Grant (CDBG) Program** [Attach 20](#)

The Subrecipient Contracts formalize the City's award of a total of \$11,699 to the Early Childhood Programs of Hilltop Community Services, Inc. as allocated from the City's 2002 and 2003 CDBG Program Years as previously approved by Council.

*Action: Authorize the City Manager to Sign the Two Subrecipient Contracts with the Early Childhood Programs of Hilltop Community Services, Inc. for the City's 2002 & 2003 Program Years, Community Development Block Grant Program*

Staff presentation: Kristen Ashbeck, Senior Planner

21. **Public Hearing – City Manager's Salary for 2005** [Attach 21](#)

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.

Ordinance No. 3723 – An Ordinance Establishing the Annual Salary for the City Manager for the Year Beginning January 1, 2005, and Ending December 31, 2005

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3723*

Presentation: Bruce Hill, Mayor

22. **Public Hearing – Zoning the Storage Place II Annexation, Located at 501 Centennial Road to C-1 (Light Commercial)** [File # ANX-2004-263] [Attach 22](#)

Conduct a public hearing and consider final passage of the zoning ordinance to zone the Storage Place II Annexation to C-1 (Light Commercial), located at 501 Centennial Road. The 1.98 acre annexation consists of 1 parcel of land.

Ordinance No. 3724 – An Ordinance Zoning the Storage Place II Annexation to C-1 (Light Commercial) Located at 501 Centennial Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3724*

Staff presentation: Faye Hall, Planning Technician

23. **Public Hearing – Tezak Annexation and Zoning Located at 2397 Sayre Drive**  
[File # ANX-2004-288] [Attach 23](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Tezak Annexation. The Tezak Annexation is located at 2397 Sayre Drive and consists of one parcel on 1.23 acres. The zoning being requested is RSF-4 (Residential Single Family 4 du/ac).

**a. Accepting Petition**

Resolution No. 45-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Tezak Annexation Located at 2397 Sayre Drive is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3725 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Tezak Annexation, Approximately 1.23 Acres, Located at 2397 Sayre Drive

**c. Zoning Ordinance**

Ordinance No. 3726 – An Ordinance Zoning the Tezak Annexation to RSF-4 (Residential Single-Family 4 du/ac), Located at 2397 Sayre Drive

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Resolution No. 45-05, Ordinance No. 3725, and Ordinance No. 3726*

Staff presentation: Faye Hall, Planning Technician

24. **Public Hearing – Cloverglenn Annexation and Zoning Located at 2938 F ½ Road**  
[File # ANX-2004-287] [Attach 24](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Cloverglenn Annexation. The Cloverglenn Annexation is located at 2938 F ½ Road

and consists of one parcel on 7.1536 acres. The zoning being requested is RMF-5.

**a. Accepting Petition**

Resolution No. 46-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Cloverglen Annexation Located at 2938 F ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3727 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cloverglen Annexation, Approximately 7.1536 Acres, Located at 2938 F ½ Road and Including a Portion of the F ½ Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3728 – An Ordinance Zoning the Cloverglen Annexation to Residential Multi-Family, Not to Exceed 5 Units Per Acre (RMF-5) Located at 2938 F ½ Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Resolution No. 46-05, Ordinance No. 3727, and Ordinance No. 3728*

Staff presentation: Lori V. Bowers, Senior Planner

25. **Public Hearing – Vacation of Excess Right-of-Way Along G Road and the Arcadia North Subdivision Located at 2540 G Road** [File # VR-2004-269]

[Attach 25](#)

Public Hearing to consider final passage of a proposed ordinance to vacate excess right-of-way along G Road, associated with the Arcadia North Subdivision.

Ordinance No. 3729 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way Along G Road and the Arcadia North Subdivision Located at 2540 G Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3729*

Staff presentation: Lori V. Bowers, Senior Planner

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

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.

Ordinance No. 3730 – An Ordinance Rezoning Approximately 37 Acres of Land Located at 738 26 Road from RSF-2 to RMF-5

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3730*

Staff presentation: Lori V. Bowers, Senior Planner

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

28. **OTHER BUSINESS**

29. **ADJOURNMENT**

**Attach 1**  
**Minutes from Previous Meetings**  
**GRAND JUNCTION CITY COUNCIL**

**SPECIAL SESSION MINUTES**

**January 31, 2005**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, January 31, 2005 at 11:48 a.m. in the Administration Conference Room, 2<sup>nd</sup> Floor of City Hall. 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 was City Manager Kelly Arnold.

Council President Hill called the meeting to order.

Councilmember Kirtland moved to go into executive session for the purpose of discussing personnel matters under Section 402 (4) (f)(I) of the open meetings law relative to the City Council employees and noted that Council will not be returning to open session. Councilmember Enos-Martinez seconded the motion. The motion carried.

The City Council convened into executive session at 11:49 a.m.

Stephanie Tuin, MMC  
City Clerk

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY**

**FEBRUARY 14, 2005**

The City Council of the City of Grand Junction, Colorado met on Monday, February 14, 2005 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

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

1. **CITY STANCE ON RECREATION WATER RIGHTS RELATIVE TO SENATE BILL 62:** Public Works & Utilities Director Mark Relph approached the City Council on the development of a position against the passage of Senate Bill 062 which would make any future recreation water rights junior (subordinate) to any future upstream water projects. City Council was advised that the passage of this bill could impact some of Grand Junction's water rights in the future as well as affect communities that currently have some economic dependency on recreational water rights. City Attorney John Shaver outlined some of the constitutional conflicts with the passage of the bill, in that it undermines the current constitutional definition of water rights being used for beneficial use and that it creates categories of rights.

Council President Hill confirmed with the rest of Council that with various bills and issues moving through the legislator right now, there may be times when Staff may need input and direction between meetings.

Councilmember Spehar explained that many times with him on the water committees, Council President Hill on the CML policy committee and Councilmember Kirtland on various transportation committees, they may have to make decisions on certain positions on the spur of the moment and then confirm later with the rest of Council.

Public Works & Utilities Director Mark Relph also said they are watching HB 1177 very closely.

**Action summary:** Staff was directed to go forward in formulating a paper in opposition to Senate Bill 062.

2. **CONFLUENCE MASTER PLAN:** Community Development staff presented the findings and recommendations of the Confluence Master Plan Development Strategy. Kathy Portner, Planning Manager, presented the overview including the discussion relative to the title of the plan. Council

President Hill recalled the initial discussion and that Council specifically said they wanted the name Jarvis to remain the name of the plan unless Council makes a decision to change it.

Councilmember Enos-Martinez concurred and noted that it has been referred to that in the media. She recalled that Jarvis was to stay in the title.

Councilmember Spehar supported the broader perspective and suggested that the name Jarvis be honored with some element within the development.

Councilmember Palmer supported the consistency as it has always been called the Jarvis property. It adds a historical significance to it.

Councilmembers Butler and McCurry agreed.

Councilmember Kirtland supported the use of the word confluence and naming an element after the previous owner.

Council President Hill said there is a way to integrate both names, so Staff was directed to reattach the name Jarvis back into the report.

City Manager Kelly Arnold suggested an additional section that discusses how various elements will be named and rename the master plan the Jarvis Master Plan. Council President Hill agreed with that suggestion.

Planning Manager Kathy Portner continued describing the history and the site. She said that the site is 65 acres with about 43 developable acres. She then described the planning process. Ms. Portner said that much of the site is in the 100 year floodplain and depending on what type of development will occur that may have an impact on the neighborhood across the river and that will have to be considered. She also stated that there is a sewer line that runs parallel to the trail and that there is limited ability to relocate the line. Ms. Portner said there is a major overhead utility transmission line along Hale Avenue that could be moved, subject to cost considerations. She said there is potential for additional park sites (small focal points) and overlooks. The Williams House is another resource on the property that could be incorporated into any plan, and the backwater pond for endangered fish must remain and with any development should not affect it adversely. Ms. Portner said the construction of a new levee may allow for recontouring of the rivers edge, making it more visible and incorporating native planting and eradicating non native plants. She said that the village scenario is the preferred alternative and includes a mixture of housing, community space, and some industrial and flex space.



Councilmember Spehar voiced concern about creating spaces that may preclude the development of existing property in the City and agreed with a mixed use development but thought the need may be more residential. Ms. Portner said depending on the direction, the next step may be to better define what can be done in the flex space.

Councilmember Palmer said that the City may need to add more amenities and civic uses.

Councilmember Enos-Martinez said that she thought some retail stores such as bike rentals, fishing equipment and food spots would be appropriate. She said that industrial would remain north of the Riverside Parkway and that may affect the desirability of residential in the area.

Bob Blanchard, Community Development Director, discussed implementation strategies. He said that one of the options discussed was a portion of the site to be sold to a developer. There are implementation strategies that will allow the City to step-aside at various stages, and at the very least, the City needs to develop design standards and detailed development scenarios. He said that one of the recommendations is to start budgeting for various CIP projects to provide amenities.

Council President Hill expressed that the majority of the principles in the plan are to give the river back to the community. He agrees with getting some of the amenities in place and then for the City to exit the process until there is a buyer and then the City may participate at that time.

Councilmember Palmer said he wants to make sure that the infrastructure is in place to ensure the vision that the City has occurs.

Councilmember Spehar suggested a RFP process for the design/build ideas, and to see what the community thinks. Councilmember Spehar stated that the City must have an idea in place first for the Growth Plan designation for the property, which would demonstrate infill and redevelopment policies.

Councilmember Kirtland suggested that the City retain ownership and put together a special improvement district that will have a continuous stream of income to create a revenue stream for other projects.

City Manager Kelly Arnold offered to come back to Council with a proposal.

Councilmember Kirtland said that the Staff should start the process that Councilmember Spehar suggested, that is, Future Land Use Designation.

Councilmember Spehar stated that if staff would begin some of the planning steps, it would take the pressure off of picking the parcel apart for specific uses.

City Manager Kelly Arnold said that he will bring back some options in a month to Council.

**Action Summary:** Staff will develop some strategies and options and bring them back to Council in a month.

The Council President called a recess at 8:58 p.m.

The meeting reconvened at 9:08 p.m.

3. **CLIFTON SANITATION EXPANSION:** Community Development staff outlined the proposed expansion of the Clifton Sanitation District, the status of the Mesa County Clifton Area Plan and the status of the Clifton Sanitation District sewer plant expansion.

Bob Blanchard, Community Development Director, said he wanted to address how the Clifton Sanitation District is expanding outside the Urban Growth Boundary and how that will affect the City. The County has received development applications for two parcels that are partially outside the Urban Growth Boundary which is not the same as the 201 boundary in this area. There is no process for Council to review but, there is potential for the Urban Growth Boundary to expand to the east without Council's review. The concern is this may start to encroach into the buffer area.

When questioned, Mr. Blanchard said that urban development will then be occurring outside the City areas that will not be annexed. Clifton Sanitation District (CSD) was not planning to expand at the time of the Persigo Agreement but is now building their own plant and plans to expand.

Councilmember Spehar said the actual development will have to be approved by the County, so perhaps the discussion needs to be taking place with the County Commissioners.

Mr. Blanchard said the issue is that CSD has the ability to annex any parcel into their service district and then it will assume that urban level of density.

Councilmember Spehar suggested the matter be raised in discussions regarding the buffer zone agreements.

Council President Hill said this sewer extension is something that could help Palisade, yet it may impact properties that are in the buffer zone.

City Attorney John Shaver said the Persigo Agreement is not clear as to what will happen north of I-70 B and to the properties east of the Urban Growth Boundary, whereas the agreement is very specific for properties south of I-70 B. There is nothing definitive in any of the various agreements.

Councilmember Spehar said there is too much on the downside to enter into the discussion, the City has interest in the buffer zone areas but no standing in Clifton Sanitation District.

Councilmember Kirtland said the up side to all of this is that this may preclude any commercial development going out there.

City Manager Kelly Arnold said that he just wanted to make Council aware and suggested they talk about it at the Annual Persigo meeting.

The County will be starting the development of a Clifton Area Plan this summer which could take up to twelve months.

**Action Summary:** City Council agreed that PDR representatives should reinforce the policy regarding the buffer area relative to any extension of the sewer.

4. **STRATEGIC PLAN UPDATED:** Dave Varley, Assistant City Manager, reviewed the reason for the progress report. Every objective has been assigned to responsible parties and has completion dates. Five teams were identified to work on various goals and objectives. Mr. Varley reviewed the members of the various teams. He then gave the progress report, Objective 16A which is Phase II of the Historic Survey that is to be delivered the next day for the Staff to review it. Next, under Adequate Shelter and Housing, the team had its first meeting on January 25<sup>th</sup> and the objectives were discussed. He asked for feedback to take back to the next meeting scheduled for February 22<sup>nd</sup>.

Councilmember Spehar said to use part of the money appropriated for a consultant to help flush out the results of the housing forum and wait until there is a plan in place before the rest of the money is spent.

Councilmember Palmer agreed about spending the money carefully.

Council President Hill said that he has a concern with question #3, using Economic Housing Funds to assist with Affordable Housing Efforts and he

has trouble with the thought of mixing the two. He stated that the City has already set aside a half of a million dollars for Affordable Housing.

Council did not object to question #2, having the County participate in the selection of a facilitator (consultant).

Councilmember Palmer expressed that at least two Commissioners are interested in partnering with the City on Affordable Housing.

Councilmember Palmer also said that Team 1 met this afternoon, and he wanted to share with Council the center of their discussion. He stated they want to be more proactive and look for opportunities to put in place the infrastructure to jumpstart projects, using Transportation Capacity Payments (TCPs).

Councilmember Spehar said the City should identify the site or area where commercial sites should go. He said there are some things that can be done when contractors are in place, for example moving power lines.

Councilmember Palmer asked if there should be a Planning 101 or a Vision 101 to share the means in which the City has to go to reach the Community Vision.

Councilmember Spehar stated there are additional ways to educate the public of the planning processes using methods that are currently in place and not creating new processes.

**Action Summary:** Council agreed to use some of the funds allocated for housing to hire a consultant to develop a plan for the rest of the funds. They also agreed that Mesa County should be invited to participate. Council President Hill was not inclined to use Economic Development Funds for Housing.

## **ADJOURN:**

The meeting adjourned at 9:57 p.m.

## **GRAND JUNCTION CITY COUNCIL**

### **WORKSHOP SUMMARY AND SPECIAL SESSION MINUTES**

**February 14, 2005**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, February 14, 2005 at 11:40 a.m. at Two Rivers Convention Center, 159 Main Street to discuss workshop items with the Downtown Development Authority Board of Directors. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. DDA Board members present were Harry Griff, Karen Vogel, PJ McGovern, Scott Howard, Becky Brahmer, and Bill Wagner.

City Staff present were City Manager Kelly Arnold, City Attorney John Shaver, Assistant City Manager David Varley, Public Works & Utilities Director Mark Relph, DDA Executive Director Harold Staf and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order.

DDA Executive Director Harold Staf reviewed the list of items to be discussed.

- Downtown Partnership and the Business Improvement District: They are proceeding with developing the plan for forming a Business Improvement District in the downtown. Discussions have been on whether the collection of revenue should be through property tax or sales tax. They intend to place the question on the ballot in November, 2005. City Manager Kelly Arnold advised that there has been some discussion on the City and County making a voluntary contribution based on their properties in the DDA boundary.
- 7<sup>th</sup> Street Improvements: The consultant will be conducting a series of charettes to solicit input from the community, City Council, Planning Commission and the DDA on March 3, 4 and 5. City Council should plan to be there on March 4.
- Cheers Building Request for Proposal: Request for Proposals were sent out and from the proposals received, a primary developer has been selected. A combination of residential and business is being contemplated. The renovation will begin in June and probably take a year.
- Development Partnership: An agreement has been drafted that will allow the DDA Director to supervise the two new employees of the

Downtown Partnership, an Events Coordinator and a Marketing Coordinator.

- Housing: The discussions have been for DDA to play a role in providing land and opportunity for the Housing Authority to build work force housing in the downtown.

City Manager Arnold mentioned that there is a hearing in mid March for consideration of the City's grant application to construct the new pedestrian bridge from Riverside to downtown. He also advised that there may be some changes in requirements from the insurance company regarding uncontrolled intersections at Special Events like Farmer's Market. These changes are a result of the tragedy that occurred in California at a Farmer's Market.

There was a recess for lunch. The meeting convened into Special Session at 12:20 p.m.

### **Special Session**

Council President Hill called the Special Session to order at 12:20 p.m.

Councilmember Palmer moved to go into executive session to discuss 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 Downtown Properties and noted that Council will not be returning to the open meeting. Councilmember Spehar seconded the motion. The motion carried.

The City Council convened into executive session at 12:21 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**February 16, 2005**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of February 2005, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

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

Councilmember Kirtland moved to reappoint Doug Clary to the Commission on Arts and Culture for a 3 year term expiring February 2008, appoint Vera Mulder and Gunilla Bishop to the Commission on Arts and Culture also for a 3 year term expiring February 2008. Councilmember McCurry seconded the motion. Motion Carried.

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

Councilmember Palmer drew attention to the two resolutions for defense of City employees. He lauded the training and professionalism of City employees and supported the adoption of the resolutions.

It was moved by Councilmember Palmer, seconded by Councilmember McCurry and carried by roll call vote to approve Consent Calendar items #1 through #13.

1. **Minutes of Previous Meetings**

*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**

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

*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*

3. **Mesa County Animal Control Contract FOR 2005**

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*

4. **Setting a Hearing for the City Manager's Salary for 2005**

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*

5. **Defense and Indemnity of Police Officer Baker**

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

6. **Defense and Indemnity of City Employees**

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

7. **Setting a Hearing on Unaweeep Heights Annexation No. 4 Located 2861 B  $\frac{3}{4}$  Road and Victoria Drive** [File # ANX-2005-003]

The applicants for the Unaweeep Heights Annexation No. 4, located at 2861 B  $\frac{3}{4}$  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, Unaweeep Heights Annexation No. 4, Located at 2861 B  $\frac{3}{4}$  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, Unaweeep 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*

8. **Setting a Hearing on Zoning the Cloverglen Annexation Located at 2938 F ½ Road** [File # ANX-2004-287]

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.

Proposed Ordinance Zoning the Cloverglen Annexation to Residential Multi-Family, Not to Exceed 5 Units Per Acre (RMF-5) Located at 2938 F ½ Road

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

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]

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*

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

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*

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

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*

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]

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*

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]

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*

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

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

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

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the CSEP project has been closed out and this leak was discovered late last year. He said the bids were solicited for the repair and the bids received were over the engineer's estimate. The department then went back to the contractors that had performed the work under the CSEP contracts and negotiated a price. Mr. Relph said that Mendez, Inc. submitted a low bid and so it is recommended that they be awarded the bid. The project is quite involved; having to divert the water and excavate under the river. Timing on this project is critical.

Councilmember Palmer moved to authorize the City Manager to execute a construction contract change order in the amount of \$94,111.50 with Mendez, Inc. Councilmember Butler seconded the motion. Motion carried.

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

The City has entered into a contract to purchase the property at 912, 918 and 940 S. 4th 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.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location of the property and he described the process for negotiating the contract. This is a residential property so a replacement property must be provided cost wise. The total for all three properties, including the relocation and closing costs is \$191,700.

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

Councilmember Kirtland moved to adopt Resolution No. 35-05. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Purchase of Property at 2501 Highway 6 & 50 from Erasmo and Sandra Muniz for the Riverside Parkway Project**

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.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location of the property and described the process for negotiating the contract. This is a commercial property and a new site has been identified. The new site will also need some preparation. Additionally, the owners want to relocate the buildings to the new site. The City will be paying the property owners to move the buildings, leaving the City a clean site. The total to be paid is \$555,251. This property is critical to relocate some Xcel transmission lines.

Council President Hill inquired if the right-of-way budget is on track. Mr. Relph said so far they are on track.

Councilmember Palmer inquired about moving forward on the transmission lines with the buildings that are still on the site. Mr. Relph and City Attorney John Shaver assured Council that the site has been surveyed and the work can begin on schedule.

Resolution No. 36-05 – A Resolution Authorizing the Purchase of Real Property at 2501 Highway 6 & 50 from Erasmo and Sandra Muniz

Councilmember Palmer moved to adopt Resolution No. 36-05. Councilmember Butler seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 7:58 p.m.

Tom Volkman, attorney representing the developer, reviewed this item. He began with an overview of the history of the parcel. He said there is a former plat on the property that is not recognized by the City, as so much time has lapsed since its filing and not being built. He said that they will be replatting it. Currently, the developer is requesting an annexation and zoning of RSF-2. The current zoning in the County is RSF-4. The Growth Plan designation is ½ to 2 units per acre. The Persigo Agreement requires a zoning designation of either the current County Zoning or must match the Growth Plan designation. The City Staff has recommended a zoning designation of RSF-E based on the slopes and natural hazards in the area. The developer disagrees that there are natural hazards and they have an expert present to address that.

Regarding hillside development, the Zoning Code has specific standards for developing on steep slopes. The ridgeline standards have setback requirements and other standards that must be met for such development. Another applicable Code section is the environmentally sensitive areas in the Code that will apply, and they will comply with those standards. The topics raised by Staff are policy statements in the Growth Plan, a set of guidelines. Mitigation of these impacts are being contemplated. He said that there has been numerous discussions with Staff and they feel that the engineering issues cannot be used as a basis for denying the zoning request, if their request is within the Growth Plan designation.

He noted that the surrounding densities are urban not rural as the Staff would like this property zoned.

Kathy Portner, Planning Manager, noted that Council is considering both annexation and zoning. She identified the location of the property noting that the annexation will create an enclave. The enclave can be annexed within three years and under the Persigo Agreement, it must be annexed within five years. Ms. Portner stated that the property is 45.5 acres and she reviewed that the old plat is not recognized and in fact there is no access to the parcel, it is in landlocked. Staff has been given direction to negotiate with the developer to provide access across City property. This access will not be allowed to Bella Pago, which is a substandard road. She then described the surrounding zoning. Painted Bowl, which is open space belonging to the City, is south of the

property. Ms. Portner stated that under the Persigo Agreement, Council has four options to zone the property which are: the same as in the County, RSF-4, or RSF-E, RSF-2 or RSF-1. She said that the property is constrained with topography, ridgelines and slopes, 21% of the property has less than 10% slopes, 24% of the property has 10-20% slopes, and 36% of the property has 20-30% slopes, and 30% slopes make up 19% of the property. She then identified various Growth Plan policies that would limit development on this property. If zoned at RSF-E, the applicant can still come back and submit a Planned Development, and could apply for a higher density if they can show how it works.

Councilmember Palmer inquired if granting an RSF-2, could there be building on 30% slopes. Ms. Portner said no, no matter what zone is applied, they will have to comply with the slope, ridgeline and other topography standards. She stated that the Planning Commission did recommend RSF-2.

Councilmember Spehar asked about the application of ridgeline standards. Ms. Portner said the standards are from a certain view corridor.

Darren Davidson, 686 Country Meadows Drive, a builder/developer, said that he is for RSF-2 and compared it to the Ridges, which is mostly RSF-4 and also has some very high densities and steep slopes throughout. They are only asking for ½ of the County zoning, plus it would be the same infrastructure, whether 20 units or 9 units, it would do the same disturbance to the land. He said with two units per acre, they will have to extend the sewer, and there will also be a need to have five retention ponds, and Mariposa Road will be paved later this year, which will relieve traffic by 20%.

Ted Munkres, 1221 Chipeta Avenue, stated that he owns property in the neighborhood.

He said that the property is not much good for anything except for residential, and definitely it is not good for agriculture. According to City Staff, the Growth Plan goals are not being met. Planned Development is typically discouraged and yet tonight it is being encouraged. If it is zoned RSF-E, and then the developer goes Planned Development, it will be an uphill battle to get an increase in density. He agreed with Mr. Volkmann that the Code is in place to protect development on steep slopes, the hillside development and the ridgeline development. He noted it is surrounded by higher densities.

There were no other public comments.

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

Mr. Volkman said the Code implements the policies, and that he knows it is not a guarantee of two units per acre.

Councilmember Spehar said it seems that a lot of time has been spent with the Growth Plan and then aligning the Zoning Code to that Growth Plan, in order to provide a consistent process throughout all the various steps. Future actions of this review process will show consistency and so it is appropriate to grant RSF-2 knowing that future steps will reinforce the Code and guidelines.

Councilmember Palmer agrees with Councilmember Spehar, in that RSF-E is on the low end, and is not very practical. They will have to deal with the constraints, which will limit their opportunity to develop.

Councilmember Kirtland agrees, noting it is obviously a sensitive piece of property.

Councilmember Butler stated that given the steep terrain, he hates to see ridgeline development, he agrees with Staff for RSF-E.

Council President Hill stated that Council received citizen comments opposing the RSF-2 zoning and urging Council to use the Growth plan as a guide. But, he feels comfortable with 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

Councilmember Spehar moved to adopt Resolution No. 37-05, Ordinance No. 3717 and Ordinance No. 3718 on second reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by roll call vote with Councilmember Butler voting NO on the zoning (Ordinance No. 3718).

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



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.

The public hearing was opened at 8:38 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the location and the Growth Plan designation of the surrounding properties. She described the surrounding zoning noting the request is for C-1 zoning. She noted the request being considered tonight is just annexation.

There were no public comments

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

**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

Councilmember Kirtland moved to adopt Resolution No. 38-05 and Ordinance No. 3719 on second reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

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

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.

The public hearing was opened at 8:42 p.m.

Lori V. Bowers, Senior Planner reviewed this item. At Staff's recommendation, the applicants proceeded with the Growth Plan Amendment. The Future Land

Use map shows the property as commercial/industrial. The proposal is to return the front two acres to be redesignated as estate. It was changed to commercial and the old owners were to then build two employee housing units. The new property occupants do not intend to do the same plan and would like to revert it back and release the requirement for building housing.

There were no public comments.

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

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

Councilmember Palmer moved to adopt Resolution No. 39-05. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:46 p.m.

The meeting reconvened at 8:55 p.m.

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

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%.

Ted Ciavonne, Ciavonne, Roberts & Associates, representing the developer, lauded the work of the developer SGH Company and the owner Skip Berthorst. He identified other members of the team.

Mr. Ciavonne described the location and the surrounding areas. He said the property has 160 acres. Using an aerial view, he identified old mining roads and described the vegetation and existing road cuts. The plan developed takes into account a number of rock ledges and other geological and topological elements. The two main entries follow the old haul road alignments. They used a number of tools in the Code that created some unusual roads. They utilized clustering, and 90% of the lots are open space. He noted that there will be a lot of open space and a community center. Mr. Ciavonne identified the property into different levels of potential development and then laid the plan over that. They also identified areas that were previously disturbed. A lot of the development in that area has already been disturbed. Slopes were categorized and they capitalized on lot placement based on that. There are four categories for special considerations that the Planning Commission recommended for approval. First the road has two sections that are through the existing haul road, and two other sections cut steep slopes. They plan to terrace and then reslope at 3:1 and revegetate. A request for lot 201 with an approval for one lot at a 21.57% slope. The change from 20% to 21.57% makes the setback requirement twice as

much. He stated that the proposal is 225 lots on 160 acres with appropriate road network. The plan considers the unique elements of the site with the hillside incursion for one lot and the road across steep slopes for two sections.

Kathy Portner, Planning Manager, said the Planning Commission has approved the plan with the four exceptions. They approved two and the other two are for Council's approval. The Growth Plan designation is medium to low and it is zoned RSF-2, which is the low end. She identified the Code sections that will allow Council to approve these special considerations.

Councilmember Palmer asked how much greater than 30% slope are the road cuts and will those road sections be traverse. His reason is for emergency and City services. Ms. Portner advised that the road will be at an 8% slope maximum.

Councilmember Kirtland said it is an interesting and creative plan and thought it would be a great subdivision.

Councilmember Kirtland moved to approve the incursion hillside disturbance between slopes for one lot and allow for two proposed streets to traverse slopes of greater than 30%, subject to section 7.2.G, Hillside Development, of the Zoning and Development Code. Councilmember McCurry seconded the motion.

Council President Hill complimented the subdivision and was pleased to see a plan come back.

Motion carried.

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

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.

The public hearing was opened at 9:25 p.m.

Harold Stalf, DDA Executive Director, reviewed this item. He explained the genesis of the proposal. The method to address the issue is quite standard throughout Colorado and the country. It will improve the appearance of

downtown. The news publications are supportive as long as it is done in a fair and equitable way.

Councilmember Spehar disclosed that he works for one of the publications involved.

Mr. Staf identified the locations proposed for the new news box banks. He then displayed the photos that showed the various locations.

Council was pleased that this plan will greatly improve the downtown's appearance.

Mr. Staf then showed a photo of the news box bank in a Chicago Blue color. The banks should be installed by May 1<sup>st</sup>, depending on equipment availability.

Council President Hill said this issue came up at the Mayor and City Manager Coffee, the solution was already in process.

There were no public comments.

The public hearing was closed at 9:33 p.m.

**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**

Councilmember Spehar moved to approve Ordinance No. 3720 on second reading and ordered it published in pamphlet form. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

### **Public Hearing - 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.

The public hearing was opened at 9:35 p.m.

John Shaver, City Attorney, reviewed this item. He stated that, although minor but important, that the ordinance add a couple of words to the Alcoholic Beverage Code section. It is a housekeeping matter that the prior ordinance only referred to malt and vinous liquors but did not include spirituous.

There were no public comments.

The public hearing was closed at 9:36 p.m.

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

Councilmember Butler objected to alcohol in the public rights-of-way and will vote no.

Councilmember Palmer moved to approve Ordinance No. 3721 on second reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote with Councilmember Butler voting NO.

**Public Hearing - 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.

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

John Shaver, City Attorney, reviewed this item. He explained that the ordinance is a result of an audit by the EPA and these changes are a result of their recommendations. He stated that it creates consistency in the references to the United States Code and it is important that it satisfies the EPA and also for the purpose of enforcement.

There were no public comments.

The public hearing was closed at 9:39 p.m.

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

Councilmember Kirtland moved to approve Ordinance No. 3722 on second reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There were none.

**ADJOURNMENT**

The meeting adjourned at 9:40 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**  
**Purchase of an Automated Refuse Truck**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Purchase of an Automated Refuse Truck						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 16, 2005						
<b>Author</b>	Julie M. Hendricks			<b>Buyer</b>			
<b>Presenter Name</b>	Ronald Watkins Mark Relph			<b>Purchasing Manager</b> <b>Public Works &amp; Utilities Director</b>			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This is for the purchase of a 2005 Mack Truck with a Heil 30 yard automated trash body. The existing unit is currently scheduled for replacement in 2005, as identified by the annual review of the fleet replacement committee.

**Budget:** The Fleet Division has sufficient funds budgeted in the 2005 Fleet annual replacement budget for the replacement of unit #1235 a 1999 Mack/Heil Rapid Rail, 26 Yard Side Loading Refuse Collection Truck. Western Colorado Truck Center has offered a fair trade-in value of \$40,000.00 for the City's existing truck. The total purchase price of the replacement truck is \$202,615.00 less \$40,000 trade for a final cost of \$162,615.00.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to purchase a 2005 Mack truck with a Heil 30 yard automated trash body from Western Colorado Truck Center, Grand Junction, CO in the amount of \$162,615.00.

**Background Information:** One (1) automated refuse truck was solicited from the City's active bidder's list and advertised in the Daily Sentinel per City Purchasing Policy. The City solicited bids from 29 vendors and received 3 responsive and responsible bids.

Company/Location	Manuf/Model	Cost	Trade	Total Cost
Western Colo Truck Ctr/ Grand Junction	Mack/ Heil	\$202,615	\$40,000	\$162,615
Grand Junction Peterbilt/ Fruita	Peterbilt/ Heil	\$194,318	\$29,000	\$165,318
Transwest Trucks/ Commerce City	Sterling/ Heil	\$201,617	\$29,000	\$172,617

**Attach 3**

**Memorandum of Understanding with CDOT for Sharing Traveler Information  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Memorandum of Understanding with CDOT for Sharing Traveler Information						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 24, 2005				<b>File #</b>		
<b>Author</b>	Jody Kliska			<b>Transportation Engineer</b>			
<b>Presenter Name</b>	Tim Moore			<b>Public Works Manager</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:** This Memorandum of Understanding (MOU) updates and replaces the original MOU approved by City Council on June 16, 2003. The MOU provides for the sharing of statewide traveler information.

**Budget:** There are no direct budget implications.

**Action Requested/Recommendation:** City Council motion to approve and sign the Memorandum of Understanding.

**Background Information:** The original MOU with CDOT was brought before City Council on June 16, 2003 and dealt primarily with the purchase of video switching equipment by CDOT for use by the City of Grand Junction. It also specified the sharing of traveler information between the City and CDOT that would be made possible through the use of the video switching equipment. The MOU expired one year from the date of signature. The new MOU formalizes the understanding between the two agencies to provide sharing of data and images that will help provide traveler information and aid in incident management.

To date, the City has installed two pan-tilt-zoom cameras that are connected to the video switcher provided by CDOT. The signal communications project that was awarded January 3, 2005 and is currently under construction will install three additional cameras. The Riverside Parkway project will also install several cameras. The Transportation Engineering Division has purchased software and is working toward being able to provide images on the city website that are updated frequently to allow visual traveler information to be accessed. Once the information is available on the city website, it may also be shared with CDOT for use on their COTRIP website. Once CDOT has a fiber optic network extended



from Denver to Grand Junction, the two agencies will be linked and will have greater ability to share information such as camera images and weather information.

**Memorandum of Understanding**  
Between the  
Colorado Department of Transportation  
and the  
City of Grand Junction

This Memorandum of Understanding (MOU), made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) and THE CITY OF GRAND JUNCTION (City), (the Parties) memorializes the arrangement and responsibilities between them for the sharing of statewide traveler information. Each acknowledges and agrees that there is sufficient consideration to support the making of any agreements.

Purpose and Recitals:

1. CDOT desires to provide reliable, accurate and timely statewide traveler information so that users of that information may make decisions that may enhance and improve their choice of mode, route and time of travel, thereby resulting in a more productive, efficient and safe transportation system. CDOT believes, and studies have demonstrated, that use of traveler information can reduce traffic problems, delay, travel frustration, crash rates and fuel consumption and improve travel reliability. CDOT also desires to partner with local entities in order to develop and enhance traveler information sharing capabilities.
2. The City has an extensive fiber optic network and deploys several CCTV cameras, and has identified strategic locations to install additional CCTV cameras in the future. CCTV cameras will aid the management of traffic and incidents and help to provide traveler information. The City desires to receive traveler information and video images from CDOT for dissemination via the City's website. The City likewise desires to provide video images to CDOT for dissemination via the CDOT website. The City believes this exchange of information will facilitate safe and efficient travel in the greater Grand Junction area.

Now therefore CDOT and the City agree:

A. Colorado Department of Transportation Responsibilities:

CDOT shall provide timely video images and road condition information to the City and provide reasonable technical assistance to the City upon reasonable request by the City. Requests for technical assistance shall be directed to the CDOT contact person identified in Section H. Contacts.

B. City of Grand Junction Responsibilities:

The City shall provide timely video images and road condition information to the CDOT and provide reasonable technical assistance to CDOT upon reasonable request by the CDOT. Requests for technical assistance shall be directed to the City contact person identified in Section H. Contacts.

C. Disputes:

Any dispute(s) or disagreement(s) regarding Responsibilities under or arising out of this MOU that cannot be resolved at their source within thirty (30) days shall be submitted to the City's Transportation Engineer and CDOT's Chief Engineer jointly. If a resolution is not achieved within thirty (30) days at that level, then the matter shall be submitted to the City's Manager and CDOT's Executive Director for resolution. Exhaustion of both informal attempts at remedying a/the dispute is a pre-condition to formal resolution, such as arbitration or litigation.

D. Compensation:

Neither party shall owe the other for any costs, fees, compensation, reimbursement or any other remuneration hereunder, whether for equipment, materials, licenses, usages, rights, or any type of services. The total cash encumbrance arising out of or from this MOU is zero dollars. The obligations, if any, of each party are to be borne by it under its current budget. Nothing in this MOU shall be construed to place the employees, officers, agents, designees or personnel of any party under the control or employment of another party. Nothing in this MOU is intended to create or grant to any third party or person any right or claim for damages, or the right to bring or maintain any action at law.

E. Expenditures and Fees:

Because the purpose of this MOU is to jointly accomplish activities which could be performed separately by each, Any fee contributed, paid or received by either party shall remain an expenditure or revenue of that party. No obligation for reimbursement shall accrue between the parties for any expenditures or receipts.

F. Fiscal Information:

Because neither party incurs any direct financial obligation by the terms of this MOU, no encumbrance is hereunder required. Should any financial obligations arise indirectly from this MOU for equipment, services, data, rights or materials, they shall be undertaken by parties under separate, subsequent, third-party agreements and/or transactions. The parties acknowledge that any such financial obligations by either party are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available by the governing body for that party.

G. Term:

The term of this MOU shall commence on the date of full execution by the Parties as delineated below, or their designees, and terminate five years from that date. The parties may execute a subsequent MOU at the expiration of the five-year term of this agreement on then mutually acceptable terms.

H. Contacts:

For CDOT:

Frank Kinder, PE  
700 Kipling Street, Suite 2500  
Lakewood, CO 80215  
303-512-5820  
[frank.kinder@dot.state.co.us](mailto:frank.kinder@dot.state.co.us)

For the City:

Jody Kliska, PE  
2551 River Road  
Grand Junction, CO 81501  
970-244-1591  
[jodyk@ci.grandjct.co.us](mailto:jodyk@ci.grandjct.co.us)

I. Termination:

If either party shall fail to timely and/or appropriately fulfill its material obligations under this MOU, the other party shall have the right to terminate this MOU upon thirty days' written notice.

In addition, either party may terminate this MOU upon thirty days' notice at any time if it determines that its purposes would no longer be served by continuation of its terms.

J. Local Concern:

The Parties agree and acknowledge that the activities contained in this MOU are matters of local concern only, and that nothing in this MOU shall make or be construed as making any local concerns covered herein matters of mixed concern or statewide concern.

K. No Third Party Beneficiary:

Enforcement of the terms and conditions of this MOU shall be strictly reserved to the Parties. Any person or entity other than the Parties to this MOU, including but not limited to those receiving services or benefits as a result of this MOU, shall be deemed incidental beneficiaries only.

IN WITNESS WHEREOF, the parties hereto execute this MOU here below:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas E. Norton, Executive Director  
Colorado Department of Transportation

Attest:  
By \_\_\_\_\_ Date: \_\_\_\_\_  
(Chief Clerk)

By \_\_\_\_\_

Bruce Hill, Mayor  
City of Grand Junction

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

Attest:

By \_\_\_\_\_

Stephanie Tuin, City Clerk

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

**Attach 4**  
**Vacating Easements Located at 559 Sandhill Lane**  
**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>	Easement Vacation – 559 Sandhill Lane						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 15, 2005			File #VE-2004-235			
<b>Author</b>	Ronnie Edwards		Associate Planner				
<b>Presenter Name</b>	Ronnie Edwards		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The applicant proposes to vacate a 50' emergency access easement and 30' of a 50' drainage easement, located in City Market Subdivision. The Planning Commission recommended a conditional approval of this easement vacation request on February 8, 2005, making the Findings of Fact/Conclusion identified in the staff report.

**Budget:** N/A

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

**Attachments:**

1. Site/Aerial Map
2. Future Land Use/Zoning Map
3. Resolution
4. Exhibit Maps

**Background Information:** See attached

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		559 Sandhill Lane		
<b>Applicants:</b>		Innovative Textiles (G J Tech Center LLC)		
<b>Existing Land Use:</b>		Manufacturing/Warehouse		
<b>Proposed Land Use:</b>		Manufacturing/Warehouse		
<b>Surrounding Land Use:</b>	<b>North</b>	City Market Warehouse Facility		
	<b>South</b>	Truck Maintenance Facility/Colorado River		
	<b>East</b>	Coors Porcelain Company		
	<b>West</b>	Proposed Action Bindery Facility/Blue Heron Lake and Trail		
<b>Existing Zoning:</b>		I-2 (General Industrial)		
<b>Proposed Zoning:</b>		I-2		
<b>Surrounding Zoning:</b>	<b>North</b>	I-2		
	<b>South</b>	I-2 and CSR		
	<b>East</b>	I-2		
	<b>West</b>	I-2 and CSR		
<b>Growth Plan Designation:</b>		Industrial		
<b>Zoning within density range?</b>		N/A	Yes	No

**PROJECT DESCRIPTION:** Request approval to vacate a 50' emergency access easement and 30' of a 50' drainage easement, located in City Market Subdivision at 559 Sandhill Lane.

**ANALYSIS:**

1. Background:

The subject property is adjacent to Blue Heron Lake and was annexed on March 19, 1995 in what was called Blue Heron Enclave Annexation. The subject parcel includes Lot 2 of the City Market Subdivision that was approved and the plat recorded in 2004 with the Mesa County Clerk and Recorder in Book 3602 at Page 397 and is now known as Lot 2 of the Blue Heron Lake Industrial Park which plat was recorded with the Mesa County Clerk and Recorder at Reception No. 2230829. One condition of

approval of the City Market Subdivision required that an additional access be provided from Blue Heron Road for emergency service access for Lot 3 of the City Market Subdivision, which is south of this parcel. The emergency access easement is dedicated to the City of Grand Junction with maintenance being provided by the owner.

The applicant is proposing to vacate a 50' emergency access easement with the condition of providing an alternative equivalent emergency access easement which is acceptable to City staff along with either constructing the new access easement or providing a Development Improvements Agreement with the appropriate security for the construction of the easement acceptable to the City Attorney. Applicant proposes that the new emergency access be relocated so that access will commence from the cul-de-sac on blue Heron Road. The access will be constructed during the parking lot improvements for Phase II of Innovative Textiles' warehouse remodel.

In addition, applicant is requesting that the 50' drainage easement located in the same area as the emergency access easement and was also dedicated to the City on the plat for City Market Subdivision be vacated, except for the 20' drainage easement that was dedicated on the plat for the Blue Heron Lake Industrial Park and lies within the 50' drainage easement.

2. Consistency with the Growth Plan:

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

By allowing the described easements to be vacated, the applicant will have a more appropriate area for parking lot improvements in relation to building orientation. The new emergency access easement being provided and constructed will allow fire department emergency access for Lot 2 and Lot 3. This exchange of easements will not affect the adjacent property owners.

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

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

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



Granting these easements to be vacated does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with this vacation application. The existing and proposed emergency access easement is for secondary emergency access only as the primary access for Lots 2 and 3 is from Sandhill Lane.

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

Access to any parcels shall not be restricted. The proposal is only affecting Lots 2 and 3 within the City Market Subdivision.

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation request. All facilities and services are existing. At the time the drainage easement was dedicated on the plat for City Market Subdivision, it was more easement area than was necessary. The 10' either side of the centerline of the drainage/storm water pipeline is all that is needed.

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

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

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

Proposal provides a benefit to the City by adjusting an existing easement location for fire department access to a new location to allow development of a parking lot appropriate for the existing building to be utilized for manufacturing/warehouse uses.

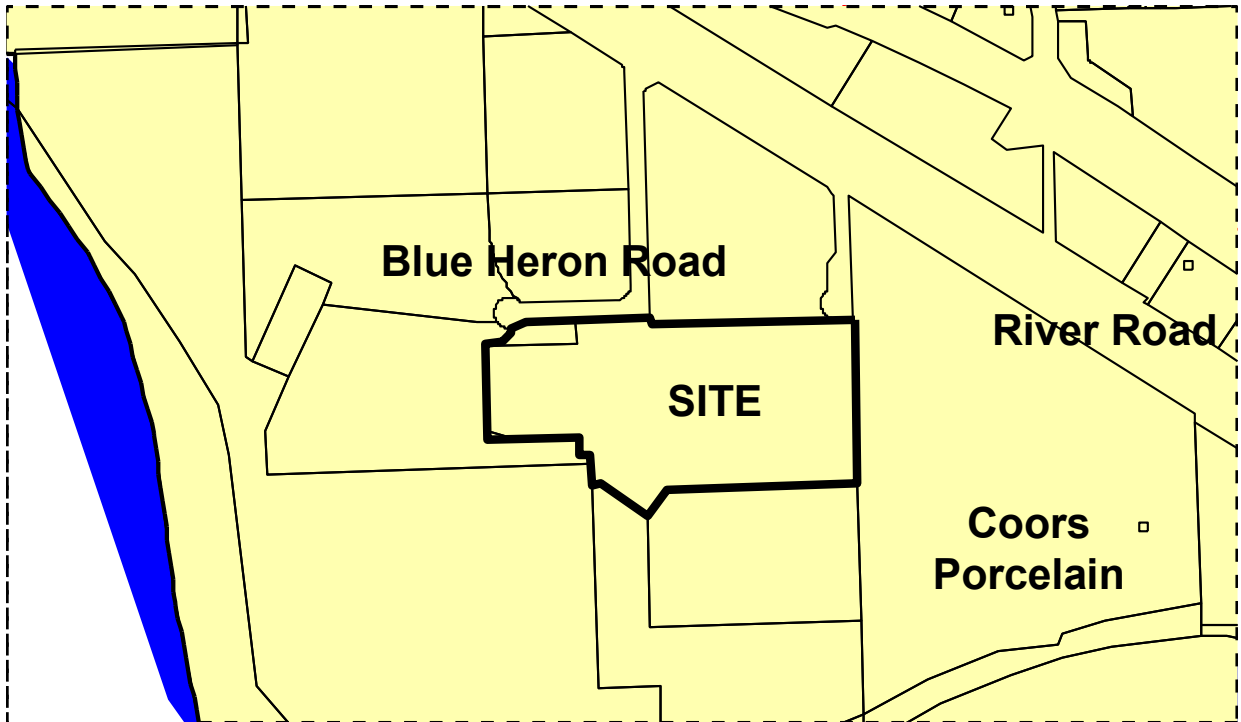
## FINDINGS OF FACT/CONCLUSIONS:

After reviewing this Easement Vacation application, VE-2004-235, for the vacation of a 50' emergency access easement and the 50' drainage easement located in the same area as the emergency access easement to be vacated, except for the 20' drainage easement that was dedicated on the plat for the Blue Heron Lake Industrial Park located in the same area with the City retaining 20' of the drainage easement with 10' on either side of the centerline of the drainage/storm water pipe, the Planning Commission recommends that City Council makes the following findings of fact and conclusions:

- The requested easement vacations are consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
- The emergency access easement vacation is conditioned upon the dedication to the City of an equivalent emergency access easement acceptable to City staff and either the construction of the new access easement or a Development Improvements Agreement between the City and the applicant with the appropriate security acceptable to the City Attorney.

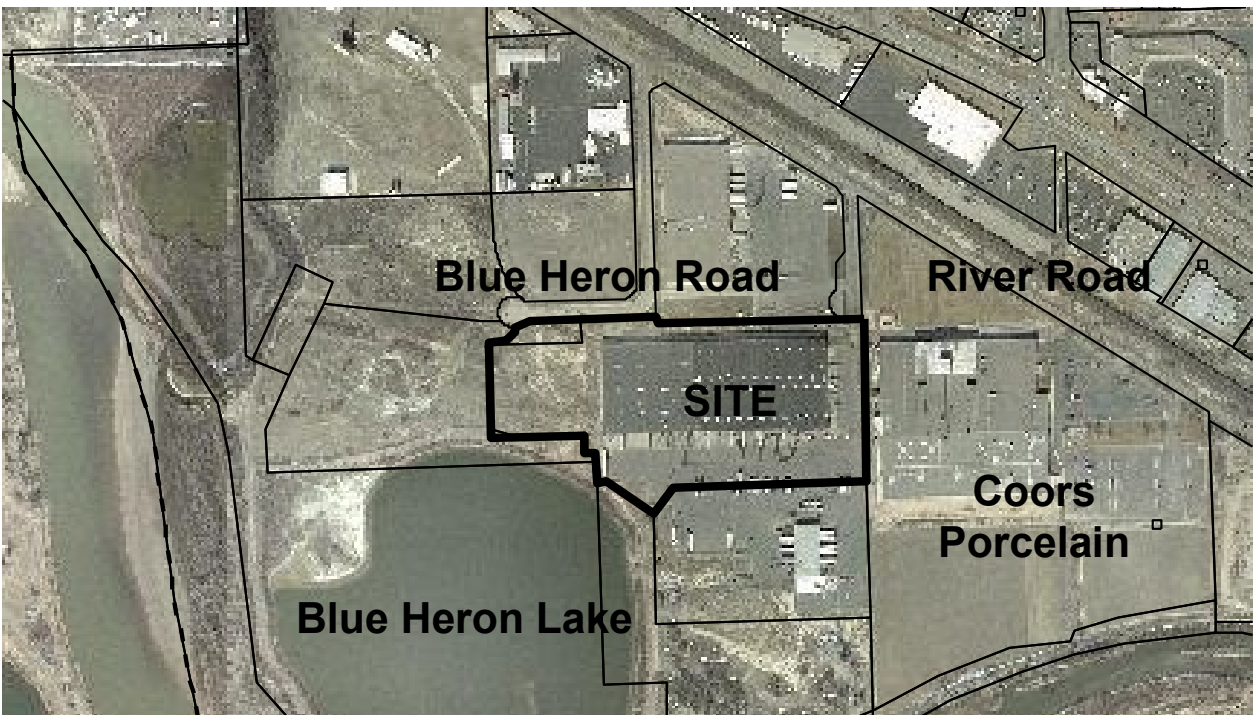
# Site Location Map

Figure 1



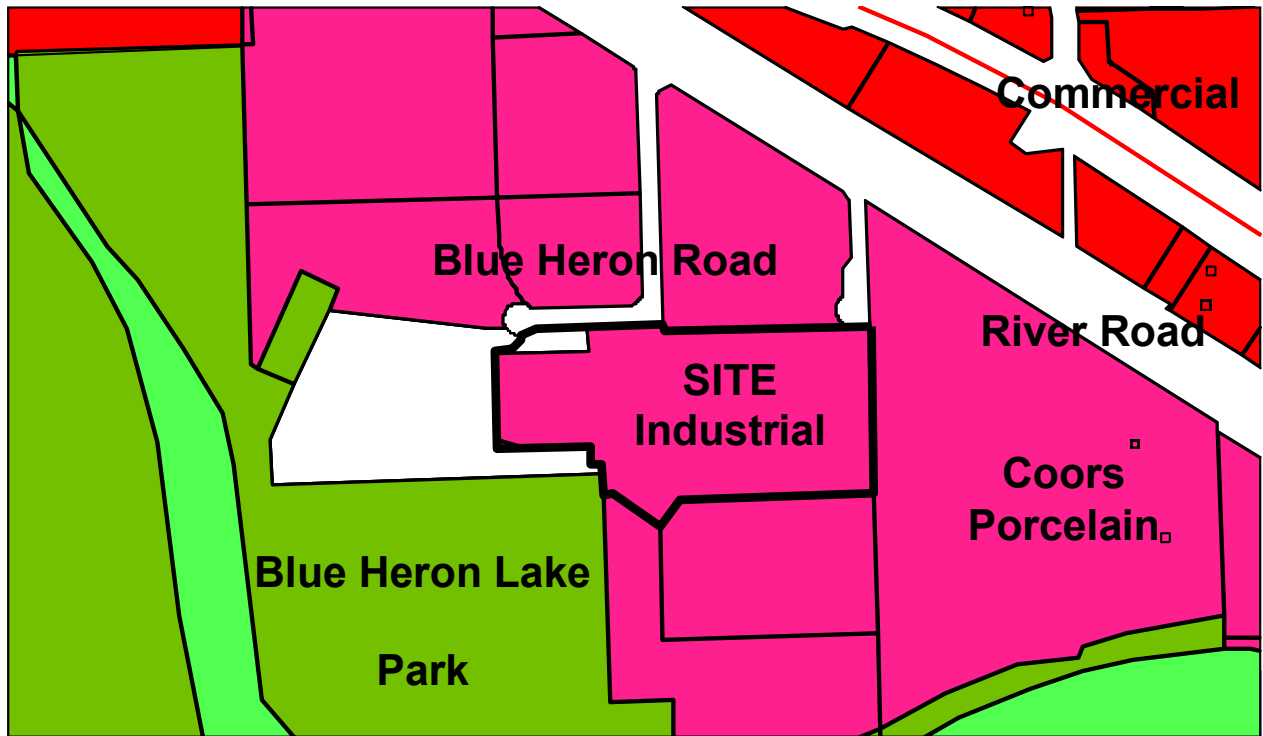
# Aerial Photo Map

Figure 2



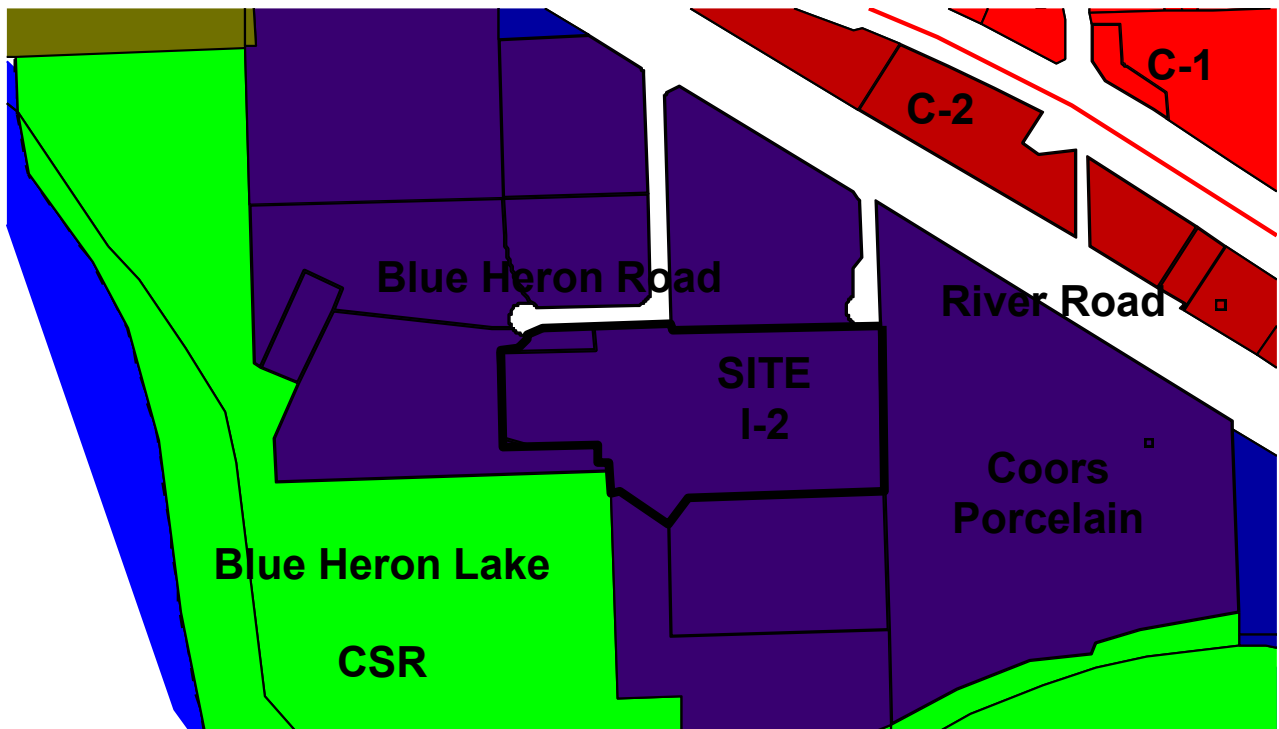
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION**

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

**A RESOLUTION VACATING A 50' EMERGENCY ACCESS EASEMENT  
AND 30' OF A 50' DRAINAGE EASEMENT LOCATED  
IN LOT 2 OF THE BLUE HERON LAKE INDUSTRIAL PARK  
AT 559 SANDHILL LANE**

**RECITALS:**

The applicant proposes to vacate a 50' emergency access easement and 30' of a 50' drainage easement located in Lot 2 of the Blue Heron Lake Industrial Park. The emergency access easement is to be relocated to the cul-de-sac on Blue Heron Drive.

At its February 8, 2005 hearing the Grand Junction Planning Commission found that the request to vacate the 50' emergency access easement satisfies the review criteria set forth in Section 2.11.C of the Zoning and Development Code and recommended conditional approval. Regarding the vacation of the 30' of the 50' drainage easement, the Planning Commission found that the request satisfies the review criteria set forth in Section 2.11.C.

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

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

1. The 50' emergency access easement dedicated on the plat for the City Market Subdivision recorded with the Mesa County Clerk and Recorder in book 3602 at Page 397 is vacated conditioned upon the dedication to the City of an equivalent emergency access easement acceptable to City staff and either the construction of the new emergency access easement or the applicant providing a Development Improvements Agreement with the appropriate security acceptable to the City Attorney for the construction of the emergency access, and the applicant paying the recording/documentary fees and costs for this Resolution and the conveyance document for the new easement. The 50' emergency access easement is depicted in the attached Exhibit A, which is incorporated herein.
2. The 50' drainage easement dedicated on the City Market Subdivision plat recorded with the Mesa County Clerk and Recorder in book 3602 at Page 397, except for the 20' drainage easement located within the same area that was

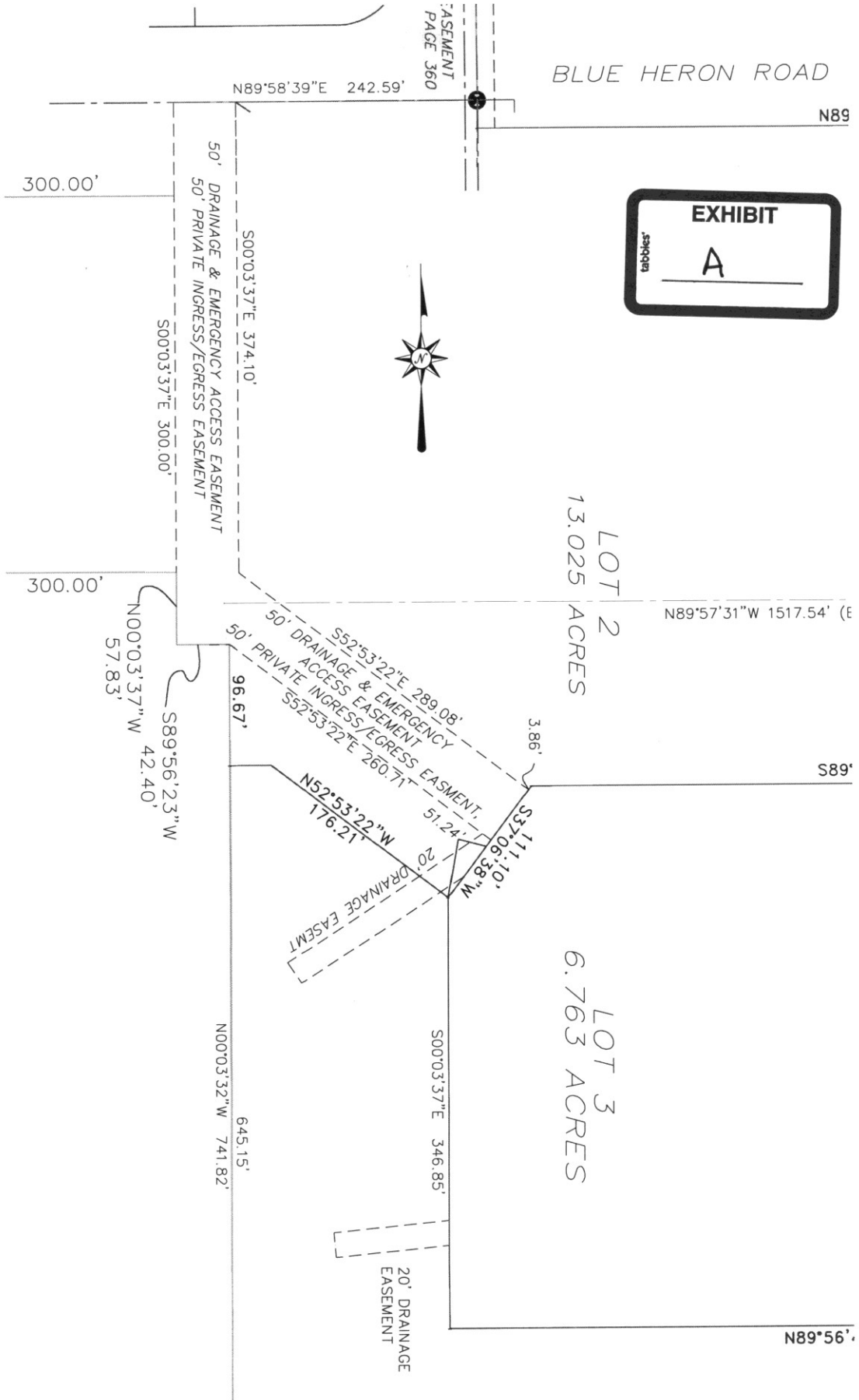
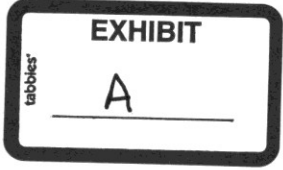
dedicated on the Blue Heron Lake Industrial Park recorded with the Mesa County Clerk and Recorder at Reception Number 2230829 is hereby vacated conditioned upon the applicant paying the recording/documentary fees and costs for this Resolution. The 50' drainage easement is depicted in the attached Exhibit B, which is incorporated herein. All that portion of the 50' drainage easement, except the 20' drainage easement depicted with cross hatch marks, is the portion to be vacated.

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

ATTEST:

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

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







N89°58'39"E 416.68'

EXHIBIT  
B

RR LEAD TR  
BOOK 1218 PA



N08°15'18"E 377.17'

50' PRIVATE INGRESS/EGRESS EASEMENT\*\*  
50' DRAINAGE & EMERGENCY ACCESS EASEMENT\*\*

20' DRAINAGE EASEMENT

S00°03'37"E 374.10'

"E 146.28'

20' DRAINAGE EASEMENT

50' DRAINAGE & EMERGENCY ACCESS EASEMENT\*\*  
50' PRIVATE INGRESS/EGRESS EASEMENT\*\*

S52°53'22"E 289.08'

S52°53'22"E 280.71'

TRACT K

N52°53'22"W 176.21'

S40°54'53"W 141.57'

20' DRAINAGE EASEMENT\*\*

**Attach 5**

**Setting a Hearing on Right-of-Way Vacation Located at 237 S. 7th Street  
CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>	Right-of-Way Vacation – 237 S. 7th Street						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 15, 2005			File #VR-2004-281			
<b>Author</b>	Ronnie Edwards		Associate Planner				
<b>Presenter Name</b>	Ronnie Edwards		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to vacate the southern half of the north/south alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street adjacent to Ute Avenue, reserving the areas as a 15' multi-purpose easement due to underground utilities.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed right-of-way vacation ordinance and set a public hearing for March 16, 2005.

**Background Information:** See attached.

**Attachments:**

1. Site/Aerial Map
2. Future Land Use/Zoning Map
3. Ordinance
4. Exhibit Map

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		237 S. 7 <sup>th</sup> Street		
<b>Applicants:</b>		Westwood Rental, LLC – Ivan Wood		
<b>Existing Land Use:</b>		Alley		
<b>Proposed Land Use:</b>		Multi-purpose/Parking Lot		
<b>Surrounding Land Use:</b>	<b>North</b>	Parking Lot		
	<b>South</b>	City Police Department Parking Lot		
	<b>East</b>	Enstrom Candies		
	<b>West</b>	Parking Lot		
<b>Existing Zoning:</b>		B-2		
<b>Proposed Zoning:</b>		B-2		
<b>Surrounding Zoning:</b>	<b>North</b>	B-2		
	<b>South</b>	B-2		
	<b>East</b>	B-2		
	<b>West</b>	B-2		
<b>Growth Plan Designation:</b>		Commercial		
<b>Zoning within density range?</b>		N/A	<b>Yes</b>	<b>No</b>

**PROJECT DESCRIPTION:** The proposal is to vacate the southern portion of the north/south alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street adjacent to Ute Avenue, reserving the area as a multi-purpose easement due to underground utilities.

**ANALYSIS:**

1. Background:

The subject alley way is presently being used as part of the adjacent parking lot presently being used by the State of Colorado employees, which primary office building is directly to the west. This alley was previously used as one of the accesses to the parking lot associated with the existing building when it was an automotive supply retail store. Because numerous underground utilities still exist within the subject right-

of-way, the vacation will be subject to the City reserving a multi-purpose easement over the entire area.

Title to the vacated right-of-way will vest in the owners of the abutting property located at 237 S. 7<sup>th</sup> Street and the adjacent property to the north. The existing owner desires to retain their portion of the right-of-way to continue using as a parking lot for a future tenant. Colorado Department of Transportation and the City Public Works Department has conditioned the approval of this right-of-way vacation upon the closure of one access point adjacent to this property on Ute Avenue within one year of City Council approval. The proposed closure will require a Development Improvements Agreement with security to be posted prior to recordation of the vacation.

2. Consistency with the Growth Plan:

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

By allowing this subject area to be vacated, the existing parking lot use can continue to be utilized and provide parking requirements for a future business and will not affect the adjacent properties.

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

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

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

Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City. It will allow existing use to remain and become conforming for future property owners.

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

No parcel will be landlocked by the requested vacation as all adjacent properties have direct access off rights-of-way and the entire area will be retained by the City as a multi-purpose easement.

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

Access to any parcel will not be restricted to the point where access is unreasonable, economically prohibitive nor will it reduce or devalue any property.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced.

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

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

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

This proposal provides a benefit to the City as the vacated area will be the responsibility of the owner of the abutting property to maintain, while the City retains the benefit of use of the property with the multi-purpose easement. It also gives the City and State the opportunity to request closure of one access point along Ute Avenue to improve vehicular traffic flow.

#### FINDINGS OF FACT/CONCLUSIONS:

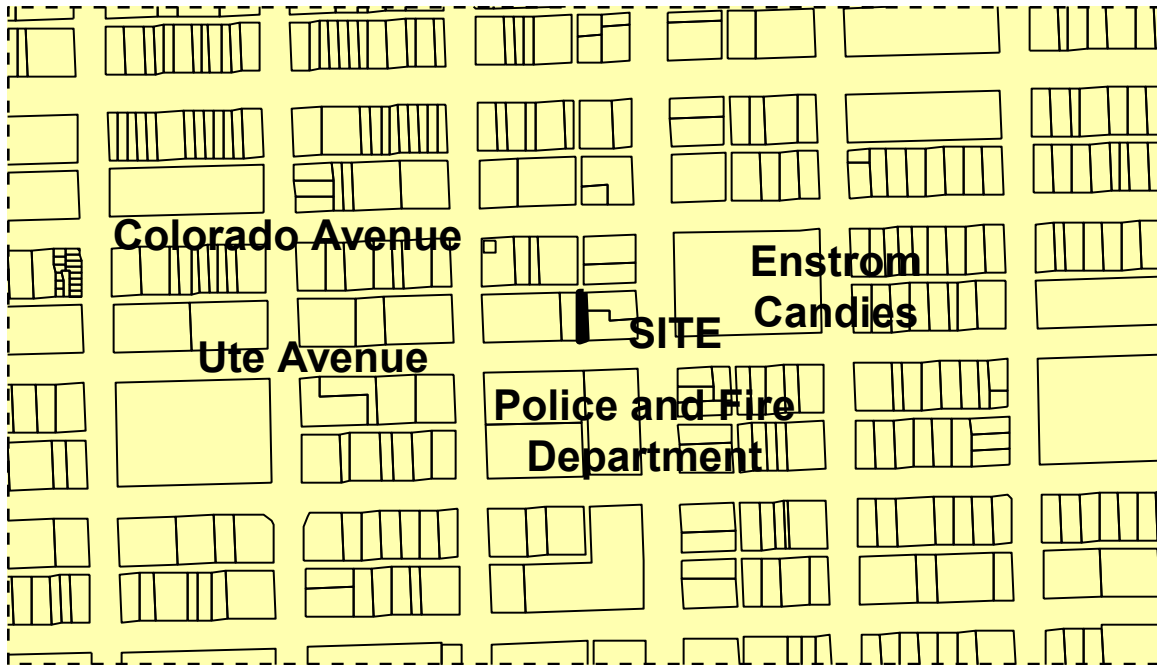
After reviewing the Right-of-Way Vacation application, VR-2004-281, for the vacation of the southern half of the north/south alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street adjacent to Ute Avenue, City Council makes the following findings of fact and conclusions:

- The requested right-of-way vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.
- The area of the requested right-of-way vacation will be reserved as a multi-purpose easement for underground utilities.
- Approval of the right-of-way vacation is conditioned upon the closure of one access point adjacent to subject property on Ute Avenue within one year of City Council approval and will require a Development

Improvements Agreement with security to be posted prior to recordation of the vacation.

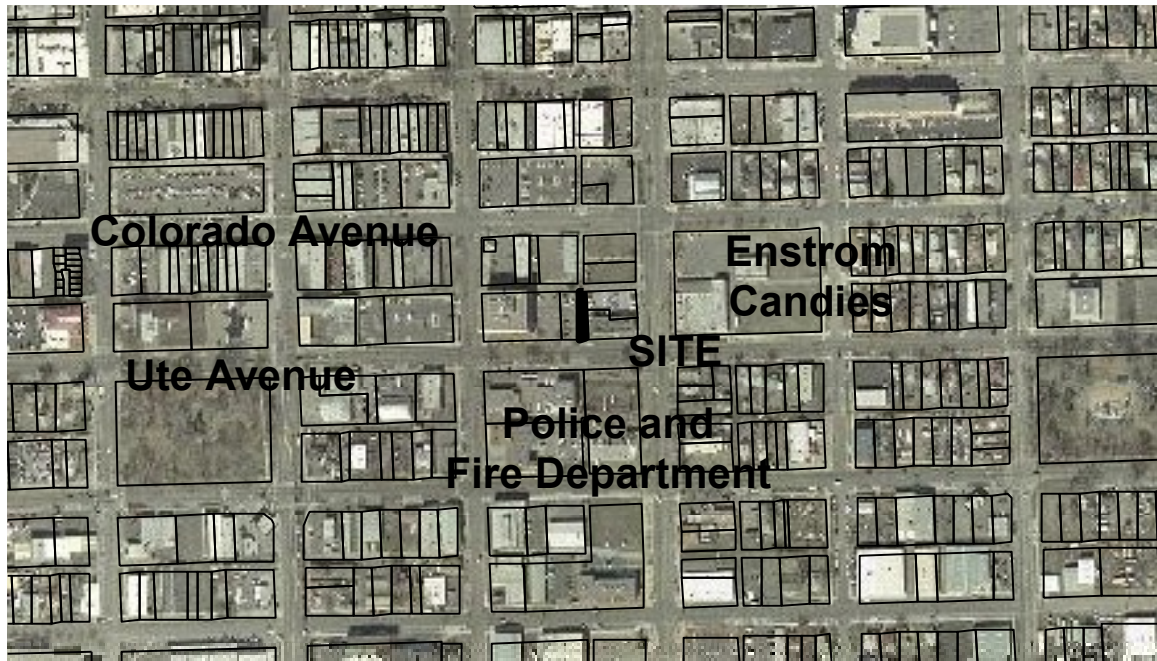
# Site Location Map

Figure 1



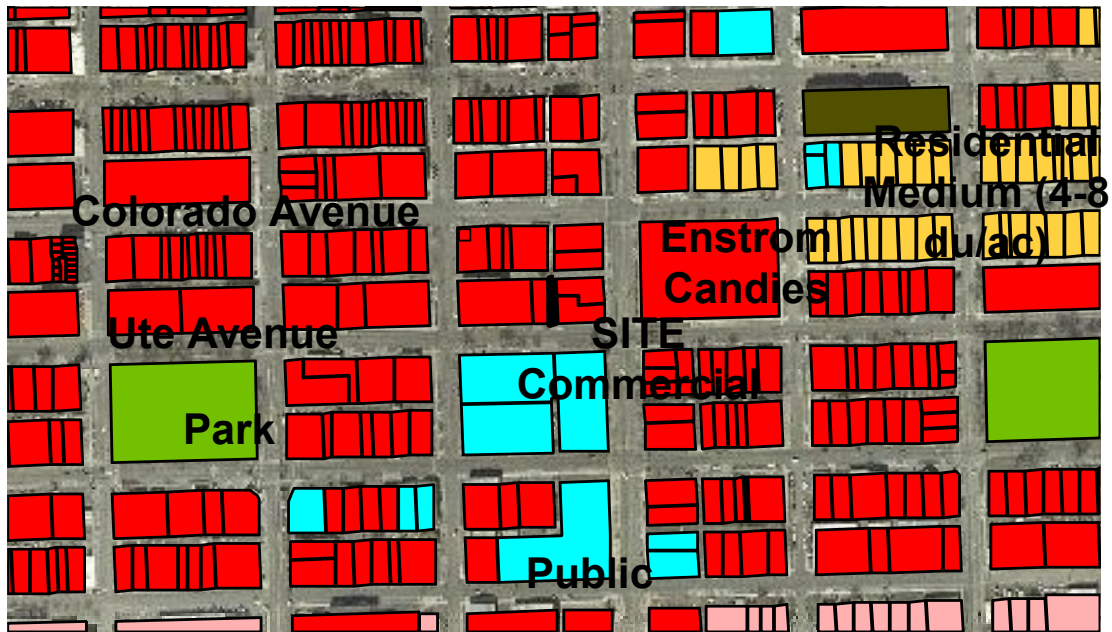
# Aerial Photo Map

Figure 2



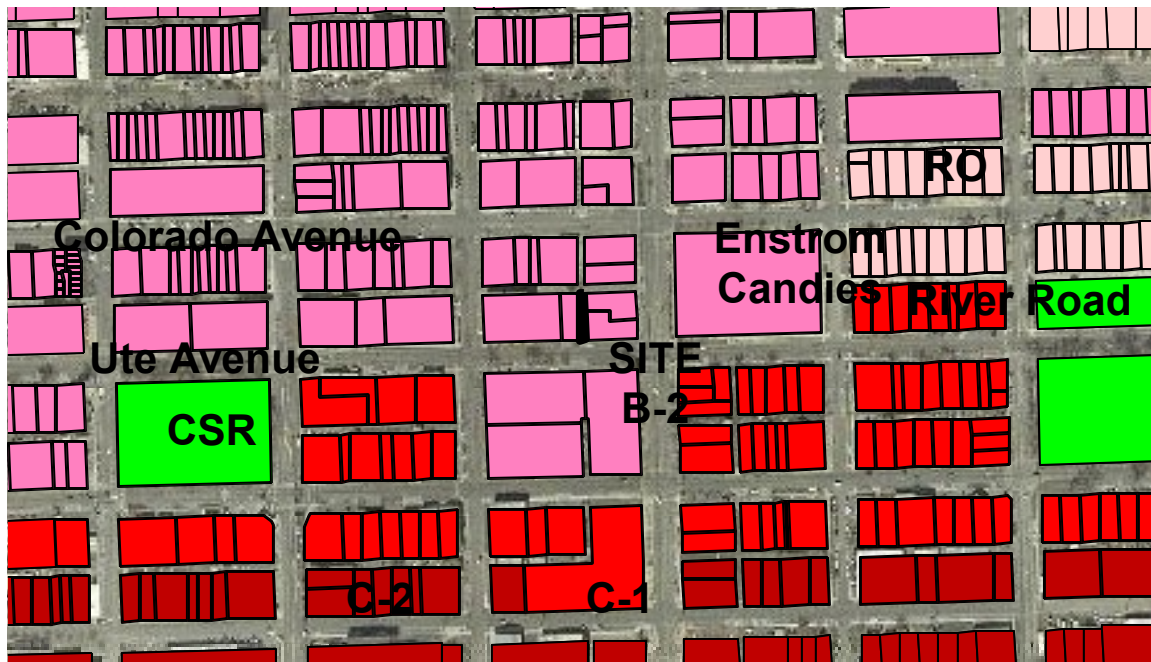
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A RIGHT-OF-WAY LOCATED  
ADJACENT TO 237 S. 7<sup>th</sup> STREET**

Recitals:

A request to vacate the southern portion of the north/south alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street adjacent to Ute Avenue has been submitted by the City of Grand Junction. The City will reserve and retain a Multi-Purpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated. Approval of the right-of-way vacation is conditioned upon the closure of one access point adjacent to subject property on Ute Avenue within one year of City Council approval and will require a Development Improvements Agreement with security to be posted prior to recordation of the vacation.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth 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 Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a Multi-Purpose Easement, on, along, over, under, through and across the entire area of the hereinafter described right-of-way and closure of one access point along Ute Avenue will occur within one year of approval.

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

1. The following described right-of-way is hereby vacated:

All that portion of the North-South alley in Block 127 of the City of Grand Junction lying south of the East-West alley in said Block 127, and more particularly described as follows:

Commencing at the city street monument at the intersection of Sixth Street and Colorado Avenue whence the city street monument at the intersection of Seventh Street and Colorado Avenue bears N90°00'00"E and all other bearings are relative thereto; thence N90°00'00"E 309.8 feet to the extension of the west line of said North-South alley; thence south along said west line 205.0 feet to the south line of said East-West alley and the Point of Beginning; thence south along said west line 125.0 feet to the northerly right-of-way line of Ute Avenue; thence east along said northerly right-of-way 15.0 feet to the east line of said North-South alley; thence north along said east

line 125.0 feet to the south line of said East-West alley; thence west along said south line to the point of beginning, as described herein and depicted on Exhibit "A" attached here to and incorporated herein by reference. Said alleys being in block 127 of the City of Grand Junction, Colorado, and shown on the plats thereof.

2. The City hereby reserves and retains a Multi-Purpose Easement on, long, over, under, through and across the entire area of the above described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Multi-Purpose Easement for the installation, operation, maintenance, repair and replacement of existing and future utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities. Street lighting, landscaping, trees and grade structures, as approved by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this \_\_\_\_ day of \_\_\_\_\_, 2005

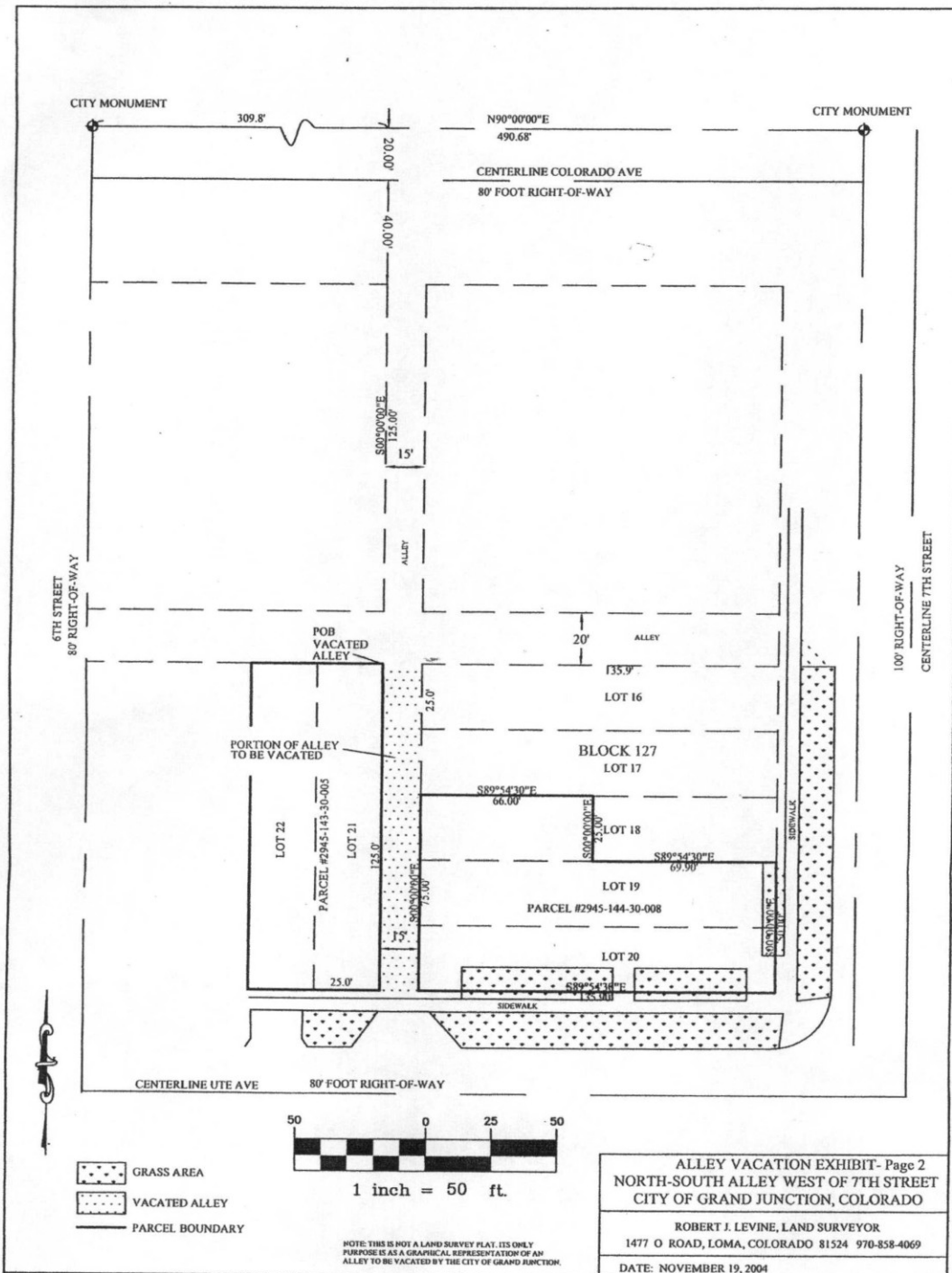
PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

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

ATTEST:

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

# Exhibit A



NOTE: THIS IS NOT A LAND SURVEY PLAT. ITS ONLY PURPOSE IS AS A GRAPHICAL REPRESENTATION OF AN ALLEY TO BE VACATED BY THE CITY OF GRAND JUNCTION.

**Attach 6**

**Setting a Hearing on Zoning the Hawk's Nest Annexation Located at 157 30 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Hawk's Nest Annexation, located at 157 30 Road, to RSF-4 (Residential Single Family 4 du/ac).					
<b>Meeting Date</b>	March 02, 2005					
<b>Date Prepared</b>	February 18, 2005			File #ANX-2004-298		
<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 Hawk's Nest Annexation RSF-4 (Residential Single-Family 4 du/ac), located at 157 30 Road.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for March 16, 2005.

**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>		157 30 Road		
<b>Applicants:</b>		Owner: Parkerson Brothers, LLC - Alan Parkerson Developer: 30 Road, LLC - Alan Parkerson Representative: O'Connor Design Group, Inc - Pat O'Connor		
<b>Existing Land Use:</b>		Residential / Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Residential / Cowboy Corral Kia		
	<b>East</b>	Agricultural		
	<b>West</b>	Residential / Mesa View Elementary School		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R & City PD (Chipeta Pines)		
	<b>South</b>	County RSF-R		
	<b>East</b>	County AFT		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

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

In order for the 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.

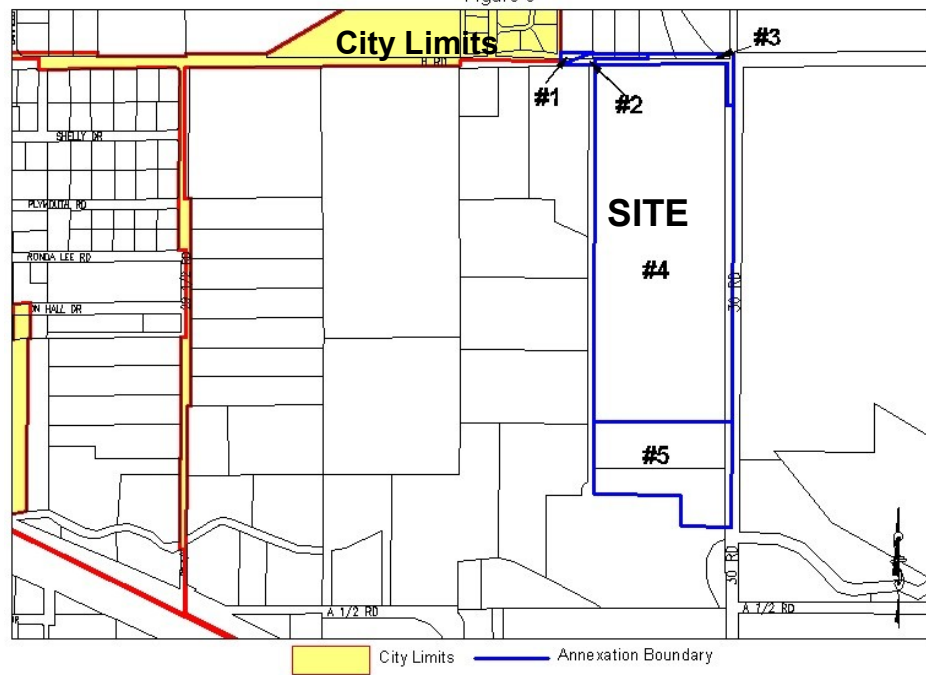
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council at their February 22, 2005 meeting, 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.

# Annexation - Location Map

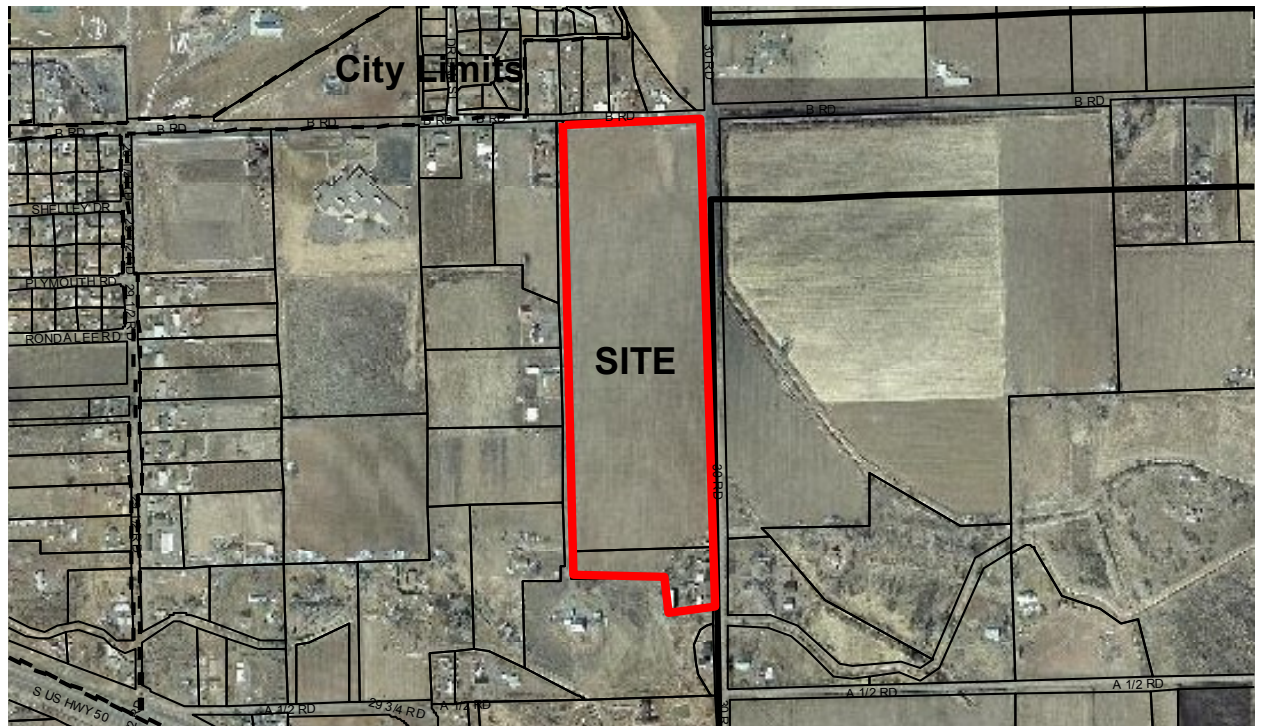
Figure 1

Hawks Nest Annexations 1, 2, 3, 4, & 5



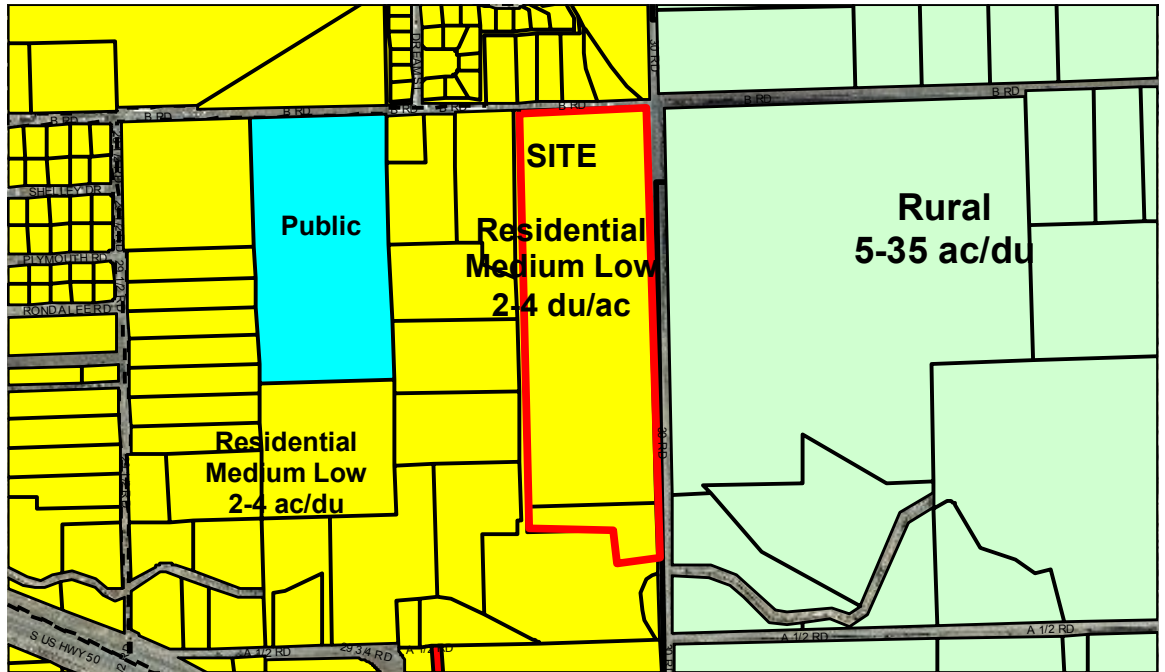
# Aerial Photo Map

Figure 2



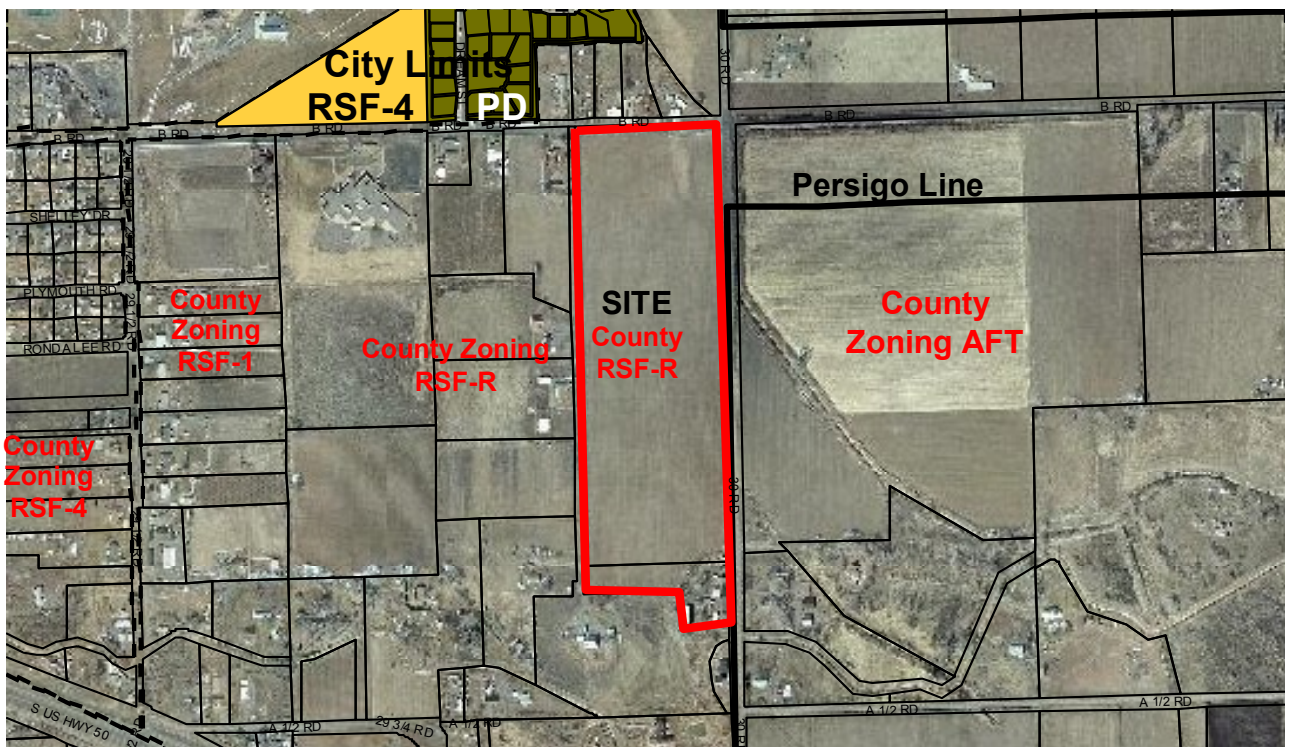
# Future Land Use Map

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 HAWK'S NEST ANNEXATION TO  
RSF-4 (RESIDENTIAL SINGLE-FAMILY 4 DU/AC)**

**LOCATED AT 157 30 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 Hawk's Nest 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.

HAWK'S NEST ANNEXATION

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 225.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 1517.75 feet; thence N 89°44'20" W a distance of

663.54 feet, more or less, to a point on the East line of that certain property with Mesa County Parcel Control Number 2943-321-00-160, the description of same being recorded in Book 2096, Page 142 and Book 2417, Page 383, Public Records of Mesa County, Colorado; thence N 00°15'40" E along the East line of said parcel, a distance of 1708.40 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 29; thence N 89°52'02" E along said South right of way, a distance of 633.33 feet, more or less, to the Point of Beginning.

CONTAINING 25.9196 Acres (1,129,056.28 Sq. Ft.), more or less, as described.

And also, a certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 1,742.95 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 500.00 feet; thence N 89°44'20" W a distance of 239.90 feet; thence N 00°15'40" E a distance of 149.00 feet; thence N 89°44'20" W a distance of 423.70 feet, more or less, to a point on the East line of that certain property with Mesa County Parcel Control Number 2943-321-00-160, the description of same being recorded in Book 2096, Page 142 and Book 2417, Page 383, Public Records of Mesa County, Colorado; thence N 00°15'40" E along the East line of said parcel, a distance of 351.00 feet; thence S 89°44'20" E a distance of 663.54 feet, more or less, to the Point of Beginning.

CONTAINING 6.1674 Acres (268,653.88 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 2<sup>nd</sup> day of March, 2005 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 7**

**Setting a Hearing on Zoning the Catlin Annexation, Located at 2830 C 1/2 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Catlin Annexation, located at 2830 C 1/2 Road, to RMF-8 (Residential Multi-Family 8 du/ac).					
<b>Meeting Date</b>	March 02, 2005					
<b>Date Prepared</b>	February 18, 2005			File #ANX-2004-308		
<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 Catlin Annexation RMF-8 (Residential Multi-Family 8 du/ac), located at 2830 C 1/2 Road.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for March 16, 2005.

**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>		2830 C 1/2 Road		
<b>Applicants:</b>		Owner: Rick & Peggy Catlin Representative: Crane Associates		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential / Agricultural		
	<b>South</b>	Residential / Agricultural		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	City RMF-8		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RMF-8 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-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.

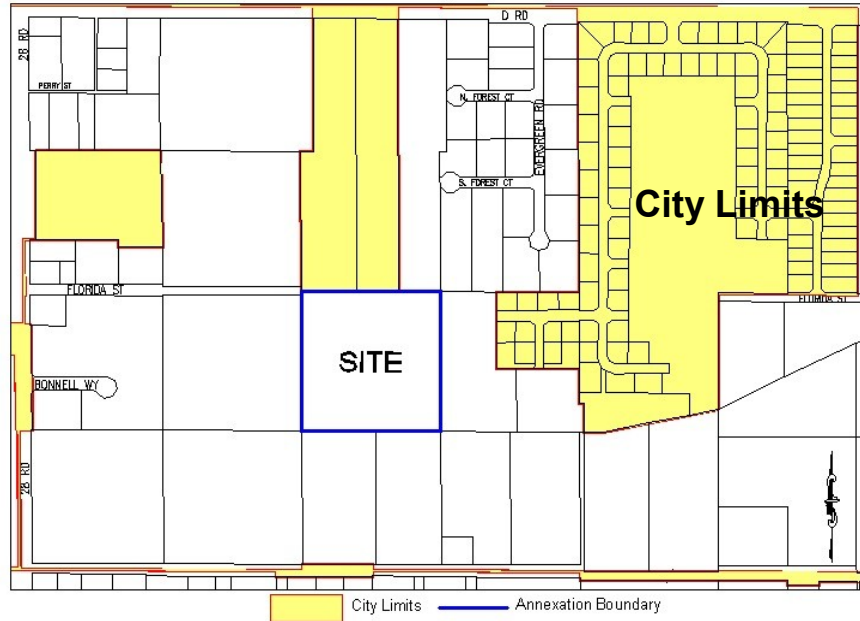
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council at their February 22, 2005 meeting, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Annexation - Location Map

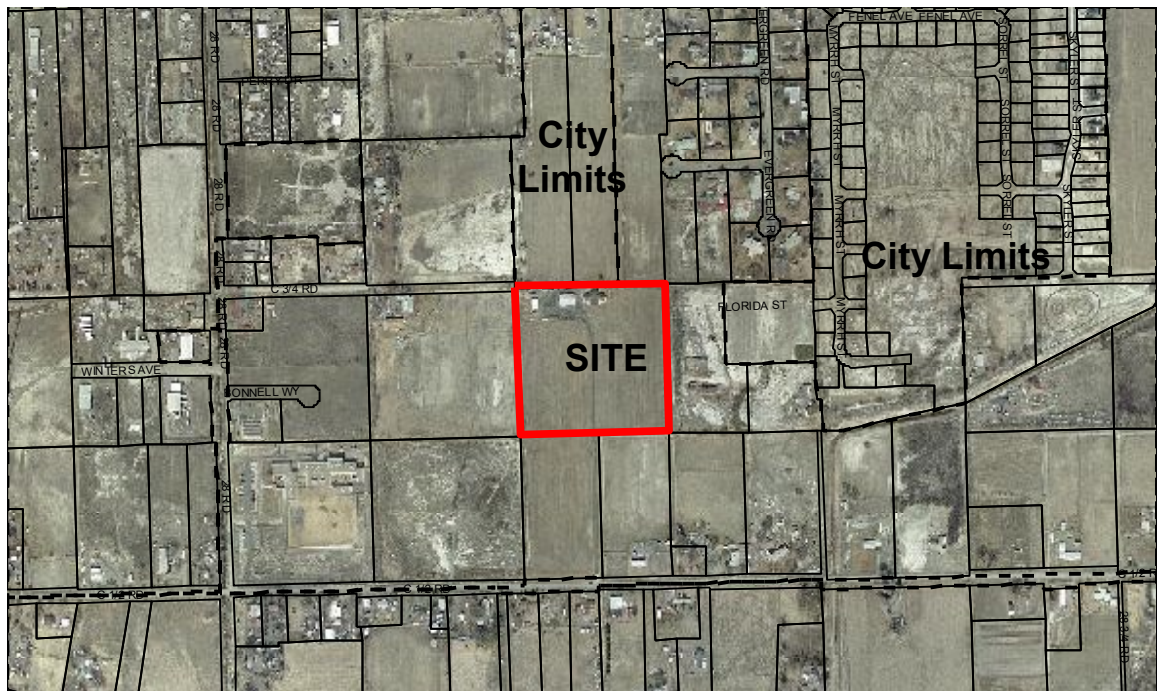
Figure 1

Catlin Annexation  
Figure 5



# Aerial Photo Map

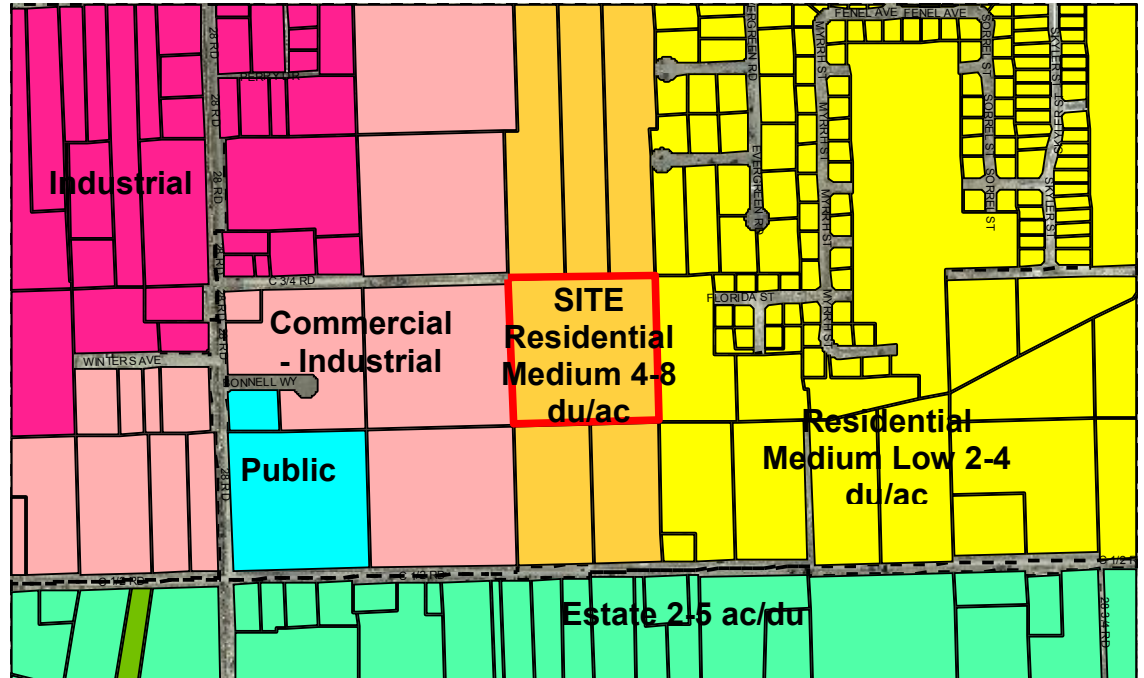
Figure 2





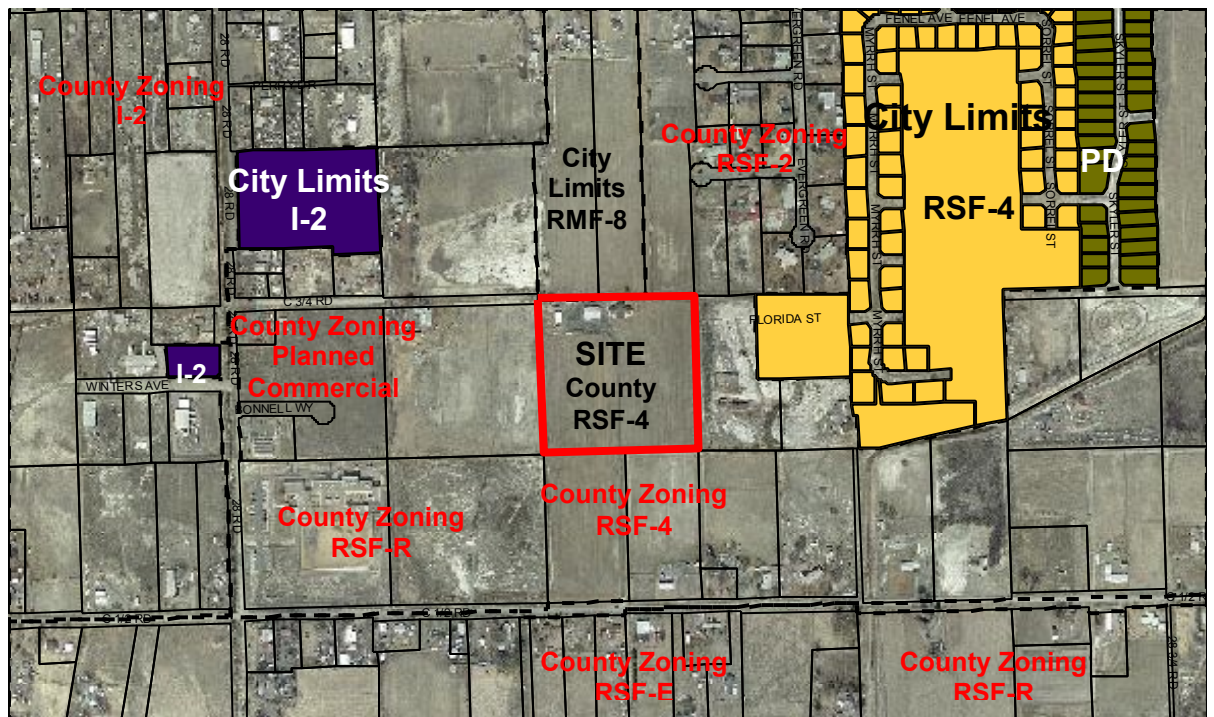
# Future Land Use Map

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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE CATLIN ANNEXATION TO  
RMF-8 (RESIDENTIAL MULTI-FAMILY 8 DU/AC)**

**LOCATED AT 2830 C 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 zoning the Catlin Annexation to the RMF-8 (Residential Multi-Family 8 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 RMF-8 (Residential Multi-Family 8 du/ac) zone district be established.

The Planning Commission and City Council find that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned Residential Multi-Family with a density not to exceed 8 units per acre.

**CATLIN ANNEXATION**

A certain parcel of land lying in Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW 1/4 SE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian.

CONTAINING 10.1399 Acres (441,693.89 Sq. Ft.), more or less, as described.

Housing type, density and bulk standards shall be for the RMF-8 (Residential Multi-Family 8 du/ac) zone district.

Introduced on first reading this 2<sup>nd</sup> day of March, 2005 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 8**

**Setting a Hearing on Zoning the Fisher Annexation, Located at 104 29 3/4 Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Fisher Annexation, located at 104 29 3/4 Road, to RSF-R (Residential Single Family, Rural)					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 23, 2005				File #GPA 2004-191	
<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	<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 zone the 16 acre Fisher Annexation, located at 104 29 3/4 Road, RSF-R (Residential Single Family, Rural).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce the proposed Fisher Annexation Zoning Ordinance and set a hearing for March 16, 2005.

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

**Attachments:**

- Staff Report/Background Information
- Site Location Map/Aerial Photo
- Future Land Use Map/Existing City and County Zoning Map Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		104 29 ¾ Road		
<b>Applicants:</b>		Owner: Albert Fisher Representative: Robert Jones II		
<b>Existing Land Use:</b>		Undeveloped		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Medium Low, 2-4 du/ac		
	<b>South</b>	Public		
	<b>East</b>	Rural, 5-35 ac/du		
	<b>West</b>	Conservation/Residential Medium Low, 2-4 du/ac		
<b>Existing Zoning:</b>		RSF-R (Residential Single Family, Rural, 5 acres per unit)—County zoning		
<b>Proposed Zoning:</b>		RSF-R		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R		
	<b>South</b>	County RSF-R		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R/Planned Commercial		
<b>Growth Plan Designation:</b>		Rural, 5 acres per unit		
<b>Zoning within density range?</b>		<b>x</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

1. Background

The property was recently annexed into the City of Grand Junction pursuant to the Persigo Agreement. The owner had requested a Growth Plan Amendment to change the Future Land Use designation from Rural (5-35 acres per unit) to Residential Medium Low (2-4 units per acre). That request was denied.

The 16 acre site is located along the east side of 29 ¾ Road near Highway 50 on Orchard Mesa. The property is a large knoll with significant topographic relief, with elevations ranging from approximately 4,832 feet to 4,935 feet. Due to grades and the Orchard Mesa Canal that borders the property on the north, the only access that can be provided to the property is from the existing 29 ¾ Road to the southwest.

The applicant did a preliminary slope analysis using a GIS contour file from Mesa County. However, the analysis appears to be based on proposed slopes rather than existing slopes. That analysis indicates approximately 26% of the site

containing slopes of 10-20%, 8% of the site containing slopes of 20-30% and 37% of the site containing slopes of 30% or more. The majority of the slopes of less than 20% are on the top of the knoll, resulting in the access road crossing slopes of greater than 20 and 30 percent.

**Rezoning:** The zone of annexation to the RSF-R district is consistent with the Growth Plan density of Rural, 5-35 acres per unit. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

The property is at the far southeast edge of the Urban Growth Boundary, with the Rural designation to the east, Public designation to the south and Conservation designation to the west. Also, to the southeast of the site, is the Mesa County Landfill. The property has limited development potential due to access and steep slopes. Staff finds there was no error.

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

The character of the area has changed, but in accordance with the adopted Growth Plan.

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

The RSF-R zoning is compatible with the neighborhood and will limit any adverse impacts of development.

Given the prior County zoning and the Future Land Use designation, RSF-R is the only zone district that can be considered.

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 RSF-R zoning is consistent with the goals and policies of the Growth Plan and the Orchard Mesa Neighborhood Plan. Specifically, the

following goals and policies from the Growth Plan support leaving the RSF-R zoning on this property:

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 or 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.

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 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

The RSF-R zoning is consistent with the Growth Plan and prior County zoning.

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

The RSF-R zoning is consistent with the Growth Plan and prior County zoning.



## **STAFF RECOMMENDATION**

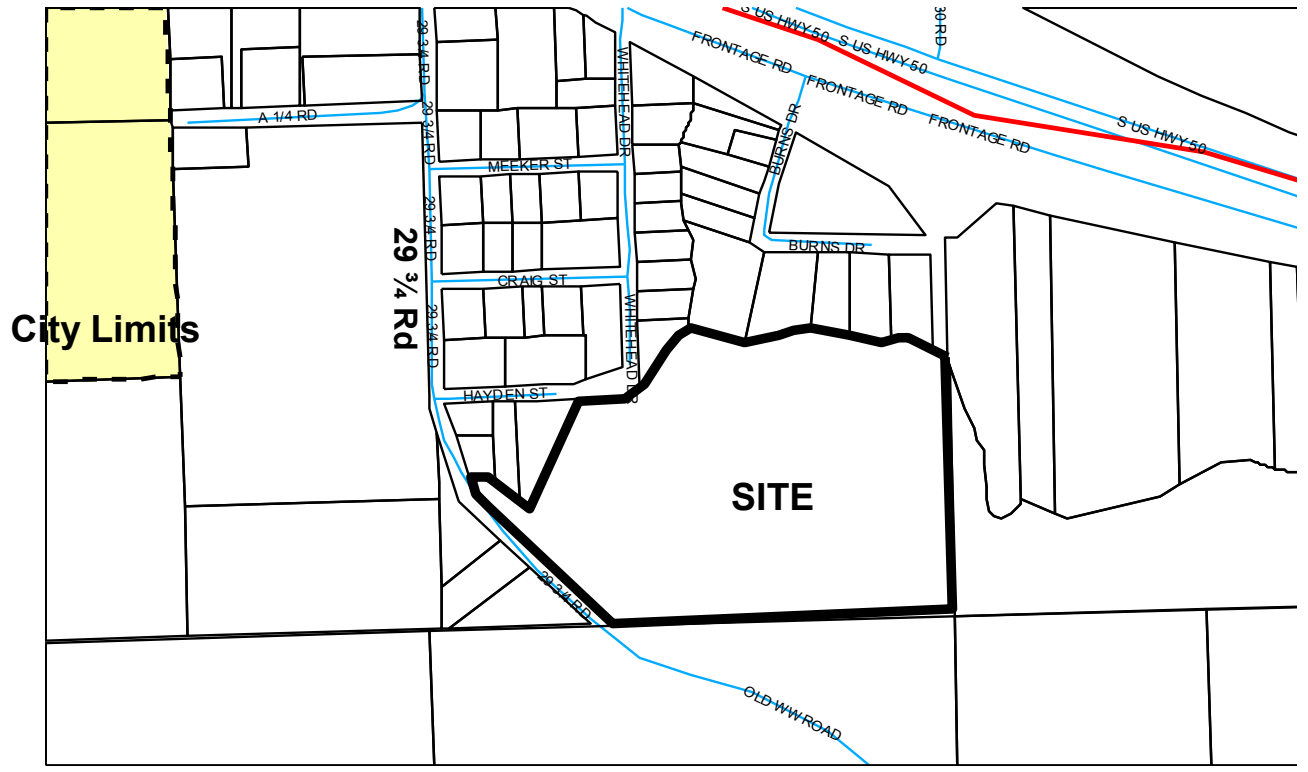
Staff recommends approval of the RSF-R zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

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



# Site Location Map

Figure 1



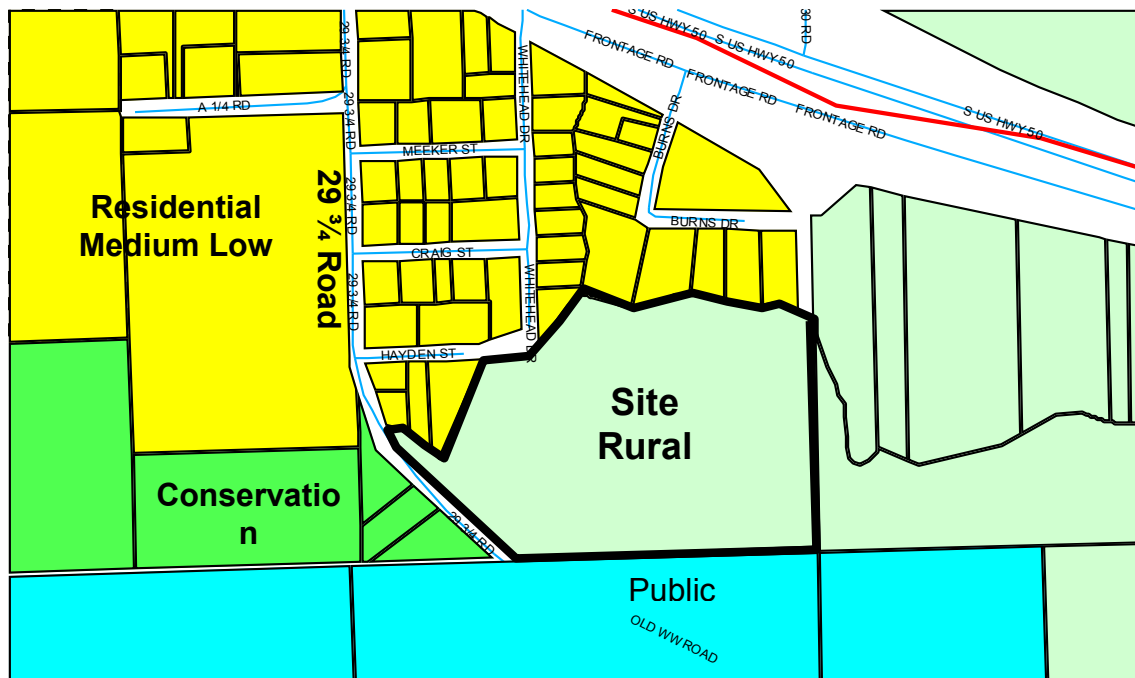
# Aerial Photo Map

Figure 2



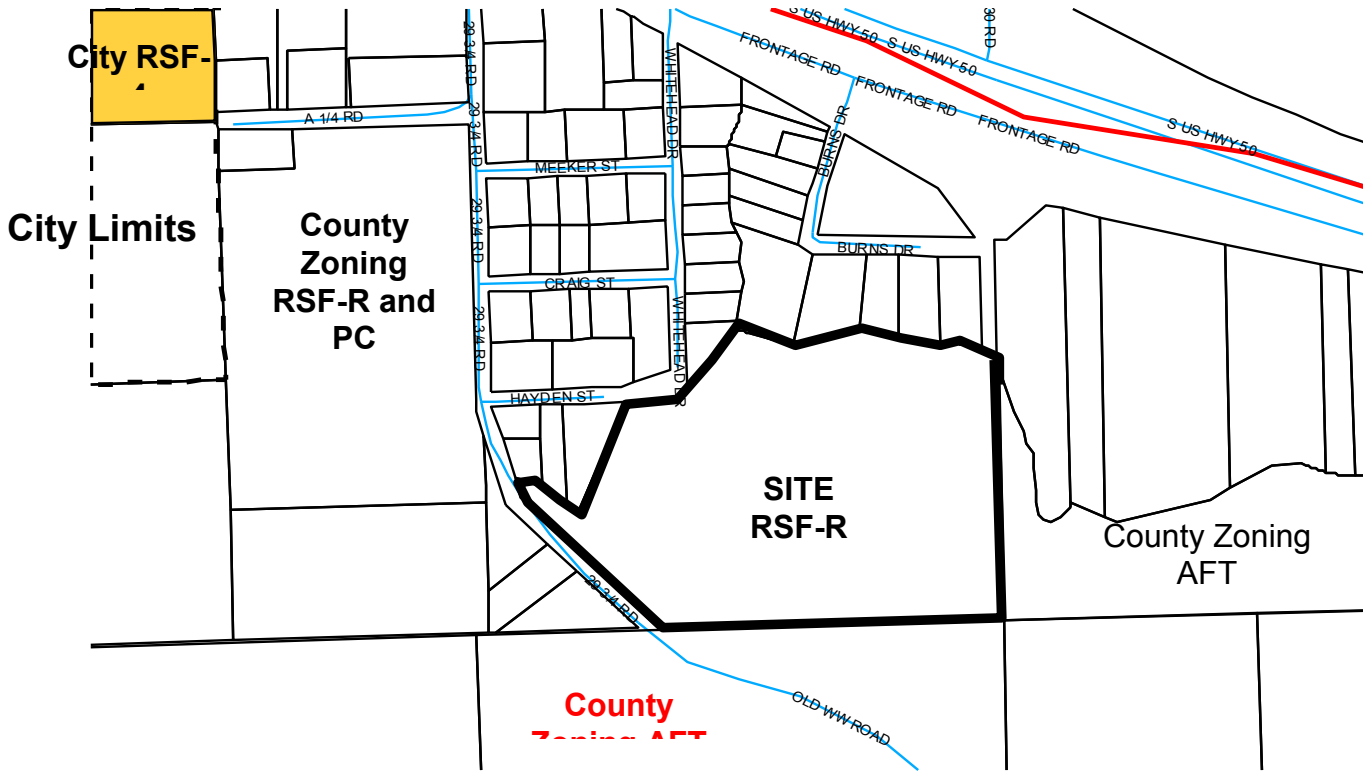
## Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ZONING THE FISHER ANNEXATION TO RSF-R  
(RESIDENTIAL SINGLE FAMILY, RURAL),  
LOCATED AT 104 29 ¾ 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 Fisher Annexation to the RSF-R zone district.

After public notice and public hearing, the Grand Junction City Council finds that the RSF-R 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 2.6 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-R, Residential Single Family, Rural, with a density not to exceed 5 acres per unit:

**FISHER ANNEXATION NO. 2**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32 and assuming the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 32 bears N 89°29'32" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°29'32" E along the North line of the SE 1/4 SE 1/4 of said Section 32, a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°07'03" W along a line 2.00 feet East of and parallel with, the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32, a distance of 659.02 feet; thence S 63°44'41" E a distance of 20.09 feet; thence S 00°07'03" E along a line 20.00 feet East of and parallel with, the East line of the

NW 1/4 SE 1/4 of said Section 32, a distance of 649.97 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 32; thence S 00°01'28" E along a line 20.00 feet East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 745.03 feet, more or less, to a point being the Northwest corner of Lot 1, Block 4, Burns Subdivision, as same is recorded in Plat Book 7, Page 63, Public Records of Mesa County, Colorado; thence S 16°04'09" E along the West line of said Lot 1 (being common with the East right of way for Whitewater Road (29-3/4 Road)), a distance of 205.22 feet; thence along the North line of Lot 1, Block 9 of said Burns Subdivision, the following sixteen (16) courses:

1. N 83°00'04" E a distance of 50.49 feet; thence...
2. S 48°55'45" E a distance of 132.59 feet; thence...
3. N 25°51'43" E a distance of 312.51 feet; thence...
4. N 89°29'32" E a distance of 113.81 feet; thence...
5. N 27°03'40" E a distance of 88.00 feet; thence...
6. N 45°23'47" E a distance of 184.86 feet; thence...
7. S 70°51'42" E a distance of 146.80 feet; thence...
8. N 80°40'50" E a distance of 87.29 feet; thence...
9. N 68°32'18" E a distance of 53.73 feet; thence...
10. N 87°16'18" E a distance of 60.00 feet; thence...
11. S 76°09'42" E a distance of 61.60 feet; thence...
12. S 75°15'42" E a distance of 61.87 feet; thence...
13. S 78°21'42" E a distance of 50.92 feet; thence...
14. N 83°25'18" E a distance of 50.28 feet; thence...
15. S 73°38'42" E a distance of 51.96 feet; thence...
16. S 56°49'42" E a distance of 64.05 feet, more or less, to a point on the East line of the SE 1/4 SE 1/4 of said Section 32;

thence S 00°14'18" W along the East line of the SE 1/4 SE 1/4 of said Section 32, a distance of 687.66 feet to the Southeast corner of said Section 32; thence S 89°58'35" W along the South line of the SE 1/4 SE 1/4 of said Section 32, a distance of 930.47 feet to a point being the Southeast corner of Lot 1, Block 8 of said Burns Subdivision; thence N 45°20'00" W along the Northeasterly line of said Lot 1, Block 8, a distance of 451.91 feet; thence N 16°04'09" W a distance of 186.59 feet to a point on the West line of the SE 1/4 SE 1/4 of said Section 32; thence N 00°01'28" E, along the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 161.34 feet; thence S 89°58'32" E a distance of 2.00 feet; thence N 00°01'28" E along a line 2.00 feet East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.50 feet, more or less, to the Point of Beginning.

CONTAINING 17.886 Acres (779,137.0 Sq. Ft.), more or less, as described.

INTRODUCED on first reading this 2<sup>nd</sup> day of March, 2005.

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

\_\_\_\_\_  
Mayor

ATTEST:

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



**Attach 9**  
**Setting a Hearing on Zoning the Manor Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Manor Annexation, located at the NE corner of 26 ½ Road and I Road					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 23, 2005				<b>File #</b> GPA-2004-205	
<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 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:** Introduction of a proposed ordinance to zone the 11 acre Manor Annexation, located at the NE corner of 26 ½ Road and I Road, RSF-4 (Residential Single Family, 4 units per acre).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce the proposed Manor Annexation Zoning Ordinance and set a hearing for March 16, 2005.

**Background Information:** See attached Staff Report

**Attachments:**

Staff Report/Background Information  
 Site Location Map/Aerial Photo  
 Future Land Use Map/Existing City and County Zoning Map  
 Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		NE corner of 26 ½ Road and I Road		
<b>Applicants:</b>		Manor Road, LLC; Balaz & Associates		
<b>Existing Land Use:</b>		Undeveloped		
<b>Proposed Land Use:</b>		Residential, 2 to 4 units per acre		
<b>Surrounding Land Use:</b>	<b>North</b>	Rural, 5 acres per unit		
	<b>South</b>	Residential, 2-4 units per acre		
	<b>East</b>	Rural and Public (Airport)		
	<b>West</b>	Estate, 2 to 5 acres per unit		
<b>Existing Zoning:</b>		RSF-R (Residential Single Family, Rural, 5 acres per unit)—County zoning		
<b>Proposed Zoning:</b>		RSF-4 (Residential Single Family, 4 units per acre)		
<b>Surrounding Zoning:</b>	<b>North</b>	AFT (Agricultural, Forestry, Transitional)—County zoning		
	<b>South</b>	RSF-4		
	<b>East</b>	AFT		
	<b>West</b>	AFT		
<b>Growth Plan Designation:</b>		Residential Medium Low, 2-4 u/a		
<b>Zoning within density range?</b>	<b>x</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

1. Background

The property was annexed into the City of Grand Junction pursuant to the Persigo Agreement, with an effective date of December 19, 2004. At the annual joint Persigo meeting of the Grand Junction City Council and Mesa County Board of County Commissioners on August 12, 2004, the Persigo 201 sewer service boundary was amended to include this property. So, the property can now be served by sewer.

A Growth Plan Amendment was approved for the property in December of 2004, changing the Future Land Use designation from Rural (one unit per five acres) to Residential Medium Low (2-4 units per acre). The applicant is requesting a zoning of RSF-4 (Residential Single Family, 4 units per acre).

The Grand Vista subdivision, just to the south of the subject property, was approved in 2002. Grand Vista is a single family development with a density of

approximately 4 units per acre. The subdivision has homes fronting on I Road and provides a sewer line in I Road that could be utilized by the property to the north.

A small portion of the property falls within the Airport Critical Zone. Table 7.3 of the Zoning and Development Code currently indicates that residential densities greater than one unit per five acres can be considered in the critical zone with a Conditional Use Permit. However, Note 1 indicates that, where possible, clustering of homes outside of the Critical Zone shall be used. There is ample space on this parcel to develop the site outside of the Critical Zone. In addition, a portion of the site falls within the 60-65 decibel noise contour, but not within the 65-70 decibel noise contour. There are not specific regulations pertaining to the 60-65 decibel levels, but the airport and City will recommend that noise mitigation measures be taken in the construction of the homes. All of the property falls within the Airport Area of Influence, which is an extensive area impacted by aircraft overflight, noise and/or vibrations. The current Code requires a Conditional Use Permit for residential development with densities greater than one unit per five acres in the Area of Influence.

2. Consistency with the Growth Plan:

The Growth Plan designates this property as Residential Medium Low, 2-4 units per acre. There are two zone districts that can be considered within that range, RSF-2 (Residential Single Family, 2 units per acre) and RSF-4 (Residential Single Family, 4 units per acre). The applicant is requesting RSF-4.

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 1996 plan did show this property as being within the Urban Growth Boundary, but designated it as Rural. The property was only recently included in the Persigo 201 boundary.

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

The recent inclusion of the property in the Persigo 201 sewer service boundary and the Growth Plan Amendment to Residential Medium Low would allow for this property to develop at urban densities.

3. *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the*

*street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;*

The RSF-4 zone district would allow for this property to develop similar to the Grand Vista Subdivision to the south.

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 North Central Valley Plan calls for urban densities and uses within the Urban Growth Boundary, which at the time the plan was adopted, included this property.

The following goals and policies from the Growth Plan also support the proposed change:

Goal 4: To coordinate the time, location and intensity of growth with the provision of adequate public facilities.

Policy 4.1: ...The City will limit urban development in the Joint Planning Area to locations within the urban Growth Boundary with adequate public facilities as defined in the City Code.

Policy 4.3: The City and County may, by mutual agreement and plan amendment, expand the boundaries of the Urbanizing Area when the urban facilities and services can be provided in a cost effective manner. The City and County may, by mutual agreement, amend the Urban Growth Boundary to adjust the community's supply of urban land to better achieve community goals.

Goals 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Policy 5.3: ...Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services ("leap-frog" development) will be discouraged.

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

Public and community facilities are adequate to serve the proposed residential density. Needed infrastructure is in place or can reasonably be extended to serve the parcel.

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 proposal is a logical extension of the RSF-4 zone district.

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

The proposed RSF-4 zoning will better utilize the sewer service that has been made available to the property. The parcel is bordered by two properties to the north, one owned by Walker Field Airport with the canal separating the parcels, and one other privately owned piece, the majority of which is located within the Airport Critical Zone. Through the subdivision review process, compatibility with the parcels to the north will be determined.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing GPA-2004-205, zoning the Manor Annexation, staff makes the following findings of fact and conclusions:

1. The proposed RSF-4 zoning is consistent with the purpose and intent of the Plan.
2. The review criteria in Section 2.6 of the Zoning and Development Code have all been met.

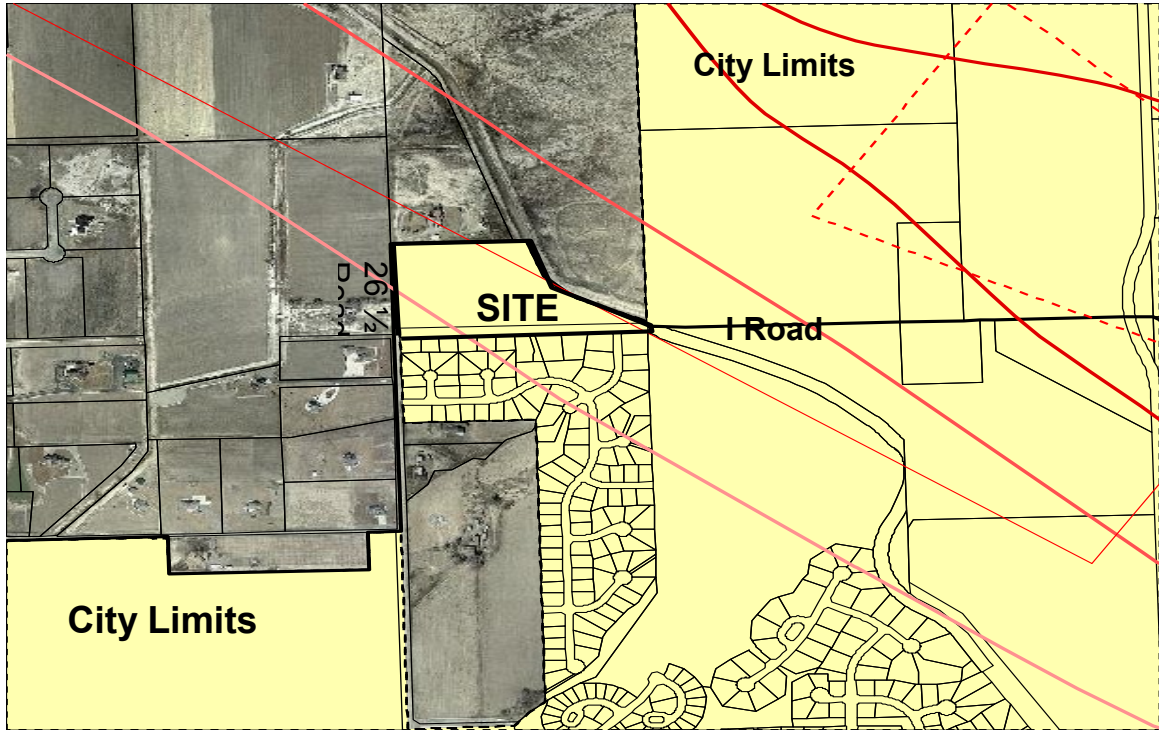
#### STAFF RECOMMENDATION

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

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

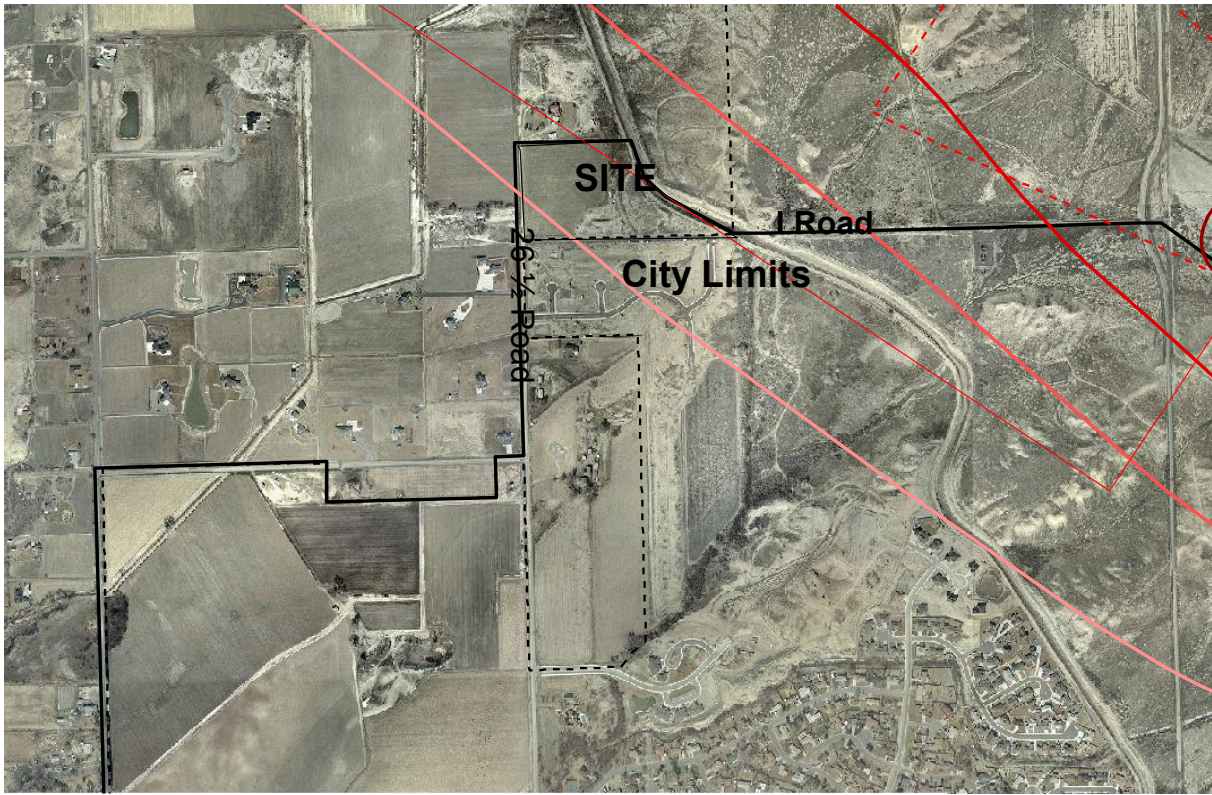
# Site Location Map

Figure 1



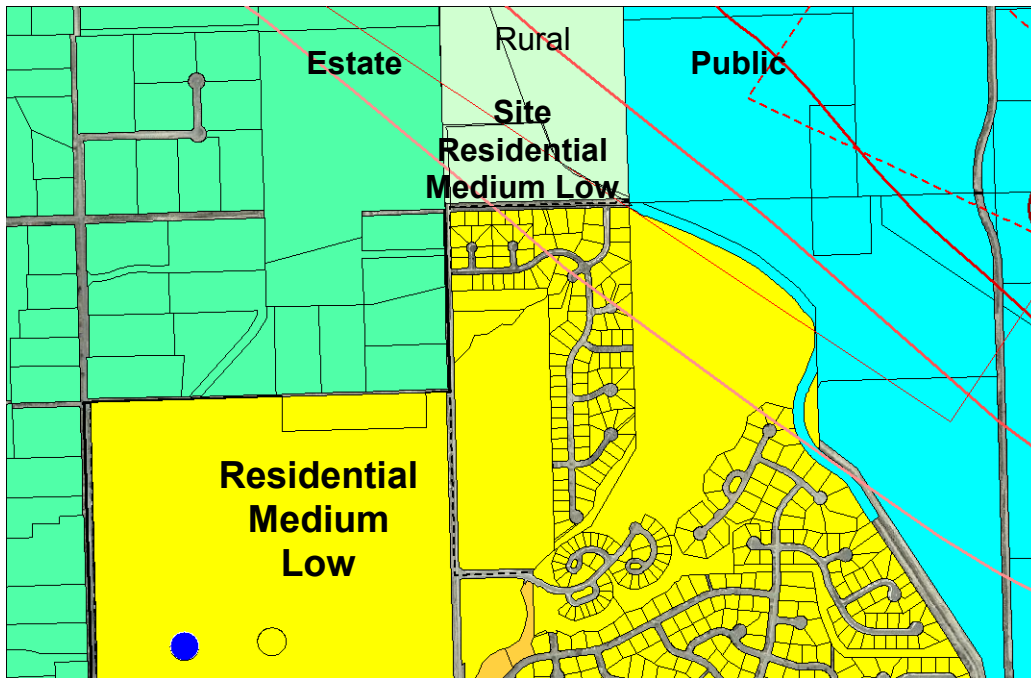
# Aerial Photo Map

Figure 2



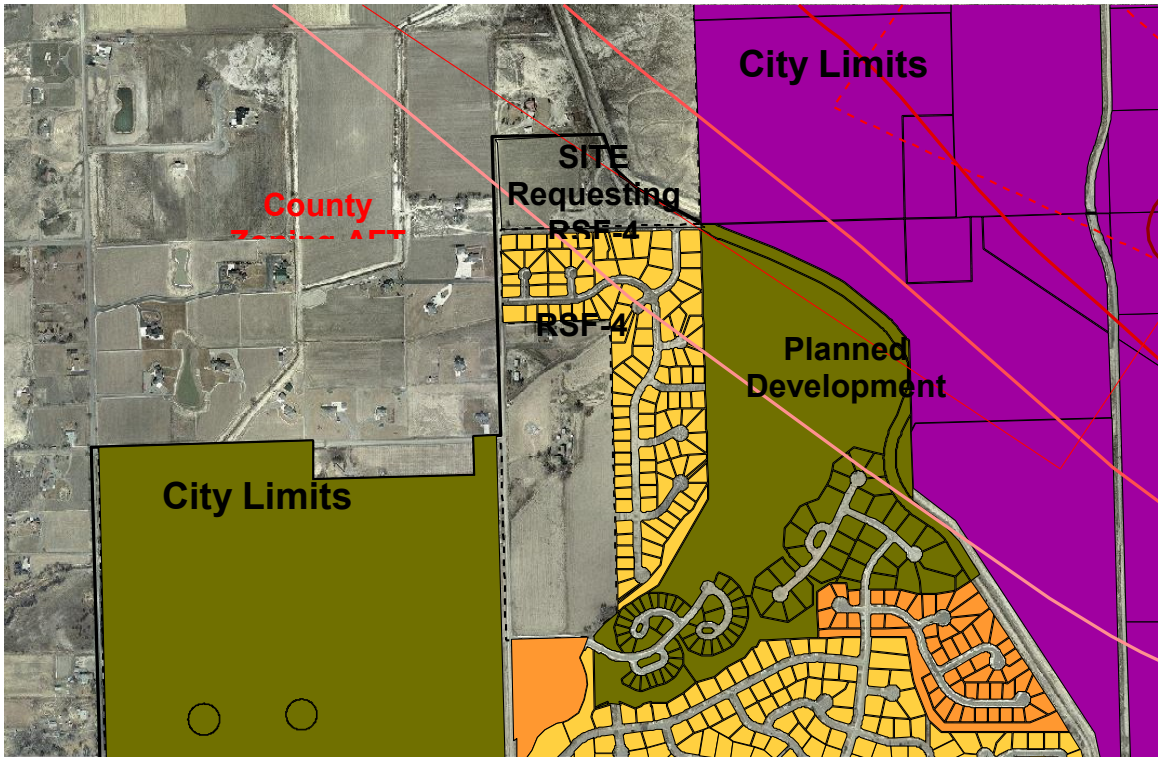
## Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ZONING THE MANOR ANNEXATION TO RSF-4 (RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE), LOCATED AT THE NE CORNER OF 26 ½ ROAD AND I 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 Manor Annexation to the RSF-4 zone district.

After public notice and public hearing, the Grand Junction City Council finds that the RSF-4 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 2.6 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-4, Residential Single Family, with a density not to exceed 4 units per acre:

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
MANOR ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 23, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) corner of said Section 23 and assuming the South line of the SW 1/4 SE 1/4 of said Section 23 bears S 89°54'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°02'14" W, along the West line of the SW 1/4 SE 1/4 of said Section 23 a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'14" W along the West line of the SW 1/4 SE 1/4 of said Section 23, a distance of 566.00 feet; thence N 89°54'21" E a distance of 706.24 feet to a point on the centerline of the Highline Canal; thence S 18°47'24" E along said centerline, a distance of 166.77 feet to the beginning of a 409.23 foot radius curve, concave Northeast, whose long chord bears S 42°21'02" E with a long chord length of 327.15 feet; thence 336.56 feet Southeasterly along the arc of said curve, being the centerline of said Highline Canal, through a central angle of 47°07'16"; thence S 65°54'40" E along said centerline, a distance of 369.38 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 23; thence S 00°01'36" E along the East line of the SW 1/4 SE 1/4 of said Section 23, a distance of 14.57 feet; thence S 89°54'21" W along a line 30.00 feet North of and parallel to, the South line of the SW

1/4 SE 1/4 of said Section 23, a distance of 1317.20 feet, more or less, to the Point of Beginning.

CONTAINING 11.753 Acres (511,953.3 Sq. Ft.), more or less, as described.

INTRODUCED on first reading this 2<sup>nd</sup> day of March, 2005.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 10**

**Setting a Hearing on the Barker No. 3 Annexation, Located at 2939 Jon Hall Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Barker No. 3 Annexation located at 2939 Jon Hall Road						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 16, 2005				File #ANX-2005-022		
<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:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 0.298 acre Barker No. 3 annexation consists of 1 parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Barker No. 3 Annexation petition and introduce the proposed Barker No. 3 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. General Location/Annexation Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Resolution Referring Petition
7. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

<b>Location:</b>		2939 Jon Hall Road		
<b>Applicants:</b>		Myron Barker		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4		
	<b>West</b>	City RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low – 2-4 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 0.298 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of a subdivision request for the Orchard Estates Subdivision. 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 **Barker No. 3** 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.

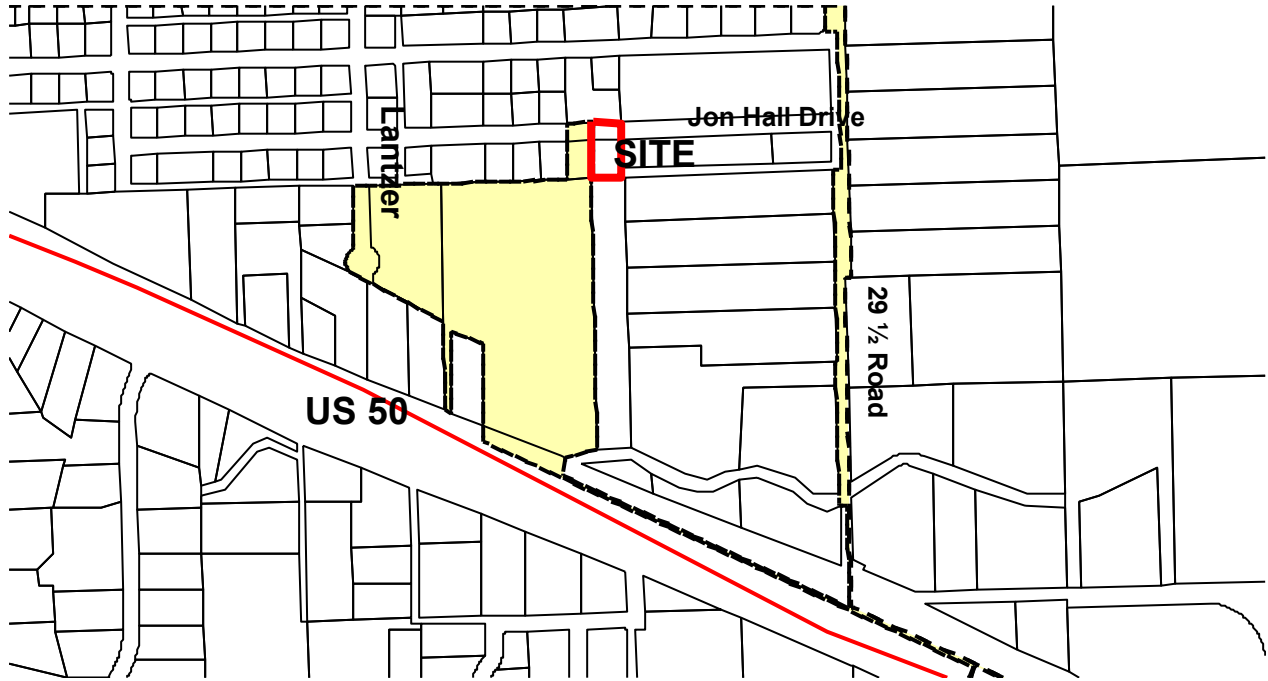
<b><u>ANNEXATION SCHEDULE</u></b>	
<b>March 2, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>March 8, 2005</b>	Planning Commission considers Zone of Annexation
<b>March 16, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<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

**BARKER NO. 3 ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2005-022	
<b>Location:</b>	2939 Jon Hall Road	
<b>Tax ID Number:</b>	2943-322-09-024	
<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>	0.298	
<b>Developable Acres Remaining:</b>	0.25 ac	
<b>Right-of-way in Annexation:</b>	4,050 sf of Jon Hall Road	
<b>Previous County Zoning:</b>	County RSF-4	
<b>Proposed City Zoning:</b>	City RSF-4	
<b>Current Land Use:</b>	Vacant	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$8,120
	<b>Actual:</b>	= \$28,000
<b>Address Ranges:</b>	2939 Jon Hall Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Orchard Mesa Sanitation
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/Drainage :</b>	Orchard Mesa Irrigation
	<b>School:</b>	Mesa Co District 51
	<b>Pest:</b>	N/A

# Site Location Map

Barker Annexation No. 3



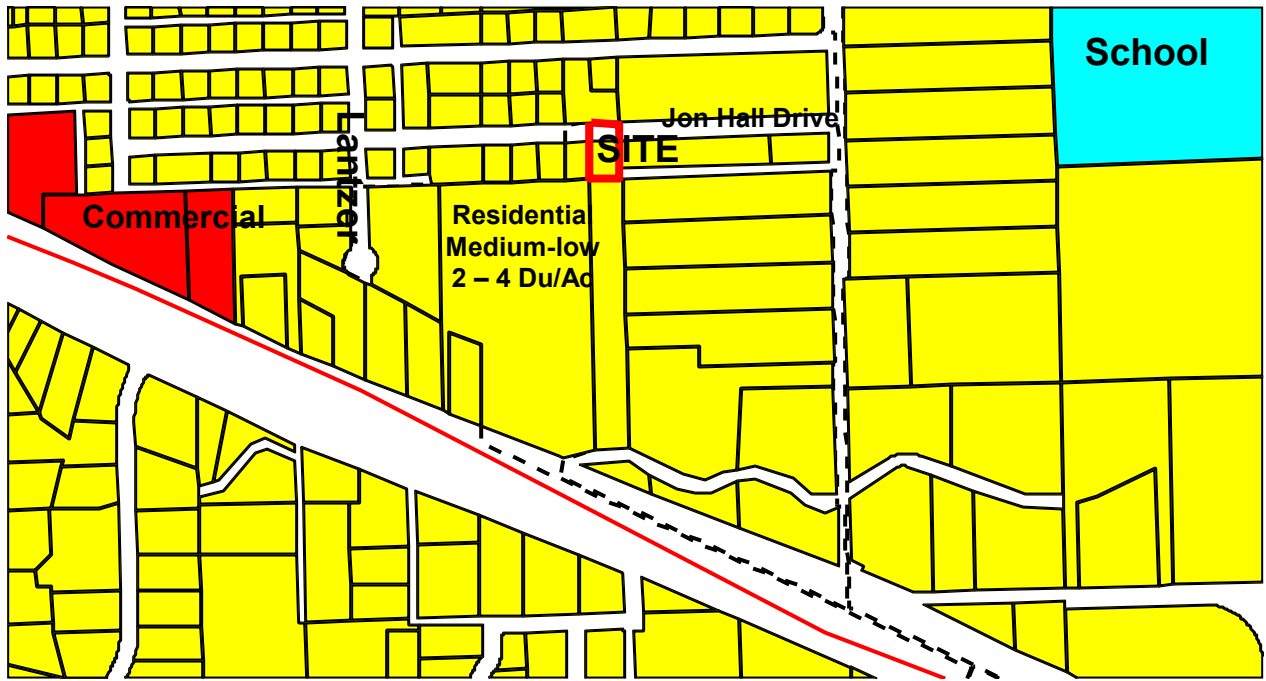
# Aerial Photo Map

Barker Annexation No. 3



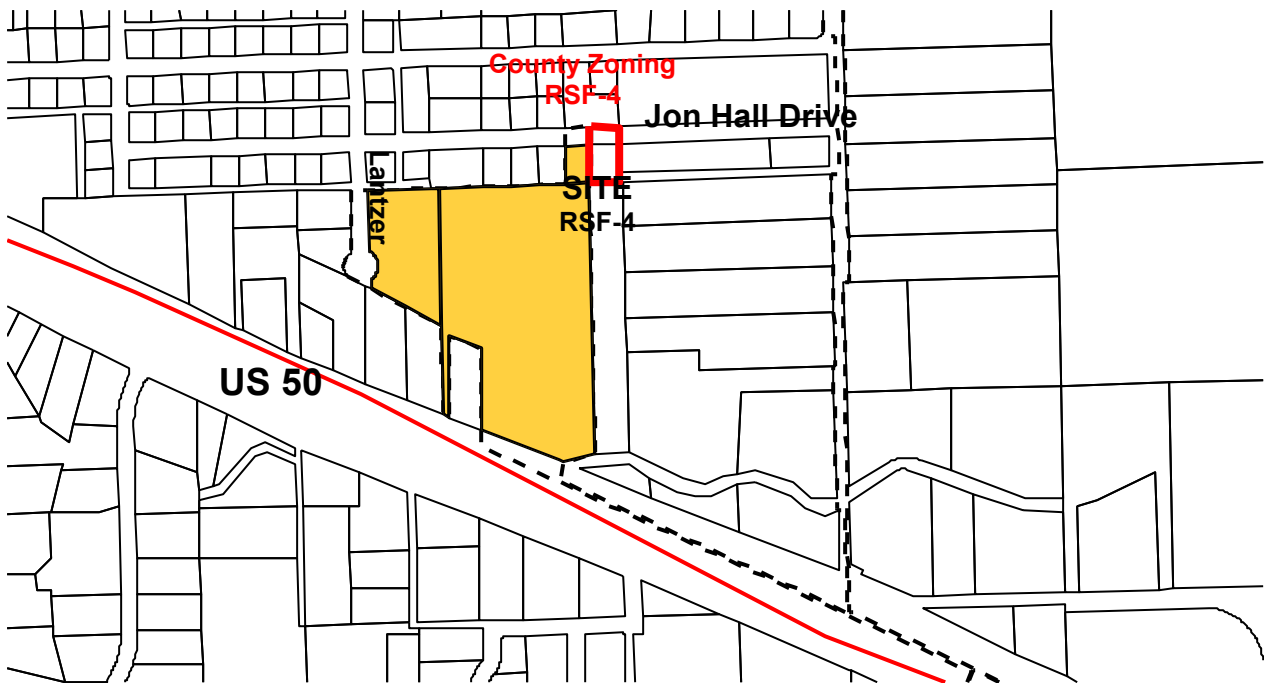
# Future Land Use Map

Barker Annexation No. 3



## Existing City and County Zoning

### Barker Annexation No. 3



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 2<sup>nd</sup> of March, 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**

**BARKER NO. 3 ANNEXATION**

**LOCATED AT 2939 JON HALL ROAD**

WHEREAS, on the 2<sup>nd</sup> day of March, 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:

**BARKER NO. 3 ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 1, Plat of Sunset Park as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado together with all of that certain 50.0 foot wide right of way for Jon Hall Drive lying North of the East and West lines of said Lot 1, being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, Sunset Park, and assuming the West line of said Lot 1 bears N 00°08'57" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'57" W along the West line and the Northerly projection thereof, of said Lot 1, a distance of 160.06 feet to a point on the North right of way for said Jon Hall Drive; thence N 89°51'27" E along said North right of way, a distance of 81.00 feet; thence S 00°08'57" E along the East line and the Northerly projection thereof, of said Lot 1, a distance of 160.05 feet to the Southeast corner of said Lot 1; thence S 89°51'18" W along the South line of said Lot 1, a distance of 81.00 feet to the Point of Beginning.

CONTAINING 0.298 Acres (12,964.6 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 6<sup>th</sup> 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 2<sup>nd</sup> day of March, 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><b>DATES PUBLISHED</b></i>
<b>March 4, 2005</b>
<b>March 11, 2005</b>
<b>March 18, 2005</b>
<b>March 25, 2005</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**BARKER NO. 3 ANNEXATION**

**APPROXIMATELY 0.298 ACRES**

**LOCATED AT 2939 JON HALL ROAD**

**WHEREAS**, on the 2<sup>nd</sup> day of March, 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:

**BARKER NO. 3 ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 1, Plat of Sunset Park as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado together with all of that certain 50.0 foot wide right of way for Jon Hall Drive lying North of the East and West lines of said Lot 1, being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, Sunset Park, and assuming the West line of said Lot 1 bears N 00°08'57" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'57" W along the West line and the Northerly projection thereof, of said Lot 1, a distance of 160.06 feet to a point on the North right of way for said Jon Hall Drive; thence N 89°51'27" E along said North right of way, a distance of 81.00 feet; thence S 00°08'57" E along the East line and the Northerly projection thereof, of said Lot 1, a distance of 160.05 feet to the Southeast corner of said Lot 1; thence S 89°51'18" W along the South line of said Lot 1, a distance of 81.00 feet to the Point of Beginning.

CONTAINING 0.298 Acres (12,964.6 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 2<sup>nd</sup> day of March, 2005 and ordered published.

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

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

Attest:

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

**Attach 11**

**Setting a Hearing on the Whaley Annexation, Located at 2941 & 2949 B ½ Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Whaley Annexation located at 2941 & 2949 B ½ Road						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 16, 2005				File #ANX-2005-010		
<b>Author</b>	Lori V. Bowers			Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers			Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.967 acre Whaley Annexation is a 2 part serial annexation consisting of 2 parcels.

**Budget:** N/A

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

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

**Attachments:**

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

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		2941 & 2949 B ½ Road		
<b>Applicants:</b>		Owner: Merle & Margaret Whaley Representative: Development Construction Services, Inc – Tracy Moore		
<b>Existing Land Use:</b>		Single Family Residential / Agricultural		
<b>Proposed Land Use:</b>		Single Family Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Golf Course		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R		
	<b>South</b>	County RSF-4		
	<b>East</b>	PUD – Golf Course		
	<b>West</b>	City RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 9.967 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

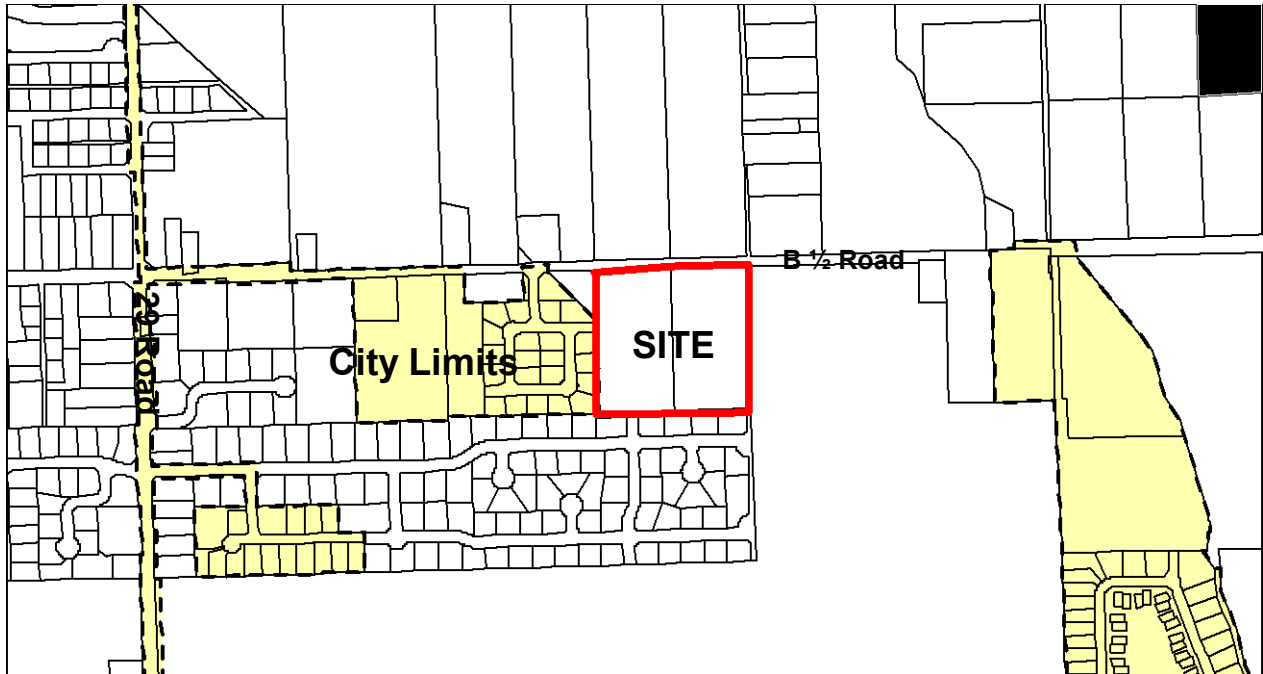
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>March 2, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>March 8, 2005</b>	Planning Commission considers Zone of Annexation
<b>March 16, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<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

**WHALEY ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2005-010
<b>Location:</b>		2941 & 2949 B ½ Road
<b>Tax ID Number:</b>		2943-293-00-084 / 2943-293-00-083
<b>Parcels:</b>		2
<b>Estimated Population:</b>		4
<b># of Parcels (owner occupied):</b>		1
<b># of Dwelling Units:</b>		2
<b>Acres land annexed:</b>		9.967
<b>Developable Acres Remaining:</b>		9 +/- ac
<b>Right-of-way in Annexation:</b>		19,783.2 sf of B ½ Road
<b>Previous County Zoning:</b>		County RSF-R
<b>Proposed City Zoning:</b>		City RSF-4
<b>Current Land Use:</b>		Single Family Residential
<b>Future Land Use:</b>		Single Family Residential subdivision
<b>Values:</b>	<b>Assessed:</b>	= \$13,950
	<b>Actual:</b>	= \$151,780
<b>Address Ranges:</b>		2941 – 2949 B ½ Road (odd only)
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Orchard Mesa Sanitation
	<b>Fire:</b>	GJ Rural
	<b>Irrigation/Drainage :</b>	Orchard Mesa Irrigation
	<b>School:</b>	Mesa County District 51
	<b>Pest:</b>	N/A

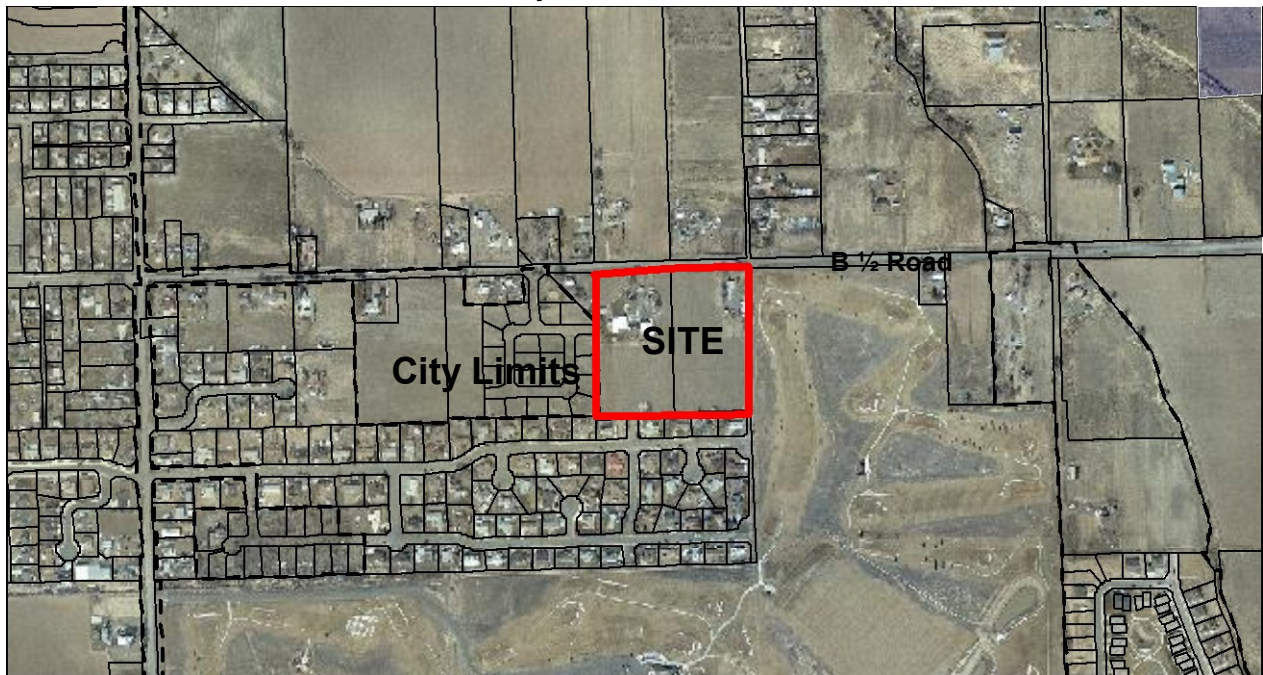
**Site Location Map**

## Whaley Annexation Area



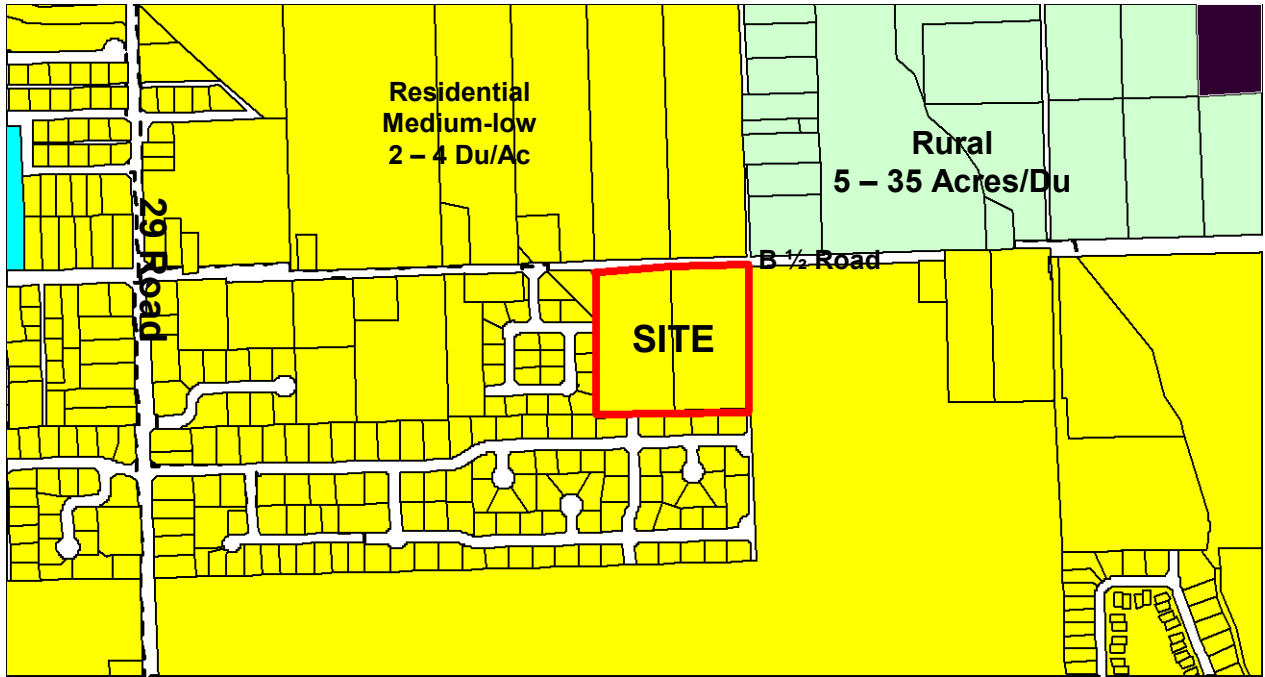
## Aerial Photo Map

### Whaley Annexation Area



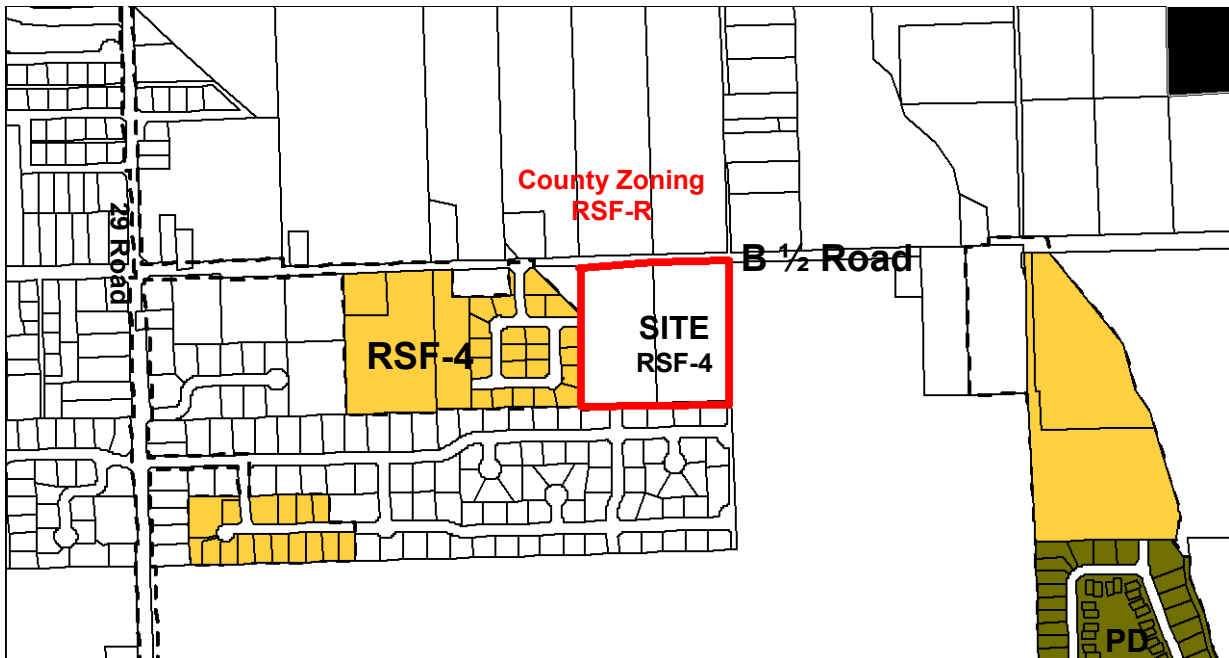
## Future Land Use Map

### Whaley Annexation Area



## Existing City and County Zoning

Whaley Annexation Area



**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 2<sup>nd</sup> of March, 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**

**WHALEY ANNEXATION**

**LOCATED AT 2941 & 2949 B ½ ROAD**

WHEREAS, on the 2<sup>nd</sup> day of March, 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:

**WHALEY ANNEXATION NO. 1**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°09'21" W along the East line of said Crista Lee Subdivision, a distance of 658.68 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.96 feet; thence S 00°09'06" E a distance of 658.46 feet to a point on the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.92 feet, more or less, to the Point of Beginning.

CONTAINING 4.988 Acres (217,289.72 Sq. Ft.), more or less, as described

**WHALEY ANNEXATION NO. 2**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 89°47'03" E along the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado, a distance of 329.92 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°09'06" W a distance of 658.49 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.48 feet to the Northeast corner of the Southwest Quarter (SW 1/4) of said Section 29; thence S 00°08'34" E along the East line of the NE 1/4 SW 1/4 of said Section 29, a distance of 658.24 feet to a point on the North line of said Loma Linda Subdivision; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.38 feet, more or less, to the Point of Beginning.

CONTAINING 4.979 Acres (216,878.03 Sq. Ft.), more or less, as described

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

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

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

ADOPTED this 2<sup>nd</sup> day of March, 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.

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City Clerk

<i><b>DATES PUBLISHED</b></i>
<b>March 4, 2005</b>
<b>March 11, 2005</b>
<b>March 18, 2005</b>
<b>March 25, 2005</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**WHALEY ANNEXATION #1**

**APPROXIMATELY 4.988 ACRES**

**LOCATED AT 2941 B ½ ROAD**

**WHEREAS**, on the 2<sup>nd</sup> day of March, 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:

**WHALEY ANNEXATION #1**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°09'21" W along the East line of said Crista Lee Subdivision, a distance of 658.68 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.96 feet; thence S 00°09'06" E a distance of 658.46 feet to a point on the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.92 feet, more or less, to the Point of Beginning.

CONTAINING 4.988 Acres (217,289.72 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 2<sup>nd</sup> day of March, 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 ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**WHALEY ANNEXATION #2**

**APPROXIMATELY 4.979 ACRES**

**LOCATED AT 2949 B ½ ROAD**

**WHEREAS**, on the 2<sup>nd</sup> day of March, 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 situates in Mesa County, Colorado, and described to wit:

**WHALEY ANNEXATION #2**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°47'03" E along the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado, a distance of 329.92 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°09'06" W a distance of 658.49 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.48 feet to the Northeast corner of the Southwest Quarter (SW 1/4) of said Section 29; thence S 00°08'34" E along the East line of the NE 1/4 SW 1/4 of said Section 29, a distance of 658.24 feet to a point

on the North line of said Loma Linda Subdivision; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.38 feet, more or less, to the Point of Beginning.

CONTAINING 4.979 Acres (216,878.03 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 2<sup>nd</sup> day of March, 2005 and ordered published.

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

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

Attest:

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

**Attach 12**

**Setting a Hearing on the Vacation of Dedicated Right-of-Way of Winters Avenue  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Request approval for the vacation of dedicated right-of-way of Winters Avenue, west of South 7 <sup>th</sup> Street.						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 17, 2005			File #VR-2002-200			
<b>Author</b>	Lori V. Bowers		Senior Planner				
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner				
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to vacate excess dedicated but not yet constructed Winters Avenue right-of-way, West of South 7<sup>th</sup> Street and set a Public Hearing for March 16, 2005.

**Budget:** N/A

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

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

**Attachments:**

- 15. Staff report/Background information
- 16. Location Map
- 17. Aerial Photo
- 18. Growth Plan Map
- 19. Zoning Map
- 20. Right-of-way exhibit
- 21. Vacation Ordinance

BACKGROUND INFORMATION				
Location:		Adjacent to 1007 S. 7th Street		
Applicants:		Merlin Schreiner		
Existing Land Use:		Dedicated but not constructed ROW		
Proposed Land Use:		Commercial addition		
Surrounding Land Use:	North	Vacant land		
	South	Asset Engineering		
	East	Vacant commercial building		
	West	Truck driver training school		
Existing Zoning:		C-2		
Proposed Zoning:		C-2		
Surrounding Zoning:	North	C-2		
	South	C-2		
	East	C-2		
	West	C-2		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

**PROJECT DESCRIPTION:**

The intent is to vacate the Winters Avenue Right-of-way in the area directly adjacent to and west of South 7<sup>th</sup> Street. This right-of-way has never been developed as a street and does not serve any useful purpose in terms of access to adjacent parcels. If the right-of-way is vacated, the intention of the submitter is to further develop the area along with the adjacent parcel to the south as a commercial business property. The northern half will then go to the property to the north, which is currently vacant.

**ANALYSIS OF RIGHT-OF-WAY VACATION:**

In October of 2002 an application for this request for right-of-way vacation was submitted to the City. It was reviewed by Excel Energy, AT&T Broadband and the City Development Engineer. The utility companies had no problem with the vacation of the right-of-way as long as an easement remained for any existing utilities within this area. This is also when the Riverside Parkway project was being studied. The final alignment of proposed parkway had not yet been determined and the City suggested that the applicant withdraw his application until the parkway plan had been finalized. The parkway plan has determined that this section of Winters Avenue is not needed and the application is active again. A 14-foot multi-purpose easement must be provided across the section abutting South 7<sup>th</sup> Street. At the UCC meeting of February 9<sup>th</sup>, 2005, the

Committee determined that there were no existing utilities within the right-of-way and did not have a problem with the vacation of this section of Winters Avenue.

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:

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

Winters Avenue is designated as a local commercial street. Vacating this undeveloped portion of Winters Avenue should not adversely impact the adjacent or surrounding properties. The Growth Plan and its recommended zoning for surrounding properties will not be affected by the granting of the vacation.

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

All parcels to the west, that are part of the South 5<sup>th</sup> Street Subdivision, can be accessed by 4<sup>th</sup> Avenue, Noland Avenue or the existing north-south alley adjacent to these parcels. More specifically, the parcel owned by the Sterling Company located at 647 4<sup>th</sup> Street appears to be landlocked, but still maintains an alley access and access from 4<sup>th</sup> Street. These parcels are owned by one entity and have been treated as one parcel during development and use and will continue to be treated as such until redevelopment of these parcels occurs.

- o. 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.

By vacating this right-of-way, no existing parcel will have less access than it currently now has.

- p. 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. All parcels of land will have access to public and private services through the existing service easements that are to remain.

- q. 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 should not be inhibited to this or any other nearby property.

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



The elimination of an unused and un-constructed section of road will relieve the City of any responsibility for managing or maintaining this right-of-way. By approving this request the City and local residents should benefit from the improved condition along South 7<sup>th</sup> Street right-of-way when redevelopment occurs with the required landscaping buffer requirements being installed.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Winters Avenue Right-of-Way Vacation application, File number VR-2002-200, for approval of excess right-of-way, staff makes the following findings of fact and conclusions:

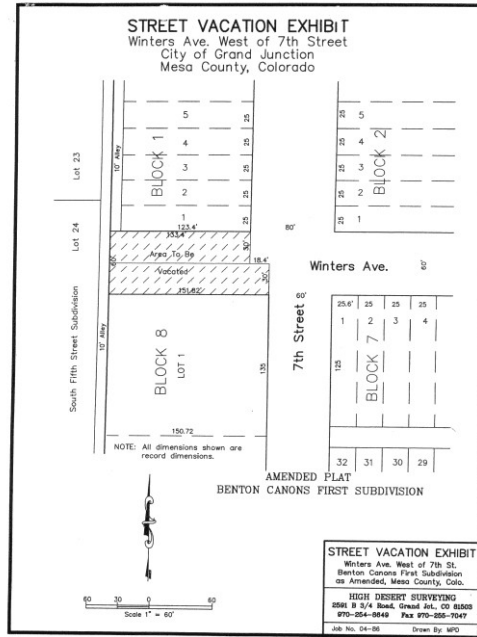
3. The proposed vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 of the Zoning and Development Code have all been met.
3. A 14 foot multi-purpose easement is reserved and retained on, and along South 7<sup>th</sup> Street.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommend approval of the vacation of excess right-of-way to the City Council; file number VR-2002-200 with the findings and conclusions listed above, at their regularly scheduled meeting of February 22, 2005.

## **Site Location Map**

Figure 1



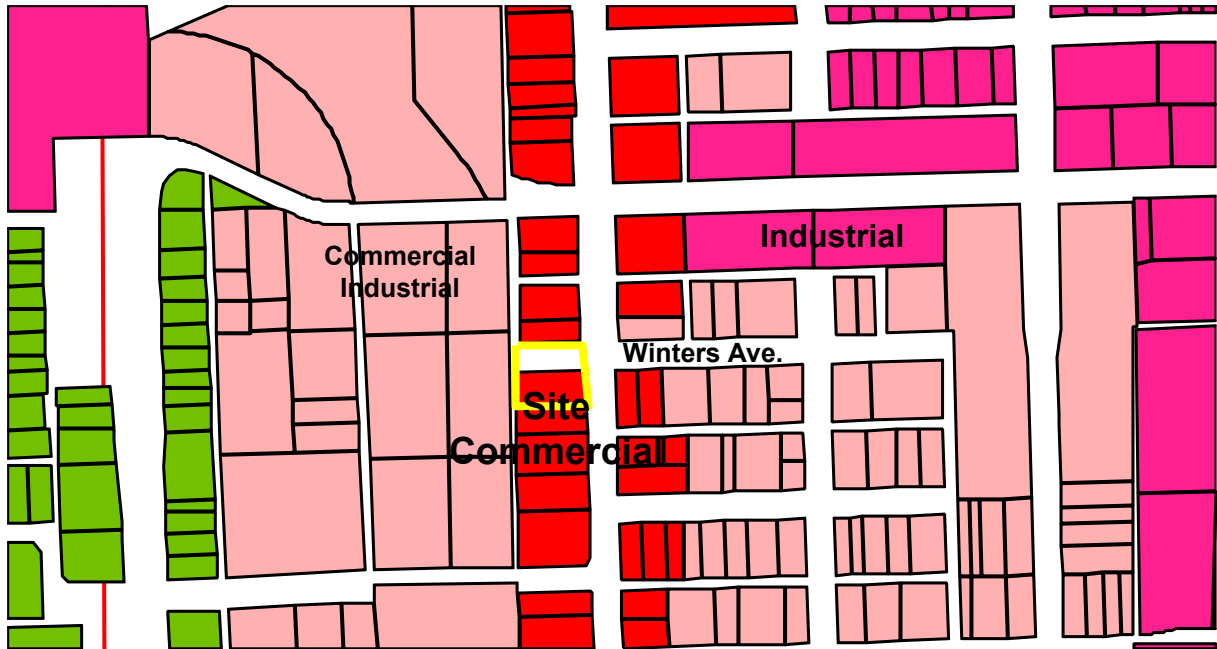
# Aerial Photo Map

Figure 2



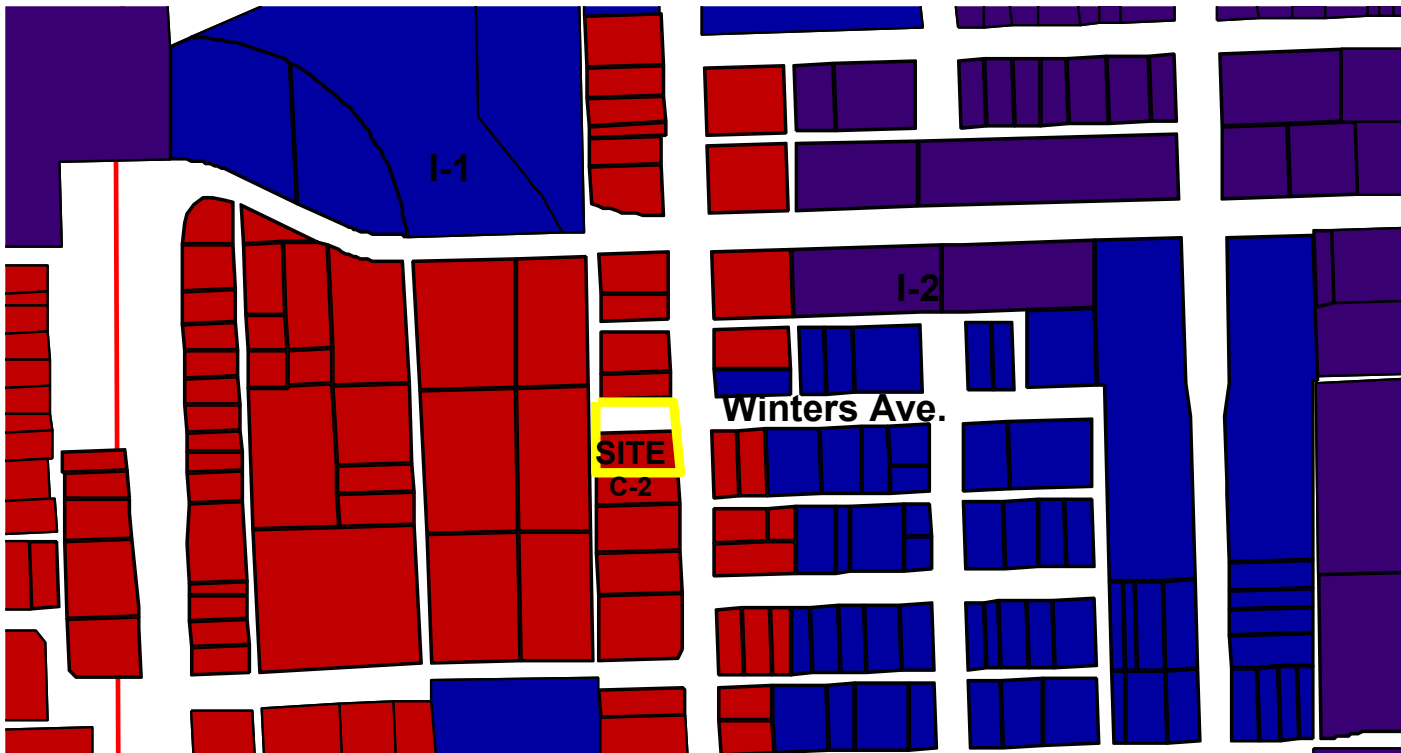
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY, OF  
WINTERS AVENUE, WEST OF SOUTH 7<sup>TH</sup> STREET**

Recitals.

A vacation of a portion of the undeveloped right-of-way of Winters Avenue has been requested by the adjoining property owners. The vacation request is the intention of the submitters to further develop the area along with the adjacent parcel to the south as a commercial business property. The northern half will then go to the property to the north, which is currently vacant.

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 is hereby vacated:

That part of Winters Avenue West of 7<sup>th</sup> Street within the Amended Benton Canons First Subdivision, City of Grand Junction, County of Mesa, State of Colorado. Described as follows:

Beginning at the Northwest corner of Lot 1 Block 8 of said Benton Canons Subdivision; thence Easterly 151.82 feet along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence Northerly 30 feet to the centerline of Winters Avenue; thence Westerly

18.4 feet along the centerline; thence Northerly 30 feet to the Southeast corner of Lot 1 Block 1 of said subdivision; thence westerly along the South line of said Lot 133.4 feet to the West line of the subdivision; thence Southerly 60 feet along the West line of said subdivision to the point of beginning.

Introduced on first reading this 2<sup>nd</sup> day of March, 2005 and ordered published.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 13**

**Setting a Hearing for Rezoning the Hanson Equipment Property  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Hanson Equipment Rezone							
<b>Meeting Date</b>	March 2, 2005							
<b>Date Prepared</b>	February 23, 2005				<b>File #</b> PFP-2004-181			
<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>	X	<b>Consent</b>		<b>Individual Consideration</b>

**Summary:** A request to rezone 2 acres of land located at 763 23 ½ Road, from PD to Estate and rezone the remaining 17.87 acres, located at 2340 I-70 Frontage Road, to I-1, (Light Industrial) from a PD zoning designation.

**Budget:** N/A

**Action Requested/Recommendation:** Set a Public Hearing for March 16, 2005 and consider final passage of the re-zoning ordinance.

**Attachments:**

- General Project Report
- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map
- Zoning Ordinance

**Background Information:** Please see attached Staff report.

*STAFF REPORT / BACKGROUND INFORMATION*

<b>Location:</b>	2340 I-70 Frontage Road & 763 23 ½ Road		
<b>Applicant:</b>	THF Realty, owner; Hanson Equipment, developer.		
<b>Existing Land Use:</b>	Old Webb Crane site		
<b>Proposed Land Use:</b>	Light industrial uses and residential lot		
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural land	
	<b>South</b>	Interstate 70	
	<b>East</b>	23 ½ Road; Kenworth Trucking and single-family residential with agricultural uses	
	<b>West</b>	Triune Mining Supply	
<b>Existing Zoning:</b>	PD (Planned Development)		
<b>Proposed Zoning:</b>	I-1 (Light Industrial) & RSF-E (Residential single-family, Estate, on the 2 acre site)		
<b>Surrounding Zoning:</b>	<b>North</b>	AFT	
	<b>South</b>	I-2 and County PUD	
	<b>East</b>	County PC and PUD	
	<b>West</b>	AFT and County PC	
<b>Growth Plan Designation:</b>	Commercial / Industrial		
<b>Zoning within density range?</b>	X	Yes	No

STAFF 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. A Growth Plan Amendment was presented to the Planning Commission and the City Council. The City Council approved the GPA for the two acres in the northeast corner of the property, returning it back to the original designation of Estate.

2. Section 2.6.A of the Zoning and Development Code

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

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

The existing PD zoning is not in error because the zoning use conformed to the Growth Plan. The PD zone was passed specifically for Webb Crane and their proposed operation. As adopted, the ordinance is not practical for other users.

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 existing PD zoning was to accommodate a business that is no longer in existence. For any other business, other than a crane business, to relocate on this site, the PD Ordinance must be amended or the property rezoned. Since the parcel is so large, and no other crane business is looking at relocating to the site, a total re-write of a PD ordinance must occur. The criteria for a Planned Development are specific. Since the new occupants have no plans for the remaining unused acreage it seems to make sense to rezone it back to a straight commercial/industrial zone, as what the Growth Plan designates. Future subdivision of the property is possible and any future uses on the property will be clear. The residential portion should be zoned to a residential designation. Since this area is surrounded by RSF-E zoning and the lot is two acres in size, the zoning designation of RSF-E fits.

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

The requested zonings will not create adverse impacts to the existing street network. The site functioned as an industrial use and the I-1 zoning designation will allow for less intense uses. When the applicants submit for future development, lighting plans will be required. The air or noise pollution should be less than the crane business and no different than the existing Kenworth site across the street. The RSF-E zoning is compatible with the adjacent and surrounding land uses.

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 rezone from PD to I-1 and the rezone of PD to RSF-E does meet the goals of the Growth Plan. The North Central Valley Plan stated that some planned unit developments were approved in the area which did not seem to meet the intent and



purpose of the planned development concept. Staff feels this is an opportunity to help improve that situation.

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

All utilities including, sanitary sewer, domestic water, and dry utilities are located on the property and are available for use.

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

This is not applicable since the request is to change the zoning from PD for a specific user to I-1, Light Industrial, and RSF-E for the residential portion of the property.

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

The community should benefit from the proposed zonings because of its lesser intensity. The rezone requests still conform to the Growth Plan designation.

#### FINDINGS OF FACT/CONCLUSIONS:

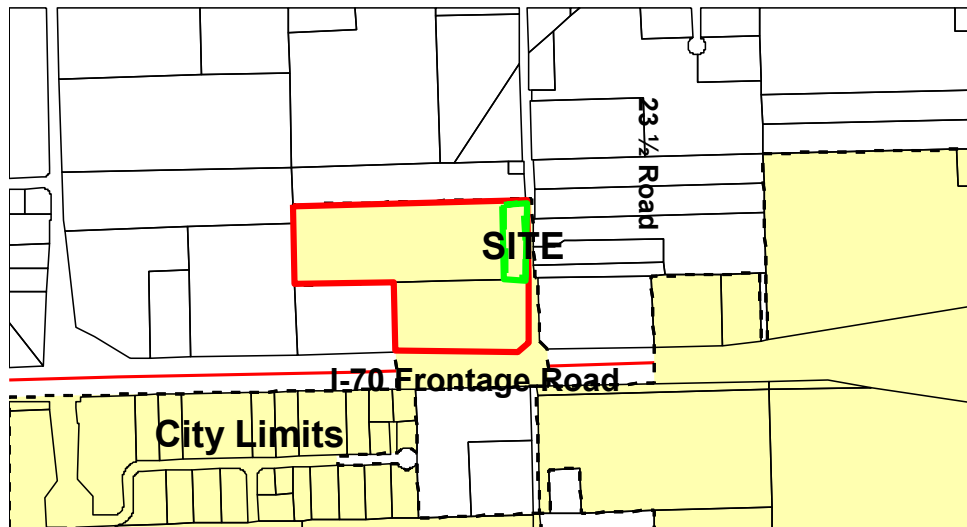
After reviewing the Hanson Equipment request for re-zone application, PFP-2004-181, staff and the Planning Commission make the following findings of fact and conclusions:

1. The requested rezones are consistent with the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.
3. The proposed zonings are consistent with adjacent property zonings.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission forward a recommendation of approval of the requested rezones, file number PFP-2004-181, to the City Council with the findings and conclusions listed above.

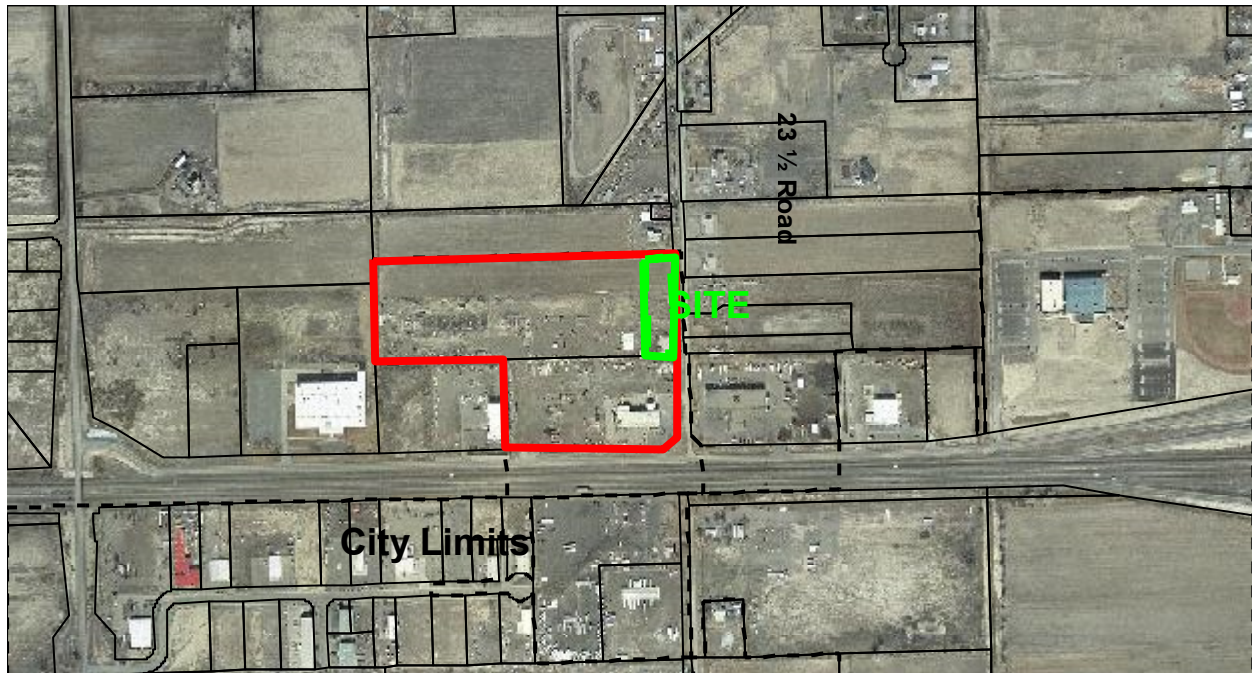
# Site Location Map

763 23 ½ Road



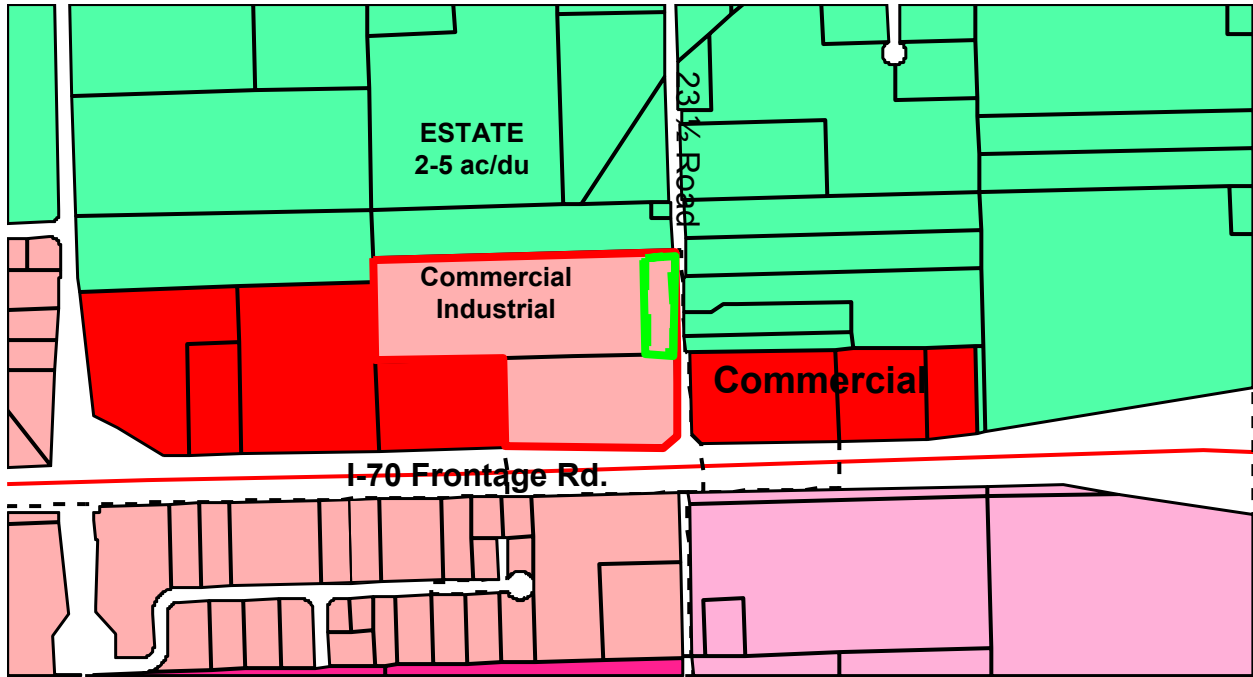
# Aerial Photo Map

Figure 2



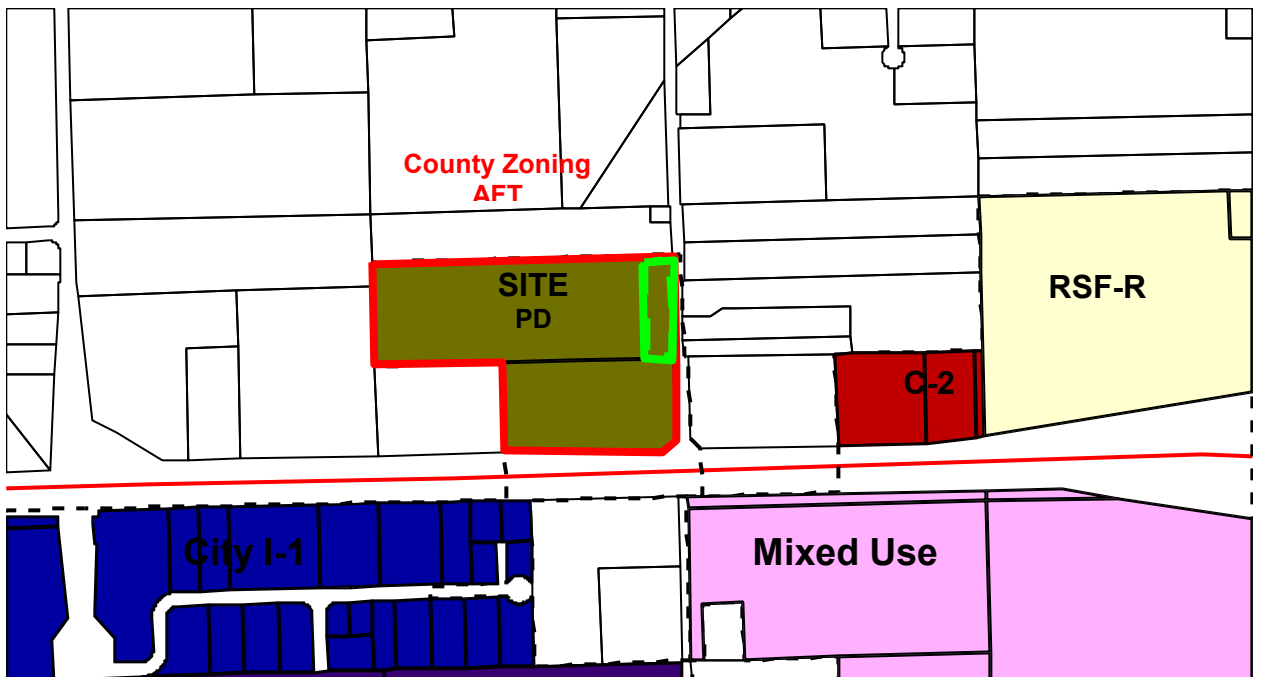
# Future Land Use Map

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."

**CITY OF GRAND JUNCTION, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE ZONING 2.00 ACRES OF LAND LOCATED AT**  
**763 23 ½ ROAD**

Recitals.

A rezone from the Planned Development (PD) district to the Residential Single Family Estate (RSF-E) district has been requested for the property located at 763 23 ½ Road for purpose of retaining a single-family residence on two acres of land. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (amended February 16, 2005). 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 March 8<sup>th</sup> hearing, recommended approval of the rezone request from the PD district to the RSF-E 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 Single Family, Estate (RSF-E) DISTRICT:

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.

Uses Permitted are those listed in the Zoning and Development Code for the RSF-E zoning designation.

INTRODUCED for FIRST READING and PUBLICATION this 2<sup>nd</sup> day of March, 2005.  
PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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

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

**CITY OF GRAND JUNCTION, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE ZONING 17.87 ACRES OF LAND LOCATED AT**  
**2340 I-70 FRONTAGE ROAD**

Recitals.

A rezone from the Planned Development (PD) district to the Light Industrial (I-1) district has been requested for the properties located at 2340 I-70 Frontage Road for purposes of developing a Light Industrial subdivision and the relocation of Hanson Equipment, Inc. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (amended February 16, 2005). 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 March 8<sup>th</sup> hearing, recommended approval of the rezone request from the PD district to the RSF-E district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL(S) DESCRIBED BELOW IS HEREBY ZONED TO THE Light Industrial (I-1) DISTRICT:

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 20.00 feet; thence S 00°04'26" W, a distance of 349.59 feet; thence S 45°12'40"W, a distance of 70.55 feet to a point on the North Right-of-way line of I-70; thence N 89°39'04"W, along said Right-of-way line, a distance of 696.35 feet; thence N 00°03'32"E, a distance of 395.31 feet; thence N 89°58'46"W, a distance of 553.64 feet; thence N 00°03'32"E; a distance of 441.75 feet; thence S 89°58'46"E, a distance of 1093.04 feet; thence S 00°04'26' W, a distance of 441.72 feet; thence S 89°58'46"E, a distance of 207.17 feet to the Point of Beginning.

Uses Permitted are those as listed in the Zoning and Development Code under the zoning designation of I-1.

INTRODUCED for FIRST READING and PUBLICATION this 2<sup>nd</sup> day of March, 2005.  
PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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

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

**Attach 14**

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

CITY COUNCIL AGENDA							
<b>Subject</b>	Grand Junction Commission on Arts and Culture funding recommendations for arts and cultural events and projects.						
<b>Meeting Date</b>	March 2, 2005						
<b>Date Prepared</b>	February 16, 2005				File #		
<b>Author</b>	Allison Sarmo			Cultural Arts Coordinator			
<b>Presenter Name</b>	Allison Sarmo			Cultural Arts Coordinator			
<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:** Recommendations to City Council for grants to support arts and cultural events, projects, and programs in Grand Junction for local citizens; and recommendations to Council for the purchase of 1% for the Arts projects for the Duck Pond Park restroom building and the Lincoln Park Splash Playground facility.

**Budget:** Grants – \$27,000 (in Commission budget); 1% for the Arts projects – \$1,100 (Duck Pond Park) and \$2,000 (Lincoln Park Splash Playground)

**Action Requested/Recommendation:** Approve recommendations for purchase of two 1% artwork projects and approve recommendations for grant funding as follows:

Mesa County Valley School District 51 Artists in Residence Program	\$7,500
KAFM Community Radio Arts & Entertainment Calendar/Local Artists CD	\$3,000
Grand Junction Symphony – “Die Fledermaus” opera production	\$2,000
Rocky Mt. Public Television KRMJ “Western Bounty” arts segments	\$2,000
Western Colorado Botanical Gardens Summer Music Concerts	\$1,800
Art Center Summer Art Camp Children’s Classes	\$1,000
Colorado Symphony (Denver) Summer Tour – Grand Junction Concert	\$1,000
Downtown Association Art & Jazz Festival	\$1,000
Grand Valley Community Theatre “Yours Anne” Anne Frank musical	\$1,000
Mesa State College Art Dept. Design & Build High School Art Project	\$1,000
Cinema at the Avalon Senior Matinee Posters/Postcards Printing	\$800
Colo. West Performing/Western Colorado Chamber Music Series Concert	\$800
Grand Junction Centennial Band Percussion Equipment Acquisition	\$800
Mesa State Foundation Dalton Trumbo Play “The Biggest Thief in Town”	\$800
Reader’s Festival	\$800
Museum of Western Colorado “Singspiration” Concerts	\$700
Pastel Society of Colorado “Passages in Pastels” Members Exhibit	\$500
St. Andrews Renaissance Guild Grand Valley Renaissance Festival	\$500

**Attachments:** Pictures and information about 1% artwork recommendations will be presented at the Council meeting (Arts Commission meets March 2 to review proposals)

**Background Information:** The Arts Commission's annual granting program has been in place since 1992 and was instituted in lieu of the Arts Commission presenting or producing its own cultural events and as a way to increase high quality arts and cultural programming of all types in the community. The grants tend to focus on building arts audiences through arts education for children, encouraging new events or the expansion of existing activities, supporting quality cultural groups, and encouraging activities with broad community benefit or opportunities for underserved populations. Through an application process, the Commission reviewed requests from 18 cultural organizations on February 22 and 23, and recommends that the above organizations receive funding to help underwrite arts and cultural events, projects, and programs.

The 1% for the Arts program was instituted in 1997 to beautify the public landscape by acquiring works of art in conjunction with City capital improvement projects involving buildings, structures, and parks. An amount of money equal to 1% of the construction budget is allocated for the purchase of art. The Commission invited all artists throughout Mesa County and Colorado to submit proposals for the new restrooms which will be constructed at Duck Pond Park this summer and the Splash Playground being constructed at Lincoln Park Swimming Pool this spring. Both are fairly small 1% art projects – only \$1,100 at Duck Pond Park and \$900 at Lincoln Park – so the Commission added \$1,100 from their budget to the Splash Ground project in hopes of encouraging artwork of some size at this very visible location.

The Project Description from the 1% Call for Entries (Request for Proposals) states: The City of Grand Junction is completing a new Splash Playground at the Lincoln Park Swimming Pool, and a new Restroom Building at Duck Pond Park. Through the City's 1% for the Arts program, the Commission on Arts and Culture is spearheading selection of one or two artists to create outdoor artwork as part of each project. The Commission will select an artist, architect, landscape architect, or company to design, fabricate, and install the artwork. The project can be solely the design of the artist or firm, or can involve a coordinated neighborhood effort utilizing area children or a local school.

Options for art include: 1.) Ceramic or tile murals – in Lincoln Park either in the splash ground area, in the sidewalk surrounding the splash ground, or attached to the wall of the adjacent bathhouse, and at Duck Pond Park either at the bottom of the stairs leading to the restrooms or on the wall of the restroom building (the area of the building above the drinking fountain alcove at the front of the restroom has been utilized for artwork in other restroom projects; 2.) Unique stamped or colored concrete paving in any of the above locations; 3.) Benches; or 4.) Other appropriate works of art.

A major grant from the Grand Junction Lions' Club will help pay for the new Splash Playground so the Parks & Recreation Department hopes to use a lion theme in the spray features, and this theme could be incorporated in the artwork, but this is optional. A possible theme for the restroom building artwork could be ducks or a pond, in keeping with the name of Duck Pond Park, but this is also optional.



**Attach 15**

**Design Amendment No. 3 to CSEP Contract  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Amendment #3 for the Design Contract for Combined Sewer Elimination Project.					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 24, 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	<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 proposed Amendment #3 is the final amendment for the **Combined Sewer Elimination Project** design contract with Stantec, Inc. in the amount of \$65,293 for additional design work associated with field changes, and additional construction management costs for the Basin 9,13&14, Basin 7&11, and 2004 Waterline Replacement projects.

**Budget:** The \$65,293 amendment includes design work for the sewer project and construction management for both the sewer and water projects. \$46,316 of the cost is attributed to construction management that is distributed equally between the water and sewer, \$23,158 charged to Fund 904 and \$23,158 charged to Fund 3011. The remaining \$18,977 is for design costs that is charged to Fund 904. The Combined Sewer Elimination Project and 2004 Waterline Replacement Project were budgeted as follows:

<b>CSEP Fund 904</b>	
Budgeted Funds 2004 (Design, Construction Management, and Construction)	\$ 5,062,614
2004 Design, Construction Management, and Construction with out Amendment #3	\$ 5,001,491
Sub Total	\$ 61,123
Amendment #3 (Fund 904)	\$ 42,135
Amount Remaining (Fund 904)	\$ 18,988
<b>Water Line Replacments Fund 3011 (CSEP)</b>	
Budgeted Funds 2004 (Design, Construction Management, and Construction)	\$ 3,184,597
2004 Design, Construction Management, and Construction with out Amendment #3	\$ 2,284,168
Sub Total	\$ 900,429
Amendment #3 (Fund 3011)*	\$ 23,158

The design and construction management effort by Stantec, Inc. accounts for 14.8% of the total project cost that is within acceptable industry standards.

**Action Requested/Recommendation:**

City Council authorizes the City Manager to execute a design contract amendment in the amount of \$65,293 with Stantec, Inc.

**Background Information:**

The additional amount is described as follows:

- 1. Shrums Automotive & Grand Avenue (Basin 14) +\$7,882**  
The GV-SWMMP document identified a 36" storm drain line at Shrums that was to be utilized as an outfall for Basin 14. The pipe was found to be a 12" diameter not the 36" diameter as previously indicated. This required design of additional outfall crossing the Shrums Automotive property south of I-70 B at 14<sup>th</sup> Street. 366 lineal feet of storm sewer along Grand Avenue was redesigned to be located within the street to avoid impacts to private properties.
  
- 2. Redesign of sanitary sewer outfall at 2<sup>nd</sup> and Rood (Basin 11) +\$6,081**  
Redesign of the sanitary sewer outfall at 2<sup>nd</sup> and Rood was required after the contractor discovered a fiber optic line that had not been located during design and was in conflict with the original design of the sewer line.
  
- 3. Lincoln Park and Pitkin Alley Redesign (Basin 13) +\$5,014**  
This effort involves redesign of a storm sewer alignment within Lincoln Park completed at the request of the Parks Department, and design of an additional 380 lineal feet of storm sewer lateral to divert storm flows into a new 60" storm drain that were originally intended to be conveyed through what was thought to be a combined sewer line.
  
- 4. Construction Management +\$46,316**  
This additional cost for construction management was due to an increase in number of construction crews working that enabled both the CSEP and 2004 Waterline projects to be completed on schedule. This cost will be distributed equally between Fund 904 and Fund 3011.

**Total Amount of proposed Amendment #3 +\$65,293**

**End of Background.**

**Attach 16**

**Purchase of Properties and Interests for the Riverside Parkway Project  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Properties and Interests at 2547 River Road, 720 W. Grand Avenue, 1007 S. 5 <sup>th</sup> Street and East of 2501 Highway 6&50 for the Riverside Parkway Project					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 24, 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 one parcel, portions of two other properties, and four outdoor advertising signs from Mark L. Gamble and Colorado West Outdoor Advertising 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:*	\$2,204,733
<b>Costs Related to this Property Purchase:</b>	
Estimated Purchase Price	\$635,962
Estimated relocation benefits (residential tenant)	\$7,900
Environmental Inspections (house only)	\$5,000
Asbestos Removal (house only)	\$5,000
Demolition (owner to remove signs / City to remove house)	\$5,000
Misc environmental cleanup (house only)	\$1,000
<b>Total Costs Related to This Request</b>	<b>\$659,862</b>
<b>2005 Remaining Right-of-Way Funds</b>	<b>\$5,435,405</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 6&50 approved by Council on 2/2/05 and 2501 Hwy 6&50 and 912,918, and 940 S 4th St approved by Council on 2/16/05	

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at various locations from Mark L. Gamble and CWOA, Inc.

**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 and outdoor advertising signs are located in various locations along the Riverside Parkway. The subject properties and interests to be acquired are as follows:

Parcel	Parcel #	Address	Sq Ft acquired	Acquisition Cost	Zoned	Current use	Ownership
Easement B-19	2945-103-00-066	East of 2501 Hwy 6&50	0.010	\$110	C-2	Outdoor Advertising site	Mark L. Gamble
C-3	2945-152-00-095	2547 River Rd	0.196	\$66,772	I-1	Outdoor Advertising site / Residential Tenant	Mark L. Gamble and Robert Ras
C-3.5 Billboard	2945-152-00-095	2547 River Rd	---	\$114,770	I-1	Outdoor Advertising Sign	CWOA, Inc
C-6	2945-151-00-943	720 W. Grand Ave	0.460	\$110,000	I-1	Outdoor Advertising site	Mark L. Gamble
C-6 Billboard	2945-151-00-943	720 W. Grand Ave	---	\$114,770	I-1	Outdoor Advertising Sign	CWOA, Inc
E-16.5 Billboards	2945-232-01-002	1007 S. 5th St (Jarvis properties west of 5th St)	---	\$229,540	C-2	Outdoor Advertising 2 Signs	CWOA, Inc
			0.667	\$635,962			

In addition to the outdoor advertising sign, Parcel C-3 includes a 1002 sq ft house that was in 1956 that will be removed in order to construct the Riverside Parkway.

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.

**Parcel C-3 Tenant Relocation.** The tenant will require relocation as part of the acquisition. Per the acquisition and relocation policy, the City must find the tenant three comparable properties to determine the value of a “decent, safe, and sanitary” (DSS) replacement rental 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 at the time the relocation offer was presented was identified at 1189 22 Road, Grand Junction for \$960.00 including utilities. The determination of the rent supplement is calculated as follows:

Comparable DSS rent	\$	960
Rent at current property	\$	1,028
Months		42
Total Replacement Housing Payment	\$	-

The tenant is not entitled any rent supplement upon occupation of a DSS replacement house because the amount of rent they now pay is more than the rental rate for the comparable house. However, the tenant has elected to buy a replacement house rather than continue to rent. Under the City of Grand Junction Policy for Relocation, which refers to 49 CFR 24.402, the tenant is entitled to a replacement housing payment of up to \$5,250.00 that can be used as down payment on the purchase of a replacement house, and \$1,500 in qualified closing costs. The tenant must provide the City with the appropriate purchase contract that shows they are purchasing the property.

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

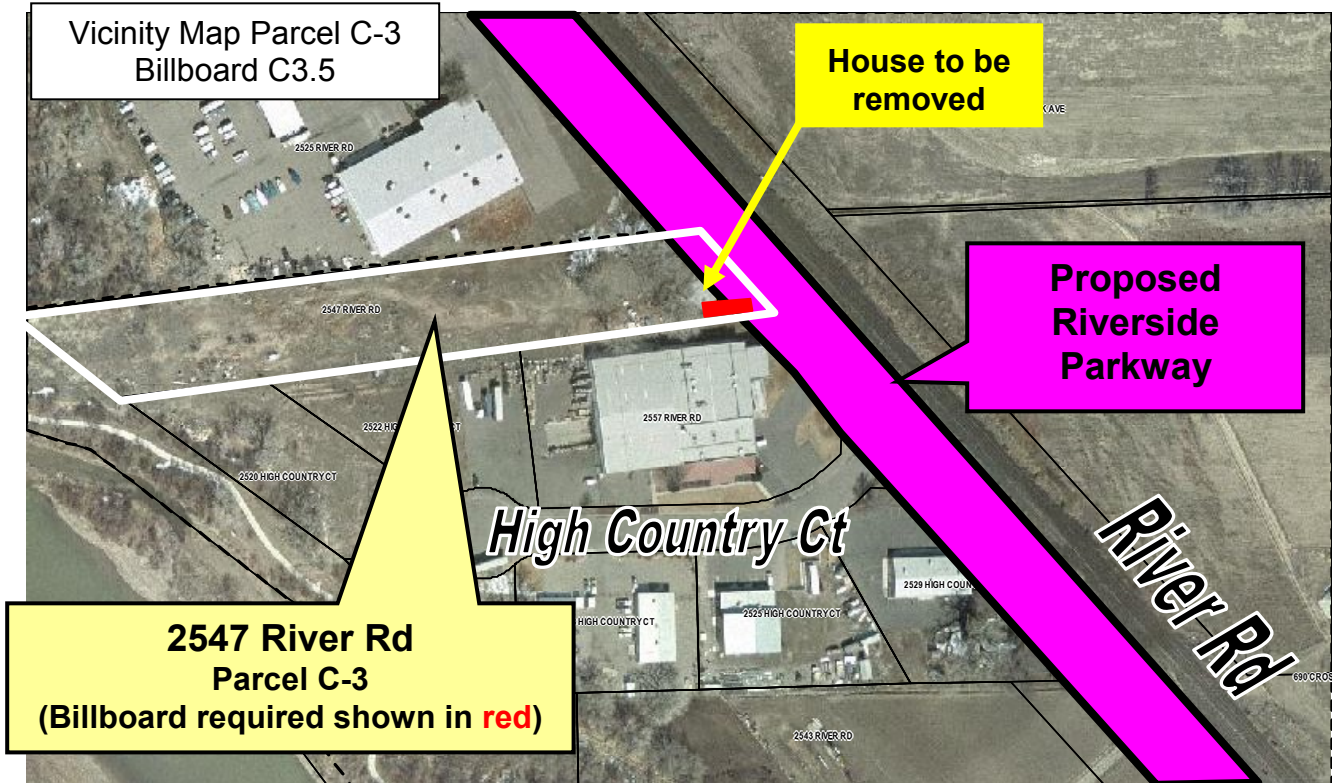
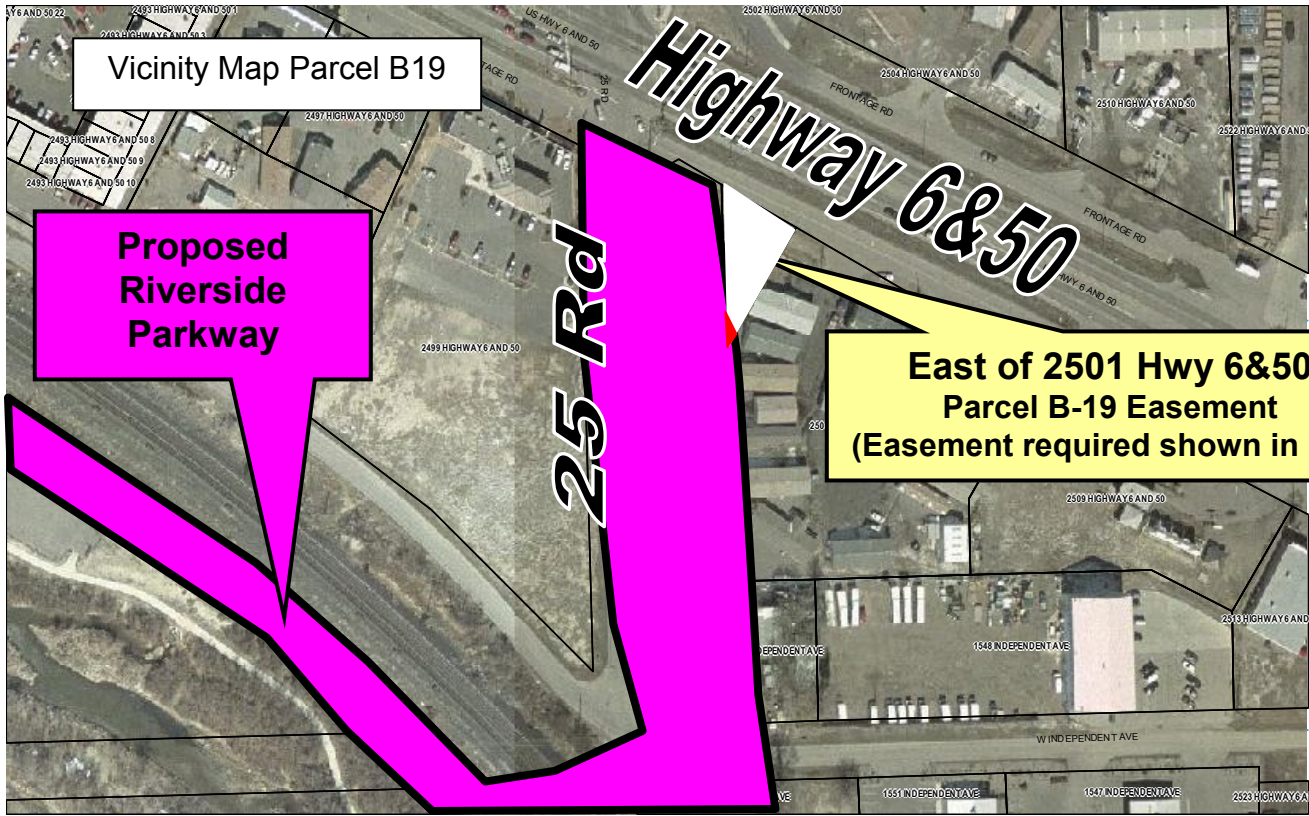
The total to be paid to the tenant is \$7,900.

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The total to be paid to Mark L Gamble is **\$110,110**. The total to be paid to CWOA, Inc is **\$459,080**. The total to be paid to Mark L Gamble and Robert Ras is **\$66,772**. Total acquisition price for these parcels is **\$635,962**.

Closing is set for mid- March, and the owner has 45 days from the date of closing to remove the billboards and provide a clean site.

Staff recommends these purchases as they are necessary for the construction of the Riverside Parkway.



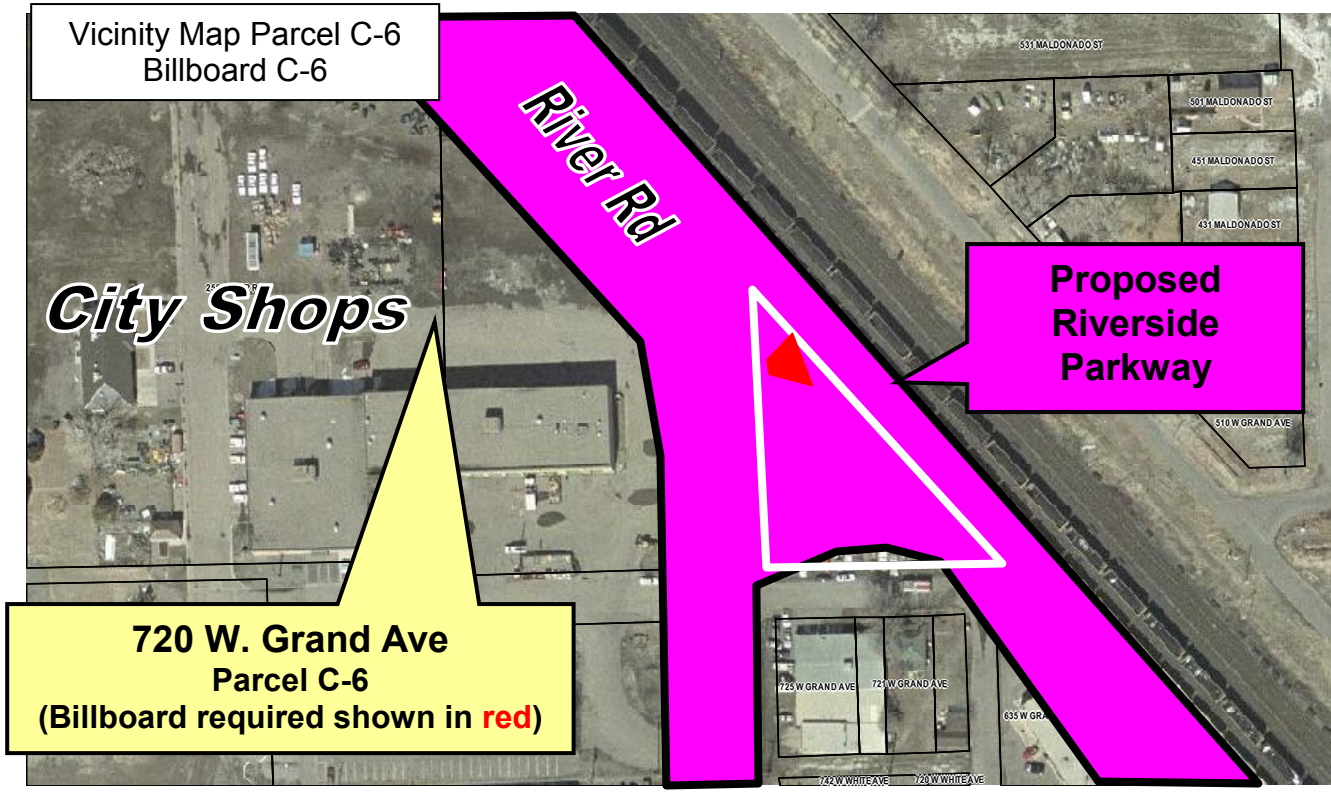
Vicinity Map Parcel C-6  
Billboard C-6

*City Shops*

720 W. Grand Ave  
Parcel C-6  
(Billboard required shown in red)

River Rd

Proposed  
Riverside  
Parkway



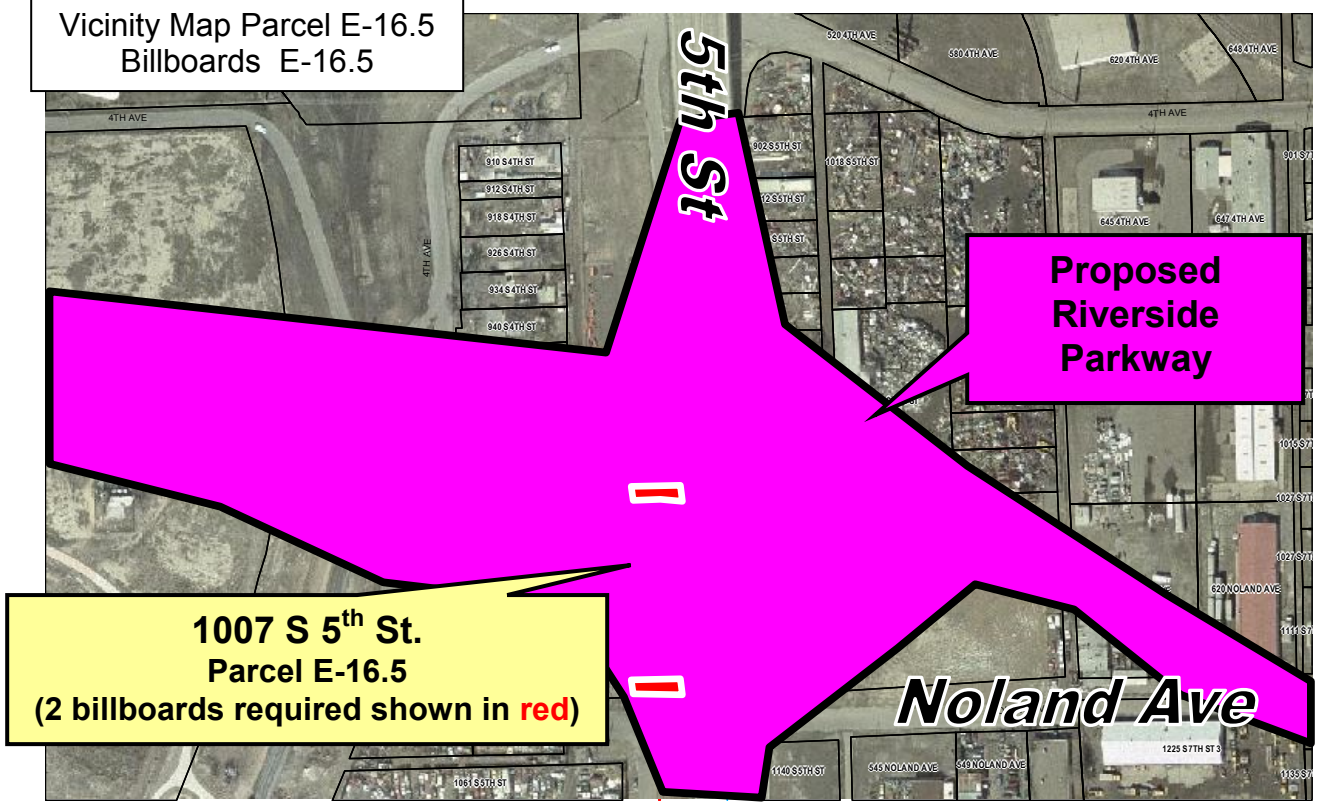
Vicinity Map Parcel E-16.5  
Billboards E-16.5

1007 S 5<sup>th</sup> St.  
Parcel E-16.5  
(2 billboards required shown in red)

5th St

Proposed  
Riverside  
Parkway

Noland Ave



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

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY  
EAST OF 2501 HIGHWAY 6 & 50, 2547 RIVER ROAD, 720 W. GRAND AVENUE,  
AND  
1007 S. 5<sup>th</sup> STREET FROM MARK L GAMBLE AND COLORADO WEST OUTDOOR  
ADVERTISING, INC.**

Recitals.

A. The City of Grand Junction has entered into a contract with Mark L Gamble and CWOA Inc for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The property interests to be acquired are as follows:

Parcel	Parcel #	Address	Sq Ft acquired	Acquisition Cost	Zoned	Current use	Ownership
Easement B-19	2945-103-00-066	East of 2501 Hwy 6&50	0.010	\$110	C-2	Outdoor Advertising site	Mark L. Gamble
C-3	2945-152-00-095	2547 River Rd	0.196	\$66,772	I-1	Outdoor Advertising site / Residential Tenant	Mark L. Gamble and Robert Ras
C-3.5 Billboard	2945-152-00-095	2547 River Rd	---	\$114,770	I-1	Outdoor Advertising Sign	CWOA, Inc
C-6	2945-151-00-943	720 W. Grand Ave	0.460	\$110,000	I-1	Outdoor Advertising site	Mark L. Gamble
C-6 Billboard	2945-151-00-943	720 W. Grand Ave	---	\$114,770	I-1	Outdoor Advertising Sign	CWOA, Inc
E-16.5 Billboards	2945-232-01-002	1007 S. 5th St (Jarvis properties west of 5th St)	---	\$229,540	C-2	Outdoor Advertising 2 Signs	CWOA, Inc
			0.667	\$635,962			

B. The purchase contract provides that on or before March 2, 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 \$635,962. 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 \$635,962 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

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

Attest:

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

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

**Attach 17**

**Purchase of Property at 402 Noland Avenue for the Riverside Parkway Project  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Property at 402 Noland Avenue for the Riverside Parkway Project					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 24, 2005				File #	
<b>Author</b>	Trent Prall			<b>Riverside Pkwy Project Manager</b>		
<b>Presenter Name</b>	Mark Relph			<b>Public Works and Utilities Director</b>		
<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:** The City has entered into a contract to purchase the property at 402 Noland Avenue from Mary E. Wales Revocable Trust 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:*	\$2,204,733
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$50,600
Estimated Moving Costs	\$11,525
Estimated Closing Costs	\$300
Environmental Inspections	\$1,000
Asbestos Removal	\$0
Demolition	\$0
Misc environmental cleanup	\$1,000
<b>Total Costs Related to This Request</b>	<b>\$64,425</b>
<b>2005 Remaining Right-of-Way Funds</b>	<b>\$6,030,842</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 6&50 approved by Council on 2/2/05 and 2501 Hwy 6&50 and 912,918, and 940 S 4th St approved by Council on 2/16/05.

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at 402 Noland Avenue from Mary E. Wales Revocable Trust.

**Attachments:**

1. Proposed Resolution.

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

This is a vacant property just west of Highway 50 (5<sup>th</sup> St) just west of the Paintball facility. The subject property contains 0.214 acres of C-2 zoned land. The property is currently leased for vehicle storage.

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. The property owner declined to have obtain an appraisal instead deferring to the City's appraisal. City staff, as well as the City's real estate consultant HC Peck and Associates, reviewed the prepared appraisal and believes that the purchase price for the subject property is indicative of the fair market value.

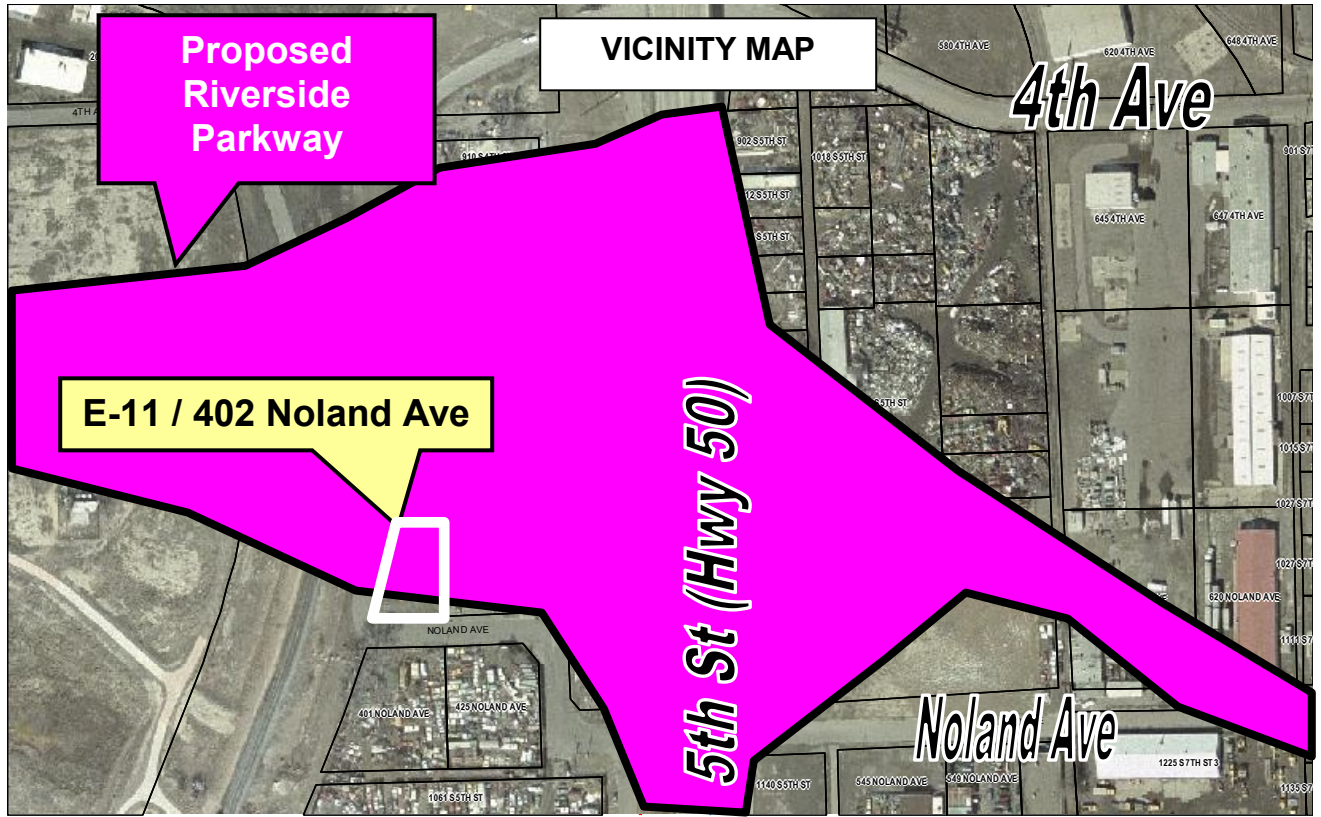
This property was under dispute with Loretta M Young who had a Land Installment Contract with Mary Wales husband who is now deceased. The City Attorney has brokered a settlement that will enable Ms. Wales to provide a clean title to the property.

Moving costs for the tenant, Ace Towing, are based on the lower of two bids received and is estimated at \$11,525. The City of Grand Junction is obligated to pay a mover directly for moves up to a 50 mile limit.

The total to be paid to Mary E. Wales Revocable Trust is \$50,600.

Closing is set for late March and the tenant would have 30 days to move the vehicles to a different facility.

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 402 NOLAND AVENUE FROM MARY E. WALES REVOCABLE TRUST**

Recitals.

A. The City of Grand Junction has entered into a contract with Mary E. Wales Revocable Trust for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address of the property is 402 Noland Ave and the Mesa County Assessor parcel number is 2945-232-01-008, designated as Project Parcel No. E-11.

B. The purchase contract provides that on or before March 2, 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 \$50,600. 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 \$50,600 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

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

Attest:

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

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

**Attach 18**  
**Interim Contract for Emergency Medical Services**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	EMS Contract					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 18, 2005				<b>File #</b>	
<b>Author</b>	Shelly Dackonish John Shaver			<b>City Staff Attorney</b> <b>City Attorney</b>		
<b>Presenter Name</b>	Rick Beaty			<b>Fire Chief</b>		
<b>Report results back to Council</b>	x	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** The County's resolution regulating ambulance / emergency medical services took effect January 1, 2005. Under it, the City is authorized, but not required, to select service provider(s) for its ambulance service area and to recommend that/those provider(s) to the County. The resolution provides a deadline of May 31, 2005 for the City to do so, but authorizes an extension through November 30, 2005. The GJFD has notified the County that it will not complete a selection process until the November date. In its work session on January 17, 2005, the Council authorized staff to explore and develop a means to maintain the City's current "two-tier" system, using the Fire Department and American Medical Response (AMR), the City's current ambulance provider. Given the present temporary overlap in regulation of ambulance services (due to the County Resolution and the City's system) the proposed interim contract with AMR recognizes and substantially complies with both regulatory systems.

**Budget:** N/A

**Action Requested/Recommendation:** Consideration and adoption of the interim agreement with AMR.

**Attachments:** Proposed interim agreement with AMR.

**Background Information:**

On December 6, 2004, the Mesa County Board of County Commissioners (BOCC) adopted the Mesa County Ambulance and Emergency Medical Service Resolution (Resolution). The Resolution became effective on January 1, 2005. The City was actively involved in the drafting of the Resolution. The primary goal of the Resolution is to formalize and standardize delivery of emergency medical services (EMS) county-wide.

The Resolution allows the City of Grand Junction to establish its own process for selecting service provider(s) for the Grand Junction Ambulance Service Area (ASA) which includes the City of Grand Junction and the boundaries of the Grand Junction Rural Fire Protection District and the Glade Park Volunteer Fire Department, subject to some restrictions, to wit: (a) the process does not conflict with the Resolution, (2) licensee must maintain the licenses and permits required under the County Resolution, (3) the provider must agree to serve the entire ASA or other areas outside the GJ ASA if the BOCC determines these are underserved. The City then recommends its selected service provider(s) to the County. The Board can reject or amend the City's recommendation if it believes the County EMS system would be adversely affected. If the City's recommendation is rejected, the City can request a hearing before the BOCC.

The Resolution sets a date of May 31, 2005 for the City to accomplish this, but allows for an extension through November 30, 2005. The City's selection process is anticipated to be completed in late November 2005. Upon the selection of the GJASA service provider(s), the City will repeal Ordinance 18-32 and 18-86 through 18-92. During the interim period the ordinance will remain in effect, such that EMS services within the City are subject to an overlap in regulation of emergency medical services. During this temporary period, if the proposed agreement is adopted by the City and AMR, the present "two-tier" arrangement with AMR will continue, with AMR being the exclusive private provider in the GJASA. GJFD will continue to provide EMS and ambulance services pursuant to the existing standards. The interim agreement with AMR will recognize and substantially comply with both the County Resolution and the City Ambulance Service Ordinance. The County has been made aware of the proposed agreement and does not object.

A proposed interim agreement with AMR is presented here, with these goals in mind, for the Council's consideration.



## **AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of January 2005 by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the CITY and AMERICAN MEDICAL RESPONSE (AMR) a \_\_\_\_\_ corporation hereinafter referred to as AMR or Provider;

### RECITALS:

The CITY and AMR have agreed to enter into a contract wherein AMR will provide ambulance services to and for the City of Grand Junction throughout a response area designated by the City.

Mesa County recently adopted law governing provision of ambulance and emergency medical services in and for all of Mesa County. The County is now divided into Ambulance Service Areas (ASA's). As part of the new regulation, the City is allowed to designate an ambulance provider for its ASA. For a number of reasons, the City has determined that it is in the best interest of the citizens in the service area to carefully and conscientiously determine its long-term ambulance and emergency services provider or providers.

Following due deliberation, the City has concluded that the provision of ambulance services by AMR for a period of months while the City develops a process for selecting a long-term service provider pursuant to the new County regulations, will further the City's interim public safety. The City therefore, will recommend and request Mesa County to appoint AMR as its interim ambulance service provider in the Grand Junction Ambulance Service Area (ASA). It is contemplated that this interim period will extend to November 30, 2005.

AMR has been an ambulance service permittee of the City for a number of years. The purpose of this Agreement is to continue the arrangement under which the parties have been operating. AMR has represented that it is qualified, ready, willing and able to perform the services set forth in this Agreement and as required by the City and the parameters of the County resolution.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the City and AMR agree as follows:

### **I. SCOPE OF SERVICES**

1. AMR shall provide ambulances, ambulance drivers, EMTs and paramedics and other necessary or reasonably required equipment for the provision of

ambulance and emergency medical services (collectively referred to as "Ambulance Services" or "Services") to the Grand Junction ASA. The Grand Junction ASA is defined as the City of Grand Junction, and the areas served by the Grand Junction Rural Fire Protection District, and the Glade Park Volunteer Fire Department. The City shall be considered the permittee for purposes of the administration of the County law; however, AMR shall be subject to the requirements of that law as if it were a permittee thereunder. AMR shall be solely responsible for the preparation of any and all reports and documents required by the County.

2. To maintain simplicity of understanding and for purposes of efficient contracting, the parties acknowledge and agree that the Ambulance Services that AMR shall provide pursuant to this Agreement shall be those that it has provided under its most recent permit with the City, the service requirements of which are incorporated as if fully set forth herein.

3. If a conflict arises between the requirements, standards or protocols of the City and those of County law, then the City shall determine which requirement, protocol or standard is applicable. The Ambulance Services shall be subject to and delivered in accordance with the standard and generally applicable provisions of the City's Manual of Ambulance Operations ("Manual") unless or until those standards are replaced or amended by the City, or until the County adopts its regulatory standards.

4. This agreement shall extend through November 30, 2005, and then on a month-to-month basis, at the City's option, thereafter, until the City's process for selection of a service provider has been implemented and its recommendation for a long-term service provider is accepted by Mesa County.

5. The CITY, by and through the Chief of the Grand Junction Fire Department or his designee, is responsible for authorizing, approving and supervising the work performed by AMR under this Agreement. AMR shall consult with the City on staffing, scheduling and the delivery of Ambulance Services. AMR shall be deemed to have consented to all standards established by the Grand Junction Fire Department and/or Mesa County, knowing that the Services shall be performed in accordance with the standards of care, skill, training, diligence and judgment provided by personnel that perform work of a similar nature to the work described in this Agreement.

6. The City may, pursuant to a separate written agreement, provide paramedic staffing to AMR as need arises, with the consent of the Fire Chief or his designee and contingent upon AMR's written agreement to pay the City's burdened cost of those services.

7. If AMR objects in writing to any requirement, procedure, protocol or operational or functional decision, requirement or standard imposed upon it by the City, AMR and the City's designee for this purpose shall meet and confer. If after this conference AMR continues to object or a mutually satisfactory accommodation is not reached, then AMR may terminate this Agreement in accordance with the TERMINATION provisions hereof.

8. AMR shall provide suitable facilities and all equipment reasonably necessary or required by the City and/or County for the delivery of Ambulance Services including but not limited to ambulances, radios, telephones and adequate physical facilities.

9. Subject to and in accordance with HIPAA, AMR shall provide access to the City to all financial and patient care records kept or maintained by AMR, including but not limited to bills, invoices, statements of services, treatment notes, dispatch records, and any and all other records related to the provision of ambulance services pursuant to this Agreement.

## **II. COMPENSATION**

During the term of this Agreement, AMR shall be the exclusive provider of ambulance services in and to the Grand Junction ASA. This exclusivity shall be the sole consideration given by the City for this Agreement. AMR acknowledges and agrees that this consideration is sufficient to support the making of this Agreement and its performance there under.

## **III. TERMINATION**

1. This Agreement may be terminated for cause or for convenience by either party hereto.

2. If this Agreement is terminated solely for the convenience of either party the Agreement may be terminated on 90-days' written notice.

3. If this Agreement is deemed void, voidable or illegal by a finding or judicial order, determination, judgment or decree by a court or administrative agency of competent jurisdiction, then the City and/or AMR may immediately terminate the Agreement.

4. Termination, if it occurs, shall be without claim of lost profit or advantage; AMR shall make no claim for compensation, start-up costs or the value of services performed, or any other claim for monetary, compensatory or consequential damages.

#### **IV. NOTICES**

Notices concerning this Agreement shall be made in writing by the CITY to AMR at 529 25 ½ Road, Suite 106, Grand Junction, Colorado 81505 and by AMR to the CITY at 330 South 6<sup>th</sup> Street, Grand Junction, Colorado 81501, with a copy to the Office of the City Attorney at 250 North 5<sup>th</sup> Street, Grand Junction, Colorado 81501, by prepaid United States mail, return receipt requested. Mailed notices shall be deemed effective upon deposition with the U.S. Postal Service.

#### **V. SEVERABILITY**

In the event any of the provisions or applications thereof of this Agreement are held to be unenforceable or invalid by any court or administrative agency of competent jurisdiction, the validity and enforceability of the remaining provisions or applications thereof shall not be affected.

#### **VI. NO THIRD PARTY BENEFICIARIES**

The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the CITY and AMR ~~and~~.

Nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of the CITY and AMR that any other person other than the CITY or AMR receiving any benefits from this Agreement shall be deemed to be incidental beneficiaries only.

#### **VII. INDEMNIFICATION**

1. To the extent permitted by law, AMR hereby agrees to indemnify and hold harmless the CITY and its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising in any way from the claimed or asserted negligence, including but not limited to medical malpractice, of AMR and its officers, agents and employees in the execution and performance of any of its services under this Agreement and/or within the Grand Junction ASA. AMR's ~~to~~ obligation to indemnify the CITY shall not apply to liability and/or damages resulting from the negligence, reckless and/or willful act of the CITY's officers, agents or employees. The provisions of this paragraph shall survive the termination of this Agreement.

2. Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver of any provision of the Colorado Governmental Immunity Act, Section 24-

10-101 *et. seq.*, C.R.S., as now or hereafter amended. The parties hereto understand and agree that liability for claims for injuries to persons or property and other injuries which lie in tort or could lie in tort that arise out of the negligence of the CITY, AMR and/or the respective officers, agents and employees of AMR is controlled and limited by the provisions of 24-10-101 *et. seq.*, C.R.S. as now or hereafter amended. Any provision of this Agreement, whether or not incorporated herein by reference or otherwise, shall be controlled, limited and modified so as to limit the liability of the CITY in accordance with the above-cited law. The provisions of this paragraph shall survive the termination of this Agreement.

3. AMR agrees to procure and maintain, at all times that it is providing services in the Grand Junction ASA or pursuant to this Agreement, motor vehicle bodily injury and property damage insurance with limits of not less than \$1,000,000 per occurrence, workers' compensation insurance as required by Colorado statute, general liability, property damage and bodily injury coverage with limits of not less than \$1,000,000 per person, \$1,000,000 per occurrence, and professional liability coverage with limits of not less than \$1,000,000 per occurrence, \$3,000,000 aggregate.

#### **VIII. ASSIGNMENT**

This Agreement shall not be assigned, pledged or transferred in whole or in part.

#### **IX. STATUS OF AMR**

1. AMR shall perform its duties hereunder as an independent contractor and not as an employee. Neither AMR nor any officer, agent or employee thereof shall be or shall be deemed to be an agent or employee of the City for any purpose whatsoever.

2. AMR shall pay when due all required employment taxes for or relating to its employees and all required income taxes. AMR acknowledges that it and its employees are not entitled to unemployment insurance benefits from the City and that the City does not pay for or otherwise provide such coverage. AMR shall have no authorization, express or implied, to bind the City to any agreements, liability or understanding except as expressly set forth herein. AMR shall provide and keep in force workers' compensation (and provide proof of such insurance when requested by the City) and unemployment compensation insurance in the amounts required by law and shall be solely responsible for the acts of its employees and agents.

The City understands and agrees that the Ambulance Services provided hereunder by AMR may not be exclusive to the City, but such services shall be

considered the principal assignment of AMR. The parties acknowledge and agree that ht assigned service providers may at certain times be required to respond to other locations, situations or emergencies other than those directly arising from or related to the provision of services under or pursuant to this Agreement.

## **X. HEADINGS**

The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

## **XI. ENTIRE AGREEMENT**

The parties acknowledge and agree that the provisions contained herein constitute the entire agreement, and that all representations made by any officer, agent or employee of the respective parties, unless included herein, are null and void and of no effect. Alterations, amendments, changes or modifications to this Agreement may be made but the same shall be valid only if they are contained in an instrument, which is executed by all the parties with the same formality as this Agreement.

## **XII. VENUE**

1. This Agreement shall be deemed to have been made in, and shall be construed and interpreted in accordance with the laws of the City of Grand Junction, Mesa County Colorado.
2. Any legal action arising out of or under this Agreement shall be brought in the Mesa County District Court.

## **XIII. GENERAL**

1. The laws of the City of Grand Junction and Mesa County Colorado and the rules and regulations issued pursuant thereto shall be applied in the interpretation, execution and enforcement of this Agreement.
2. Any provision of this Agreement, or the rules or regulations of either the City or the County, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules and regulations shall be considered null and void.
3. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.

4. At all times during the performance of this Agreement, the AMR shall strictly adhere to all applicable federal and state laws, rules and regulations that have been or may hereafter be established.

5. The signatories hereto aver that they are familiar with 18-8-301, *et. seq.*, (Bribery and Corrupt Influences) and 18-8-401, *et. seq.* (Abuse of Public Office), C.R.S. and that no violation of such statutes has occurred in the formation of this Agreement.

6. The signatories aver that, to their knowledge, no City employee has a personal or beneficial interest whatsoever in the Ambulance Service described herein.

#### **XIV. SPECIAL PROVISIONS**

1. This contract shall not be deemed valid until it has been approved by the City Council of the City of Grand Junction and ratified by the BOCC or its designee.

2. No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the parties, of the Colorado Governmental Immunity Act, CRS 24-10-101 *et seq.* or the Federal Tort Claims Act, 28 U.S.C. 2671 *et seq.* as applicable, as now or hereafter amended.

3. AMR agrees to comply with the letter and spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first written above.

**CITY OF GRAND JUNCTION**

**RECOMMENDED AND APPROVED:**

by: \_\_\_\_\_

by:

\_\_\_\_\_  
Kelly E. Arnold  
City Manager

Rick Beaty  
Fire Chief

**ATTEST:**

by: \_\_\_\_\_

Stephanie Tuin

City Clerk

**AMERICAN MEDICAL RESPONSE**

by: \_\_\_\_\_

**RATIFIED:**

by: \_\_\_\_\_

Board of County Commissioners of Mesa County



**Attach 19**  
**Amendments to Action Plans for 2001, 2002 and 2004 CDBG Program**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Amendments to Action Plans for 2001, 2002 and 2004 Program Years Community Development Block Grant (CDBG) Program					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 17, 2005				<b>Files:</b> CDBG 2001-03, 2002-08, 2004-08(a) and 2004-08(b)	
<b>Author</b>	Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>	Kristen Ashbeck		Senior Planner			
<b>Report Results Back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Amending the City's 2001, 2002 and 2004 Action Plans for the Community Development Block Grant (CDBG) Program Years 2001, 2002 and 2004 to 1) construct infrastructure for Camelot Gardens II Subdivision (CDBG 2001-03); 2) construct improvements in Duck Pond Park (CDBG 2002-08); 3) utilize a portion of the funds earmarked for the 2004 neighborhood program for roof repairs to Riverside School (CDBG 2004-08(a)); and 4) utilize a portion of the funds earmarked for the 2004 neighborhood program for architectural services for improvements to the City Senior Center (CDBG 2004-08(b)).

**Budget:** For these projects, the City will use: 1) 2001 CDBG - \$39,000; 2) 2002 CDBG \$25,166,19; 3) 2004 CDBG up to \$47, 650; and 4) 2004 CDBG up to \$20,000. The 2001 funds are being reallocated from a Habitat for Humanity project at 2844 Kennedy Avenue (completed without CDBG funds) to a new Habitat project at 2843 Elm Avenue. The 2002 funds are the remainder of the funds originally budgeted for the Bass Street Improvements that will be reallocated to complete improvements in Duck Pond Park. The 2004 funds for both the Riverside School Roof Repair project and the Senior Center architectural services will be budgeted from the \$120,000 CDBG funds the City set aside for the Neighborhood Program. There will be a budget of at least \$52,350 remaining in the CDBG 2004 Neighborhood Program funds after completion of the Riverside School and Senior Center projects.

**Action Requested:** Approve the amendments to the City's CDBG 2001, 2002 and 2004 Action Plans to reflect the revisions summarized above.

**Background Information:**

The City developed a Consolidated Plan and Action Plans for each program year as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plans summarize how the funds for each year are to be allocated. The amendments proposed for Program Years 2001, 2002 and 2004 are summarized below.

**Program Year 2001.** The 2001 Action Plan included a project that was to earmark \$39,000 to be used for construction of infrastructure improvements within the proposed 1.6-acre 11-lot Camelot Gardens Subdivision located at 2844 Kennedy Avenue (CDBG-2001-03). That project was ultimately constructed with private funds instead of using the CDBG funds. Habitat for Humanity has since identified another housing project to which they would like to use the CDBG funds. The new project would involve the same appropriation of 2001 CDBG program year funds for the same purpose--construction of infrastructure for the new housing project. The new project, known as Camelot Gardens Subdivision II, is located at 2843 Elm Avenue, just east of the original Camelot Gardens Subdivision. The new project will include approximately 10 single family lots to be developed by Habitat for Humanity for affordable housing.

**Program Year 2002.** The 2002 Action Plan included a public infrastructure project to construct a new storm drain in Bass Street to prevent flooding of the West Lake Mobile Home Park caused by storm runoff from upstream drainage basins (CDBG-2002-07). A budget of \$231,000 were appropriated for this project but the actual completion cost was \$205,833.81, leaving a balance of \$25,166.19 in CDBG Program Year 2002 funds. The City is now proposing to use these funds to upgrade Duck Pond Park, located in the Orchard Mesa neighborhood. The new project (CDBG-2002-08) will include: New concrete sidewalks to connect the existing pathways with trail and road systems (\$16,166.19), installation of a new bridge (City already has bridge, \$9,000 will be used to install it). The Orchard Mesa neighborhood is a low-moderate income neighborhood and, thus, qualifies for CDBG project funding.

**Program Year 2004.** The 2004 Action Plan set aside \$120,000 to spend on neighborhood based planning and improvements (CDBG-2004-08). City Council's Strategic Plan identifies "Vital Neighborhoods" as one of six Solutions with a specific objective of identifying potential funding sources, including CDBG funds for this. As specific projects arise from the neighborhood program, the City may need to amend the specific Action Plan to address expenditures on each project.

The 2003 Action Plan identified a neighborhood project (CDBG-2003-01(b)) to complete the initial rehabilitation phase consisting of required roof repairs on the Riverside School in the Riverside neighborhood. The project budget includes a \$27,350 grant from the Colorado Historical Society State Historical Fund and a match of \$15,000 2003 CDBG funds. Since then, plans and specifications have been

completed and the City solicited competitive bids for the work. Costs of the project have increased given more specific information now known as to the actual work that needs to be done to the historic structure. The City is now proposing to earmark up to \$47,650 of 2004 CDBG from project CDBG-2004-08 as additional funding for the Riverside School project (CDBG-2004-08(a)).

In addition, the City has proposed to use up to \$20,000 of the 2004 Neighborhood Program funds for architectural services for the City Senior Center located at 550 Ouray Avenue in the downtown neighborhood of Grand Junction. The architectural services will include a space needs study for additional recreation areas and remodel and/or new design and preparation of construction drawings as needed depending on the results of the study. There will be a budget of \$52,350 remaining in the CDBG 2004 Neighborhood Program Funds after completion of the Riverside School and Senior Center projects.

#### **CITY OF GRAND JUNCTION CITIZEN PARTICIPATION PLAN**

The City followed its Citizens Participation Plan and advertised and held a public hearing. The public hearing to amend the City's CDBG Consolidated Plan and Action Plan for Program Years 2001, 2002 and 2004 will be conducted March 2, 2005. Information will be presented regarding the change in use of funds for these projects. Summaries for these proposed amendments were published January 27 for program years 2001, 2002 and 2004 amendments and February 4, 2005 for the second program year 2004 project amendment. Each of the public advertisements is followed by a 30-day public comment period.

#### **Attachments:**

1. Summary Sheets of Amendments as Drafted for Public Comment
2. Project Location Maps

USER PROJECT

ORIGINAL PROJECT 2001-03

Project Title

Camelot Gardens Subdivision Infrastructure

Description

Habitat for Humanity will construct an 11-lot single family residential subdivision for affordable housing. CDBG funding will be used towards construction of the public infrastructure for the project.

Project ID

--

Local ID

2001-03

Activity

Capital Construction project for an Affordable Housing Project

Funding

Community Development (CDBG)	\$39,000
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$ 0
TOTAL	\$39,000

Prior Funding

\$ 0

Eligibility

Type of Recipient

Private Non-Profit

Performance

Completion and acceptance of public infrastructure improvements within single family affordable housing project

Location Type

Address  
2844 Kennedy Avenue

USER PROJECT

AMENDED PROJECT 2001-03

Project Title

Camelot Gardens II Subdivision Infrastructure

Description

Habitat for Humanity will construct a 10-lot single family residential subdivision for affordable housing. CDBG funding will be used towards construction of the public infrastructure for the project.

Project ID

--

Local ID

2001-03

Activity

Capital Construction project for an Affordable Housing Project

Funding

Community Development (CDBG)

\$39,000

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ Unknown Sources - Habitat for Humanity

TOTAL

\$39,000

Prior Funding

\$ 0

Eligibility

Type of Recipient

Private Non-Profit

Performance

Completion and acceptance of public infrastructure improvements within single family affordable housing project

Location Type

Address

2843 Elm Avenue

USER PROJECT

ORIGINAL PROJECT 2002-07

Project Title

City of Grand Junction Bass Street Drainage Improvements

Description

Construct a new storm drain in Bass Street to prevent flooding of the West Lake Mobile Home Park caused by storm runoff from upstream drainage basins. Improvements include 900 feet of a new 30-inch storm drain pipe in Bass Street and elevating the crown in Bass Street to contain stormwater on the east side of the street and convey it to a recently-installed storm drain in Independent Avenue.

Project ID

--

Local ID

2002-07

Activity

Capital Construction

Funding

Community Development (CDBG)

\$ 231,000

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ 0

TOTAL

\$231,000 (actual budget \$205,833.81 leaving balance of \$25,166.19)

Prior Funding

\$ 0

Eligibility

Type of Recipient

Local Government

Performance

Completion of proposed storm drain improvements

Location Type

Address  
Bass Street

USER PROJECT

NEW PROJECT 2002-08

Project Title

Duck Pond Park Improvements

Description

The City will utilize the balance of the CDBG funds set aside for the Bass Street project (2002-07) for improvements to Duck Pond Park in the Orchard Mesa neighborhood to include new sidewalks and a new pedestrian bridge within the park.

Project ID

--

Local ID

2002-08

Activity

Capital Construction

Funding

Community Development (CDBG)

\$ 25,166.19

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ 0

TOTAL

\$25,166.19 (remainder of project 2002-07)

Prior Funding

\$ 0

Eligibility

Type of Recipient

Local Government

Performance

Completion of proposed park improvements

Location Type

Address

Unawep Avenue and State Highway 50

USER PROJECT

ORIGINAL PROJECT 2004-08

Project Title

City of Grand Junction Neighborhood Program Funds

Description

The City will set aside \$120,000 administration dollars from the CDBG 2004 Program Year to spend on its neighborhood based CDBG program. City Council's Strategic Plan identifies "Vital Neighborhoods" as one of six Solutions with a specific objective of identifying potential funding sources, including CDBG funds for this. As specific projects arise from the neighborhood program, the City may need to amend the specific Action Plan to address expenditures on each project.

Project ID

--

Local ID

2004-08

Activity

Adminstration – Citywide Neighborhood Based CDBG Program

Funding

Community Development (CDBG)	\$120,000
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$ 0
TOTAL	\$120,000

Prior Funding

\$ 0

Eligibility

Type of Recipient

Local Government

Performance

Location Type

Address  
Various



USER PROJECT	AMENDED PROJECT 2004-08(a)
Project Title	Roof Repair – Riverside School Building
Description	On behalf of the Riverside Task Force, the City will solicit construction services to complete initial rehabilitation/repairs to the roof of the Riverside School in order to stabilize the structure until further interior and exterior rehabilitation can be accomplished. This project augments project CDBG 2003-01(b).
Project ID	--
Local ID	2004-08(a)
Activity	Rehabilitation/Capital Construction/Improvement Project for a Neighborhood Community Facility
Funding	
Community Development (CDBG)	** Up to \$47,650
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	** \$ 0
TOTAL	** Up to \$47,650
Prior Funding	** \$15,000 2003 CDBG + Colorado Historical Society State Historical Fund Grant \$27,350. Any unused portion will be returned to balance for original project CDBG 2004-08
Eligibility	
Type of Recipient	Local Government
Performance	Completion of roof repairs as the initial step of the rehabilitation of the Riverside School building for ultimate use as a neighborhood community center for the Riverside Neighborhood
Location Type	Address 552 West Main Street

USER PROJECT

NEW PROJECT 2004-08(b)

Project Title

Senior Center Improvements Study

Description

On behalf of the Senior Center Board, the City will solicit architectural services to include a space needs study for additional recreation area and remodel and/or new design and preparation of construction drawings as needed depending on the results of the study.

Project ID

--

Local ID

2004-08(b)

Activity

Architectural Planning and Design Services

Funding

Community Development (CDBG)

\*\* Up to \$20,000

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$ 0

TOTAL

\*\* Up to \$20,000

Prior Funding

\$ 0

\*\* Any unused portion will be returned to balance for original project CDBG 2004-08

Eligibility

Type of Recipient

Local Government

Performance

Completion of space needs study and preparation of construction drawings

Location Type

Address

550 Ouray Avenue



CDBG 2001-03 CAMELOT GARDENS II SUBDIVISION INFRASTRUCTURE  
2843 ELM AVENUE



CDBG 2002-08 DUCK POND PARK IMPROVEMENTS  
UNAWEEP AVENUE AND STATE HIGHWAY 50



CDBG 2004-08(a) RIVERSIDE SCHOOL ROOF REPAIR  
552 WEST MAIN STREET



CDBG 2004-08(b) SENIOR CENTER ARCHITECTURAL SERVICES  
550 OURAY AVENUE

**Attach 20**

**Two Subrecipient Contracts for Projects within the CDBG Program  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Two Subrecipient Contracts for Projects within the City's 2002 and 2003 Program Years Community Development Block Grant (CDBG) Program					
<b>Meeting Date</b>	March 2, 2005					
<b>Date Prepared</b>	February 24, 2005			Files: CDBG 2002-02 CDBG 2003-03		
<b>Authors</b>	Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>	Kristen Ashbeck		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>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The Subrecipient Contracts formalize the City's award of a total of \$11,699 to the Early Childhood Programs of Hilltop Community Services, Inc. as allocated from the City's 2002 and 2003 CDBG Program Years as previously approved by Council.

**Budget:** 2002 and 2003 CDBG Allocations

**Action Requested:** Authorization for the City Manager to sign the two subrecipient contracts with the Early Childhood Programs of Hilltop Community Services, Inc. for the City's 2002 and 2003 Program Years, Community Development Block Grant Program.

**Background Information:** Hilltop Community Resources, Inc. formerly operated the Western Regional Alternative Placement (WRAP) program which was awarded CDBG funding in 2002 (\$10,000) and 2003 (\$7,500). The WRAP program provided housing services in order to prevent and reduce the frequency with which Grand Junction/Mesa County youth are placed in out-of-home placement through the juvenile justice, mental health or human services systems. A 2002 Subrecipient contract was executed and WRAP expended \$5,800.34 of the 2002 grant for housing and utility deposits and payments to support families by stabilizing their housing situations. By the third quarter of the 2003-2004 fiscal year, the WRAP program was dissolved due to budget cuts and loss of state funding and the performance period on the subrecipient contract expired.

Hilltop is now proposing to utilize the remainder of the 2002 funding (\$4,199.66) and the 2003 funding (\$7,500) for other programs that provide similar client services and have the same primary objective as the former WRAP program – to provide housing

assistance to support at-risk families. Specifically, the Early Childhood programs for which Hilltop would now use the funding include: Family First, designed to strengthen families of young children including teen mothers and fathers; B4 Babies program to assist low income women and children to access public insurance; and the Latimer House which serves victims of domestic violence through providing shelter, case management and counseling. The goal for the project with CDBG dollars is to enhance family strength and stability through assistance to meet the basic need for adequate shelter thus providing an environment in which children can thrive.

The Early Childhood Programs/Hilltop Community Resources, Inc. is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2002 and 2003 Program Years CDBG funds to Hilltop but the City remains responsible for the use of these funds. These contracts with Hilltop outline the duties and responsibilities of each party/program and are used to ensure that Hilltop will comply with all Federal rules and regulations governing the use of these funds. The contracts must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of each of the contracts (attached) contain the specifics of the projects and how the money will be used by the Hilltop for the Early Childhood Programs.

**Attachments:**

1. Exhibit A, 2002 Subrecipient Contract
2. Exhibit A, 2003 Subrecipient Contract

**2002 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH**

**EARLY CHILDHOOD PROGRAMS, HILLTOP COMMUNITY RESOURCES, INC.**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement Early Childhood Programs, Hilltop Community Resources, Inc. (Hilltop) \$4,199.66 from its 2002 Program Year CDBG Entitlement Funds for client services under the Early Childhood Programs. The general purpose of these programs and this project is to allow eligible families to access funding to assist with housing including families served by the Family First, B4 Babies and Latimer House. All funds will be used to direct services to clients of these programs for housing support in the form of housing deposits, rental assistance and assistance with securing or maintaining electricity and gas through public utilities.
2. Hilltop certifies that it will meet the CDBG National Objective of low and moderate income clientele benefit (570.208(a)). It shall meet this objective by providing the above-referenced services to low and moderate income persons in Grand Junction, Colorado.
3. Early Childhood Programs, Hilltop Community Services, Inc. includes the programs referenced above. The Family First program is designed to strengthen families of young children including teen mothers and fathers. The B4 Babies program assists low income women and children to access public insurance. The Latimer House serves victims of domestic violence through providing shelter, case management and counseling. The goal for the project with CDBG dollars is to enhance family strength and stability through assistance to meet the basic need for adequate shelter thus providing an environment in which children can thrive. It is understood that the City's grant of \$4,199.66 in CDBG funds shall be used solely for housing needs (e.g. monthly payment assistance, utility services payments, etc.).
4. This project shall commence upon the full and proper execution of the 2002 Subrecipient Agreement and the completion of all appropriate environmental, Code, permit review and and approval and compliance. The project shall be completed on or before August 31, 2005.

\_\_\_\_ Hilltop  
\_\_\_\_ City

5. The proposed budget for use of the CDBG funds is as follows:

Personnel		\$ 0	
Supplies and Operating Expenses	\$ 0		
Travel		\$ 0	
Equipment		\$ 0	
SERVICES			
Housing Deposits		\$ 2,500	
Rental Assistance		\$ 1,199.66	
Utilites Assistance		\$ 500	
TOTAL			\$ 4,199.66

6. Hilltop estimates that approximately eight families will be served with these new housing support services with the 2002 CDBG funds.
7. The City of Grand Junction shall monitor and evaluate the progress and performance of Hilltop to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring and evaluating criteria and standards. Hilltop shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. Hilltop shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. Hilltop understands that the funds described in the Agreement are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. Hilltop shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. Hilltop shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to Hilltop once all funds are expended and a final report is received.

\_\_\_\_ Hilltop  
 \_\_\_\_ City



**2003 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH**

**EARLY CHILDHOOD PROGRAMS, HILLTOP COMMUNITY RESOURCES, INC.**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement Early Childhood Programs, Hilltop Community Resources, Inc. (Hilltop) \$7,500 from its 2003 Program Year CDBG Entitlement Funds for client services under the Early Childhood Programs. The general purpose of these programs and this project is to allow eligible families to access funding to assist with housing including families served by the Family First, B4 Babies and Latimer House. All funds will be used to direct services to clients of these programs for housing support in the form of housing deposits, rental assistance and assistance with securing or maintaining electricity and gas through public utilities.
2. Hilltop certifies that it will meet the CDBG National Objective of low and moderate income clientele benefit (570.208(a)). It shall meet this objective by providing the above-referenced services to low and moderate income persons in Grand Junction, Colorado.
3. Early Childhood Programs, Hilltop Community Services, Inc. includes the programs referenced above. The Family First program is designed to strengthen families of young children including teen mothers and fathers. The B4 Babies program assists low income women and children to access public insurance. The Latimer House serves victims of domestic violence through providing shelter, case management and counseling. The goal for the project with CDBG dollars is to enhance family strength and stability through assistance to meet the basic need for adequate shelter thus providing an environment in which children can thrive. It is understood that the City's grant of \$7,500 in CDBG funds shall be used solely for housing needs (e.g. monthly payment assistance, utility services payments, etc.).
4. This project shall commence upon the full and proper execution of the 2003 Subrecipient Agreement and the completion of all appropriate environmental, Code, permit review and approval and compliance. The project shall be completed on or before December 31, 2005.

\_\_\_\_ Hilltop  
\_\_\_\_ City

5. The proposed budget for use of the CDBG funds is as follows:

Personnel

\$ 0

Supplies and Operating Expenses	\$ 0
Travel	\$ 0
Equipment	\$ 0
SERVICES	
Housing Deposits	\$ 3,750
Rental Assistance	\$ 2,625
Utilites Assistance	\$ 1,125
TOTAL	\$ 7,500

6. Hilltop estimates that approximately fifteen families will be served with these new housing support services with the 2003 CDBG funds.
7. The City of Grand Junction shall monitor and evaluate the progress and performance of Hilltop to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring and evaluating criteria and standards. Hilltop shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. Hilltop shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. Hilltop understands that the funds described in the Agreement are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. Hilltop shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. Hilltop shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to Hilltop once all funds are expended and a final report is received.

\_\_\_\_\_ Hilltop  
 \_\_\_\_\_ City

**Attach 21**  
**Public Hearing – 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>		March 2, 2005						
<b>Date Prepared</b>		February 23, 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:** Hold a Public Hearing and Consider Final Passage and Final Publication of Proposed Ordinance.

**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 16<sup>th</sup> day of February, 2005.

**PASSED AND ADOPTED** the 2<sup>nd</sup> day of March, 2005.

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

Attest:

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

**Attach 22**  
**Public Hearing – 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>		March 02, 2005							
<b>Date Prepared</b>		February 18, 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>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Conduct a public hearing and consider final passage of the Zoning ordinance to zone the Storage Place II Annexation to C-1 (Light Commercial), located at 501 Centennial Road. The 1.98 acre annexation consists of 1 parcel of land.

**Budget:** N/A

**Action Requested/Recommendation:** Conduct a public hearing and consider final passage of the zoning ordinance. 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

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 intensity 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:

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

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

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

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

6. The proposed zone 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 site plan review goes forward.

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

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

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

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

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

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

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

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

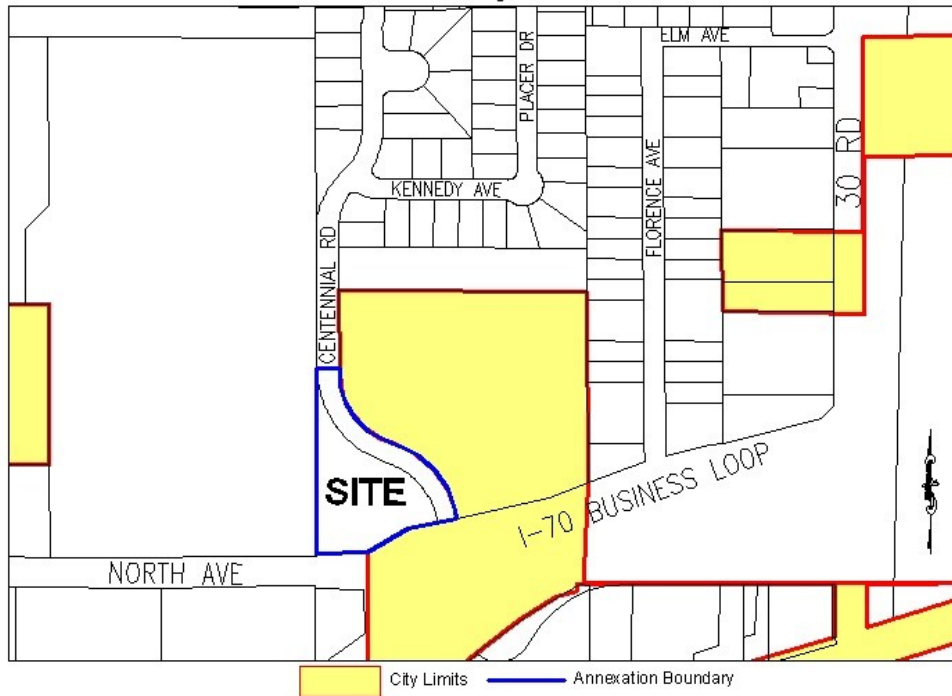
#### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the 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.

# Annexation - Location Map

Figure 1

Storage Place II Annexation  
Figure 5



# Aerial Photo Map

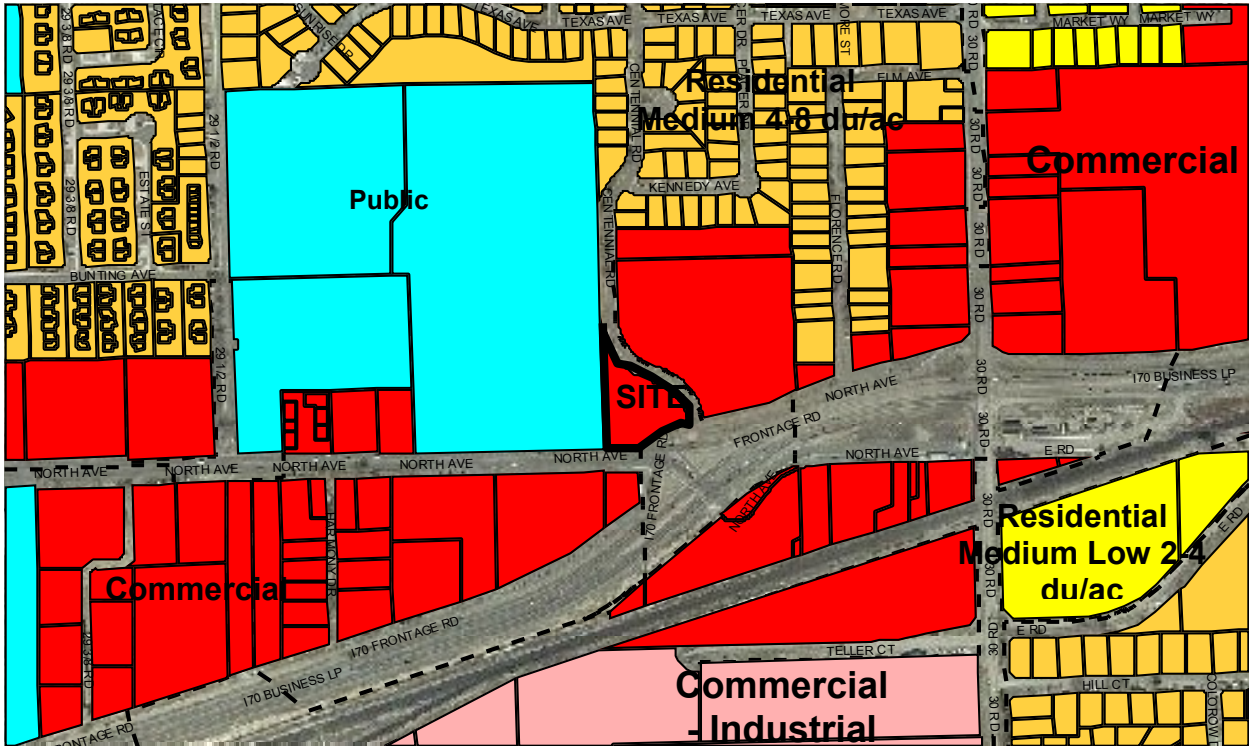
Figure 2





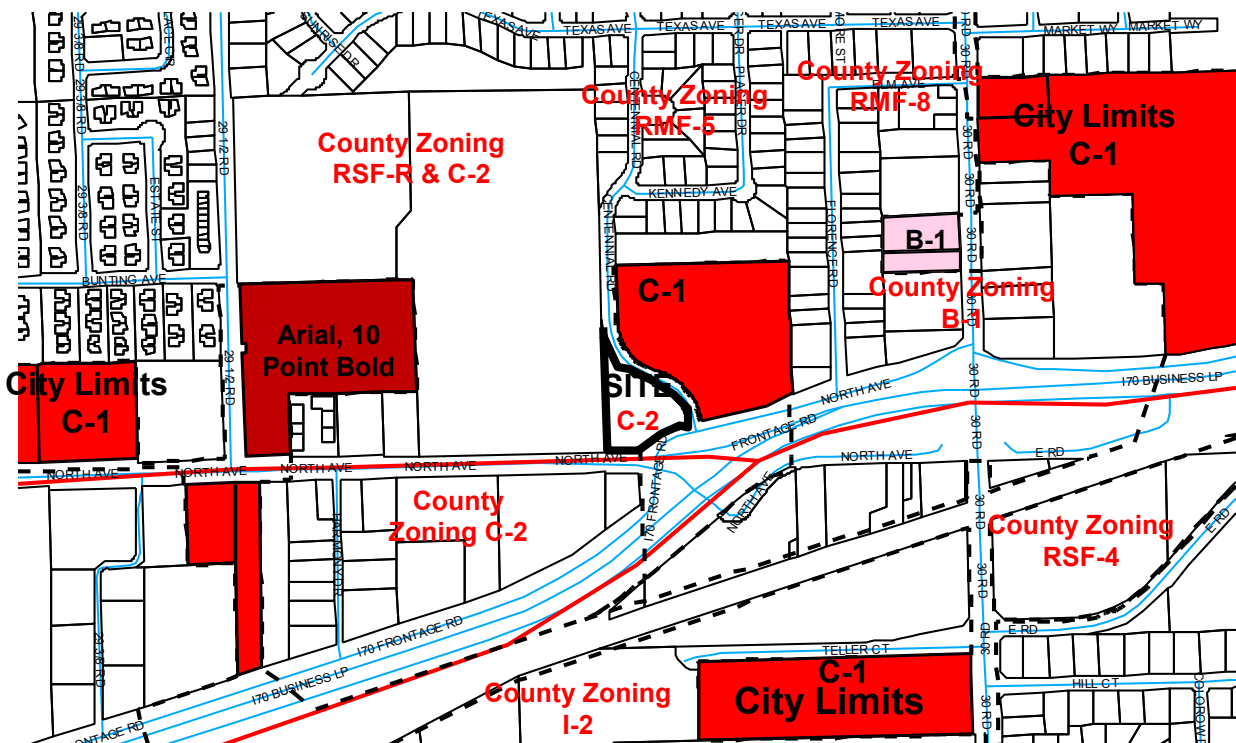
# Future Land Use Map

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 Light Commercial.

**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.

Building type, density and bulk standards shall be for the C-1 (Light Commercial) zone district.

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 23**  
**Public Hearing – Tezak Annexation and Zoning**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	A hearing for the Annexation and Zoning of the Tezak Annexation located at 2397 Sayre Drive to RSF-4 (Residential Single Family 4 du/ac)					
<b>Meeting Date</b>	March 02, 2005					
<b>Date Prepared</b>	February 18, 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>	<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 type="checkbox"/>	<b>Consent</b>
						<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Tezak Annexation. The Tezak Annexation is located at 2397 Sayre Drive and consists of one parcel on 1.23 acres. The zoning being requested is RSF-4 (Residential Single Family 4 du/ac).

**Budget:** N/A

**Action Requested/Recommendation:** 1) approve resolution accepting a petition for annexation, 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 - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. 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:**

**ANNEXATION:**

This annexation area consists of 1.23 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of a request to subdivide the property. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City.

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 Tezak 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.

**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 criterion 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 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 nuisances;

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the simple subdivision 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 criterion 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 criterion is not applicable.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested zone of annexation at their February 8, 2005 meeting 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.

The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>January 19, 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 and Acceptance of Petition and Public Hearing on Annexation
<b>March 02, 2005</b>	Zoning by City Council
<b>April 3, 2005</b>	Effective date of Annexation and Zoning



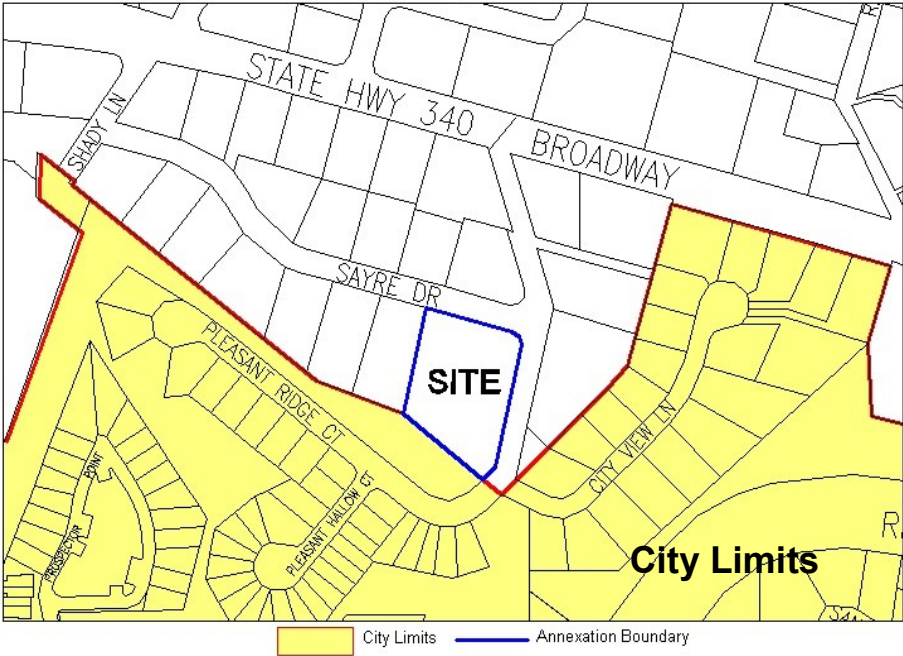
**TEZAK ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-288
<b>Location:</b>	2397 Sayre Drive
<b>Tax ID Number:</b>	2945-174-15-008
<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>	1.2324 acres (53,682.36 sq ft)
<b>Developable Acres Remaining:</b>	1.2324 acres (53,682.36 sq ft)
<b>Right-of-way in Annexation:</b>	0
<b>Previous County Zoning:</b>	RSF-4
<b>Proposed City Zoning:</b>	RSF-4
<b>Current Land Use:</b>	Residential
<b>Future Land Use:</b>	Residential
<b>Values:</b>	<b>Assessed:</b> \$12,770
	<b>Actual:</b> \$160,360
<b>Address Ranges:</b>	2397 Sayre Drive
<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> Redlands Water and Power
	<b>School:</b> Mesa County School District 51

# Annexation - Location Map

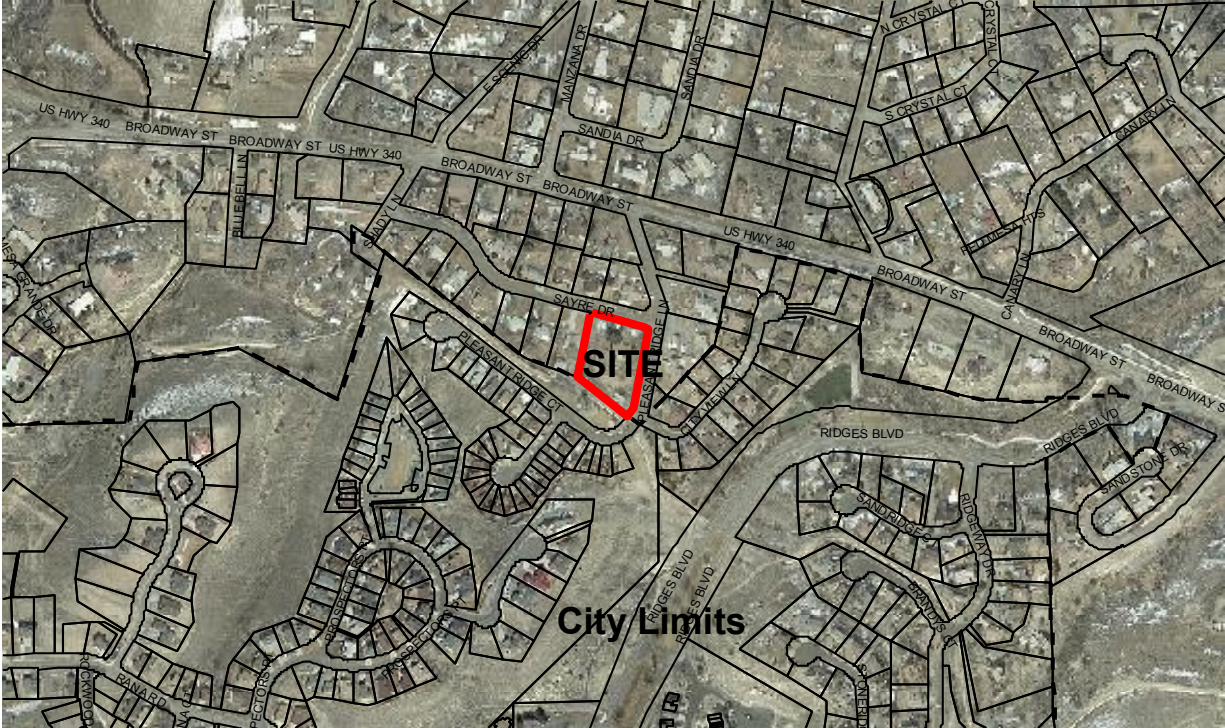
Figure 1

Tezak Annexation  
Figure 5



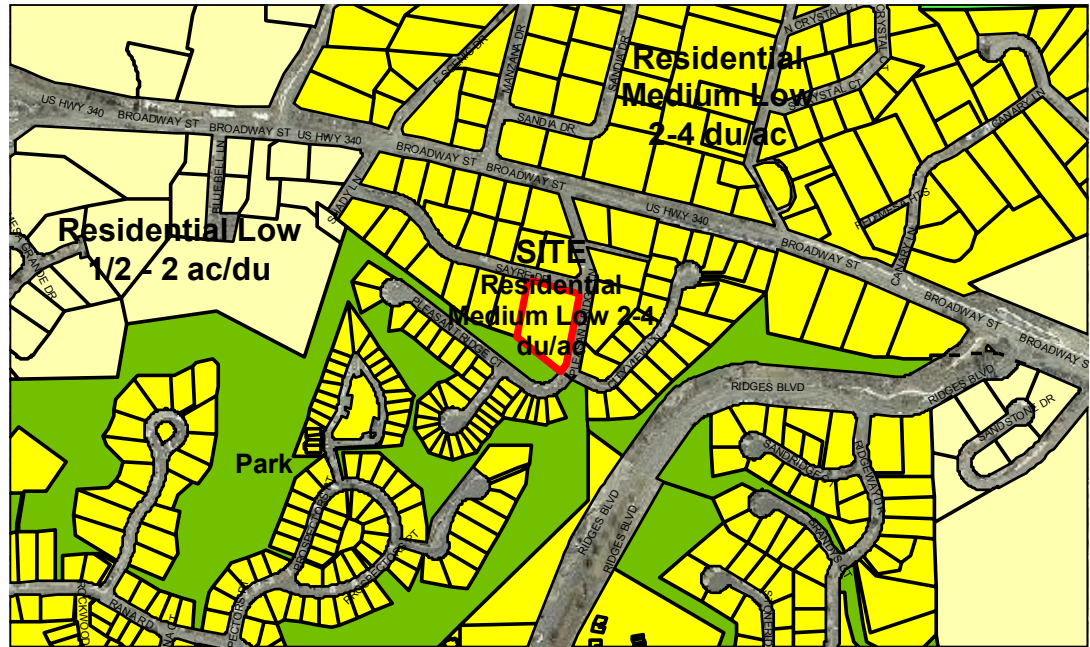
# Aerial Photo Map

Figure 2



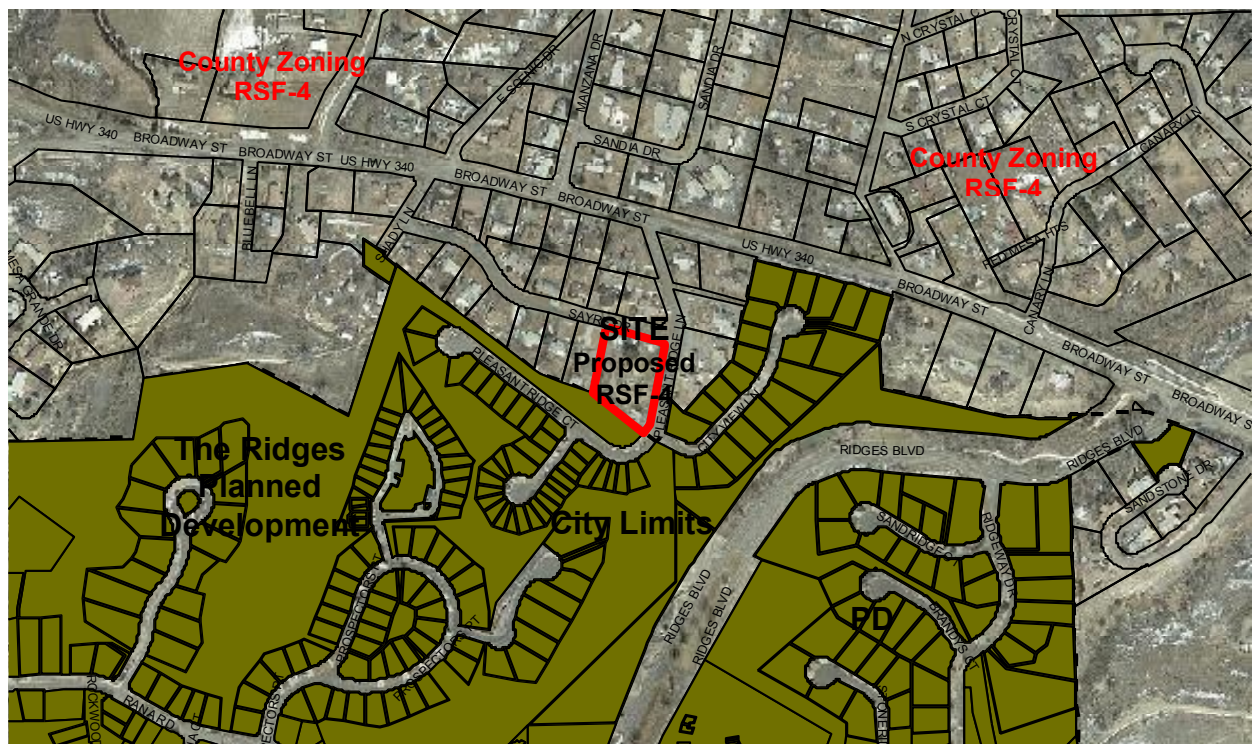
# Future Land Use Map

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."

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**TEZAK ANNEXATION**

**LOCATED AT 2397 SAYRE DRIVE**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19th 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:

**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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 2nd day of March, 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 2nd day of March, 2005.

---

President of the Council

Attest:

---

City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**TEZAK ANNEXATION**

**APPROXIMATELY 1.23 ACRES**

**LOCATED AT 2397 SAYRE DRIVE**

**WHEREAS**, on the 19th 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 2nd day of March, 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:

**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.

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

**INTRODUCED** on first reading on the 19th day of January, 2005 and ordered published.

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

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

Attest:

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

**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 public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 (Residential Single Family 4 du/ac) zone district be established.

The Planning Commission and City Council find that the RSF-4 (Residential Single Family 4 du/ac) zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned 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 zone district.

**INTRODUCED** on first reading this 19th day of January, 2005 and ordered published.

**ADOPTED** on second reading this 2nd day of March, 2005.

---

President of the Council

ATTEST:

---

City Clerk

**Attach 24**  
**Public Hearing – Cloverglen Annexation and Zoning**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Cloverglen Annexation and Zoning					
<b>Meeting Date</b>		March 2, 2005					
<b>Date Prepared</b>		February 23, 2005			<b>File #</b> 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>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>No</b>
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<input type="checkbox"/>
<b>Workshop</b>		<input checked="" type="checkbox"/>			<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Cloverglen Annexation. The Cloverglen Annexation is located at 2938 F ½ Road and consists of one parcel on 7.1536 acres. The zoning being requested is RMF-5.

**Budget:** N/A

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

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

**Attachments:**

- 22. Staff report/Background information
- 23. Annexation - Location Map / Aerial Photo
- 24. Growth Plan Map / Zoning Map
- 25. Acceptance Resolution
- 26. Annexation Ordinance
- 27. 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>	Farm land	
	<b>South</b>	F ½ Road and vacant land	
	<b>East</b>	Single-family residential	
	<b>West</b>	PUD Single-family residential	
<b>Existing Zoning:</b>		RMF-5	
<b>Proposed Zoning:</b>		RMF-5	
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-5	
	<b>South</b>	RMF-8	
	<b>East</b>	County RSF-R	
	<b>West</b>	County PUD	
<b>Growth Plan Designation:</b>		Residential Medium, 4 - 8 units per acre	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 7.1536 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of a proposed subdivision. Under the 1998 Persigo Agreement all new subdivisions require annexation and processing in the City.

It is staff's 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 Cloverglenn 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.

**Zone of Annexation:** The requested zone of annexation to the RMF-5 district is consistent with the Growth Plan density of 4 to 8. The existing County zoning is RMF-5. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

- 3. 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 criterion 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 criterion is not applicable.

- 9. 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.

- 10. 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.

11. 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 criterion is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion 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 RMF-5 zoning 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.

The following annexation and zoning schedule is being proposed.

<i><u>ANNEXATION SCHEDULE</u></i>	
Jan 19	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Feb 8	Planning Commission considers Zone of Annexation
Feb 16	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
Mar 2	Zoning by City Council
Apr 3	Effective date of Annexation and Zoning

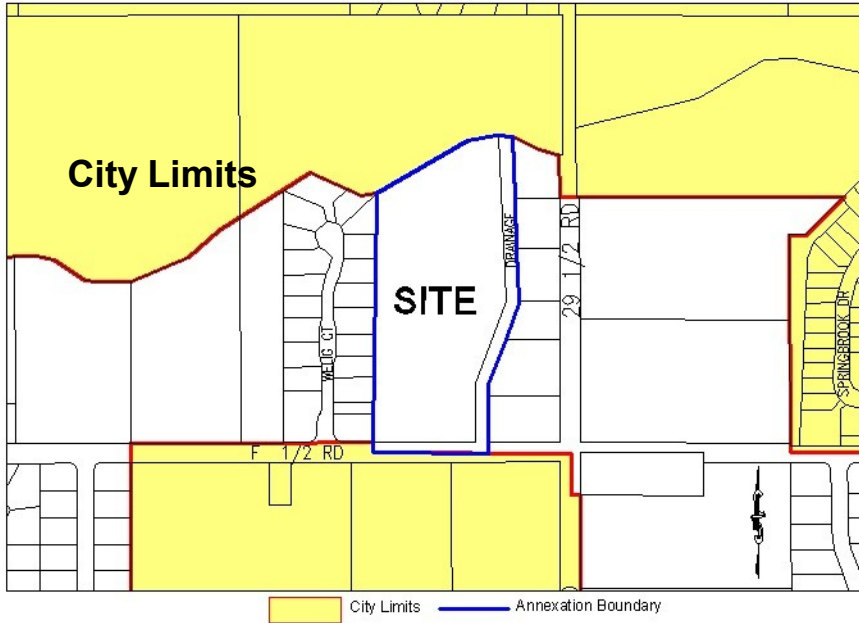
**CLOVERGLEN ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-287
<b>Location:</b>	2938 F ½ Road
<b>Tax ID Number:</b>	2943-052-00-021
<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>	7.1536
<b>Developable Acres Remaining:</b>	6.9
<b>Right-of-way in Annexation:</b>	A portion of F 1/2 Road along the south property line.
<b>Previous County Zoning:</b>	County RSF-R
<b>Proposed City Zoning:</b>	RMF-5
<b>Current Land Use:</b>	Single family residence
<b>Future Land Use:</b>	Residential Subdivision
<b>Values:</b>	<b>Assessed:</b> \$7,350
	<b>Actual:</b> \$82,730
<b>Address Ranges:</b>	2938 through 2942 (even only) F ½ Rd.
<b>Special Districts:</b>	<b>Water:</b> Ute Water
	<b>Sewer:</b> Central Grand Valley Sanitation
	<b>Fire:</b> Grand Junction
	<b>Irrigation/Drainage:</b> Grand Junction Drainage
	<b>School:</b> School District 51
<b>Pest:</b>	N/A

# Site Location Map

2938 F 1/2 Road

Cloverglen Annexation  
Figure 5



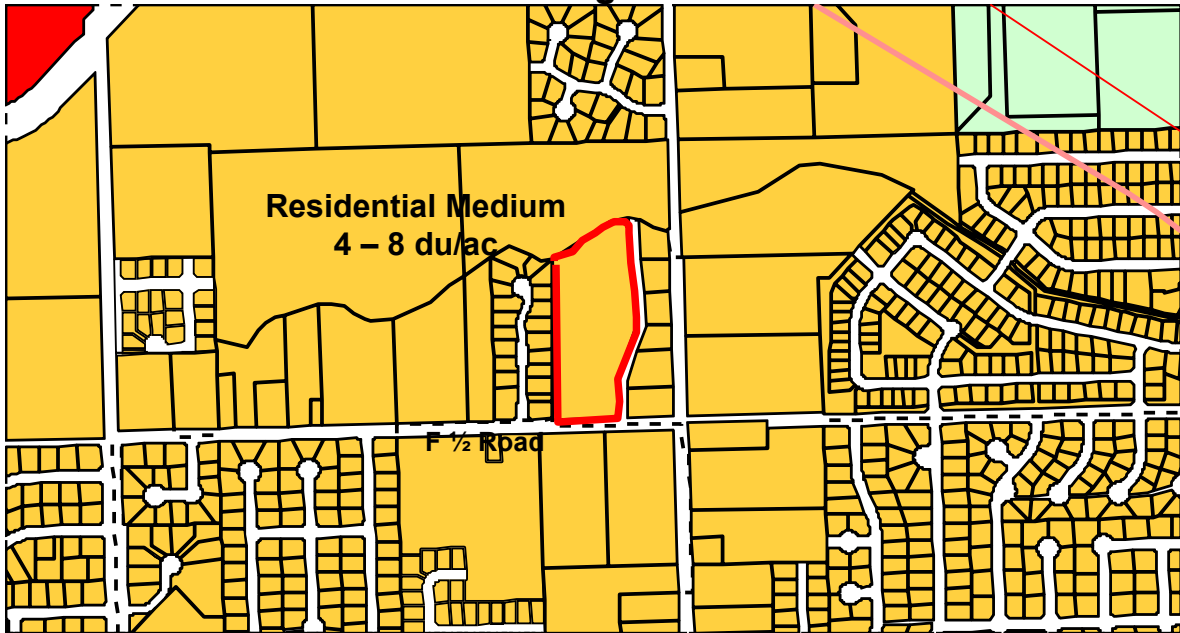
# Aerial Photo Map

2938 F 1/2 Road



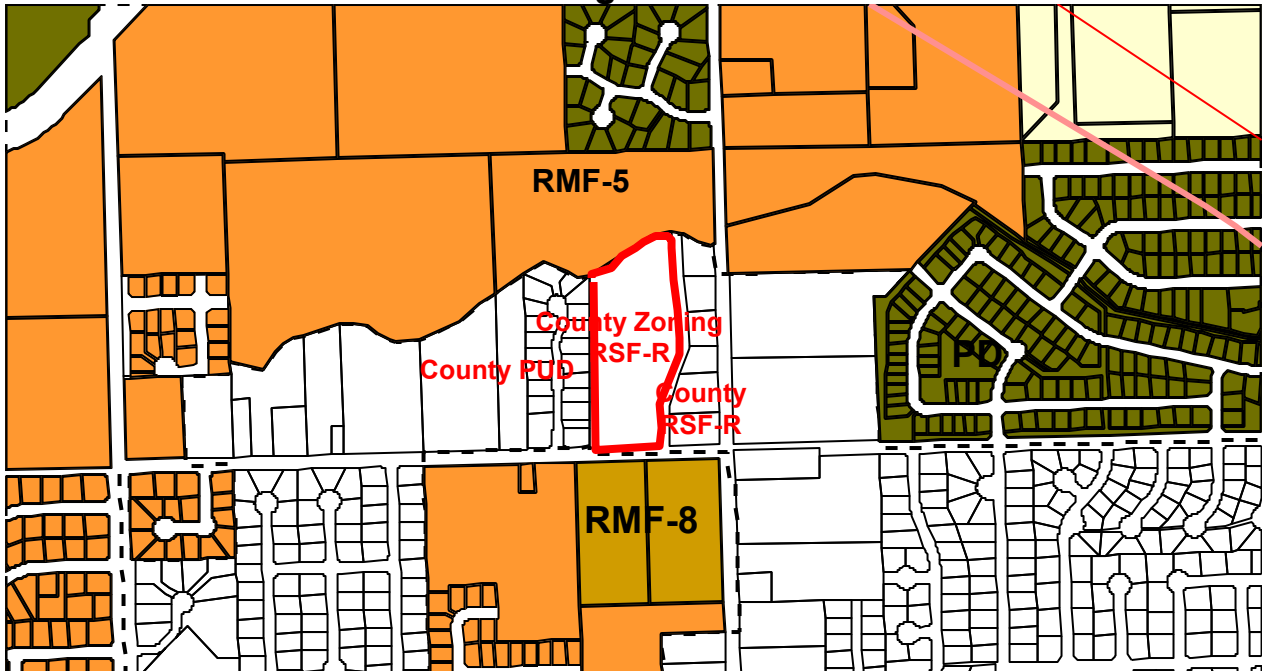
# Future Land Use Map

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."



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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**CLOVERGLEN ANNEXATION**

**LOCATED at 2938 F ½ ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19<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:

**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

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

**CLOVERGLEN ANNEXATION**

**APPROXIMATELY 7.1536 ACRES**

**LOCATED AT 2938 F ½ ROAD AND INCLUDING**

**A PORTION OF THE F ½ ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 19<sup>th</sup> 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 2<sup>nd</sup> day of March, 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:

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

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

**INTRODUCED** on first reading on the 16<sup>th</sup> day of February, 2005 and ordered published.

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

Attest:

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

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

**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 rezoning the Cloverglenn Annexation to the Residential Multi-family, not to exceed five dwelling units per acre (RMF-5) 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 public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned Residential multi-family with a density not to exceed 5 dwelling units per acre.

**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

Housing type, density and bulk standards shall be for the rmf-5 zone district.

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

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

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

ATTEST:

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

**Attach 25**

**Public Hearing – 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>	March 2, 2005					
<b>Date Prepared</b>	February 23, 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>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Public Hearing to consider final passage of a proposed ordinance to vacate excess right-of-way along G Road, associated with the Arcadia North subdivision.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a Public Hearing to consider final passage of a proposed vacation of ROW ordinance.

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

**Attachments:**

- 28. Staff report/Background information
- 29. Location Map
- 30. Aerial Photo
- 31. Growth Plan Map
- 32. Zoning Map
- 33. Right-of-way exhibits
- 34. Vacation Ordinance

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:

- s. 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.

- t. 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.

- u. 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.

- v. 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.

- w. 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.

- x. 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:

4. The proposed vacation is consistent with the Growth Plan.

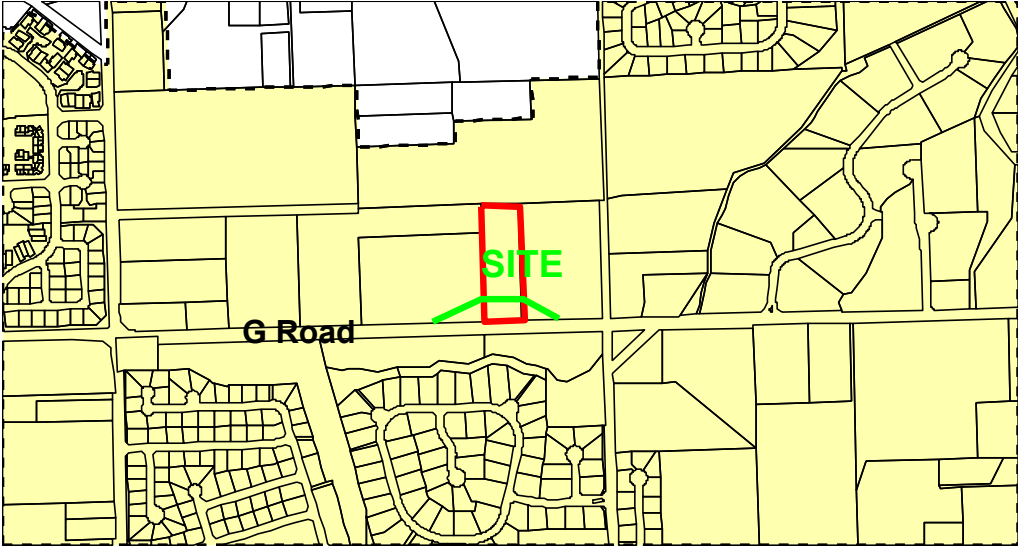
2. The review criteria in Section 2.11 of the Zoning and Development Code have all been met.

**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



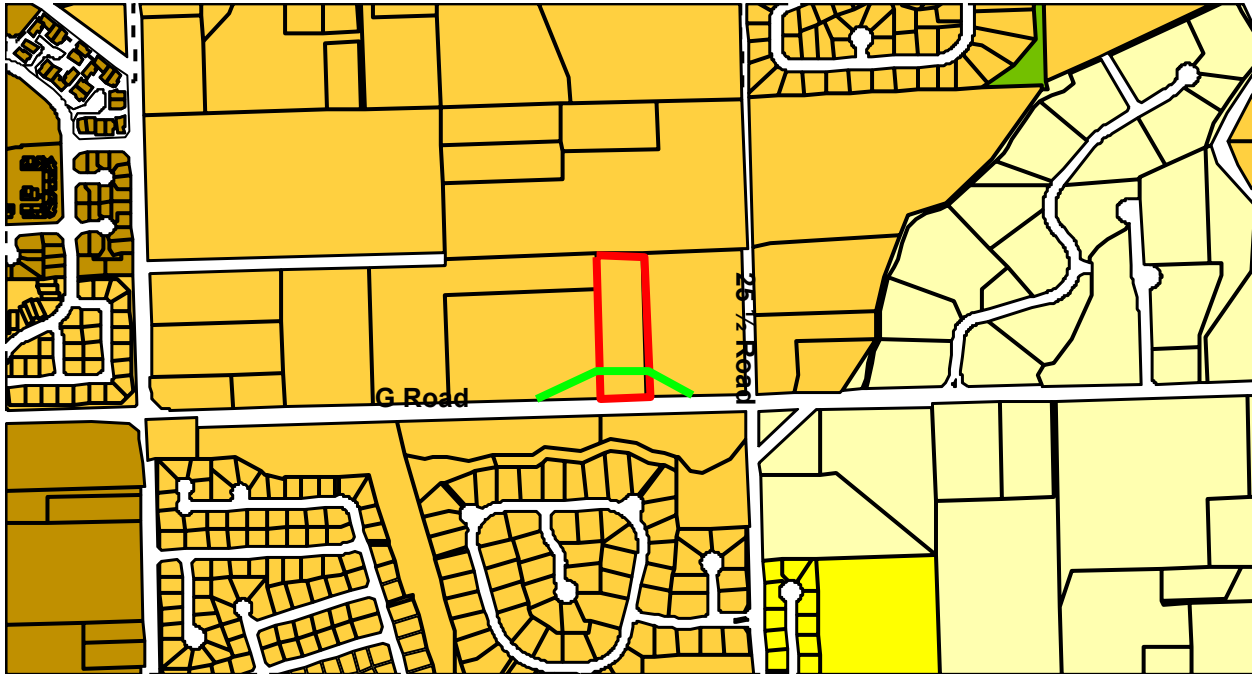
# Aerial Photo Map

## G Road Right-of-way Vacation



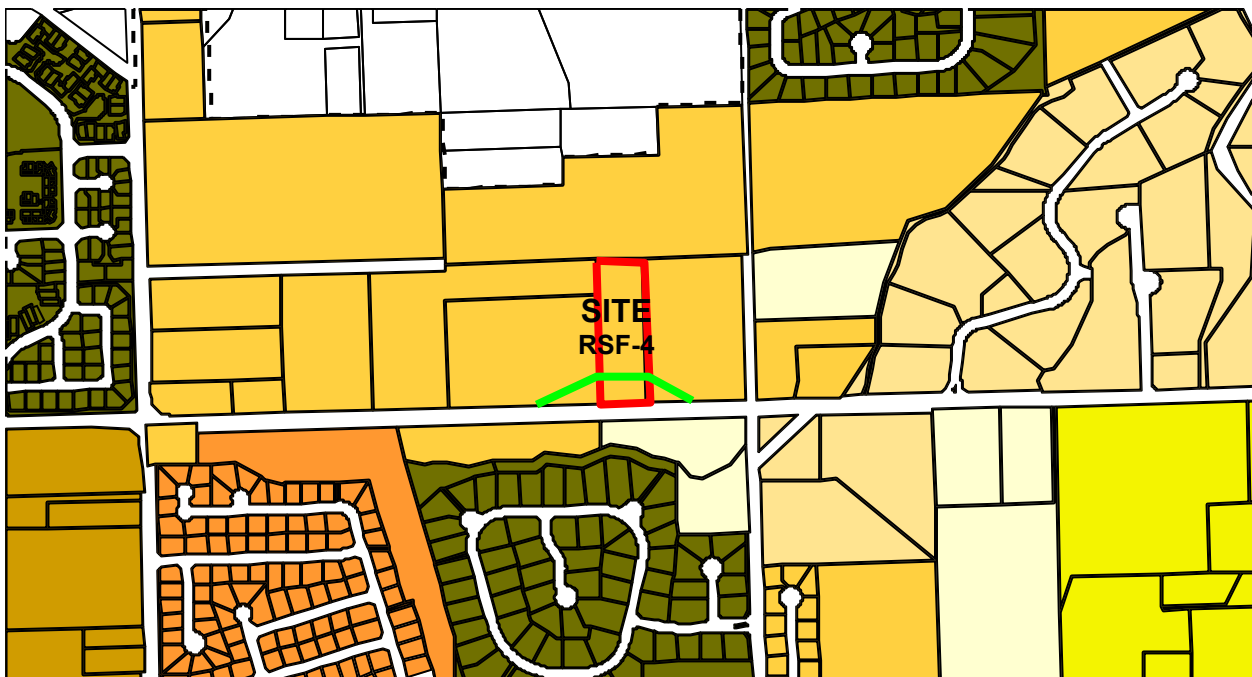
# Future Land Use Map

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 AND THE ARCADIA NORTH SUBDIVISION LOCATED AT 2540 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 ¼ SW ¼) 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.

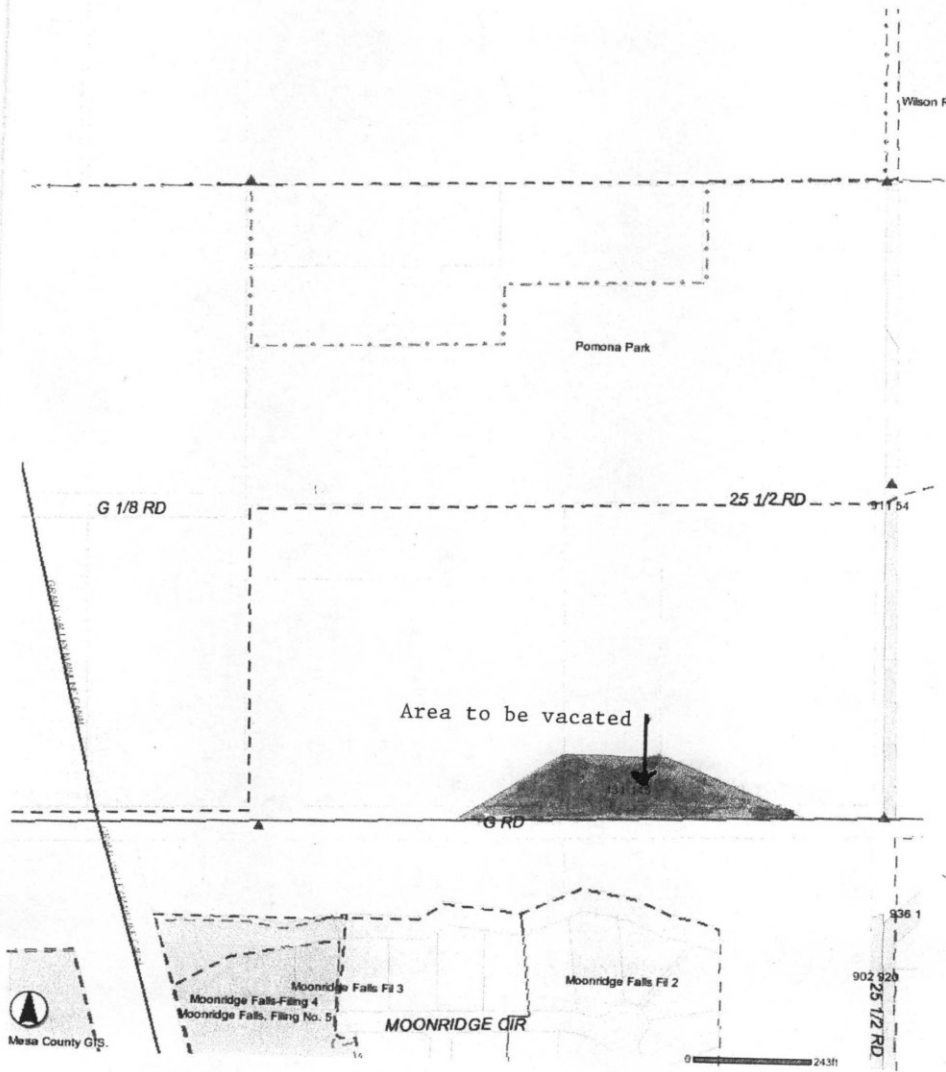
Introduced on first reading this 16<sup>th</sup> day of February, 2005 and ordered published.

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

\_\_\_\_\_  
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 ¼ SW ¼) 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 26**  
**Public Hearing – Rezoning Jacobson Property**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Jacobson Rezone, 738 26 Road					
<b>Meeting Date</b>		March 2, 2005					
<b>Date Prepared</b>		February 23, 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>			<b>Consent</b>	<input checked="" type="checkbox"/> <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:** Hold a public hearing and consider final passage of the re-zoning ordinance.

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

**Attachments:**

- 35. Staff report/Background information
- 36. General Location Map and Aerial Photo
- 37. Growth Plan Map
- 38. Zoning Map
- 39. 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:

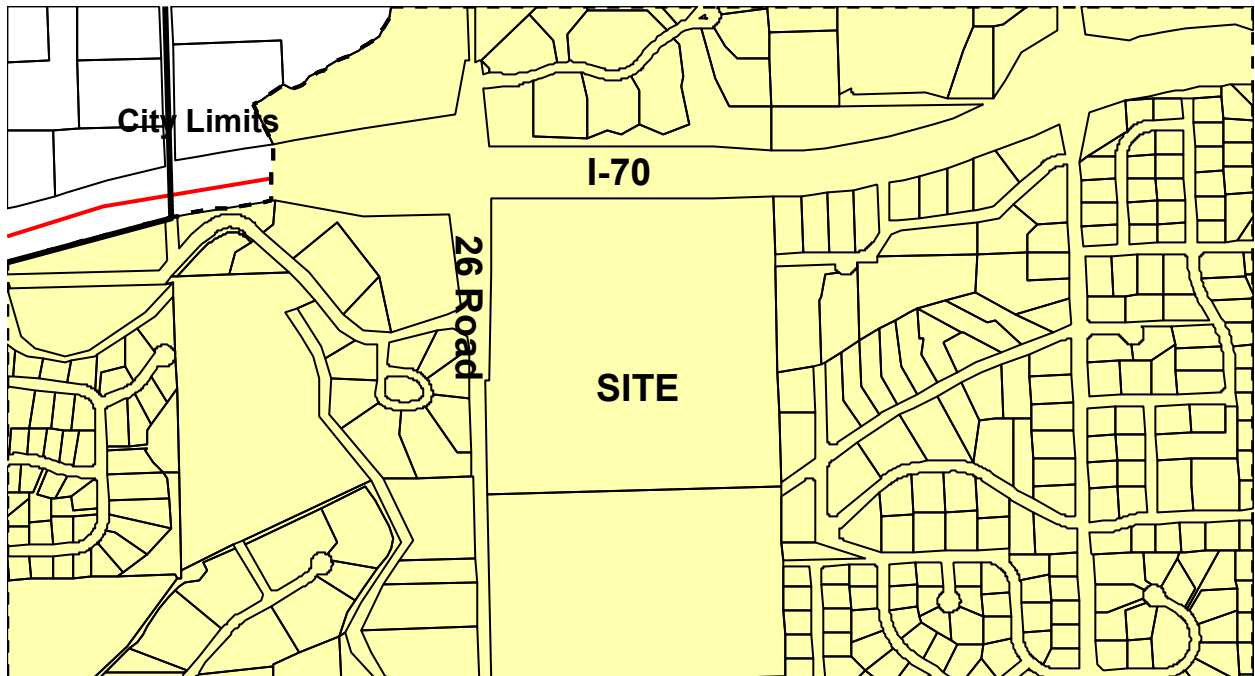
After reviewing the Jacobson Rezone application, RZ-2004-304, for a rezone to RMF-5, staff makes the following findings of fact and conclusions:

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



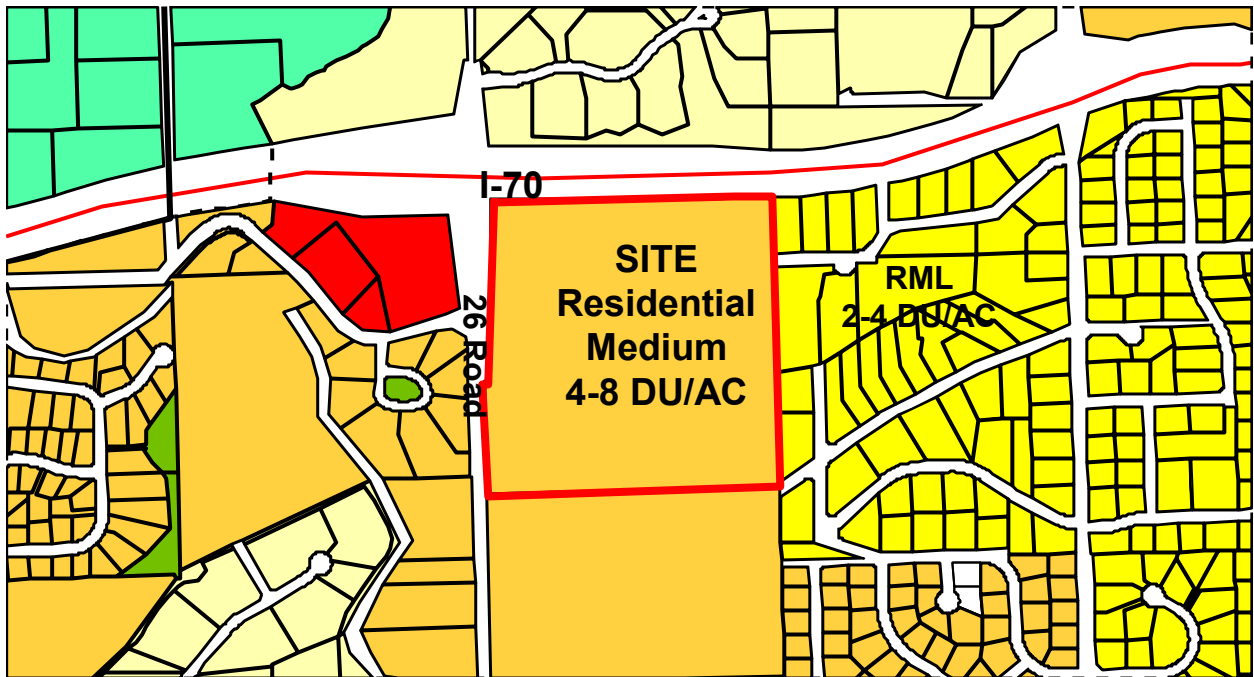
# Aerial Photo Map

738 26 Road



## Future Land Use Map

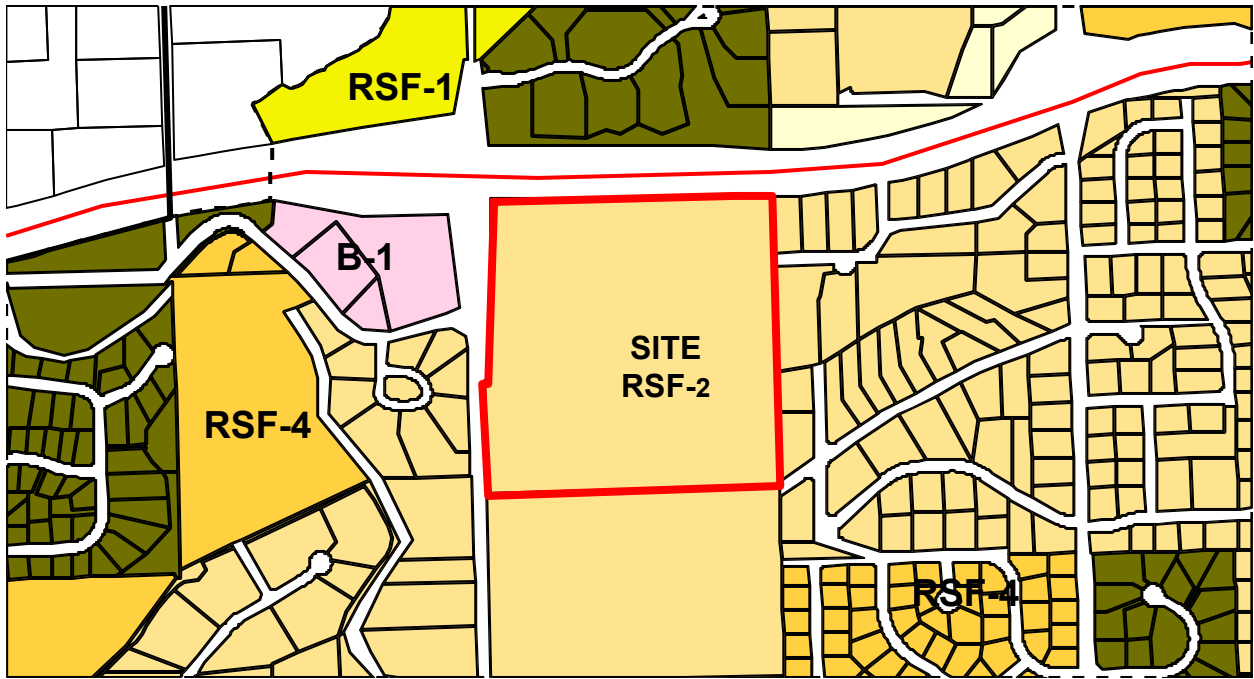
738 26 Road



## 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 16<sup>th</sup> day of February, 2005.

PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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

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

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 25, 2005 MINUTES  
7 p.m. to 11:16 p.m.**

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

In attendance, representing the City Planning Commission, were Paul Dibble (Chairman), Roland Cole, Tom Lowrey, Bill Pitts, Lynn Pavelka-Zarkesh, Reginald Wall (alternate) and Patrick Carlow (alternate).

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Ronnie Edwards (Assoc. Planner), Lori Bowers (Sr. Planner), Scott Peterson (Assoc. Planner), and Faye Hall (Planning Technician).

Also present was Jamie Kreiling (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 68 interested citizens present during the course of the hearing.

\*\*\*\*\*

**I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

Available for consideration were the summary minutes of the November 9, 2004 December 14, 2004 public hearings.

November 9, 2004 (Summary Minutes)

**MOTION: (Commissioner Lowrey) "Mr. Chairman, I move we approve the November 9th minutes."**

Commissioner Cole seconded the motion.

A vote was called and the motion passed by a vote of 5-0, with Commissioners Wall and Carlow abstaining.

December 14, 2004 Summary Minutes

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move accept the minutes of December 14 as presented."**

Commissioner Lowrey seconded the motion.

A vote was called and the motion passed by a vote of 6-0, with Commissioner Carlow abstaining.

### **III. CONSENT AGENDA**

Available for consideration were items CUP-2004-273 (Conditional Use Permit--Bank 8 Billiards, Inc.), VR-2002-200 (Vacation of Right-of-Way--Winters Avenue), VR-2004-269 (Vacation of Right-of-Way--Arcadia North), ANX-2004-263 (Zone of Annexation--A Storage Place II), CUP-2004-290 (Conditional Use Permit--Proposed 8-Foot Fence on Belford), PP-2004-256 (Preliminary Plat--Summit View Meadows #2), and RZ-2004-304 (Rezone--Jacobson Rezone). Staff indicated that item VR-2002-200 would be pulled and continued to the February 22, 2005 public hearing. At citizen request, item RZ-2004-304 was pulled and placed on the Full Hearing Agenda. No objections were received from the audience, planning commissioners, or staff on any of the remaining items.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would request item 2 [VR-2002-200] be removed from the Consent Agenda and continued to February 22."**

Commissioner Pitts seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

Ms. Kreiling clarified that the Consent Agenda's description of item PP-2004-256 should have reflected consideration of the Preliminary Plat, not a Preliminary Plan.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I would move we accept the Consent Agenda on items 1, 3, 4, 5, and 6 [CUP-2004-273, VR-2004-269, ANX-2004-263, CUP-2004-290, and PP-2004-256] as presented."**

Commissioner Lowrey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

**NOTE: Due to an inconsistency in parliamentary procedure, reconsideration of the Consent Agenda was given following the first Full Hearing item. Please refer to that section for full details and new motions.**

### **IV. FULL HEARING**

#### **RZ-2004-304 REZONE--JACOBSON REZONE**

**A request for approval to rezone 37 acres from RSF-2 (Residential Single Family, 2 units/acre) to an RMF-5 (Residential Multi-Family, 5 units/acre) zone district.**

**Petitioner: Marion Jacobson**

**Location: 738 26 Road**

### **STAFF'S PRESENTATION**

Lori Bowers gave a Powerpoint presentation which contained the following slides: 1) aerial photo map; 2) Future Land Use Map; and 3) Existing City and County Zoning Map. The property had been annexed in 1995. At that time, it had been acknowledged that the Growth Plan and the property's current RSF-2 zoning were inconsistent. Acceptable zoning options for the property as reflected in the Growth Plan were RSF-4, RMF-5, and RMF-8. The requested RMF-5 zoning reflected the mid-range density option. Surrounding zonings and land uses were noted. Since staff concluded that the request met both Code criteria and Growth Plan recommendations, approval was recommended.

### **PETITIONER'S PRESENTATION**

Pat O'Connor, representing the petitioner, availed himself for questions and opted to wait for public testimony before offering anything further.

### **QUESTIONS**

Chairman Dibble asked Mr. O'Connor how he'd determined the RMF-5 zone to be the most appropriate for the site. Mr. O'Connor said that the site had a great deal of undevelopable area. He noted the locations of a sizable pond and significant wetlands areas on the property. There were additional areas that he considered undevelopable by virtue of their proximity to I-70. Thus, to make the site work, the bulk densities allowed by the RMF-5 zoning were needed. He reemphasized the site's current non-compliance with Growth Plan recommendations, adding that the RMF-5 zone would bring the property into compliance.

Chairman Dibble asked if access would be derived from 26 Road, to which Mr. O'Connor replied affirmatively. When asked if 26 Road was likely to be the only access available to the property, Mr. O'Connor said that initially a second access had been planned via Cottonwood Drive; however, after having heard the concerns of residents from Cottonwood Meadows Subdivision during neighborhood meetings, he'd met with staff and Fire Department representatives, who'd agreed to delete that connection requirement. While no actual plan was available for review, a street stub would likely be proposed for connection to one of the as-yet-undeveloped adjacent parcels.

Commissioner Lowrey said that assuming one-third of the property was undevelopable, people would pay less for the property. Given that, what justification was there for a higher density? Mr. O'Connor again referenced the bulk requirements of the RMF-5 zone and said that they better "fit" the petitioner's vision of how the property should be developed. He was unsure what had been paid for the property.

### **PUBLIC COMMENTS**

#### **FOR:**

Marion Jacobson, petitioner, said that she'd been working over the past year to develop the property. She felt there to be a great need for housing in the north part of town for older citizens such as herself. Any plan brought forth for consideration would have amenities such as gazebos, walking trails, etc. She felt that an upscale development of the property would increase the area's property values. Ms. Jacobson said that she'd spoken with a number of the area's residents and listened to the concerns of those living along Cottonwood Drive. As a result of her taking those concerns to City staff, that connection point had been eliminated as a secondary access point.

## **AGAINST:**

Mike McInnis (2645 Cottonwood Drive, Grand Junction) said that he was also representing another eight homeowners who lived along Cottonwood Drive. Cottonwood Meadows Subdivision, adjacent to the petitioner's property, was zoned RSF-2. He and other subdivision residents did not feel that the density inherent to an RMF-5 zone was compatible with their neighborhood or surrounding properties. Looking at other homes in the area, they were larger with plenty of space to separate them from other residences. He felt that the more rural character of the area would be destroyed by a higher density development. Mr. McInnis reiterated concerns over using Cottonwood Drive as a secondary connection since the street was not two-lane and did not have curb, gutter or sidewalk. If the connection were allowed, there would be substantial conflicts at the intersection of Cottonwood Drive and 26 1/2 Road. Pedestrian and vehicular safety issues were paramount.

Commissioner Pitts asked Mr. McInnis if he understood that the Cottonwood Drive connection was no longer being considered. Mr. McInnis said that he appreciated the statements made in that regard; however, for so large a property a secondary access would be essential. He was concerned that the Cottonwood Drive connection may be given reconsideration. If that should happen, he just wanted to make sure that his concerns and those of his neighbors were represented and reflected on the record.

John Stevens (no address given) said that his home was also situated along Cottonwood Drive. While he understood that the petitioner would strive for a nice development, he shared the concerns expressed by Mr. McInnis regarding impacts to the area as a result of higher densities and loss of the area's rural character. The surrounding area had been constructed to densities of one or two homes per acre. While not opposed to development of the petitioner's property, he could not support the RMF-5 zone.

Roy Lamberty (2615 Chestnut Drive, Grand Junction) agreed that the RMF-5 zone was just too dense. No more than three units per acre should be allowed on the property in order to be compatible with the surrounding area. Any more than that would result in "people living on top of each other."

Myron Barker (2648 Cottonwood Drive, Grand Junction), a trustee for the church located at the 26 1/2 Road/Cottonwood Drive intersection, agreed that a parcel the size of the petitioner's should absolutely have more than one access. Cottonwood Drive did seem the logical connection point even though doing so would significantly and negatively impact the residents of Cottonwood Meadows Subdivision. The intersection of 26 1/2 Road and Cottonwood Drive did not meet TEDS standards, and sight distance at the intersection wasn't good. If the street were widened and improved to City standards, none of the homes along Cottonwood Drive would be able to meet setback requirements. So if a secondary connection couldn't be made via Cottonwood Drive, where would it be located? He agreed that the RMF-5 zone district was just too dense for, and incompatible with, the area.

## **PETITIONER'S REBUTTAL**

Mr. O'Connor felt that it was difficult not to address specific resident concerns but they referenced a plan that had neither been submitted nor was under current review. With regard to Mr. Lamberty's comments regarding a density of not more than three units per acre, Mr. O'Connor reiterated that perhaps only half the site was developable. A number of considerations were factored into an overall build-out density. With the plan's proposal of 102 units, the total overall density would only be about 2.6 units/acre. That would be the maximum number of units that could be placed on the property. With regard to the Cottonwood Drive connection, that had been reduced to a pedestrian connection point only. He agreed

that a secondary access point would be needed, and he reiterated that a stub street, probably to the property directly south, would be planned.

### **QUESTIONS**

Commissioner Lowery asked for clarification on how many developable acres were available on the site, and what was the square footage planned for individual lots. Mr. O'Connor said that approximately 20 acres of the 37 available acres were developable. Proposed lot sizes would be in keeping with RMF-5 bulk standards, or 6,500 square feet.

Commissioner Lowery asked if the onsite wetlands areas represented significant wildlife habitat. Were they under Corps of Engineers' jurisdiction? Mr. O'Connor said that he'd met with Corps staff onsite to discuss the various wetlands areas. He wasn't sure just how "significant" they were but he was sure that they provided habitat for birds and other animals. Regardless of how significant they were, he and the petitioner wanted to do all they could to protect and preserve them in their natural states.

Commissioner Pitts asked if the Corps had distinguished the wetlands areas as "natural" or "manmade." Mr. O'Connor was unsure whether that distinction had been made.

Commissioner Lowrey asked engineering staff if they had additional information available on the site's wetlands areas. Rick Dorris said that the site's wetlands areas were regulated by the Corps; as such, the petitioner would be required to get a permit from that agency prior to any development of the property.

Commissioner Cole referenced comments and concerns expressed about the site's secondary access and asked if the petitioner's provision of a stub street met with the City's approval. Mr. Dorris agreed that the sight distance at the Cottonwood Drive/26 1/2 Road intersection wasn't good, and that it had factored into the Cottonwood Drive connection. He pointed out that the only thing under consideration, however, was the rezone request. The Preliminary Plan review stage was the appropriate time to consider plan specifics. TEDS standards indicated that only 30 lots could be developed with a single access; up to 100 lots would be allowed if a future secondary access were provided. The provision of a stub street satisfied that TEDS requirement.

Chairman Dibble wondered what improvements would be required along 26 Road to accommodate the development. Mr. Dorris said that according to the newly adopted TCP ordinance, the petitioner would not be required to improve 26 Road. He noted the locations of other developments in the nearby vicinity that derived or would derive their accesses from 26 Road. There were sight distance concerns that would require mitigation; however, the City would likely take collected TCP funds and use them to recontour the road and improve the intersection.

Commissioner Cole asked if there was sufficient right-of-way available to make the needed 26 Road improvements. Mr. Dorris said that right-of-way would be dedicated by owners of several area properties, including the subject site. He felt that sufficient right-of-way would be available to make needed improvements.

Chairman Dibble asked if there were any TEDS-related issues pertinent to southbound traffic along 26 Road that should be addressed. Mr. Dorris did not expect any issues to arise that could not be remedied. Problems would be addressed in conjunction with the development of area properties.

## DISCUSSION

Commissioner Pitts said that in consideration of testimony given, the presence of 26 Road and I-70 as "barriers," the amount of developable onsite property, and surrounding densities, he could see no reason not to support the RMF-5 zone request.

Commissioner Cole said that given site constraints and the statements made limiting the maximum overall density to no more than 2.6 units/acre, he felt that he, too, could support the RMF-5 zone district.

Commissioner Lowrey said that he still had a number of concerns with the request. Lots to the east of the site were generally close to an acre in size. Lots to the west were larger, generally 1-2 acres in size. Property to the south was largely undeveloped. He didn't feel that 6,500 square foot lots were compatible with the 30,000 to 40,000 square foot and above sizes of neighboring lots. In consideration of the presence of, and need to protect onsite wetlands areas, a less dense development should be considered. It was his contention that the request failed to meet rezone criteria with regard to compatibility and community benefit. He agreed that the proposed RMF-5 zone district was too dense given site constraints.

Commissioner Wall agreed with Commissioner Lowrey's statements and position. He, too, expressed concerns over impacts to wetlands areas and felt that the petitioner was trying "to put a lot into a little area." As a result, it would likely diminish the surrounding neighborhoods.

Chairman Dibble concurred with opposition statements. He expressed discomfort over that many lots having only one through access to 26 Road, especially when 26 Road itself was deficient. There were safety issues to consider since many people were inclined to "race" along that stretch of road. He understood the petitioner's desire to get as many lots and the most value as possible from the property; however, while that might be good for the petitioner, he wasn't so sure it was the best thing for that part of town.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2004-304, a request for the Jacobson rezone, I move that we make the findings of fact and conclusions listed in the staff report and recommend approval of the rezone to RMF-5 to City Council."**

Commissioner Pavelka-Zarkesh seconded the motion.

A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Pavelka-Zarkesh, Lowrey, and Wall opposing.

A brief recess was called at 7:55 p.m. to consider a point of parliamentary procedure. The public hearing was reconvened at 8 p.m.

Chairman Dibble said that a 7:30 p.m. hearing start time had erroneously been indicated on some of the public notification cards. It was felt that that error may have resulted in some citizens arriving late for Consent Agenda items that were approved for lack of expressed objection. In the interest of fairness to those who may have wanted to hear one of those items, it was decided that Consent items receiving approval would be continued to the February 8 public hearing. Those items included CUP-2004-273, VR-2004-269, ANX-2004-263, CUP-2004-290, and PP-2004-256.



Commissioner Lowrey wondered if the Planning Commission could just invite comment from the audience at this point on Consent items. Chairman Dibble said that doing so would not account for those folks who had come to the public hearing only to find out that their item had been approved on Consent and who had left as a result. The prior motion for continuing item VR-2002-200 stood as previously made.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move for reconsideration of the Consent Calendar as revised."**

Commissioner Pitts seconded the motion.

Bill Balaz (no address given) spoke up and came forward as representative of one of the Consent Agenda items and said that making those on Consent with non-contentious items wait another two weeks seemed a little unfair. He expressed support for Commissioner Lowrey's suggestion to solicit feedback from the audience. Chairman Dibble reiterated that fairness also had to be extended to those who may have already left. The City's legal counsel supported the decision.

A vote was called and the motion passed unanimously by a vote of 7-0.